KU-RING-GAI LOCAL PLANNING PANEL MEETING TO BE HELD ON MONDAY, 16 FEBRUARY 2026 AT 12:30 PM BY ZOOM CONFERENCING

This meeting will be live streamed – click on the link below at 12:30pm on Monday, 16 February 2026 to watch the live stream

https://www.krg.nsw.gov.au/Council/Council-meetings/Ku-ring-gai-Local-Planning-Panel-KLPP-meetings/Ku-ring-gai-Local-Planning-Panel-meetings-live-stream

DISCLAIMER

Ku-ring-gai Local Planning Panel Meetings and COVID-19

In line with social distancing requirements to limit the spread of the COVID-19 virus, Ku-ring-gai Local Planning Panel meetings may be held using conferencing technology (until further notice).

Meetings will be webcast and members of the public can watch and listen to meetings live via Ku-ring-gai Council's website. If you are an owner, applicant, architect or submitter to the Development Application you may register to speak. Please see our Register to Speak page.

IMPORTANT

Any persons speaking at a Local Planning Panel meeting, are advised that their voice and personal information (including name and address) will be recorded as part of the meeting and made publicly available on Council's website via live stream and on-demand access (except any part of the meeting that is held in closed session). Accordingly, you must ensure that your address to the Panel is respectful and that you use appropriate language and refrain from making any defamatory statements or discriminatory comments.

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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 **5-7 Lonsdale Avenue, Pymble - Construction of a detached car parking & storage structure with rooftop tennis court to the rear of the existing dwelling** **4**

File: EDA0545/25

Construction of a detached car parking & storage structure with rooftop tennis court to the rear of the existing dwelling.

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 requests submitted under clause 4.6 to vary the Height of Buildings and Floor Space Ratio development standards have 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 eDA0545/25 for construction of a detached car parking & storage structure with rooftop tennis court to the rear of the existing dwelling, on land at 5-7 Lonsdale Avenue Pymble, for the reasons as outlined in the Assessment Report **(Attachment A1).**

GB.2 **2 Forsyth Street, Killara - Demolition of existing building, construction of a multi-dwelling housing development with basement car parking** **96**

File: EDA0580/25

Demolition of existing building, construction of a multi-dwelling housing development with basement car parking

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, refuse development consent to eDA0580/25 for the demolition of existing building, construction of a multi-dwelling housing development with basement car parking on land at 2 Forsyth Street Killara, for the reasons as outlined in the Development Assessment Report **(Attachment A1).**

GB.3 **15 Frances Street, Lindfield - Demolition of existing structures and the construction of a dual occupancy (detached), associated civil and landscaping works and Torrens title subdivision** **213**

File: EDA0442/25

Demolition of existing structures and the construction of a dual occupancy (detached), associated civil and landscaping works and Torrens title subdivision

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, refuse development consent to eDA0442/25 for demolition of existing structures and the construction of a dual occupancy (detached) and associated civil and landscaping works at 15 Frances Street, Lindfield for the reasons provided in the Development Assessment Report **(Attachment A1).**

GB.4 **40 Roseville Avenue, Roseville - Boundary adjustment, demolition of patio, tree removal and landscaping works** **470**

File: EDA0530/25

Boundary adjustment, demolition of patio, tree removal and landscaping 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, refuse development consent to eDA0530/25 for boundary adjustment, demolition of patio, tree removal and landscaping works at 40 Roseville Avenue, Roseville, for the reasons outlined in the Assessment Report **(Attachment A1).**

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

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	5-7 LONSDALE AVENUE, PYMBLE - CONSTRUCTION OF A DETACHED CAR PARKING & STORAGE STRUCTURE WITH ROOFTOP TENNIS COURT TO THE REAR OF THE EXISTING DWELLING
ITEM/AGENDA NO:	GB.1

APPLICATION NO:	eDA0545/25
ADDRESS:	5-7 Lonsdale Avenue, Pymble
WARD:	Comenarra
DESCRIPTION OF PROPOSAL:	Construction of a detached car parking & storage structure with rooftop tennis court to the rear of the existing dwelling.
APPLICANT:	Minto Planning Services Pty Ltd
OWNER:	D. Scott
DATE LODGED:	03/10/2025
SUBMISSIONS:	3 submissions
ASSESSMENT OFFICER:	Brent Pearce
RECOMMENDATION:	Refusal

KLPP REFERRAL CRITERION:	Departure from a development standard in excess of 10%.

PURPOSE OF REPORT

To determine Development Application No. eDA0545/25 for the construction of a detached car parking & storage structure with rooftop tennis court to the rear of the existing dwelling

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 a departure from a development standard in excess of 10%.

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 requests submitted under clause 4.6 to vary the Height of Buildings and Floor Space Ratio development standards have 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 eDA0545/25 for construction of a detached car parking & storage structure with rooftop tennis court to the rear of the existing dwelling, on land at 5-7 Lonsdale Avenue Pymble, for the reasons as outlined in the Assessment Report **(Attachment A1).**

Brent Pearce
Executive Assessment Officer

Selwyn Segall
Team Leader Development Assessment

Shaun Garland
Manager Development Assessment Services

Attachments:	A1⇩	Assessment Report	2025/370212
	A2⇩	Location Sketch	2026/005166
	A3⇩	Zoning Sketch	2026/005167
	A4⇩	Survey Plan	2025/317878
	A5⇩	Landscape Plans	2025/317875
	A6⇩	Stormwater Plans	2025/361934
	A7⇩	Schedule of Materials & Finishes	2025/317881
	A8⇩	Clause 4.6 Variation - Height of Buildings	2025/317880
	A9⇩	Clause 4.6 Variation - Floor Space Ratio	2025/317866

DEVELOPMENT APPLICATION

ASSESSMENT REPORT

REPORT TITLE	5-7 Lonsdale Avenue, Pymble - Construction of a detached car park with rooftop tennis court to the rear of the existing dwelling.

APPLICATION NO	eDA0545/25
PROPERTY DETAILS	5-7 Lonsdale Avenue, PYMBLE Lot 1 in DP 1152396 5,047.8m^2 C4 Environmental Living
WARD	COMENARRA
PROPOSAL/PURPOSE	Construction of a detached car park with rooftop tennis court to the rear of the existing dwelling.
TYPE OF DEVELOPMENT	Local
APPLICANT	Minto Planning Services Pty Ltd
OWNER	D. Scott
DATE LODGED	3 October 2025
RECOMMENDATION	Refusal

PURPOSE OF REPORT

To determine Development Application No. eDA0545/25 for construction of a detached car park with rooftop tennis court to the rear of the existing dwelling.

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	• Visual amenity • Local character • Bulk and scale • Floor space ratio • Building height • Excavation • Landscaping • Ecology
Submissions	Yes: 3
Land and Environment Court	N/A
Recommendation	Refusal

HISTORY

Site history

The site has a history of residential use and has been developed for the purposes a single residential dwelling house since approximately 2009 (DA0328/09-1, CCPCA0569/11). Council's records show previous applications relating to the site as follows:

Type	Application	Description	Decision	Date
DA	DA0328/09-1	Demolition of existing dwellings, consolidation of two lots into one and construction of a new two storey dwelling.	Approved (LEC 10496/06)	05/06/2009
MOD	MOD0229/10	Modification of DA0328/09 proposing removal of 4 trees.	Approved	03/09/2010
CDC	PCDC0190/10	Demolition of swimming pool.	Approved	08/09/2010
CDC	PCDC0217/10	Construction of swimming pool.	Approved	11/10/2010
CC	CCPCA0569/11	Construction Certificate for demolition of existing & construction of a new dwelling.	Approved	6/12/2011
MOD	MOD0088/14	Modification to DA0328/09 proposing to remove turntable and delete condition relating to positive covenant.	Approved	11/06/2014

Current Development Application History

Date	Action
3 October 2025	Application lodged.
15 October 2025	The application was notified to neighbouring property owners for a period of 14 days and three submissions in objection were received.
30 November 2025	A letter was sent to the applicant indicating that the proposal was unsatisfactory having regard to: 1. The objectives of the C4 Zone in KLEP 2015. 2. Unsatisfactory Clause 4.6 Height and FSR requests. 3. The objectives of Clause 4.3 in KLEP 2015. 4. The objectives of Clause 4.4 in KLEP 2015. 5. Part 2 of the KDCP. 6. Various Chapters in Part 4 of the KDCP. 7. Additional information and amended plans were required to address Ecology, Engineering and Landscaping issues. Note: the date on this letter was incorrectly listed as 1 October 2025
8 December 2025	An amended letter with the correct date (that being 30 November 2025) was uploaded to the Planning Portal.

THE SITE



Figure 1: Aerial view of the subject site



Figure 2: Rear setback looking east



Figure 3: Rear setback looking west



Figure 4: Existing garage looking east

Site Description

The subject site is legally known as Lot 1 in DP 1152396 and generally known as No. 5-7 Lonsdale Avenue, Pymble. Having a total site area of 5,047.8m^2 (by survey calculation) the site is mostly rectangular but has several boundary projections in the front third of the site; the site also slopes steeply down toward the north-west. Located on the low side of the street, the site experiences a significant drop in natural ground level to the north of the existing swimming pool in the location of the proposed development where the site falls 7 metres over a 14-metre run (refer to **Figure. 5** below). The rear setback of the site contains undeveloped bushland including Turpentine Ironbark Forest and Terrestrial Biodiversity.

The bushland setting of the site is characterised by dense undergrowth and mature tree canopies that form corridors and high quality landscape connections to the adjoining properties. Vistas across the side and rear boundaries permit a continuous landscape outlook that defines the high quality features of the neighbourhood.

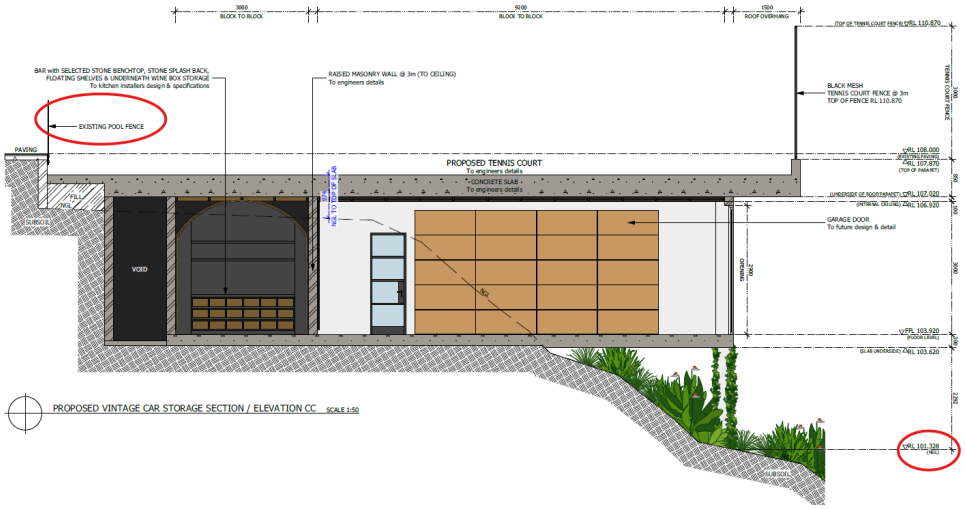


Figure 5. Section through proposed development

Constraint:	Application:
Visual character study category	1945-1968.
Easements/rights of way	None identified
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No
Within 100m of a heritage item	Yes: 6 Lonsdale Avenue
Bush fire prone land	Yes: Flame Zone
Natural Resources Biodiversity	Yes: Core Biodiversity
Natural Resources Greenweb	Yes: Corridors and consolidation
Natural Resources Riparian	Yes: Category 2
Within 25m of Urban Bushland	No
Contaminated land	No

Surrounding development

The surrounding development consists of low density residential dwelling houses of varying architectural designs. The neighbouring properties also benefit from swimming pools and tennis courts in their rear setback areas, although it is noted that adjoining tennis courts are situated at ground level. Due to the sloping topography, the subject and neighbouring properties enjoy views over and across their rear and side boundaries with a degree of overlooking common amongst properties located on the low side of Lonsdale Avenue. Despite this, adjoining dwellings and ancillary developments are positioned sympathetically into their surrounds via generous building separation, screen planting and locating finished floor levels as close to existing ground level as possible.

THE PROPOSAL

Demolition

- Removal of sandstone retaining walls, lawn and gardens in the rear yard.
- Removal of existing gravel section of existing driveway.
- Removal of four trees (Trees 1, 3, 11 and 12).

Construction

- A partially suspended parking garage, with under croft area and tennis court above. The parking garage will also include a wine cellar, storage rooms, a bathroom and vehicle turn-table.
- Internal fit out of wine storage room with bar, benchtop, stone splash back, floating shelves and underneath wine box storage.
- Provision of fixed full height windows and louvres to vintage car storage area.
- Provision of 3 metres high black mesh tennis court fencing to edge of concrete parapet roof structure.
- Construction of a driveway extension which connects to the existing paved driveway to provide access to the proposed car parking and storage structure.
- Installation of a garage door and vehicle turntable to car parking & storage.
- Construction of raised masonry retaining walls having a maximum height of 1.7 metres & 3.6 metres to adjoin the proposed new portion of driveway.
- Construction of new paved stairs with steel balustrade to the north eastern side of proposed structure.
- The proposed tennis court to be used as an on-site detention basin with overflow directed to the natural drainage path to the rear of the site via a 10 metre level spreader.
- Revegetation of the site in accordance with the proposed landscape plans and Vegetation Management Plan.

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, three submissions from the following were received:

1. *R. Brennan, No. 2 Barclay Close Pymble.*

2. *D. Black, No. 18B Lawley Crescent Pymble.*

3. G. Stagnitta and M. Maloney, No. 18A Lawley Crescent Pymble.

The submissions raised the following issues:

> ***The Vegetation Management Plan approved by the Land and Environment Court in DA0328/09 was never implemented. The Site has become overgrown as a result. This is supported by the Biodiversity Development Assessment Report for the subject proposal. The Vegetation Management Plan for the subject proposal should be carried out in full.***

The original VMP approved by the Court on 16/12/2009 was in effect for 5 years. Whist the Court approved VMP included a schedule of works over the 5-year period that culminated in a final VMP to be presented Council, no record of a final VMP could be located. It is noted that a CDC was approved within that 5-year period which may have impacted the viability of the VMP and this has not been taken into account either.

Council's Ecological Advisor has determined that the Vegetation Management Plan lodged with the subject application can satisfy the objectives and controls in Part 18.7 of KDCP if the application were to be approved.

> ***The proposal will permit unreasonable overlooking into the front yard and dining room of No. 2 Barclay Close.***

It is agreed that the proposal will result in unreasonable overlooking. This issue informs reason for refusal number 6.

> ***The proposal will result in a 'light commercial' level of acoustic nuisance to the adjoining properties, due to reverberations from the tennis court onto the adjacent gully.***

It is not agreed that the proposal will result in a 'light commercial' level of acoustic nuisance. The proposal is not for a commercial tennis court and as such will only create noise that is commensurate with a residential use. However, it is agreed that the elevation of the tennis court will result in a greater acoustic impact compared to an at-grade tennis court.

> ***The proposed bulk and scale are inconsistent with the first objective of the C4 Environmental Living Zone.***

It is agreed that the bulk and scale is inconsistent with the first objective of the C4 Zone, as it is not 'low impact', this issue informs reason for refusal number 5 (b).

> ***The proposed development is not considered to be 'low impact' to the site or surrounding sites.***

It is agreed that the proposal is not 'low impact'. This issue informs reason for refusal number 5.

> ***The proposed development has been incorrectly described in the SEE as 'non-habitable' but the proposal includes habitable rooms and is therefore not permissible.***

It is agreed that the proposal includes habitable use, this has been taken into account when calculating gross floor area.

The extensive use of glass is inconsistent with the bushland setting, will result in adverse light-spill and glare towards neighbouring properties.

It is agreed that the continuous glass windows on the rear elevation will detract from the bushland setting and result in adverse impacts to neighbouring properties. This issue informs reason for refusal number 10.

The proposal will result in a loss of vegetation that includes Turpentine Ironbark Forest, the environment assessments provided are insufficient and the proposed excavation is excessive.

It is agreed that the Biodiversity Development Assessment Report (BDAR) is inadequate, and that the proposal will result in unnecessary excavation that is detrimental the to environmentally sensitive land on the site. This issue informs reasons for refusal numbers 7, 8 and 10.

The proposed replacement tree planting (4 trees having 150mm diameter pot size) is inadequate considering the size of the trees to be removed.

It is agreed that the proposed impact amelioration measures are inadequate. This issue informs reason for refusal number 9.

Internal Referrals

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 native vegetation within the subject property is representative of Sydney Turpentine Ironbark Forest (STIF) listed as a Critically Endangered Ecological Community (CEEC) under the Biodiversity Conservation Act 2016.* *The Biodiversity Offsets Scheme Threshold is a test used to determine when is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method (the BAM) to assess the impacts of a proposal.* *A biodiversity development assessment report (BDAR) has been submitted with the DA however is not supported for the following reasons:* • ***Plot Location Mapping****: The location of the BAM plot(s) must be clearly placed within the representative vegetation zone. The BAM plot currently straddles two zones cleared and PCT 3262 Sydney Turpentine Ironbark Forest.* • ***Appendix E*** *is missing from the BDAR no SAII assessment*	***NO***

Biodiversity Conservation Act 2016		
Section 7.3	***Proposed***	***Complies***
	• ***Large-eared Pied Bat****: The justification for excluding the Large-eared Pied Bat is insufficient. The site is located within 2 km of areas likely to support suitable habitat features, including rocky areas, caves, escarpments. Further assessment is required.* • ***Exclusion of Candidate Species****: Insufficient justification has been provided for the exclusion of the following candidate species: Rhizanthella slateri, and Rhodamnia rubescens. This omission must be addressed and supported by appropriate evidence.* • ***Credit Reports****: All biodiversity credit output reports must be appended to the BDAR to support and validate offset calculations and proposed measures. The current credit reports are outdated and are not in accordance with section 6.15 of the BC Act.*	

LEP 2015 COMPLIANCE TABLE		
Part 5 Miscellaneous provisions	***Proposed***	***Complies***
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*	*An amended BDAR is required before this clause is satisfied.*	***NO***
Clause 6.4 – Riparian land *The objective of this clause is to protect and improve riparian lands and adjoining waterways*	*The proposed development will result in the removal of native trees from lands mapped as riparian land.* *Despite this the proposed tree removal is accepted on merit and is offset by the proposed VMP works.*	***YES***

KDCP COMPLIANCE TABLE		
Control	**Proposed**	**Complies**
Part 17 Riparian Lands		
Part 17.1 General	*The subject site contains mapped riparian land and the proposal includes a minor encroachment into the Core Riparian Zone (CRZ). Part 17.1 provides that encroachments onto riparian land may be permitted, subject to consideration of the scale of the development, the extent to which the encroachment has been minimised through siting and design, and whether appropriate environmental enhancements are proposed, including rehabilitation measures and protection of ecological values. A Vegetation Management Plan (VMP) has been submitted with the DA and provides a structured mechanism for the protection and enhancement of riparian vegetation where works are proposed within the CRZ, consistent with Part 17.1 requirements for vegetation management planning within riparian lands. On this basis, and with implementation of the VMP as part of the development, the proposal is considered to satisfy the intent of Part 17.1 in maintaining riparian land values and ensuring appropriate management outcomes, notwithstanding the minor encroachment.*	***YES***
Part 17.3 Category 2 Terrestrial and aquatic habitat	*The subject site is identified as Category 2 Riparian Land, which includes a 20 metre Core Riparian Zone (CRZ) measured from the top of bank, with the CRZ forming part of the mapped riparian lands framework under Part 17 of the Ku-ring-gai DCP.* *The north-eastern corner of the proposal encroaches into the Category 2 buffer area. Notwithstanding this, the proposal is supported by the submission of a Vegetation Management Plan (VMP) prepared by a suitably qualified ecologist, which provides a clear framework for the protection, rehabilitation and enhancement of riparian vegetation and habitat values within the rear of the site.* *The VMP identifies that the riparian vegetation within the Study Area is currently in poor to moderate condition and is affected by a high prevalence of environmental weed species. The VMP proposes staged bush regeneration works including manual weed removal, limited and targeted herbicide use (where required), and revegetation using locally indigenous species, supported by ongoing maintenance and monitoring.*	***YES***

	The VMP includes performance and monitoring measures over a five (5) year implementation period, with defined success criteria including weed reduction targets and increasing native vegetation cover, supporting the long-term viability and ecological function of the riparian corridor. Accordingly, while a minor encroachment is proposed within the 20 metre setback, the overall development outcome is considered to be consistent with the objectives of Category 2 – Terrestrial and Aquatic Habitat, as the proposal incorporates mitigation and rehabilitation measures that will enhance native vegetation condition, improve habitat values, and strengthen riparian resilience over time.	
Part 18 Biodiversity		
18.3 Category – Support for Core Biodiversity Lands.	*The site contains land mapped as Support for Core Biodiversity Lands and mapped Biodiversity Corridors and Buffer Areas, and a small number of native trees within these mapped areas are proposed for removal and/or may be indirectly impacted by construction works. The objectives and controls of KDCP Part 18 require development to be sited to avoid and minimise impacts on native vegetation, maintain ecological function, retain native canopy where feasible, and ensure biodiversity supporting lands and corridor areas are not fragmented or degraded by inappropriate siting or unnecessary vegetation loss. The proposal has been positioned within the most modified and historically disturbed part of the site, outside the higher-quality native canopy and corridor vegetation that occurs further downslope. Alternative locations would shift the footprint further into intact vegetation within mapped Support for Core lands and corridor areas, resulting in greater native tree loss, increased soil disturbance and a reduction in landscape connectivity. The chosen siting therefore represents the least-impact option available and is consistent with the KDCP avoidance and minimisation principles. Notwithstanding the above, Council's Landscape & Tree Assessment Officer has identified that impacts to Tree 2 (Syncarpia glomulifera – Turpentine) and Tree 6 (Eucalyptus pilularis – Blackbutt) are not supported at this stage or require further information to demonstrate long-term retention. The driveway is proposed to be constructed more than 2 metres below natural ground level and may require additional excavation beyond what is shown on the plans, with a risk of encroachment into the Structural Root Zone (SRZ). The extent of excavation in*	*YES (subject to updated AIA and design refinement to address Tree 2 & Tree 6 TPZ/SRZ impacts)*

	proximity to the SRZ of Trees 2 and 6 is not supported, and Council recommends that excavation be reduced to minimise impacts, with further root investigation potentially required to support the proposal. As such, while TPZ encroachment may be acceptable in principle, the proposal must be supported by an updated Arboricultural Impact Assessment demonstrating that works are designed and constructed to ensure the long-term health and retention of Trees 2 and 6, including construction specifications for tree-sensitive methods within the TPZ and measures to avoid SRZ intrusion. Although some tree removal is required, the proposal includes a Vegetation Management Plan to guide stabilisation, rehabilitation and long-term management of mapped biodiversity lands, including weed removal, replanting with appropriate indigenous species, canopy and understorey replacement, soil stabilisation and monitoring. These measures will improve vegetation condition and strengthen ecological corridor function over time. In summary, the proposal is capable of achieving compliance with KDCP Part 18.3 and 18.5, however this is contingent on further arboricultural assessment and design refinement to ensure unacceptable impacts to Trees 2 and 6 are avoided and that long-term retention is demonstrated.	

The submitted Biodiversity Development Assessment Report (BDAR) requires the following amendments and additional information to address gaps and ensure compliance with assessment requirements:

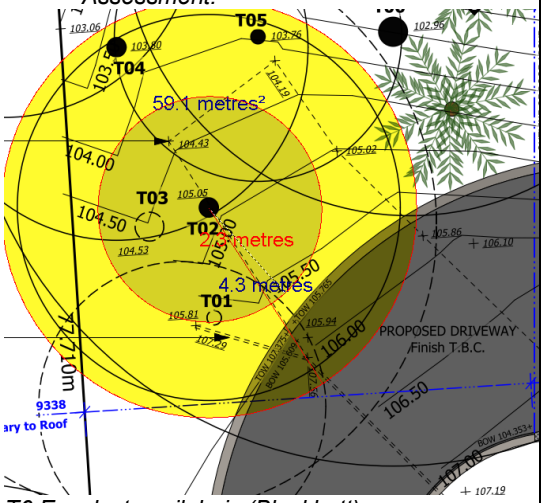
1. ***Plot Location Mapping**: The location of the BAM plot(s) must be clearly placed within the representative vegetation zone. The BAM plot currently straddles two zones cleared land and PCT 3262 Sydney Turpentine Ironbark Forest.*
2. ***Appendix E** is missing from the BDAR no SAII assessment*
3. ***Large-eared Pied Bat**: The justification for excluding the Large-eared Pied Bat is insufficient. The site is located within 2 km of areas likely to support suitable habitat features, including rocky areas, caves and escarpments. Further assessment is required.*
4. ***Exclusion of Candidate Species**: Insufficient justification has been provided for the exclusion of the following candidate species: Rhizanthella slateri, and Rhodamnia rubescens. This omission must be addressed and supported by appropriate evidence.*
5. ***Credit Reports**: All biodiversity credit output reports must be appended to the BDAR to support and validate offset calculations and proposed measures. The current credit report is outdated and is not in accordance with section 6.15 of the BC Act.*

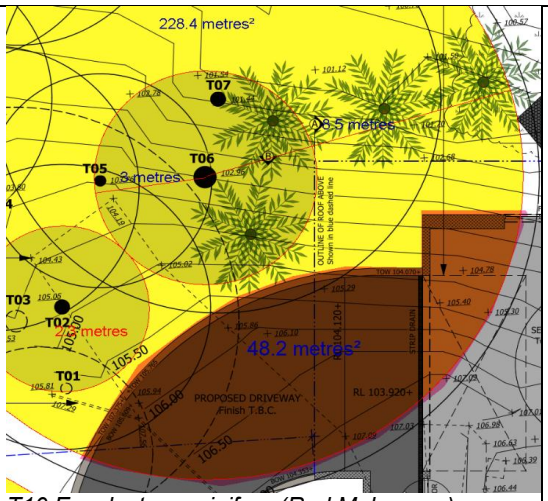
Amendments addressing the above items are required before further assessment can proceed.

Landscaping

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

KDCP COMPLIANCE TABLE		
Control	***Proposed***	***Complies***
Part 4A.4 Landscaping and Part 13 Tree and Vegetation Preservation		
C1. Landscape proposals are to retain existing trees where possible	***Tree removal*** *The proposal includes the removal of four (4) trees including trees:* *T1 Syncarpia glomulifera (Turpentine)* *T3 Eucalyptus pilularis (Blackbutt)* *T11 Pittosporum undulatum (Sweet Pittosporum)* *T12 Eucalyptus resinifera (Red Mahogany)* *The removal of T3 Eucalyptus pilularis (Blackbutt) is acceptable as the tree is in decline and has a low retention value (Z4 – high risk of death and in advanced decline).* *The removal of T1, T11 and T12 is* ***not supported.*** *These trees have been assessed as A1 and A2, indicating high retention value, and form part of the local indigenous vegetation community.* ***Tree impacts*** *The following trees are impacted by the proposal:* *T2 Syncarpia glomulifera (Turpentine)* • *The proposed driveway will encroach into the TPZ by 6.5sqm (11.16%), which constitutes a major encroachment under AS4970–2025.* • *Although the encroachment slightly exceeds the 10% threshold permitted under the standard and may be acceptable in principle, the impacts on this tree have not been adequately assessed.* • *The driveway is proposed to be constructed more than 2 metres below the natural ground level. This will require additional excavation beyond what is shown on the plans and is likely to encroach into the Structural Root Zone (SRZ) of T2. This has not been addressed in the submitted Arboricultural Impact Assessment.* • *It is recommended that excavation be reduced to minimise impacts on this tree.* • *The extent of excavation in proximity to the SRZ of T2 is not supported. The proposal must be redesigned to ensure the long-term health and retention of the*	***NO***

	tree. Construction specifications demonstrating tree-sensitive methods within the TPZ, including measures to avoid SRZ intrusion, must be provided in an updated Arboricultural Impact Assessment.  *T6 Eucalyptus pilularis (Blackbutt)* • *The proposed driveway will encroach into the TPZ by 48.2sqm (21%), which constitutes a major encroachment under AS4970–2025.* • *Although the AIA report stated the southern portion of the TPZ addresses the proposed driveway to be constructed more than 2 metres below the natural ground level; the proposed works will require additional excavation beyond the extent of the proposed retaining wall, and which is likely to encroach into the Structural Root Zone (SRZ) of T2. This has not been addressed in the submitted Arboricultural Impact Assessment.* • *It is recommended that excavation be reduced to minimise impacts on this tree.* • *The extent of excavation in proximity to the SRZ of T6 is not supported. The proposal must be redesigned to ensure the long-term health and retention of the tree. Construction specifications demonstrating tree-sensitive methods within the TPZ, including measures to avoid SRZ intrusion, must be provided in an updated Arboricultural Impact Assessment.*	

	 *T10 Eucalyptus resinifera (Red Mahogany)* • *The proposed building structures will encroach into the TPZ by (37%) and 23% into the SRZ which is a major encroachment under AS4970-2025.* • *The encroachment is more than the allowed under the standard however is considered to be within acceptable limits as the proposed building will be cantilevered and the garage/ ground level will encroach by 26% into the TPZ mostly cantilevered, and with minor impacts into the TPZ of T10 due to supporting pillars and stormwater pipes.* • *Arboricultural impact assessment report includes suitable tree sensitive recommendation for the construction of proposed building and installation of the rainwater tank within the TPZ of this tree.*	
C2. Tree replenishment and planting to be provided.	*The proposal satisfies this part on merit.* ***Lot size*** / ***Number of trees*** *Over 1,500m²* / *10 or as directed* *For a site area of 5,047.8 sqm, the proposal is required to maintain a minimum of ten (10) tall trees capable of attaining a height greater than 13 metres.* • *The Vegetation Management Plan proposes the planting of 8 new tall trees (150mm tube stock) in the area adjacent to the proposed building works.* • *Considering the site is within a bushfire prone area, with a maximum of 15% tree*	***YES***

	canopy coverage, therefore the inclusion of further trees is not required.	
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 satisfies this control.*	***YES***
C4. Landscape designs are to reflect the prevailing landscape character of the area.	*The landscape plan does not satisfy this control.* *Removal of high value indigenous canopy trees is not aligned with the local landscape character.*	***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 does not satisfy this control.* *Though is considered acceptable considering the site has bushfire restrictions.*	***Variation accepted***
C6. Hedges near boundaries are not to impact the amenity of adjoining properties by blocking sunlight, bushland or water views or unreasonably shading neighbours' private open space or living areas in winter. Hedges are not to grow to excessive height and are to be maintained at a height below 2 metres.	*The landscape plan satisfies this control.*	***YES***
Part 4C.7 Ancillary Services		
Tennis Courts *C8. Noise and overlooking to neighbouring properties is to be minimised by:* *iii) planting trees and tall shrubs between the tennis court and the property boundary*	*The proposal does not adequately address this requirement. The tennis court is elevated above the natural ground level, leaving no opportunity to establish effective screening vegetation due to its height, the presence of existing canopy trees, and bushfire constraints.* *These site and design limitations result in a court that is visually prominent and elevated in relation to neighbouring properties. Further information is required to demonstrate that the privacy and amenity of adjacent private open spaces and living areas will not be adversely impacted by the proposal.*	***NO***

Part 16 Bushfire Risk		
16.1 Bushfire Risk Management	*Bushfire report has not certified the landscape plan.* *The submitted Bushfire report prepared by Bushfire Planning Services and dated 4th July 2025 includes the landscape plans in the back as an appendix but does not clearly indicate certification of the landscape plan.* *The report provides recommendations that are not aligned with the landscape proposal:* 1. *At the commencement of building works and in perpetuity the area surrounding the new works is to be managed as defendable space for a distance of at least 2m. As defined in clause 3.2.4 of the Planning for Bush Fire Protection Guide November 2019, "defendable area" is defined as an area within the Inner Protection Area (IPA) adjoining a building to defend the structures. Vegetation within the defendable space should be kept to an absolute minimum and the area should be free from combustible items and obstructions.* 2. *Most of the 20 proposed Cyathea australis are located within the 2 metres of defendable area required.* 3. *Tree T10 Eucalyptus resinifera (Red Mahogany) proposed for retention is 1.4 metres from the edge of the proposed tennis court, therefore within the defendable area, which is recommended to be free of vegetation and combustible material.*	***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 includes a maximum cut of 3.17 metres in the area where the driveway is located, near the garage access. While the garage is primarily designed to cantilever over the natural ground level, areas of cut and fill are still proposed. The greatest of excavation occurs adjacent to the driveway access, where the cut ranges from 3.88 metres, tapering to nil at the rear edge of the garage.* *The section of the site where the works are proposed is considered steep, and although some cut and fill may be expected in such conditions, the extent proposed exceeds acceptable limits under the applicable controls. The level of excavation, particularly within the driveway area and the southern corner of the garage, is*	***NO***

	considered excessive and would significantly alter the natural topography. *A reduction in the scale and bulk of the proposed structures is recommended to minimise impacts on the existing landform and better respond to the site's natural terrain.*	
C4. A minimum 0.6m width is required between retaining walls.	*No terraced retaining walls are proposed*	***YES***
C5. Existing ground level is to be maintained for a distance of 2m from any boundary.	*Existing ground level has been maintained for 2m from boundaries, except for a small portion along the south-western side boundary, where the driveway retaining wall is proposed to be 1.80 metres from the side 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 control.* *The excavation required to include the proposed driveway may impact the health of Trees, and 6. Further information is required.* *See comments above at Part 4A.4*	***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.* *The proposal does not demonstrate that the proposed tennis court is well screened from the neighbours.*	***NO***

Engineering

Council's Development Engineer commented on the proposal as follows:

> ***Water Management***
>
> *According to Ku-ring-gai DCP Part 24 'Water Management', the proposal is identified as being a Type 2 and within a Location 'B' and 'D'. The site is a moderate to steeply sloping allotment of land having a fall from the front southern corner to the rear northern corner of approximately 23m.*
>
> *Stormwater Management Plans prepared by Engineering Studio has been submitted. The plans were discussed with Council's Engineer prior to lodging given the previous court appeal which included stormwater provisions of OSD, OSR and a level spreader on the site. It is understood that the existing drainage including OSD and rainwater tanks will be retained however this will need to be shown.*
>
> *The stormwater plan shows the proposed tennis court designed as an on-site detention basin of 27.8m^3 storage volume. The area draining to the rear is 38% which exceeds the minimum requirements of 35% under Part 24B.5 of the KDCP. The BUA is to be reduced.*
>
> *The detention tank has been sized accordingly as per the requirements of Part 24R.1 of the Ku-ring-gai DCP however Council's OSD Calculation Sheet is to be submitted. The overflow from the OSD is conveyed to the rear to a 10m long level spreader prior to discharge directly towards the bushland / natural watercourse, which is acceptable.*
>
> ***Site Access***
>
> *Vehicular access to the property is currently provided from Barclay Close via a paved crossover and driveway. The driveway extends down along the southwestern side of the site and gives access to the attached garage incorporated into the dwelling design.*
>
> *The proposal seeks construction of a new driveway extension which connects to the existing paved driveway to provide access to the proposed car parking and storage structure together with the installation of a vehicle turn table to car parking & storage at level 0.*
>
> *A driveway longitudinal section and any necessary cross-sections prepared by a suitably qualified civil/traffic engineer clearly demonstrating that the driveway complies with Australian Standards 2890.1 -2004 ''off-street car parking" is to be submitted. These profiles are to be at a recognised scale along both edges of the proposed driveway, starting from the centreline of the mid-way of the existing driveway to the proposed parking area slab. The driveway profiles must demonstrate that the maximum grade entry into the parking area and that all changes in grade (transitions) comply with the relevant standards to prevent the scraping of the underside of vehicles.*
>
> ***Geotechnical investigation***
>
> *Geotechnical comments dated 10 June 2025 and a Geotechnical Investigation Report and No. J5669B dated 7 February 2025 prepared by White Geotechnical Group has been carried out for this development. An excavation to a maximum depth of ~4.3m is required to construct the new vintage car storage. The excavation is*

expected to be through fill and a thin topsoil over natural clays with medium strength sandstone expected to be encountered at depths of between 0.5 to 3.2m below the current surface.

The proposed testing comprised one hand Auger Hole (AH) was put down to identify the soil materials. Eleven Dynamic Cone Penetrometer (DCP) tests were put down to determine the relative density of the overlying soil and the depth to bedrock. The surface features of the block are controlled by the outcropping and underlying sandstone bedrock

Ground water seepage is expected to move over the buried surface of the rock and through the cracks. Due to the slope and elevation of the block, the water table is expected to be many metres below the base of the proposed excavation.

Additional Information Required

Additional information is required as outlined in reason for refusal number 9.

External Referrals

Rural Fire Service

In accordance with the provisions of Section 4.14 of the Environmental Planning and Assessment Act 1979, Council has consulted with the Commissioner of the NSW Rural Fire Service, concerning measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. The comments provided by the Rural Fire Service could be included as conditions of consent if the application were recommended for approval.

STATUTORY PROVISIONS

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

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

State Environmental Planning Policy (Biodiversity & Conservation) 2021 - Chapter 2 Vegetation in non-rural areas

Chapter 2 of the SEPP applies to the issuing of permits for clearing of vegetation and is not relevant to the assessment of development applications which include tree removal. The merits of the proposed tree removal have been considered in the assessment of the application by Council's Landscape and Tree Assessment Officer (see commentary under the heading 'Internal Referrals').

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

A valid BASIX certificate has not been submitted, despite the estimated cost of development being $1,693,835.00 and the proposed development including habitable rooms. Part 3 div 1 Section 27 in the *Environmental Planning and Assessment Regulation 2021* identifies the circumstances in which a BASIX Certificate must accompany a development application. The

proposed development is BASIX development referred to in paragraph (c)) of the definition of *BASIX development* in the *Environmental Planning and Assessment Regulation 2021*, as it involves alterations of a 'BASIX building' and therefore must be accompanied by a BASIX Certificate.

In the absence of BASIX certification, Council cannot be satisfied that the proposal is consistent with requirements of Schedule 2 in the SEPP.

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 C4 Environmental Living. The proposed development of a parking garage, tennis court and basement with habitable rooms is for the purposes of the existing dwelling house land use which is a permissible form of development in the C4 Zone.

Zone objectives:

The objectives of this zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To ensure development does not result in further fragmentation of ecological communities, biodiversity corridors or other significant vegetation or habitat.*
- *To minimise direct and indirect risks to life, property and the environment from bushfire events.*
- *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.*
- *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 the objectives of the zone for the following reasons:

- The proposed development is not considered 'low impact' due to the following:
    - Excessive breaches to the height of building and floor space ratio standards.
    - Unreasonable bulk and scale.
    - Excessive excavation into special ecological land.
    - Insufficient information pertaining to tree removal and ecology.

  Therefore, the first objective is not considered satisfied.

- The proposed development fails to demonstrate how it avoids adverse impacts upon the ecological and aesthetic values of the bushland, STIF and Terrestrial Biodiversity. Therefore, it cannot be concluded that the development is consistent with the second objective.

- Additional information is required to make a full assessment of the environmental impacts of the development and therefore consistency with the third objective cannot be determined.

Development standards:

Ku-ring-gai Local Environmental Plan 2015

Development standard	Applicant's Calculation	Council's Calculation	Complies
Cl 4.3 Height of buildings: Maximum Building Height = 9.5 metres	12 metres 2.5 metre / 26.32% variation	12.37 metres 2.87 metre / 30.21% variation RL110.870 - RL 98.5 = 12.37 metres.	**NO**
Cl 4.4 (2D) Floor space ratio = ((250 + (0.15 × 5,047.8)) / 5,047.8) :1 Permitted Gross Floor Area = 1,007.17m^2 Permitted Floor Space Ratio = 0.1995:1	Existing GFA = 1,046.07m^2 Proposed GFA = 270.85m^2 Total GFA = 1,316.92m^2 Total FSR = 0.209:1 Total Variation = 309.75m^2 / 30.75%	Existing GFA = 1,046.07m^2 Proposed GFA = 373.4m^2 Total GFA =1,419.47m^2 Total FSR = 0.281:1 Total variation = 412.3m^2 / 40.90%	**NO**

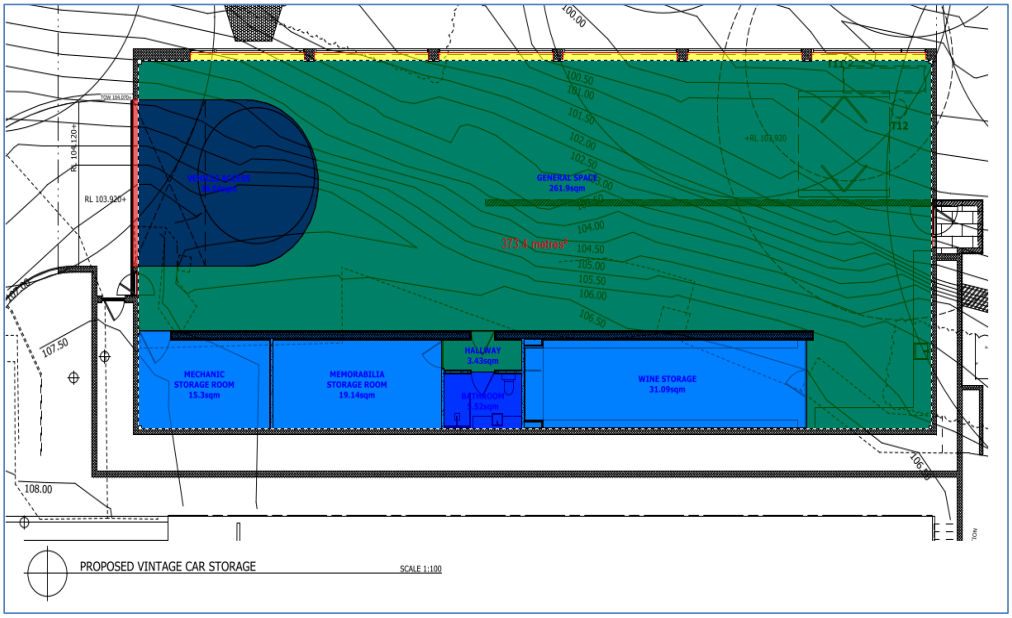


Figure 6: Council's calculation of gross floor area

Clause 4.6 Exceptions to development standards

The proposed development breaches the Height of Buildings and Floor Space Ratio development standards contained within the LEP. The applicant has made two separate submissions pursuant to Clause 4.6 seeking to vary those development standards. 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.

Clause 4.3 Height of Buildings variation

According to the applicant, the proposal will result in a maximum height 12 metres, which exceeds the 9.5 metres standard of this clause. According to the applicant, the maximum non-compliance is 2.5 metres or 26.32%.

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

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

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 majority of the proposal complies with the maximum building height requirement with the non-compliant area considered minor being just 0.97m2 or 0.167% and is a result of the sloping topography.*
3. *The proposal will not result in any unreasonable arboricultural impacts.*
4. *The proposal will not result in any unreasonable ecological impacts,*
5. *The proposal will not result in any unreasonable impacts upon the streetscape or character of the surrounding locality.*
6. *The proposal will not result in any unreasonable impacts upon the amenity of the adjoining properties.*

It is not agreed that the setbacks of the proposal bare any weight to support the variation to the maximum height of buildings standard. Notwithstanding, the proposed setbacks (albeit greater than what is required in the DCP) remain inadequate to reduce the visual impact of the height of the tennis court fence.

It is not agreed that the absence of arboricultural or ecological impacts associated with the height variation are relevant considerations in determining the compatibility of the proposal with the size of the land.

It is not agreed the proposal demonstrates (via detailed site analysis and character assessment) that the height variation will avoid unreasonable impacts to the character of the surrounding locality.

It is not agreed that the height variation is capable of avoiding impacts to the amenity of the adjoining properties.

It is not agreed that the reasons advanced by the applicant demonstrate that Objective 1 in Clause 4.3 has been satisfied in lieu of compliance with the numerical height of buildings standard.

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

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

- *The proposal for the construction of a car parking & storage structure with rooftop tennis court to the rear of the existing dwelling having a maximum height of 12m which exceeds Council's maximum building height of 9.5m is justified as a result of the moderate to steeply sloping topography.*
- *The area of non-compliance equates to 0.97m^2 or 0.167% of the proposed built form area.*
- *The proposed building height variation does not result in a loss of view or overshadowing to an adjoining property.*

It is my opinion based upon the above that the departure does promote good design and amenity of the built environment consistent with 1.3(g) of the Act.
Are the environmental planning grounds sufficient to justify contravening the development standard

It is considered that a contravention of the development standard is justified on environmental planning grounds on the basis that the site is sloping and provision of tennis court fencing will result in the non-compliance.
Importantly, the non-compliance will not result in any unreasonable impacts upon adjoining properties or the surrounding locality.

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.

It is not agreed that the maximum height is 12 metres nor that the maximum percentage variation to the Height of Buildings Standard is equal to 2.5 metres or 26.32%. Instead, Council contends that the maximum height is 12.37 metres and that the maximum percentage variation is equal to 2.87 metres or 30.21%. It is agreed that the site is steeply sloping, however the existing site conditions predicate this slope, and this has been taken into account on adjoining properties where the 9.5 metre height standard has been achieved. It is not agreed that the height variation results from the sloping topography, rather a design failure to respond to the existing ground levels on the site.

The second point is a statement of fact and is not connected to any site specific environmental planning grounds.

The third point is not supported by sufficient evidence to support the claim. A view-loss assessment and solar impact analysis are required to substantiate this ground.

It is not agreed that the are sufficient environmental planning grounds to support for the exceedance of the height of buildings standard as requested.

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%, the Ku-ring-gai Local Planning panel is the consent authority for the determination of this application.

Development standards that cannot be varied.

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

Clause 4.4 (2D) Floor Space Ratio

According to the applicant, the proposal will result in a maximum Floor Space Ratio of 0.2609:1, which exceeds the 0.1995:1 standard of this clause. According to the applicant, the maximum non-compliance is 309.75m^2 or 30.75%.

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

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

> *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 located within the "A1" floor space area zone and as such is ordinarily subject to a maximum FSR of 0.2:1.*
>
> *Despite the above provision and in accordance with sub-clause (2D) a variation to the maximum permissible FSR is applicable. In this instance and based upon*

a site area of 5,047.8m^2 a maximum permissible floor area of 1,007.17m^2 or 0.1995:1 is applicable.

The proposal as detailed on the accompanying plans will result in a gross floor area of 1,316.92m² and FSR of 0.2609:1 and which exceeds the requirements of subclause (2D).

The proposed variation equals 309.75m^2 or 30.75%.

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 will not result in any unreasonable arboricultural impacts.*
3. *The proposal will not result in any unreasonable impacts upon the streetscape or character of the surrounding locality.*
4. *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. Whether there are sufficient environmental planning grounds to justify contravening the development standard.

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 subject site is not located in an employment or mixed use zone.

The proposal is therefore considered to be consistent with the objectives of clause 4.4 of the LEP.

It is not agreed that the percentage variation to the Floor Space Ratio Standard is equal to 309.75m^2 or 30.75%. Instead, Council contends that the percentage variation is equal to 412.3m^2 / 40.90%. This because:

1. The area marked in red and noted as 'vehicle access' on Plan DA2-5 cannot be excluded from GFA as it does not provide access to the c*ar parking to meet any requirements of the consent authority (including access to that car parking).* As car parking meeting the requirements of Council has already been excluded on the lower ground floor of the existing dwelling, including 31m^2 for car parking in accordance with Part 4B.2 of the KDCP.

2. Furthermore, the wine storage, workshop and memorabilia rooms do not meet the definition of a basement and therefore cannot be excluded from gross floor area

calculations. Moreover, these rooms have ceiling heights of more than 2.2 metres and provide capacity to be used for habitable purposes.

Per the Dictionary to the LEP basement means:

> ***basement*** *means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).*

A component of the basement definition is a requirement that the floor level of the storey immediately above is less than 1 metre above ground level (existing). Above the storage rooms there is a tennis court. A tennis court does not constitute a storey, which is defined as:

> ***storey*** *means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—*
> *(a) a space that contains only a lift shaft, stairway or meter room, or*
> *(b) a mezzanine, or*
> *(c) an attic.*

For the reasons mentioned above the storage rooms cannot be excluded from gross floor area calculations.

It is not agreed that the non-compliant floor space ratio avoids arboricultural and ecological impacts.

It is not agreed that the proposal avoids unreasonable impacts to the surrounding locality. In this regard the FSR request does not make clear what the 'surrounding locality' consists of and what 'unreasonable impacts' the FSR request suggests don't exist.
It is not agreed that the proposal avoids unreasonable impacts to the adjoining properties.

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:

> *It is my opinion the environmental planning grounds associated with the proposed departure primarily relate to:*
>
> 1. *The proposed additional FSR is associated with a high-quality designed ancillary structure, which has been designed and located in a manner whereby:*
>
>   *a) It will not result in any unreasonable streetscape impacts.*
>   *b) It will not result in any unreasonable amenity impacts upon adjoining properties, particularly in relation to overshadowing or a loss of privacy.*
>
> 2. *The proposed additional FSR has been located within an ancillary structure which will not result in any unreasonable arboricultural or ecological impacts.*
> 3. *The proposed additional FSR will allow for the owner of the property to maintain and store rare and vintage cars in a manner which will not result in any unreasonable impacts.*

4. *The proposed additional FSR has been designed and sited so as to not require the excessive excavation of the site and occupies an area under a proposed tennis court, which would otherwise exist largely as a void space.*

5. *The development, despite the exceedance of the floor space ratio control achieves the objectives of the zone and the applicable control.*

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 departure does promote good design and amenity of the built environment consistent with 1.3(g) of the Act.

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.

It is not agreed that the avoidance of streetscape impacts is a relevant environmental planning ground in this instance. It is not agreed that the application avoids impacts in relation to overshadowing, as solar access diagrams have not been provided to support this claim.

It is not agreed that the non-compliant floor space ratio avoids unreasonable arboricultural impacts, given the number of trees that are proposed to be removed.

It is not agreed that the 'use' of the structure to store vintage cars constitutes an environmental planning ground.

It is not agreed that the proposed development avoids excessive excavation, nor will the proposal occupy a 'void space' as the area proposed to be development is not perceived as a void in its current state. Instead, the area proposed to be developed consists of high-quality landscape gardens, wall and rock outcrops that provide a soft transition from the natural bushland, trees, ferns and garden beds to interface with the dwelling at a human scale. Currently the area proposed to be developed respects the topography of the site and the scale of the tree canopy that make-up the high-quality characteristics of the site.

It is not agreed that the objectives of the C4 Zone have been satisfied (in particular objective 1 that requires the development to be 'low impact') in lieu of compliance with the FSR standard and therefore the FSR request cannot be supported.

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%, the Ku-ring-gai Local Planning panel is the consent authority for the determination of this application.

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 within a heritage conservation area, but it is located within 100m of a local Item. The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance. The proposed development will not have any discernible impact upon the nearby heritage item or its curtilage and is therefore consistent with the objectives of this clause.

Part 6 Additional local provisions

Clause 6.2 - Earthworks
The accompanying geotechnical report indicates excavation to a depth of at least 4.3 metres and it is expected that shallow rock will be encountered at a minimum depth of 500 millimetres; no water was encountered and “the water table is expected to be many metres below the base of the proposed excavation” (White Geo page 5). Whilst Council’s Development Engineer is satisfied that the technical aspects of the proposed excavation can be managed via conditions, Council’s Landscape & Tree Assessment Officer notes considerable encroachments into several tree protection zones and excavation occurring to the proposed driveway retaining wall at 1.80 metres from the south western boundary.

The proposed development details considerable excavation in an environmentally sensitive area that contains biodiversity, ecology and is upslope of a waterway. The proposed development fails to ensure the high-quality landscape features of the site are preserved by minimising excavation into tree protection zones and does not avoid the unnecessary removal or redistribution of fill from and across sensitive areas of the site.

Clause 6.3 - Biodiversity protection

Council’s Ecological Assessment Officer has requested additional information before a complete assessment can be made against this clause.

Clause 6.4 – Riparian land and waterways

Council’s Ecological Assessment Officer is satisfied that the proposal is capable of satisfying this part.

Clause 6.5- Stormwater and water sensitive urban design

Council’s Development Engineer has requested additional information before a complete assessment can be made against this clause.

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

Ku-ring-gai Development Control Plan

Part 1A.5 General aims of the DCP

The proposed development has been assessed against the general aims of this DCP and is found to be deficient in numerous areas for the reasons given throughout this report.

Part 2: Site analysis

A site analysis which identifies the existing characteristics of the site, and the surrounding area was not provided. The proposal is not compatible with the tree dominated character of Ku-ring-gai, nor the bushland setting on the low side of Lonsdale Avenue. The proposal fails to satisfy this part.

Part 4: Dwelling Houses

The table below addresses the assessment criteria contained under Part 4 of the DCP.

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 proposal fails to achieve a good relationship with the tree dominated character of the site and adjoining properties. The high-quality characteristics of the neighbourhood are not referenced, and therefore the development is not sensitive to the landscape setting, environmental conditions and established character of the street and locality.	**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 proposal fails to identify the local visual character and as a result will present significant adverse bulk and scale to the neighbouring properties. The proposal will result in a built form that detracts from the tree dominated outlook.	**NO**
The prominent and high-quality characteristics of the neighbourhood are to be identified and considered as part of the site analysis.	Inadequate site analysis was 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	The proposed scale is inconsistent with the Controls in Part 4C.1 and 4C.2 and cannot be	**NO**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
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.	considered an appropriate built form as a result. Complies The proposal will impact the existing landscape character of the site. Inadequate tree replacement and low-quality landscaping will prevent the development from integrating into the tree dominated character of the site.	
Visually Prominent Sites Development on visually prominent sites is to: i) be integrated into the existing landscape through the site planning process and avoid tall and bulky structures. ii) have a selection of external colours and finishes that are sensitive to the site and locality. iii) retain significant landscape and vegetation elements. iv) consider views to the site as well as those from the site; and v) soften visual impact by extensive landscaping including larger trees and shrubs.	The site is visually prominent. i) The proposed development is bulky and will be highly perceptible from the neighbouring dwellings. ii) The extensive use of glass is not sensitive to the bushland setting or the visual amenity of the adjoining dwellings. iii) Removal of significant trees is proposed. iv) The proposal will not obstruct any views. v) The proposal is unable to be softened by landscaping due to its egregious bulk, scale and exposed under croft.	**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 finishes are institutional and not in keeping with the organic, recessive palette of the bushland.	**NO**
4A.2 Building Setbacks		
Building Line (Rear Setbacks)		
For sites with a depth greater than 48m, a minimum 12m rear setback is to be provided.	The setback is 33.89 metres.	**YES**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
Building Line (Side Setbacks)		
>20m width - 9%/5.37m of site width (single storey) - 12% /7.168m of site width (two storey)	The south-western setback is 11.88m The north-eastern setback is 16.1 metres.	**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.	Complies.	**YES**
Side setbacks are to accommodate shrubs to a height of 3-4m for two storey houses, and 2-3m for single storey houses.	Complies.	**YES**
4A.3 Built-Upon Area		
Max BUA = 645m^2 (12.8% of site area). Note merit consideration.	See below	**NO**
For alterations and additions, on sites where the existing BUA is greater than the maximum permitted by control 1, the maximum BUA is the existing BUA, however, a reduction in BUA is desirable.	Existing = 1,073m^2 Proposed = 1,793.17m^2	**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	Complies	**YES**
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.	 Does not comply. Does not comply.	**NO**
Landscaping is to include tall trees, small trees, shrubs and ground covers.	Inadequate replacement trees are proposed.	**NO**
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 removal of significant mature trees is not consistent with the prevailing landscape character of the area.	**NO**
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	Complies	**YES**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
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.	Complies.	**YES**
Driveways		
Not more than one driveway is to be provided on any property with a street frontage width of less than 18m.	An extension to the existing driveway is proposed.	**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 proposed driveway will encroach into the TPZ of T2 by 6.5sqm (11.16%), which constitutes a major encroachment under AS4970–2025.	**NO**
Per design control 14 in Part 22.2 of the DCP; For driveways on sloping sites, where high retaining walls are required on both sides of the driveway, one wall is to be no higher than 1.2m. Where greater level change is required, the retaining wall should be stepped back and softened by landscaping. High solid walls should be relieved by i) change in colour or finish; ii) recessing; and/ or iii) exposed brick or block work.	Complies	**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.	Complies	**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 proposed garage is not on the front 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	Complies.	**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	**YES**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
	been included in the floor space calculation.	
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.	Complies.	**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.	 Does not comply. Does not comply. Further information is required. Does not comply. Does not comply.	**NO**
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.	Does not comply.	**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.	 Complies. Does not comply. Does not comply. Not perceptible from within the streetscape.	 **YES** **NO** **NO** **N/A**
Development is to avoid the creation of an overbearing effect upon adjoining development by: Does not comply.		**NO**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
i) ensuring appropriate side setbacks and landscaping are incorporated in the design; ii) ensuring all built structures are within the building height plane as illustrated in Figure 4C.1-2 of the DCP (4m @ 45°); iii) the relationship with the streetscape.	Complies. Not perceptible from within the streetscape.	**YES** **N/A**
4C.2 Building facades		
Extensive blank or unarticulated walls to street frontages will not be permitted.	N/A	**N/A**
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 does not include any articulation on any of the facades.	**NO**
The maximum length for an unrelieved wall is 12m.	The rear elevation is 31 metres.	**NO**
Where walls exceed 4m in height, the maximum length for an unrelieved wall is 8m.	N/A	**N/A**
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.	Inadequate articulation results in excessive wall length on the rear elevation.	**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 proposal does not integrate into the existing dwelling. Not perceptible from the street. The proposal does not adopt these design measures.	**NO** **N/A** **NO**
Building design is to integrate soft landscaping and natural site features and make provision for tall shrub plantings.	The proposal is unable to be screened by soft landscaping due to its height.	**NO**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
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 proposal fails to achieve a sensitive bulk/scale relationship with the neighbouring properties.	**NO**
The placement of windows in first floor walls facing side boundaries are to respect the privacy of neighbouring properties.	Side facing windows are minimised.	**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.	Complies.	**YES**
On constrained sites (biodiversity, riparian, steep topography) Council may consider decks as open space.	N/A	**N/A**
Landscape areas are to provide functional outdoor areas that: i) are useable and relate well to indoor living areas; ii) have a character that is consistent with or enhances the landscape character of the area; iii) are located in consideration of noise, temperature, shade and screening; iv) are not dominated by adjoining development (in terms of overshadowing and overlooking);	Existing landscaped areas are retained in side setback areas.	**N/A**
Private open space is to constitute at least one north facing area providing adequate solar access.	Complies.	**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;	Complies.	**YES**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
iii) landscape design and location of vegetation including deciduous or tall trees; iv) consideration of window locations and size.		
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.	Complies.	**YES**
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.	Complies.	**YES**
Professionally prepared Shadow Diagrams must accompany all applications for new dwellings and alterations/additions exceeding one storey.	Shadow diagrams have not been provided.	**NO**
4C.6 Natural Ventilation		
Building design is to incorporate measures for natural cross ventilation as specified in Control 1.	The proposal includes habitable rooms that will not receive natural ventilation.	**NO**
4C.7 Ancillary Facilities		
Swimming pools, spas, equipment and fences		
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.	Complies	**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 iii) planting trees and tall shrubs between the tennis court and the property boundary.	 Complies FFL is min. 9.37 metres above EGL. The proposal cannot be screened effectively by vegetation due to its height.	 **YES** **NO** **NO**
On steeply sloping sites, tennis courts with a finished court level higher than 1m above	The proposal cannot be screened effectively by	**NO**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
existing ground level will be considered subject to increased setbacks and landscaping to protect the amenity and privacy of neighbouring properties.	vegetation due to its height.	
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.	Complies	**YES**
Earthworks associated with the construction of a tennis court are not to unreasonably alter the natural topography of the land or alter the natural groundwater table. (Refer to Part 21.1 Earthworks and Slope of the DCP.)	The proposal relies on excessive excavation.	**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 tennis court surface is artificial turf (green), on top of a grey concrete slab with a black fence, which is acceptable.	**YES**
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.	Complies.	**YES**
Lighting of tennis courts for night tennis will not be permitted.	Lighting is not proposed.	**YES**
Tennis hit-up walls will not be permitted.	Complies.	**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.	Does not comply.	**NO**
4C.10 Materials and Finishes		
External walls must be constructed of high quality and durable materials and finishes.	Complies.	**YES**
Large, unbroken expanses of any single material and finish (rendered or not) to building facades must be avoided.	Does not comply. Excessive use of glass is proposed.	**NO**
New development is to avoid extensive use of highly reflective or gloss materials on the exterior of buildings.	Excessive use of glass is proposed.	**NO**
The exterior finish material (e.g. sandstone or brick) must be integral to the overall building façade design and must not appear to be cosmetic.	The exterior rendered finish is integral to the façade design and does not appear cosmetic.	**YES**
Where louvres are used, they are to be an integral element in the building façade design.	Glass louvres are proposed in windows only.	**YES**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
Where additions and alterations are proposed, external materials and finishes must complement the existing building.	Generally consistent with existing dwelling.	**YES**
Colours		
The selection of a colour scheme for new development and in the restoration of existing facades is to comply with the guidelines in control 8.	The external materials (glass, light blue render and black tennis court fence) are used in abundance and on large vertical surfaces.	**NO**
Natural earth tones are to be used on building facades in close proximity to bushland.	The above materials/finishes are not recessive.	**NO**

Part 4A.1 Visual Character

The controls require the design components of new development to be based on the existing predominant and high quality visual character of the local neighbourhood (Control 1). The proposal is not accompanied by a sufficient site analysis and thereby fails to respond to the tree dominated and bushland context of the site. The non compliant building height and excessive gross floor area result in a bulky structure that fails to respond to the topography of the site. Instead, the development dominates the tree canopy and fails to protect or enhance the landscape features that characterise the site.

The proposal is not sensitive to the landscape setting (Objective 1) and fails to minimise built form impact to conserve or enhance this setting (Objective 2). The proposal is not capable of satisfying the objectives in lieu of compliance with the control and therefore cannot satisfy this part.

Part 4A.1 Visually prominent sites

The site contains environmentally sensitive areas on sloping areas and will be visually perceptible from the neighbouring properties, especially in location of the proposed development; therefore, the site is considered to be visually prominent.

The proposal fails to achieve integration into the existing landscape through the site planning process, does not avoid tall and bulky structures and proposes excessive use of glazing. These design components are not sympathetic to the bushland setting.

The proposal does not ensure that the visual, scenic and environmental qualities on visually prominent sites are maintained (Objective 4). The proposal is not capable of satisfying the objectives in lieu of compliance with the control and therefore cannot satisfy this part.

Part 4A.3 Built Upon Area

The site has an area of 5,047.8m^2 and is subject to a maximum built upon area of 645m^2 and subject to merit assessment. The existing built upon area is 1,073m^2 and the proposed built upon area is 1,793.17m^2. The merit assessment requires consideration of how the additional built upon area is consistent the objectives of Part 4A.3. The 720.17m^2 increase to existing built upon area is considered to be excessive and is detrimental to achieving an appropriate balance between the natural and built elements of the site (Objective 4). Similarly, the bulk and scale of the development is not in scale with the tree canopy (Objective 2) as evidenced by the variations to the height of buildings and gross floor area

development standards. The proposal is not capable of satisfying the objectives in lieu of compliance with the control and therefore cannot be afforded a variation to the existing built upon area based on merit.

Part 4B.2 Car parking provisions

Control 6 in this part limits internal access to car parking and the required car parking area is to be no greater than 31sqm. Car parking and access to that car parking, exceeding the requirements of this control will not be excluded from the gross floor area as defined in KLEP 2015. The existing dwelling already exceeds the minimum two parking space requirements in the existing garage. As such, no part of the proposed garage may be excluded from the gross floor area calculation.

Part 4B.3 Carports and garages

Control 2 contains key design requirements in 2 (i, ii and v) that require the scale and design of garage structures to minimise visual impacts to the subject and adjoining properties. The proposal fails to comply with these controls and provides insufficient justification to demonstrate how the relevant objectives are achieved in lieu of compliance with these controls.

The proposal is not integrated with the built form of the dwelling (Objective 1). The proposal will result in the removal of several trees (Objective 4). The proposal requires significant excavation (Objective 5). The proposal fails to consider the visual impacts of bulk and scale when viewed from the neighbouring properties and will not sit lightly on the site. The resultant visual impacts are not consistent with the 'low impact' objective of the C4 Environmental Zone and as the proposal is not capable of satisfying the objectives in lieu of compliance with the controls, the proposal is substantially inconsistent with this part.

Part 4C.1 Building Envelopes

The proposal does not minimise overlooking of adjoining dwellings (Control 2 (i)) due to the high FFL of the tennis court. The proposal does not avoid overbearing visual impacts to adjoining dwellings (Control 3) due to the failure to respond to the existing ground levels on the site. The proposal fails to limit bulk and scale due (Objectives 1 and 2) due to exposed under croft areas, tall fencing and high ceilings. The proposal is not capable of satisfying the objectives in lieu of compliance with the control and therefore cannot satisfy this part.

Part 4C.2 Building Facades

The proposal includes a 31-metre unrelieved wall length on the rear elevation which is a significant departure from the 12 metre control (Control 3). The resultant building mass is not reduced through material variation or decorative architectural elements (Control 2). As such, the proposal is contrary to Objectives 1, 2, and 3 in this part.

Part 4C.5 Solar Access

Control 6 requires professionally drawn shadow diagrams for any proposal that exceeds one storey. In addition to the cantilevered design, the tennis court fence exceeds a single storey and the applicant relies on the absence of overshadowing as key environmental planning ground to justify the exceedance of the Height of Buildings Standard. In order to determine the overshadowing impacts, the proposal ought to be supported by shadow diagrams. In the absence this information Council is unable to make a fulsome assessment against this Part.

Part 4C.7 Tennis Courts

The tennis court finished floor level is up to 9.37 metres above existing ground level. This is a significant departure above the 1 metre control (Control 8 (ii)) and as a result the court and its fence will be highly visible from the side facing windows at No. 2 Barclay Close and the rear private open space of both adjoining dwellings. Notwithstanding the setback from the side boundaries, the tennis court is unable to obscured through screen planting due to its and therefore there is no measure to reduce the resultant bulk and scale of the structure.

The height of the structure is also likely to cause additional noise transmission across side boundaries when compared to a compliant tennis court. Such as those developed on neighbouring properties that are less than 1 metre above existing ground level. The height of the tennis court is not capable of satisfying Objectives 5 and 6 in lieu of compliance with the 1 metre FFL control and is therefore inconsistent with this Part.

Part 4C.10 External finishes

The proposal includes extensive use of light coloured render and glass. These finishes are bright and will contrast with the recessive earth colours of the bushland setting. These finishes will enhance the bulk and scale and contribute to the overall visual prominence of the development. Notwithstanding, due to the extent of excessive bulk and scale proposed, the use of natural recessive colours would result in a negligible reduction to bulk and scale and substantial reductions to the building envelope remain the key changes required to achieve a good planning outcome in this instance.

Ku-ring-gai Development Control Plan

Section B

Part 16 – Bushfire Risk

In accordance with the provisions of Section 4.14 of the Environmental Planning and Assessment Act 1979, Council has consulted with the Commissioner of the NSW Rural Fire Service, concerning measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. The comments provided by the Rural Fire Service could be included as conditions of consent if the application were recommended for approval.

Part 17 – Riparian Lands

Council's Ecological Assessment Officer is satisfied that the proposal is capable of satisfying this part.

Part 18 – Biodiversity

Council's Ecological Assessment Officer has requested additional information before a complete assessment can be made against this part.

Part 19 – Heritage and Conservation Areas

The subject site does not contain a heritage item and is not within a heritage conservation area, but it is located within 100m of a local Item. The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance. The proposed development will not have any discernible impact upon the nearby heritage item or its curtilage and is therefore consistent with the objectives of this chapter.

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	Does not comply.	**NO**
• Locate finished ground level as close to the natural ground level as practicable	Does not comply.	**NO**
• Level changes to occur primarily within building footprint	Complies	**YES**
• Minimum 0.6 metres width between retaining walls	N/A	**N/A**
• Maintain existing ground level within 2m from any boundary	Does not comply (SW edge of driveway)	**NO**
• Limit slope for embankments to 1:6 (grassed) and 1:3 (soil stabilising vegetation)	Existing slope to be built over.	**N/A**
• No fill and excavation within sensitive environments	Does not comply.	**NO**
• Minimise altered groundwater flows	Complies	**NO**
Dwelling houses Excavation within building footprint must not exceed 1m • 0.9m maximum fill • 1.8 m maximum level difference across the building footprint • Retaining walls maximum 0.9m above NGL	Proposed excavation is approximately 4.3m.	**NO**
21.2 – Landscape Design		
Appropriate and sensitive site planning and design	Does not comply.	**NO**
Existing appropriate screen planting is retained	Complies.	**YES**
Bushland Protection – buffer zone adjacent to bushland	Complies.	**YES**
Planting within 100m of bushland • 70% local native species • 30% local native understorey species	Does not comply.	**NO**

Part 22 - General access and parking		
22.2 – General vehicle access		
• Minimise width and number of vehicle access points	Existing double garage door retained on the north east elevation of the dwelling.	**NO**
• Access driveways set back at least 10m from street intersections and 3m from pedestrian entrances	Complies.	**YES**
• Vehicle and pedestrian access to buildings clearly distinguished and separated	Complies.	**YES**
• Vehicle crossing width is acceptable for intensity of use proposed	Complies.	**YES**
• Vehicles must exit in a forward direction	Complies.	**YES**
• Vehicle entries are integrated into the external façade and are finished in a high quality material	Does not comply.	**NO**
• Retaining walls associated with driveways maximum height of 1.2m	Does not comply.	**NO**
• No driveways are longer than 30m unless a passing bay is provided	Does not comply.	**NO**
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	Complies	**YES**
Use of materials and colours creates well-proportioned facades and minimises visual bulk	Does not comply.	**NO**
23.7 – Acoustic Privacy		
Design minimises impact of internal and external noise sources	The elevated tennis court may be prone to excessive acoustic impacts.	**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	Can be conditioned.	**YES**

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	Does not comply.	**NO**
23.9 – Construction, Demolition and Disposal		
Satisfactory Environmental Site Management Plan	Does not comply.	**NO**

Part 21.1 Earthworks and slope

The proposal is not accommodated within the natural slope of the land (Control 1), demonstrated by the exposed under-croft area and deep excavation. The proposal; fails to maintain existing ground levels at least 2 metres from the site boundaries (Control 5) due excavation associated with the driveway. The depth of excavation (4.3 metres) significantly exceeds the 1 metre numerical control (Control 13).

The above non compliances result in unsatisfactory tree removal (Objective 1, 2), substantial excavated materials leaving the site (Objective 7) and fails to reduce the visual impacts to adjoining dwellings (Objective 9). The proposal does not present alternative solution that achieve the relevant objectives as required by section 4.15(3A) of the Environmental Planning and Assessment Act 1979.

Part 23.7 Acoustic Privacy

Control 5 requires the design of ‘active open spaces’ to have regard to the potential noise impact on adjacent rooms and buildings. The height of the tennis court is such that the adjoining dwellings may be impacted when the court is in use (when compared to an at-grade tennis court) and no consideration has been given to noise attenuation to minimise this impact. Several objections were received in relation to this impact, and it is not clear what measures have been provided by the applicant to achieve the intent of Objectives 1 and 2 in this part.

Part 23.8 Visual Privacy

The height of the tennis court is at-odds with the existing development on the site and is not responsive to the sloping topography. The tennis court may result in additional overlooking that would otherwise be avoided if the tennis court were constructed at-grade or no more than 1 metre above existing ground level in accordance with Part 4C.7 Control 9. The proposal permits the use of the court right up to the extremities on all sides. This may permit overlooking of the neighbouring properties and has not been modelled by the applicant to ensure the impact of development on the visual privacy of neighbouring occupants is minimised (Objective 1). Further information is required in order to determine consistency

with Objective 1 in this part.

Part 24 Water management

Council's Development Engineer has requested additional information before a complete assessment can be made against the requirements in Part 24.

Ku-ring-gai Section 7.12 Contributions Plan 2023

If the Panel is of a mind to approve the application, contributions would be payable per the requirements of this plan.

REGULATION

If the application were recommended for approval, a condition requiring that demolition works be in accordance with Australian Standard AS 2601-2001: The demolition of structures would be recommended.

LIKELY IMPACTS

The likely impacts of the development have been considered within this report and are deemed to be unacceptable for the reasons discussed throughout 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. On this basis, approval of the proposal is contrary to the public interest.

CONCLUSION

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory for the reasons detailed throughout this report.

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 requests submitted under clause 4.6 to vary the Height of Buildings and Floor Space Ratio development standards have 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 eDA0545/25 for construction of a detached car parking & storage structure with rooftop tennis court to the rear of the existing dwelling, on land at 5-7 Lonsdale Avenue Pymble, for the following reasons:

Reasons for refusal:

1. Inconsistency with the existing character

The existing residential character on the low side of Lonsdale Avenue consists of low density residential dwellings within a bushland setting. The high quality landscape features include tall canopy trees, rock outcrops and dwelling houses that blend into the surrounding bushland. For the reasons set out below the proposal results in an overbearing and dominant built form that is incongruous with the high-quality visual character of the neighbourhood

Particulars

a) The proposal will be highly perceptible from the surrounding dwellings either side of the Site, due to the following built form issues:

   i) non compliant building height of 12 metres,
   ii) non compliant wall length of 31 metres (rear elevation),
   iii) excessive bulk and scale (non compliant GFA)
   iv) excessive use of glazing (rear elevation),
   v) exposed under croft area (side and rear elevations),
   vi) light and reflective external finishes.

   Because of this, the proposal fails to blend into the bushland setting, is of an incompatible scale and therefore does not achieve consistency with the surrounds when viewed from the neighbouring properties. Compliance with Part 4A.1 Controls 1, 2, 3 and 4 in the KDCP is not achieved.

b) The Site is considered to be visually prominent as it contains numerous features as defined in the KDCP description for visually prominent sites, including being situated in a highly visible location (environmentally sensitive site and on sloping land). The proposal fails to integrate into the existing landscape. Instead presenting bulky structures that compete with the tree canopy. Furthermore, the external finishes are not recessive and will contrast with the earthy colours of the bushland setting. Compliance with Part 4A.1 Controls 5 and 6 in the KDCP is not achieved.

c) The proposal will require the removal of the following canopy trees: Tree 1, Tree 2, Tree 6, Tree 11 and Tree 12. Their removal is not supported as this will derogate the tree canopy vistas enjoyed by the neighbouring properties and cannot be off set by the planting of juvenile replacement trees. This outcome fails to ensure the high quality landscape features of the site are preserved or enhanced. Consistency with the Objectives in Chapter 4A.1 of the KDCP is not demonstrated.

2. Inadequate Site Analysis

The Site Analysis (Sheet 2 of 11, dated 20/02/2025) prepared in support of the Development Application is inadequate to permit a fulsome assessment of the Application contrary to Part 2.1 in the KDCP.

Particulars

a) Adequately describe the Site's surrounding urban context and does not adequately consider the Site's character or the amenity of the Site future occupants or for the current occupants of adjoining properties.

b) Encourage good site planning informed by an understanding of the site's context, fails to adequately consider the amenity of users of the site and adjoining sites including the effect of bulk and scale cause by inadequate building separation and fails to adequately ensure that the design response is well founded and responsive to the context of the site (KDCP Part 2.1, Objectives 2, 5, 7 and 8.

c) The site plan fails to adequately demonstrate that the design response proposed in the Development Application is well founded and responsive to the specific context of the Site, contrary to KDCP Part 2.1, Objectives 2, 5, 7 and 8.

d) For the reasons set out above, the proposal fails to identify and respond to the attributes and constraints of the Site and the surrounding area. This results in a proposed development, which has an unsatisfactory relationship with neighbouring properties and does not satisfactorily address the perceived bulk of the proposed development and its visual impact.

3. Excessive Building Height

The proposal contravenes the maximum height of buildings development standard in clause 4.3 of the Ku-ring-gai Local Environmental Plan 2015 and the Clause 4.6 written request does not satisfy clause 4.6 of KLEP 2015.

Particulars

a) Clause 4.3 of KLEP 2015 prescribes a maximum building height of 9.5 metres for the site, as shown on the Height of Buildings Map.

b) The Clause 4.6 request acknowledges that, as a result of the topography the proposed development has a maximum height of 12 metres to the top of the tennis court fence on the north eastern corner. Whereas Council contends the actual height is 12.37 metres, as shown on Sheet 10 of 11.

c) The written request does not demonstrate that compliance with the 9.5 metre height development standard is unreasonable or unnecessary in the circumstances of the case.

d) The written request does not identify sufficient environmental planning grounds that are particular to this site to justify the contravention of the standards, as required by clause 4.6(3)(b) of KLEP 2015.

e) The Proposal fails to achieve the relevant objective in clause 4.4(1a) of the Ku-ring-gai LEP, 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.*

f) The non compliant portion of the tennis court fence contributes to the vertical scale of the development. It is unable to be effectively screened using vegetation and it will result in adverse visual impacts to the neighbouring properties.

g) In these circumstances, the consent authority cannot be satisfied for the purposes of clause 4.6(4) of KLEP 2015 that:

   i) compliance with the height of buildings development standard is unreasonable or unnecessary in the circumstances of the case; or

   ii) there are sufficient environmental planning grounds to justify the extent of the contravention; or

   iii) the proposed development is consistent with the objectives of the height of buildings development standard in KLEP 2015.

h) Accordingly, the Development Application must be refused because there is no valid basis to grant consent to development that contravenes the LEP in reliance on an inadequate Clause 4.6 written request.

4. Excessive Gross Floor Area

The proposal contravenes the maximum gross floor area development standard in Clause 4.4 of the Ku-ring-gai Local Environmental Plan 2015 and the Clause 4.6 written request does not satisfy clause 4.6 of KLEP 2015.

Particulars

a) The vehicle turn-table should be included in the calculation of GFA, as 31m^2 of car parking has already been excluded from the existing dwelling and access to parking that is not provided to meet any requirements of the consent authority, per the definition in KLEP 2015, precludes the vehicle turn-table from being omitted.

b) The wine, memorabilia and storage rooms should also be included as they do not appear to meet the definition of a use that is excluded from GFA. These rooms are also not in a 'basement' as defined in the Dictionary of the LEP.

c) The Clause 4.6 written request incorrectly identifies the numerical exceedance of the development standard. Council contends that the correct variation is equal to:

   i) Total GFA = 1,419.47m^2

   ii) Total FSR = 0.281:1

   iii) Total variation = 412.3m^2 / 40.90%

d) The Clause 4.6 written request does not identify sufficient environmental planning grounds that are particular to this site to justify the contravention of the standard, as required by clause 4.6(3)(b) of KLEP 2015. In relation to the above, the written request:

   i) fails to demonstrate circumstances which are particular to the development on the site or that could not be achieved by a compliant development.

   ii) relies almost entirely on the purported absence of impact, which of itself is not sufficient justification for contravening the standard.

iii) identifies compliance with other controls to support its justification, which is not a sufficient justification for contravening the standard.

e) The Proposal fails to achieve the relevant objective in clause 4.4(1a) of the Ku-ring-gai LEP, 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.

f) In these circumstances, the consent authority cannot be satisfied for the purposes of clause 4.6(4) of KLEP 2015 that:

i) compliance with the FSR development standard is unreasonable or unnecessary in the circumstances of the case; or

ii) there are sufficient environmental planning grounds to justify the extent of the contravention; or

iii) the proposed development is consistent with the objectives of the FSR development standard in KLEP 2015.

g) Accordingly, the Development Application must be refused because there is no valid basis to grant consent to development that contravenes the LEP in reliance on an inadequate Clause 4.6 written request.

5. Excessive bulk and scale

The Development Application must be refused because the Proposal does not provide for housing that is consistent with the objectives of the C4 zone.

Particulars

a) Clause 2.3(2) of the LEP provides that *"[t]he consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone"*.

b) The first objective of the C4 Environmental Living Zone in the KLEP is, *"to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values".*

The Proposal does not achieve this objective because it is not considered 'low- impact' as the following components of the proposal fail to limit the height and bulk to avoid dominating the natural landscape and the tree canopy:

i) The proposal fails to consolidate the basement below the existing building footprint. This does not comply with Part 4C.1 Control 1 (i) in the KDCP and contributes to unreasonable built upon area.

ii) The proposal includes additional rooms within the basement which are habitable which does not comply with Part 4C.1 Control 4 (ii) that requires basement areas to be minimised.

iii) The 3 metre ceiling height in the garage is unnecessary and significantly exceeds the minimum clearance of 2.2 metres specified in the Building Code of

Australia, for a non-habitable room. Furthermore, this does not comply with Part 4C.1 Control 4 (ii) and Objectives 1, 2 and 9 in this part.

iv) The proposal details a 31 metre unrelieved wall length on the rear elevation. This dimension significantly exceeds the 12 metre control specified in Part 4C.2 Control 3 of the KDCP. This variation is unacceptable as the proposal cannot satisfy Objective 1 and 2 in this part of the KDCP.

v) The proposal details extensive use of glazing on the rear elevation which in addition to the issue outlined in contention (v) above, increases the apparent bulk and scale of the development. This does not comply with Part 4C.2 Control 2 and Objective 1 in this part of the KDCP.

vi) The Finished Floor Level of the tennis court is at least 6.5 metres above existing ground level. This Finished Floor Level (FFL) significantly exceeds the maximum FFL of 1 metre specified in Part 4C.7 Control 8 (ii). The 5.5 metre variation cannot satisfy Objective 5 (i) and (ii) in this part of KDCP.

6. Unreasonable privacy impacts and visual amenity

The proposed development will permit overlooking into No. 2 Barclay Close and present adverse visual impacts to the adjoining dwellings.

Particulars

a) The FFL of the tennis court is unreasonably high and will have a large flat surface area that will permit extension overlooking into the front yard and side facing windows of No. 2 Barclay Crescent Pymble. This impact is unable to be mitigated through landscaping alone.

b) More than 50% of the proposal is cantilevered over the existing embankment. Presenting an exposed under-croft area toward the bushland and which will be visible form the neighbouring properties. The height of the under croft is unable to be screened using landscaping alone.

7. Excessive excavation

The proposed earthworks are
unacceptable having regard to Clause 6.2 of the LEP and Part 21.1 of the DCP and will result in adverse impacts.

Particulars

a) The proposal will result in cut to a depth of 4.3 metres and a stated 400m^3 of excavated earth, according to the Geotechnical Report and Waste Management Plan.

b) The proposal is not accommodated within the natural slope of the land and fails to locate finished ground level as close to existing ground level as possible. This does not comply with Part 21.1 Control 1 and Objectives 1 and 7 in this part of KDCP.

c) The depth of excavation proposed (4.3 metres) significantly exceeds the 1 metre control in Part 21.1 Control 11. The excavation will result in altered ground levels less than 2 metres from the south-western side boundary and an unacceptable major

encroachment into the TPZ of Tree 2. These impacts are inconsistent with Objectives 1, 2, 6 and 7 in this part of KDCP.

d) While the garage is primarily designed to cantilever over the natural ground level, areas of cut and fill are still proposed. The greatest of excavation occurs adjacent to the driveway access, where the cut ranges from 3.88 metres, tapering to nil at the rear edge of the garage. The section of the site where the works are proposed is considered steep, and although some cut and fill may be expected in such conditions, the extent proposed exceeds acceptable limits under the applicable controls. The level of excavation, particularly within the driveway area and the southern corner of the garage, is considered excessive and would significantly alter the natural topography.

8. Tree Impacts

The proposal will result in acceptable tree removal.

Particulars

a) The removal of T1, T11 and T12 is not supported. These trees have been assessed as A1 and A2, indicating high retention value, and are integral to the local indigenous vegetation community. As indigenous canopy trees, they contribute to biodiversity values and form an important part of the local landscape character. (Refer to objectives and controls in Parts 4A.4 and 13.1 of KDCP)

b) The driveway is proposed to be constructed more than 2 metres below the natural ground level. This will require additional excavation beyond what is shown on the plans and is likely to encroach into the Structural Root Zone (SRZ) of T2. This has not been addressed in the submitted Arboricultural Impact Assessment.

c) The extent of excavation in proximity to the SRZ of T2 and T6 is not supported. It is recommended that excavation be reduced to minimise impacts on this tree. A root investigation to demonstrate the extent of impact has not been provided.

d) The proposal does not demonstrate that the works are designed and will be constructed to ensure the long-term health and retention of Tree 2. Construction specifications demonstrating tree-sensitive methods within the TPZ, including measures to avoid SRZ intrusion, have not been provided in the updated Arboricultural Impact Assessment.

9. External Finishes

The external finishes are incompatible with the local character.

Particulars

a) The extensive use of glass on the rear elevation will result in unreasonable reflection and is inconsistent with Part 4C.10 Control 4 and 9.

b) The light blue render is not appropriate to the bushland setting and should be replaced with a natural earthy tone.

10. Insufficient information

The following is required before a complete assessment can be made.

Particulars

a) Solar Access diagrams are required to enable a fulsome assessment of the overshadowing impacts.

b) The Bushfire Report states: “At the commencement of building works and in perpetuity the area surrounding the new works is to be managed as defendable space for a distance of at least 2m. As defined in clause 3.2.4 of the Planning for Bush Fire Protection Guide November 2019, “defendable area” is defined as an area within the Inner Protection Area (IPA) adjoining a building to defend the structures. Vegetation within the defendable space should be kept to an absolute minimum and the area should be free from combustible items and obstructions.”

c) Most of the 20 proposed *Cyathea australis* (Rough Treefern) are located within the 2 metres of defendable area required for bushfire protection.

d) Tree T10 *Eucalyptus resinifera* (Red Mahogany) proposed for retention is 1.4 metres from the edge of the proposed tennis court, therefore within the defendable area, which is recommended to be free of vegetation and combustible material.

e) Provide a driveway longitudinal section and any necessary cross-sections prepared by a suitably qualified civil/traffic engineer clearly demonstrating that the driveway complies with Australian Standards 2890.1 -2004 ‘’Off-street car parking”. These profiles are to be at a recognised scale along both edges of the proposed driveway, starting from the centreline mid-way of the existing driveway to the proposed parking area slab. The driveway profiles must demonstrate that the maximum grade entry into the parking area and that all changes in grade (transitions) comply with the relevant standards to prevent the scraping of the underside of vehicles.

f) Demonstrate that the impervious area draining to the level spreader system does not exceed 35% of the total site area. Refer to Part 24B.5 of the Ku-ring-gai Development Control Plan.

g) The level spreader is to be designed in accordance with Figure 4 – ‘Typical level spreader dispersion system’ of the Ku-ring-gai Technical Guideline for Water Management.

h) A minimum 5,000L rainwater tank is required as per Part 24C.4 of Ku-ring-gai DCP ’Water Management’.

i) Detailed design including sections of the detention basin will need to be submitted as well as supporting OSD Calculation Sheet (refer to Part 24R.4).

j) The Stormwater plans are to show the existing stormwater disposal system to ensure that the proposed new additions do not compromise the existing drainage system including the point of discharge, otherwise the existing stormwater drainage system is to be upgraded to comply with Part 24 of the KDCP.

k) The submitted Biodiversity Development Assessment Report (BDAR) requires the following amendments and additional information to address gaps and ensure compliance with assessment requirements:

- Plot Location Mapping: The location of the BAM plot(s) must be clearly placed within the representative vegetation zone. The BAM plot currently straddles two zones cleared land and PCT 3262 Sydney Turpentine Ironbark Forest.

- Appendix E is missing from the BDAR no SAII assessment.

- Large-eared Pied Bat: The justification for excluding the Large-eared Pied Bat is insufficient. The site is located within 2 km of areas likely to support suitable habitat features, including rocky areas, caves and escarpments. Further assessment is required.

- Exclusion of Candidate Species: Insufficient justification has been provided for the exclusion of the following candidate species: *Rhizanthella slateri*, and *Rhodamnia rubescens*. This omission must be addressed and supported by appropriate evidence.

- Credit Reports: All biodiversity credit output reports must be appended to the BDAR to support and validate offset calculations and proposed measures. The current credit report is outdated and is not in accordance with section 6.15 of the BC Act.

11. Public interest

The Development Application should be refused because the proposal is not in the public interest for the reason outlined above.

Particulars

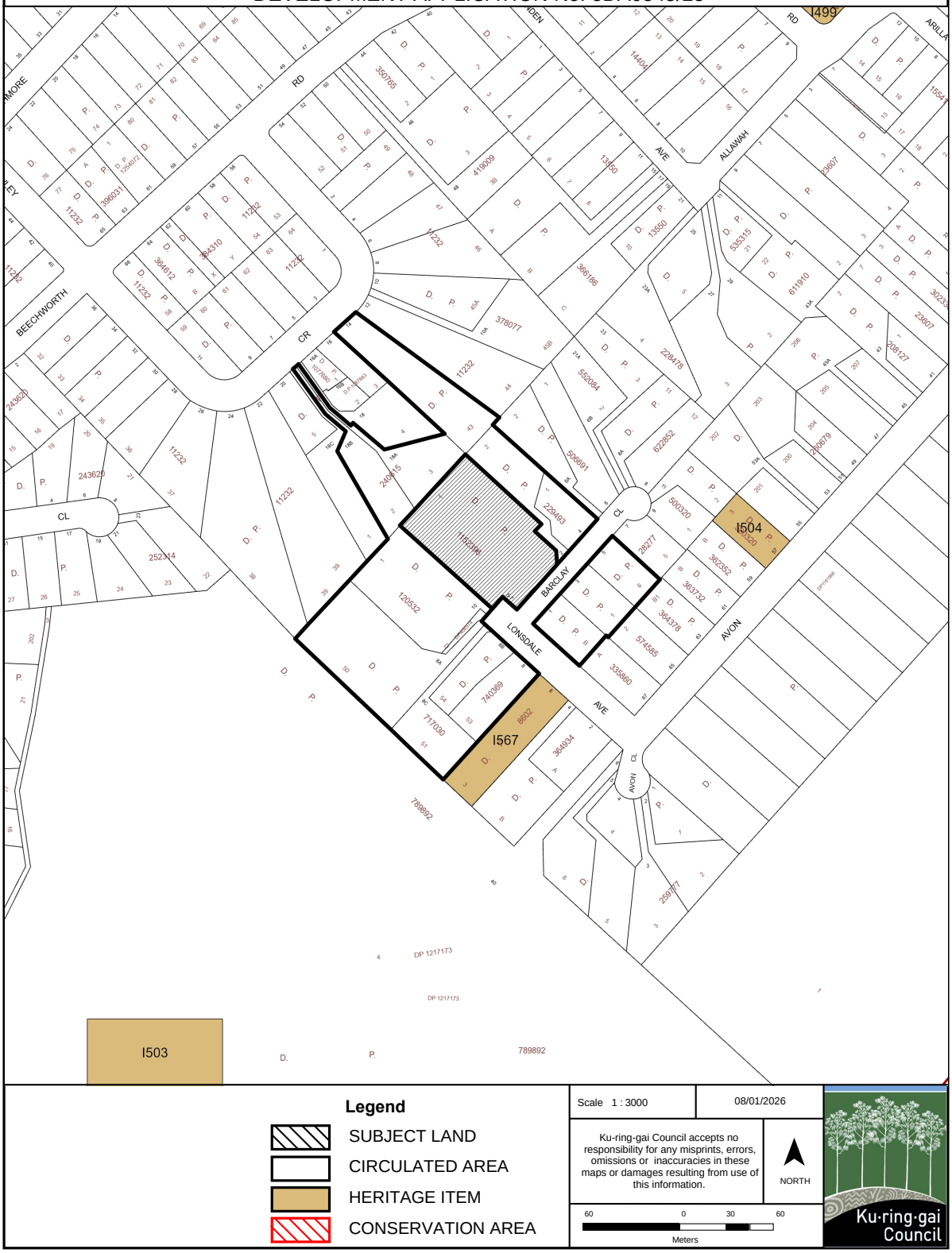
a) The proposed development was notified per the requirements in Council's Community Participation Plan.

b) The proposed development should be refused on the basis of the submissions that have been received by Council raised issues that are consistent with the reasons for refusal set out above.

LOCATION SKETCH

5-7 Lonsdale Avenue PYMBLE NSW 2073

DEVELOPMENT APPLICATION No. eDA0545/25



Legend

- SUBJECT LAND
- CIRCULATED AREA
- HERITAGE ITEM
- CONSERVATION AREA

Scale 1 : 3000

08/01/2026

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

60 0 30 60

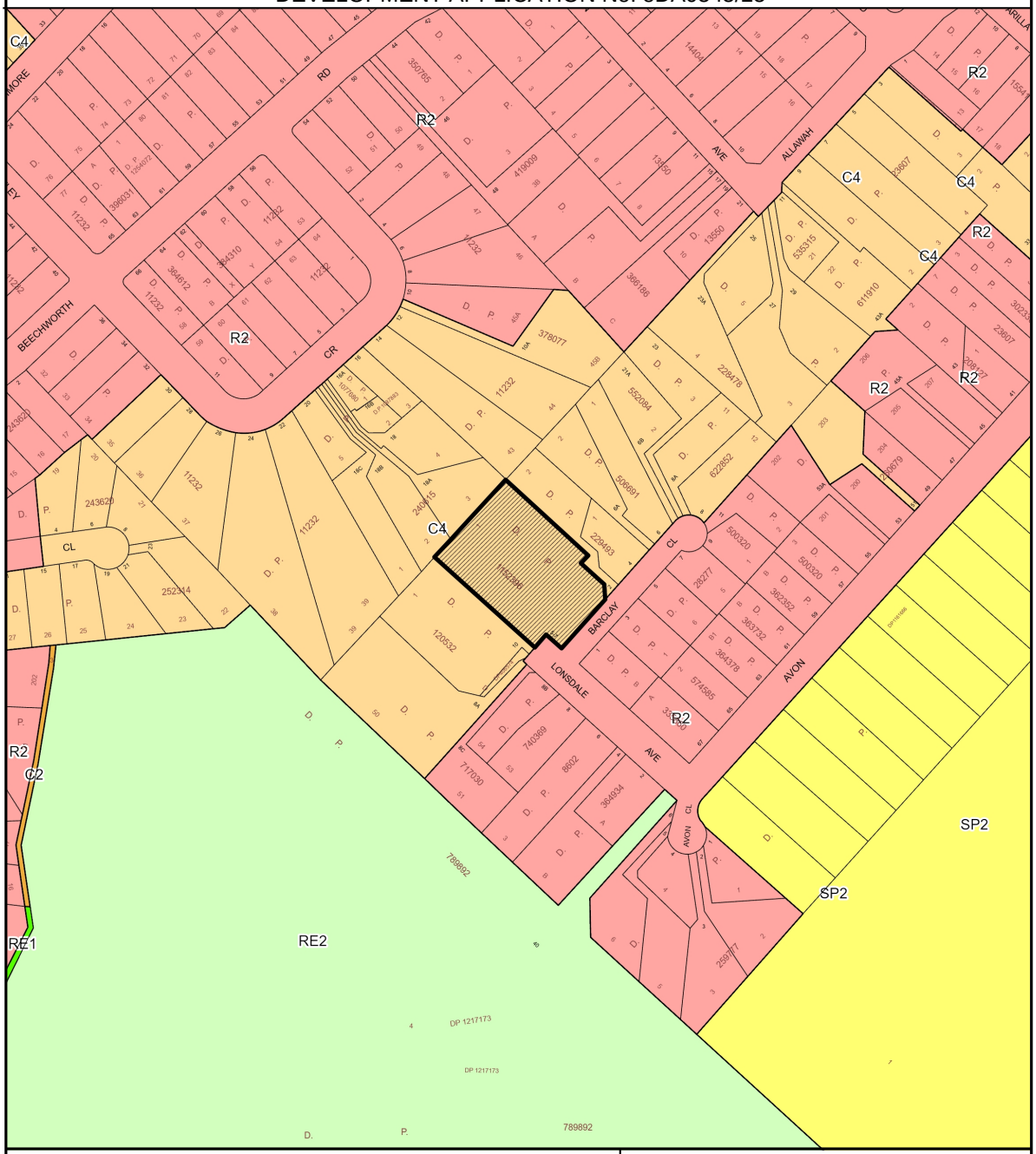
Meters

Ku·ring·gai Council

KU-RING-GAI LEP 2015 ZONING EXTRACT

5-7 Lonsdale Avenue PYMBLE NSW 2073

DEVELOPMENT APPLICATION No. eDA0545/25



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 : 3000

Date: 08/01/2026

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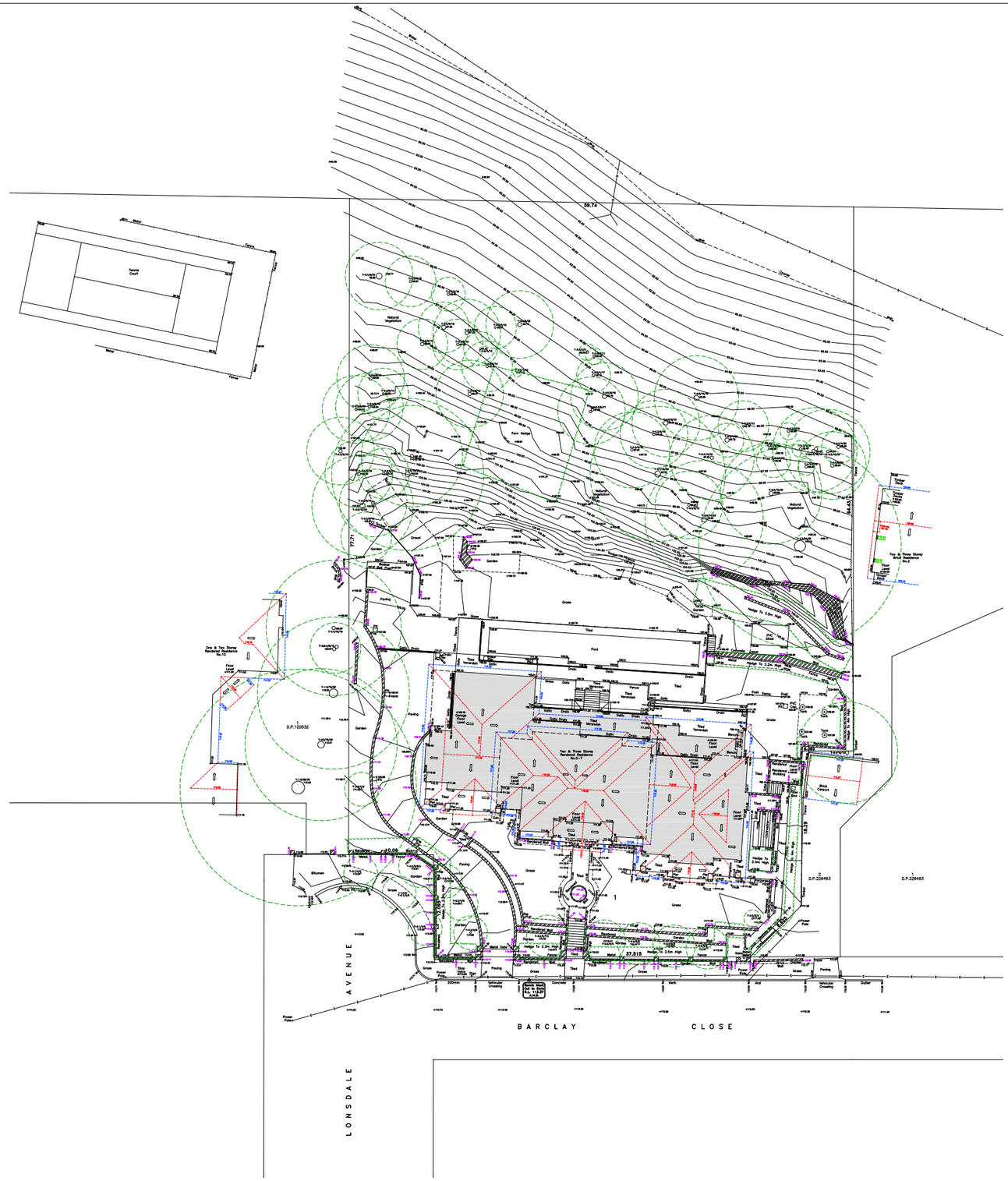
NORTH

0 60 120

Meters

Ku·ring·gai Council


Tennis Court
Fence
Metal
Fence
59.74
Metal
Fence
Natural Vegetation
Garden
Grass
Paving
Tiled Verandah
Pool
Fence
Hedge To 2.2m High
Hedge To 3.2m High
Tiled Terrace
Brick Terrace
Brick Fence
Timber Fence
Timber Gate
Timber Deck
Timber Pergola
Timber Screen
Timber Steps
Timber Retaining Wall
Brick Retaining Wall
Brick Steps
Brick Planter
Brick Pillar
Brick Chimney
Concrete
Concrete Steps
Concrete Retaining Wall
Concrete Pillar
Concrete Kerb
Concrete Gutter
Concrete Vehicular Crossing
Concrete Pedestrian Crossing
Asphalt
Bitumen
Gravel
Rock Outcrop
Rock Wall
Sandstone Retaining Wall
Sandstone Steps
Sandstone Pillar
Sandstone Kerb
Sandstone Gutter
Sandstone Vehicular Crossing
Sandstone Pedestrian Crossing
Sandstone Paving
Sandstone Terrace
Sandstone Planter

SCOTT FAMILY PROJECT

DA LANDSCAPE PLANS

DRAWING SCHEDULE

SHEET 1: COVER PAGE & DESIGN INTENT
SHEET 2: SITE PLAN
SHEET 3: SITE ANALYSIS
SHEET 4: MAX BUILDING HEIGHT PLAN
SHEET 5: FLOOR SPACE RATIO PLAN
SHEET 6: LANDSCAPE PLAN - LEVEL 0
SHEET 7: LANDSCAPE PLAN - LEVEL 1
SHEET 8: PLANTING PLAN
SHEET 9: SECTIONS / ELEVATIONS
SHEET 10: SECTIONS / ELEVATIONS
SHEET 11: 3D PRESENTATION

CONSULTANT NOTES:

ARBORICULTURAL IMPACT NOTE
This plan is to be read in conjunction with the Arboricultural Impact Assessment Report prepared by Alex Kurath of Urban Arbor Pty Ltd.
Ref.: 250630_5-7 Lonsdale_AIA. Dated: 30th June 2025

BUSH FIRE ASSESSMENT NOTE
This plan is to be read in conjunction with the Bushfire Assessment Report prepared by Matthew Willis of Bushfire Planning Services Pty Ltd.
Dated: 4th July 2025

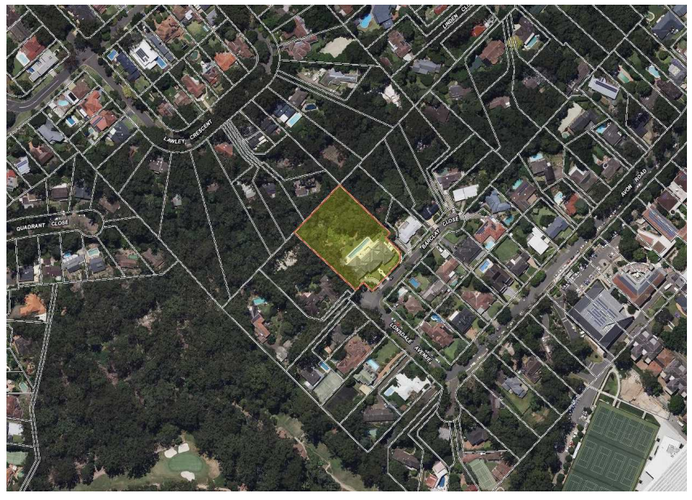
BIODIVERSITY ASSESSMENT NOTE
This plan is to be read in conjunction with the Biodiversity Development Assesment Report prepared by Jesse McIvor of McIvor Enviromental.
Revision: B. Dated: 16th June 2025

VEGETATION MANAGEMENT PLAN NOTE
This plan is to be read in conjunction with the Vegetation Management Plan prepared by Jesse McIvor of McIvor Enviromental.
Revision: B. Dated: 16th June 2025

GEOTECHNICAL INVESTIGATION NOTE
This plan is to be read in conjunction with the Geotechnical Investigation Report prepared by White Geotechnical Group.
Ref.: J5669B. Dated: 7th February 2025 & Addendum Ref.: J5669C. Dated: 10th June 2025

HYDRAULIC ENGINEERING NOTE
This plan is to be read in conjunction with the Hydraulic Engineering Assessment Report prepared by Engineering Studio Civil & Structural.
Ref.: 240705. Dated: November 2024. Revision: E / 26th June 2025

SITE LOCALITY



DESIGN INTENT:

The current property of 5-7 Lonsdale Avenue, Pymble is a rendered & painted 3 storey residence with an existing pool, front fence, retaining & freestanding walls.

The design brief is to create an area that can be used to preserve and maintain the clients growing vintage car and wine collection, whilst providing an area for their external recreation passion of tennis. This is to be achieved in a way that is sympathetic to the natural environment that brings value to the property and surrounding area.

Clever design practices were required given the steep slope and proximity to bushland. To minimise excavation the proposed structure is partially cut into the existing slope with the balance of the structure being suspended. This will help to minimise overburden leaving the site and reduce the structures overall footprint on the property. The section of the structure that is suspended will have minimal impact on the existing vegetation and areas immediately surrounding the proposed works will be replanted with native vegetation helping to blur the line between the proposed works and the existing bushland beyond. On top of the proposed vintage car storage structure is a full sized tennis court ensuring that no extra land and environment will be affected by the proposed works.

The proposed vintage car storage structure has been positioned in a location on the site that was previously filled from the construction of the residence. This will therefore reduce the impact on the bushland below and surrounding native vegetation. To help reduce the overall height and visual impact of the structure the steep nature of the slope has been used to full advantage. With the structure partially cut into the existing slope relating directly to the existing pool surrounds, views to and from the property will be preserved and overshadowing will be negligible.

Furthermore, the goal will be to blend the proposed structure into the surrounding landscape. This will be achieved by encouraging climbing plants to grow up the supportive structures and re-vegetating the surrounding embankment with native plants, removing the current weed species in this location.

The proposed driveway extension leading into the proposed vintage car storage structure has been designed in a way that is sympathetic to the existing fall of the land, whilst still complying with the relevant Acts & Standards. The existing retaining wall on the western boundary will have to be removed and replaced in the same location due to undermining of the existing footing and to minimise root disturbance of a nearby tree.

It will be an enclosed structure, which will include a vehicular turn table near the entry point, helping to assist with the manoeuvrability and parking of the vehicles. The addition of floor to ceiling windows will allow as much natural light as possible. On the southern side of the structure a mechanic room, memorabilia storage room, bathroom and wine cellar will be constructed. Entrance into these rooms will appear hidden due to the door material matching the selected timber wall panelling proposed on the structural wall.

On the eastern side of the structure a new set of stairs will be constructed to allow pedestrians safe and easy access into the structure. This will also replace a set of existing timber stairs that will still maintain access to the existing garden shed.

The overall structure and design will add value and functionality to the property, whilst complementing the existing residence, surrounding landscape and the lifestyle needs of the occupants.

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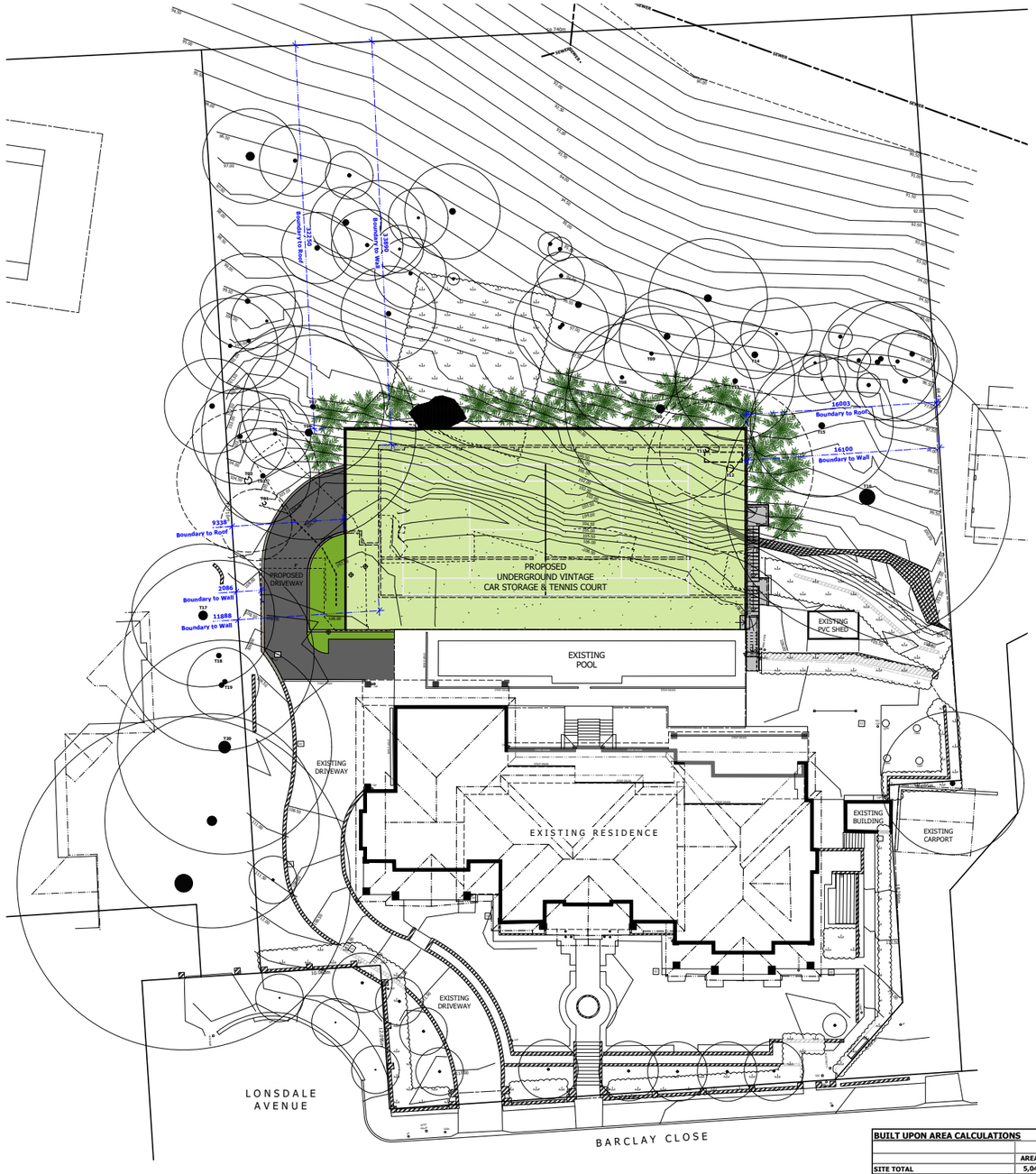
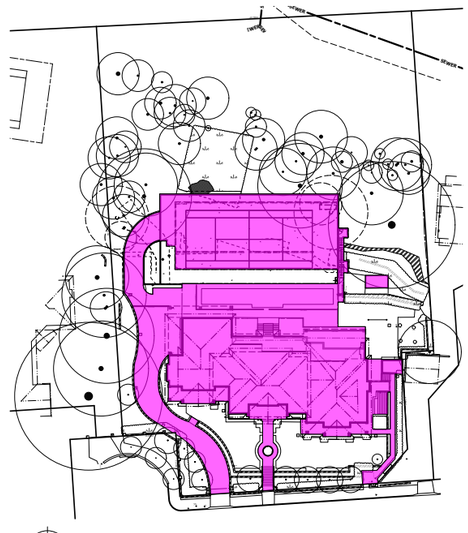
AMENDMENTS

20.02.25 - PLANS UPDATED AS PER REQUEST FOR ADDITIONAL INFOMATION

Lot & DP #: LOT 1 / DP 1152396	**COVER PAGE & DESIGN INTENT**
Job Number: Scott	**Client:** MR & MRS SCOTT
Scale: N.T.S.	**Address:** 5-7 LONSDALE AVENUE, PYMBLE NSW
Date: 5th June 2025	**Principal Designer:** Dean Herald
CAD Ref #: Scott, Martin_plan_2024	**Designed by:** Dean Herald
Drawing: D.A.2-1.	**Drawn by:** AB
Sheet: 1 of 11	**Checked by:** DH

EXISTING TREE SCHEDULE	
TREE NUMBER	***STATUS***
T01	**REMOVE**
T02	RETAIN
T03	**REMOVE**
T04	RETAIN
T05	RETAIN
T06	RETAIN
T07	RETAIN
T08	RETAIN
T09	RETAIN
T10	RETAIN
T11	**REMOVE**
T12	**REMOVE**
T13	RETAIN
T14	RETAIN
T15	RETAIN
T16	RETAIN
T17	RETAIN
T18	RETAIN
T19	RETAIN
T20	RETAIN
TOTAL NUMBER OF TREES PROPOSED FOR REMOVAL = 4	





BUILT-UPON AREA PLAN SCALE 1:500

LEGEND

BUILT UPON AREA = 1793.17qm / 35.52%

BUILT UPON AREA CALCULATIONS				
	PROPOSED		REQUIRED	
	AREA SQM	%	AREA SQM	%
SITE TOTAL	5,047.80			
TOTAL PROPOSED BUILT UPON AREA	1,793.17	35.52% OF TOTAL SITE	MERIT	-

NOTE:
ALL PROPOSED WORKS ARE SHOWN IN COLOUR

POOL FENCE NOTE
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LEGEND

- **T99** TREE NUMBER
- EXISTING TREES TO BE REMOVED
- EXISTING TREES TO REMAIN
- PROPOSED TREE FERNS
- EXISTING WALLS TO REMAIN
- EXISTING PLANTS TO REMAIN
- RETAINING WALL UNDER PAVING

2m 6m 10m (@ 1:200)

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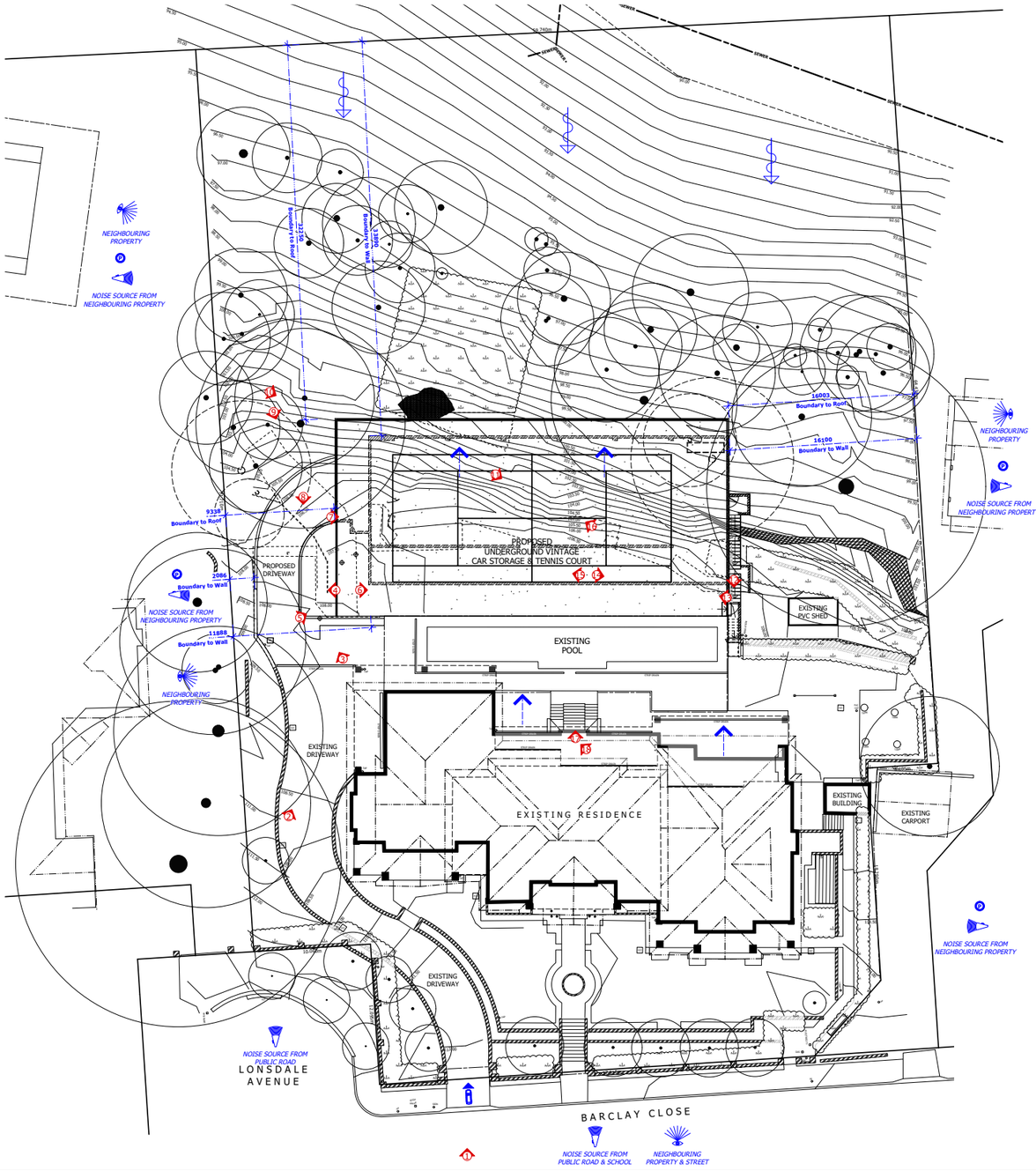
20.02.25 - PLANS UPDATED AS PER REQUEST FOR ADDITIONAL INFOMATION

Lot & DP #: LOT 1 / DP 1152396	**SITE PLAN for DA**
Job Number: Scott	**Client: MR & MRS SCOTT**
Scale: 1:200 @ A1	**Address: 5-7 LONSDALE AVENUE, PYMBLE NSW**
Date: 5th June 2025	**Principal Designer:** Dean Herald
CAD Ref #: Scott, Martin_plan_2024	**Designed by:** Dean Herald
Drawing: D.A.2-2.	**Drawn by:** AB
Sheet: 2 of 11	**Checked by:** DH

SITE ANALYSIS LEGEND

- NOISE SOURCE
- VIEWS INTO PROPERTY
- NEIGHBOURING PRIVATE OPEN SPACE
- VIEWS INSIDE PROPERTY
- EXISTING VEHICULAR SITE ENTRY
- PREVAILING WINDS





LEGEND

- EXISTING TREES TO BE REMOVED
- EXISTING TREES TO REMAIN
- EXISTING WALLS TO REMAIN
- EXISTING PLANTS TO REMAIN
- RETAINING WALL UNDER PAVING

2m 6m 10m (@ 1:200)

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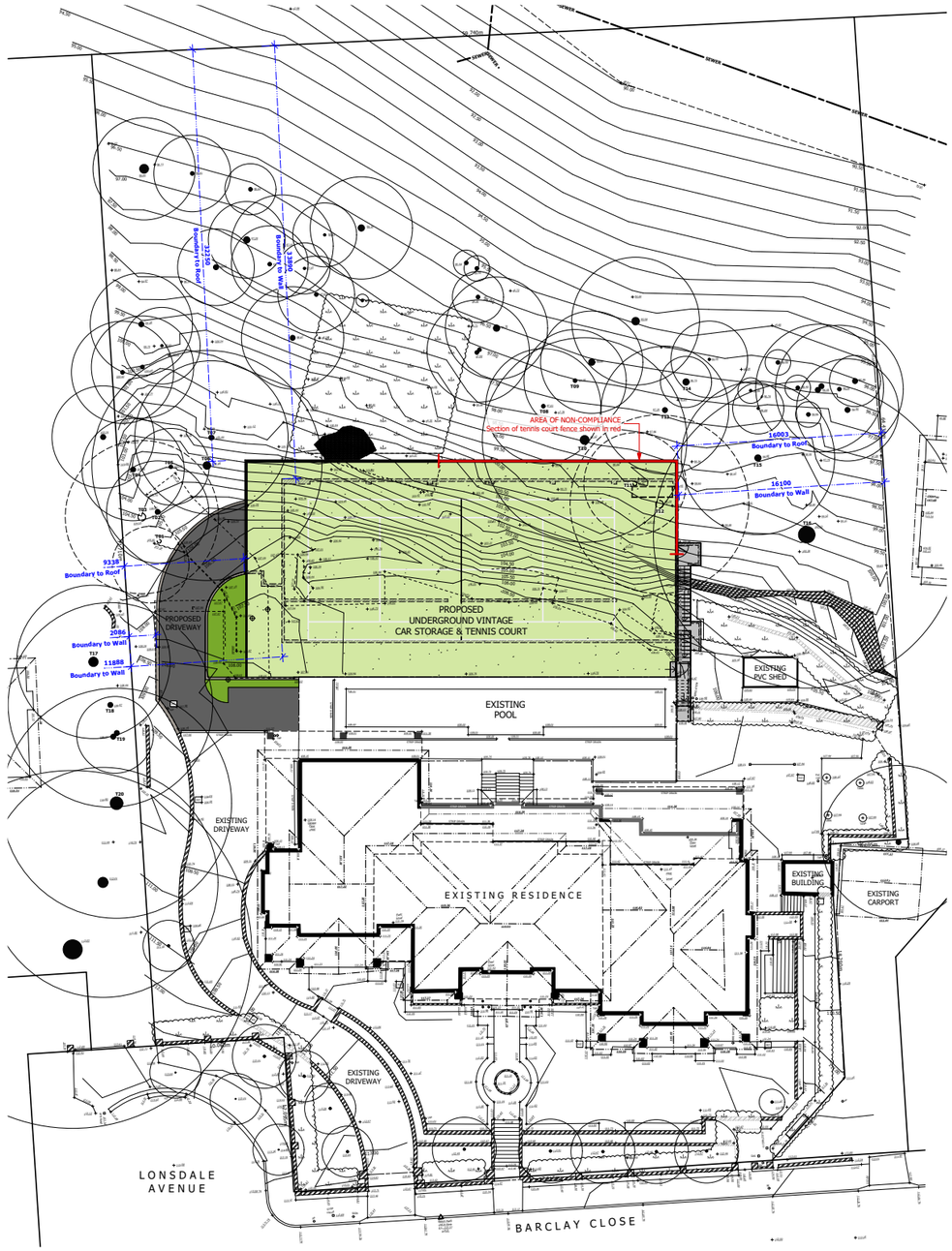
Lot & DP #:	LOT 1 / DP 1152396
Job Number:	Scott
Scale:	1:200 @ A1
Date:	5th June 2025
CAD Ref #:	Scott, Martin_plan_2024
Drawing:	D.A.2-3.
Sheet:	3 of 11

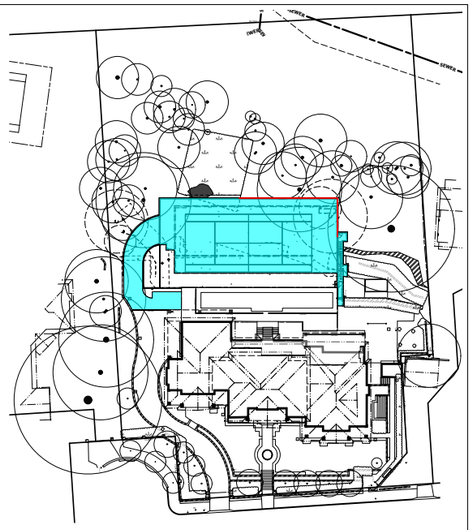
SITE ANALYSIS for DA

Client:	**MR & MRS SCOTT**
Address:	**5-7 LONSDALE AVENUE, PYMBLE NSW**
Principal Designer:	Dean Herald
Designed by:	Dean Herald
Checked by:	DH





3D VISUALISATION OF NON-COMPLIANCE



MAXIMUM HEIGHT COMPLIANCE PLAN SCALE 1:500

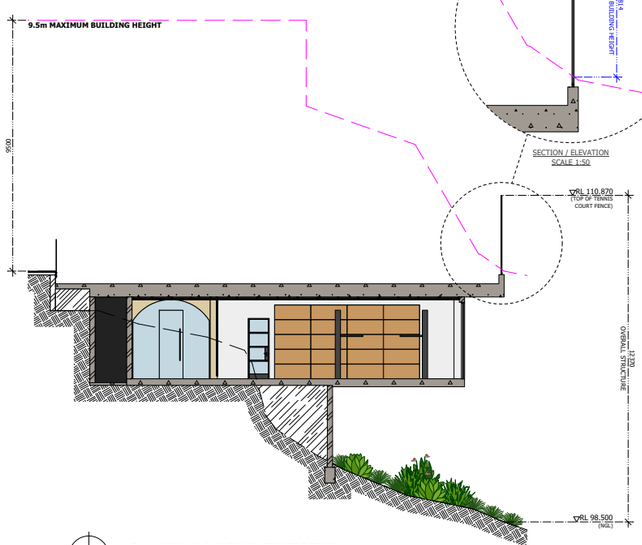
MAXIMUM HEIGHT COMPLIANCE CALCULATIONS

	PROPOSED	
	AREA SQM	%
TOTAL PROPOSED BUILT FORM	579.46sqm	
TOTAL MAX HEIGHT NON-COMPLIANCE	1.04	0.179% OF PROPOSED BUILT FORM AREA

LEGEND

NON-COMPLIANCE AREA = 1.04sqm / 0.179%

COMPLIANT AREA = 579.46sqm / 99.821%



9.5m MAXIMUM BUILDING HEIGHT DETAIL SCALE 1:100
(HIGHEST POINT)

SECTION / ELEVATION
SCALE 1:50

LEGEND

22.222	EXISTING SPOT LEVELS
22.222	EXISTING EAVE / ROOF LEVELS
+RL 99.999	PROPOSED LEVELS
T99	TREE NUMBER
	EXISTING TREES TO BE REMOVED
	EXISTING TREES TO REMAIN
	PROPOSED TREE FERNS
	EXISTING WALLS TO REMAIN
	EXISTING PLANTS TO REMAIN
	RETAINING WALL UNDER PAVING

1m 3m 5m (@ 1:100)

NOTE:
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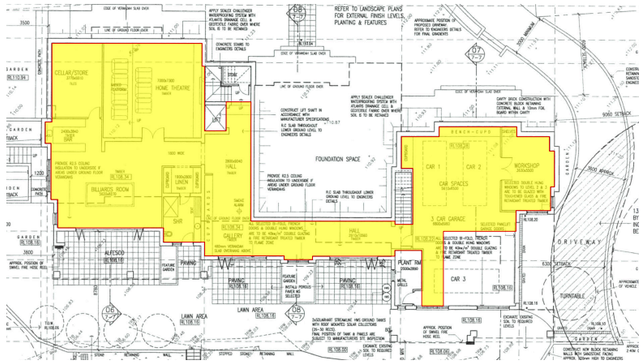
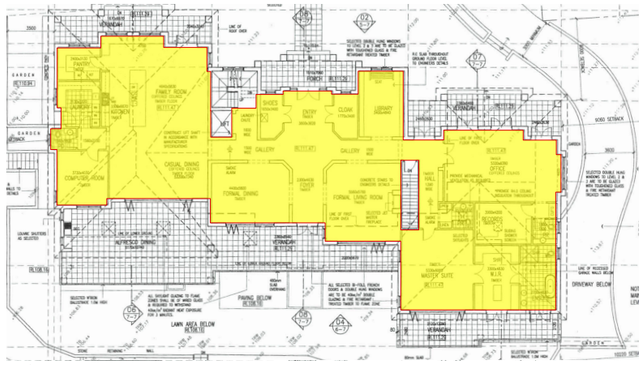
Lot & DP #: LOT 1 / DP 1152396	**MAX BUILDING HEIGHT PLAN for DA**
Job Number: Scott	**Client:** MR & MRS SCOTT
Scale: 1:100 @ A1	**Address:** 5-7 LONSDALE AVENUE, PYMBLE NSW
Date: 5th June 2025	**Principal Designer:** Dean Herald
CAD Ref #: Scott, Martin_plan_2024	**Designed by:** Dean Herald
Drawing: D.A.2-4.	**Drawn by:** AB
Sheet: 4 of 11	**Checked by:** DH



EXISTING RESIDENCE - LOWER GROUND FLOOR NOT TO SCALE



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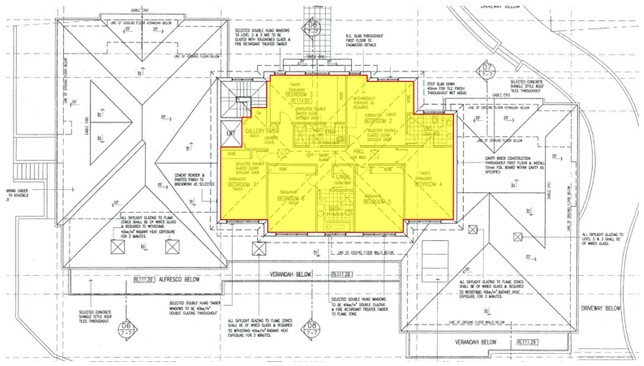
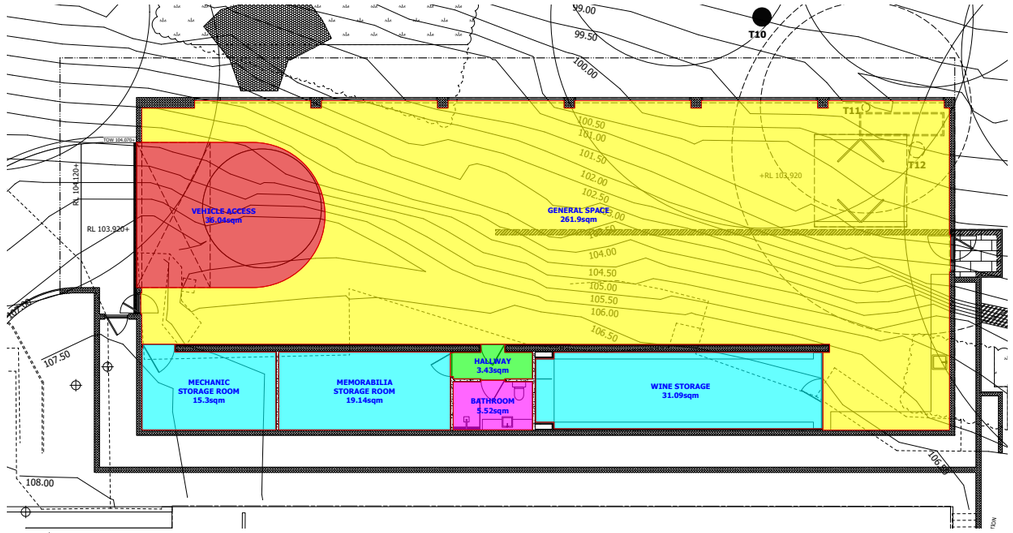


EXISTING RESIDENCE - FIRST FLOOR NOT TO SCALE



PROPOSED VINTAGE CAR STORAGE SCALE 1:100

ORIGINAL APPROVAL:

SITE AREA: 5,045sqm

LOWER GROUND FLOOR: 401.97sqm
(Excluding Ancillary Storage 65.32sqm & Lift Shaft 4.3sqm)

GROUND FLOOR: 478.54sqm
(Excluding Ancillary Lift Shaft 4.3sqm)

FIRST FLOOR: 196.56sqm
(Excluding Ancillary 25.57sqm)

TOTAL: 1077.07sqm
(Total Including Excluded Areas: 1176.56sqm)

LESS ORIGINAL GARAGE CONCESSION: 31sqm
APPROVED ARCHITECTURALS FSR: 1,046.07sqm

ORIGINAL REQUIREMENT: 0.3:1 or 1513.5

FSR REQUIRMENTS:
0.1995:1 = 1,007.0361sqm

PROPOSED FSR BREAKDOWN:

SITE AREA: 5,047.8sqm

RESIDENCE: 1,046.07sqm
GARAGE - MAIN BODY (YELLOW): 261.9sqm
GARAGE - STORAGE (BLUE): 65.53sqm - Excluded
GARAGE - HALLWAY (GREEN): 3.43sqm
GARAGE - BATHROOM (PINK): 5.52sqm
GARAGE - VEHICLE ACCESS (RED): 36.04sqm - Excluded
TOTAL FLOOR AREA: 1316.92sqm
TOTAL FLOOR AREA: 1,418.49sqm (INCLUDING EXCLUSIONS)

PROPOSED FSR: 0.259:1

LEGEND

- EXISTING TREES TO BE REMOVED
- EXISTING TREES TO REMAIN
- EXISTING WALLS TO REMAIN
- EXISTING PLANTS TO REMAIN
- RETAINING WALL UNDER PAVING

1m 3m 5m (@ 1:100)

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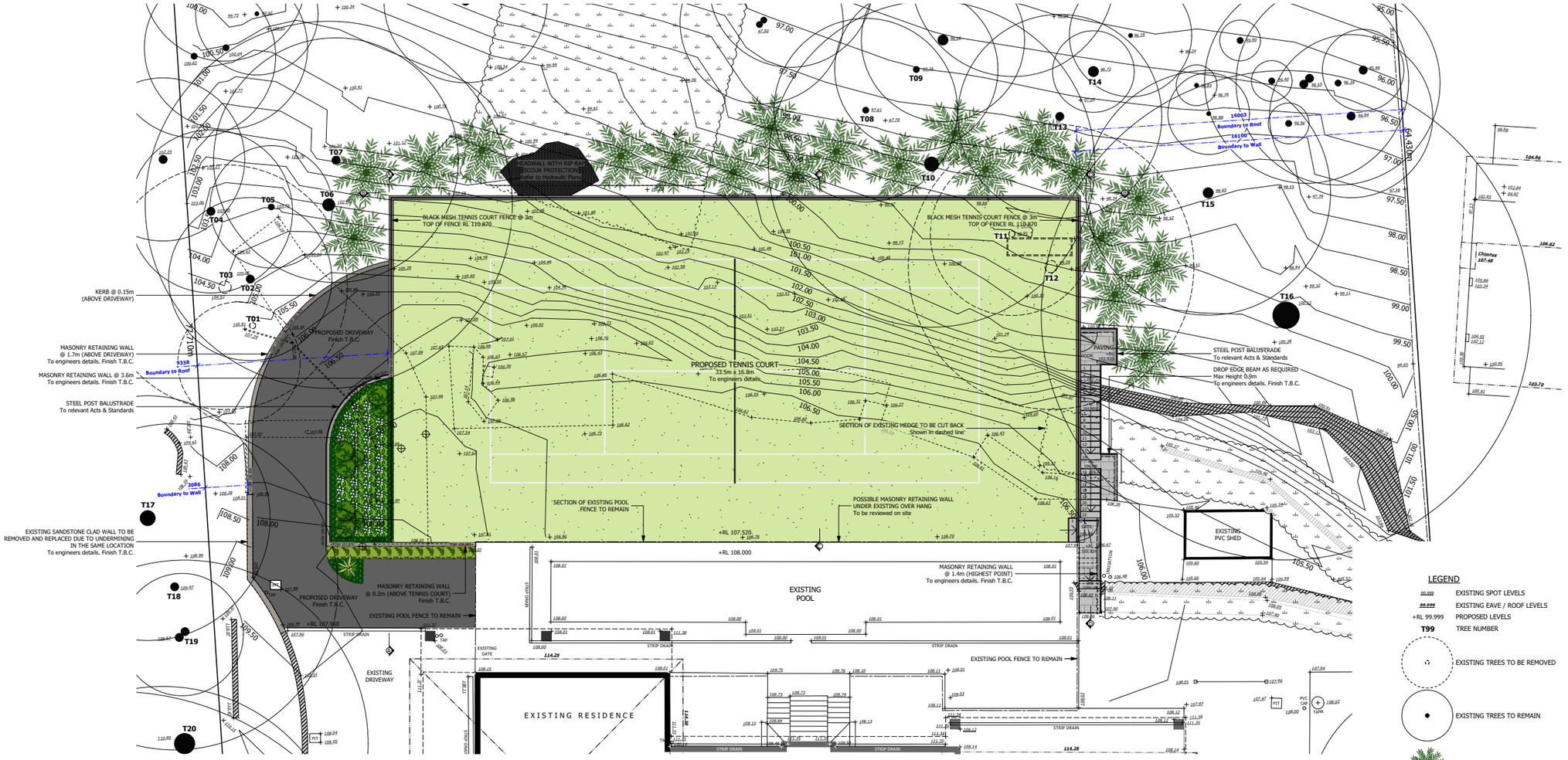
Lot & DP #:	LOT 1 / DP 1152396
Job Number:	Scott
Scale:	1:100 @ A1
Date:	5th June 2025
CAD Ref #:	Scott, Martin_plan_2024
Drawing:	D.A.2-5.
Sheet:	5 of 11

MAX BUILDING HEIGHT PLAN for DA

Client: MR & MRS SCOTT

Address: 5-7 LONSDALE AVENUE, PYMBLE NSW

Principal Designer: Dean Herald
Designed by: Dean Herald
Drawn by: AB
Checked by: DH



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Lot & DP #:	LOT 1 / DP 1152396
Job Number:	Scott
Scale:	1:100 @ A1
Date:	5th June 2025
CAD Ref #:	Scott, Martin_plan_2024
Drawing:	D.A.2-6.
Sheet:	6 of 11

LANDSCAPE PLAN - LEVEL 1 for DA

Client: MR & MRS SCOTT

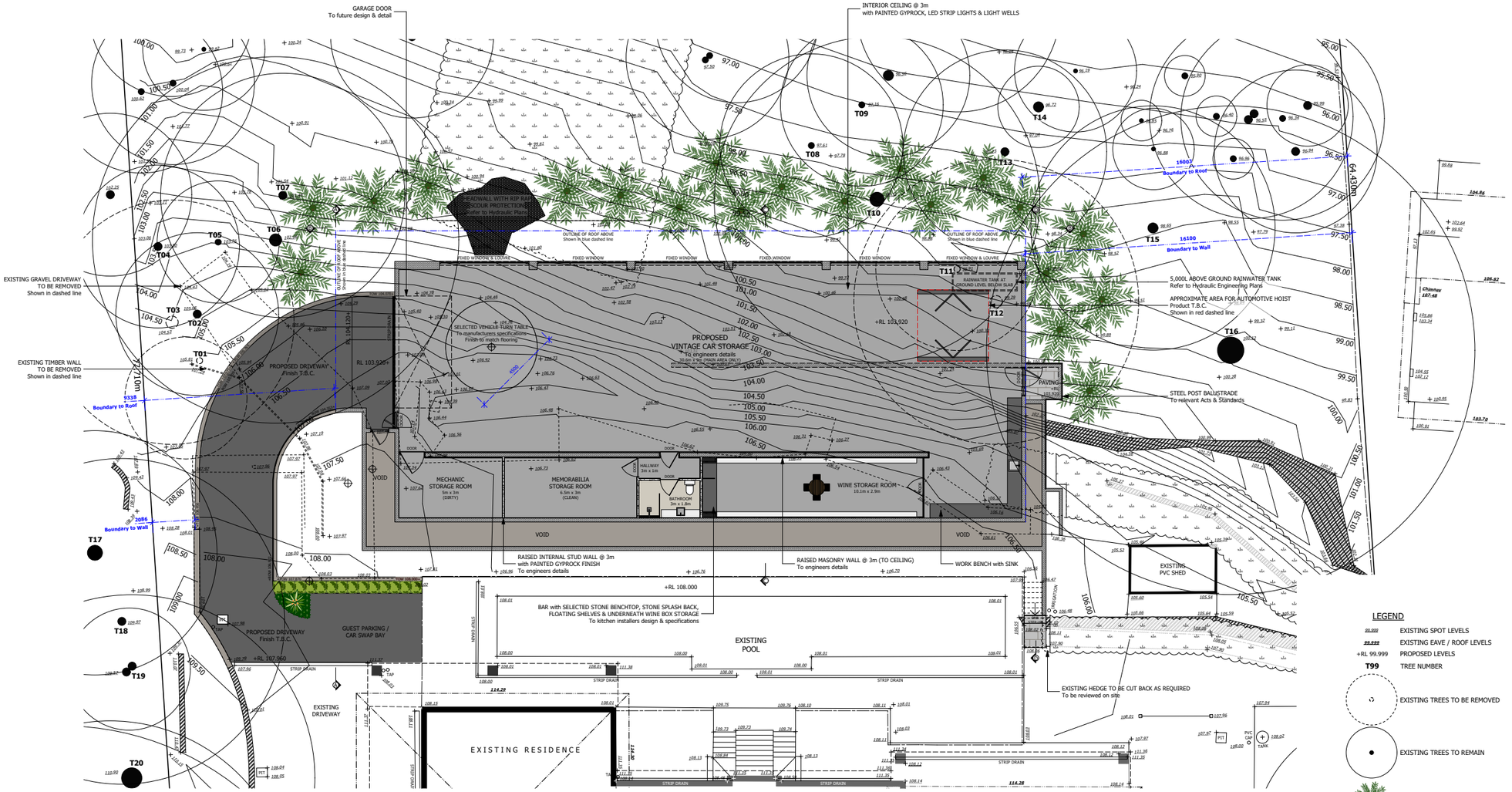
Address: 5-7 LONSDALE AVENUE, PYMBLE NSW

Principal Designer: Dean Herald

Designed by: Dean Herald

Drawn by: AB

Checked by: DH



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20.02.25 – PLANS UPDATED AS PER REQUEST FOR ADDITIONAL INFOMATION

Lot & DP #: LOT 1 / DP 1152396	**LANDSCAPE PLAN - LEVEL 0 for DA**
Job Number: Scott	**Client: MR & MRS SCOTT**
Scale: 1:100 @ A1	**Address: 5-7 LONSDALE AVENUE, PYMBLE NSW**
Date: 5th June 2025	**Principal Designer:** Dean Herald
CAD Ref #: Scott, Martin_plan_2024	**Designed by:** Dean Herald
Drawing: D.A.2-7.	**Drawn by:** AB
Sheet: 7 of 11	**Checked by:** DH

SHRUBS


Alternanthera dentata 'Little Ruby'


Buxus microphylla var. 'Japonica' - Topiary Ball


Cyathea australis


Gardenia augusta 'Florida'


Pennisetum alopecuroides 'Nafray'

PROPOSED PLANT SCHEDULE

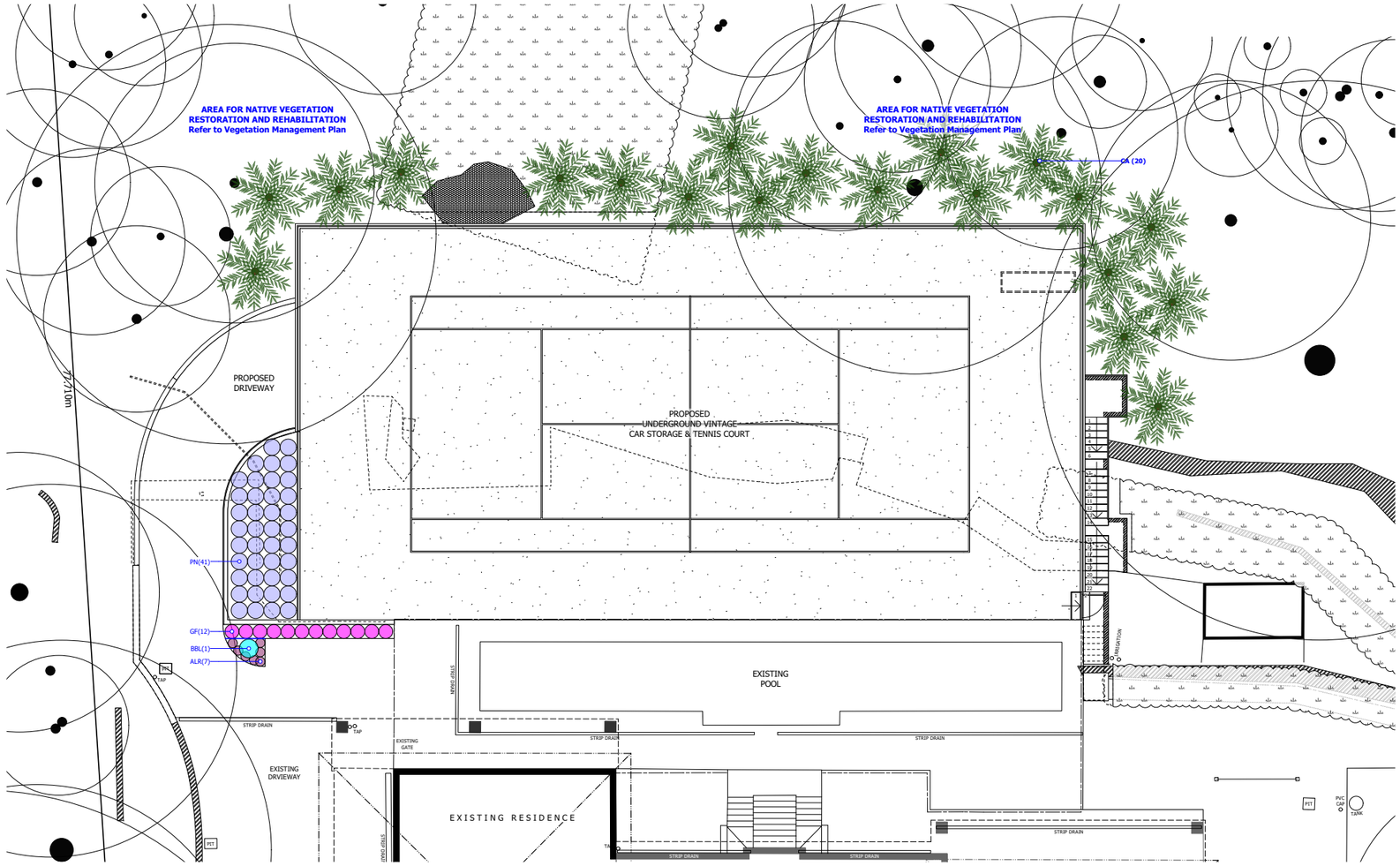
SYMBOL	BOTANICAL NAME	COMMON NAME	QTY	MATURE HEIGHT	POT SIZE
SHRUBS					
ALR	*Alternanthera dentata 'Little Ruby'*	Little Ruby Alternanthera	7	0.4m	140mm
BBL	*Buxus microphylla var. 'Japonica' - topiary ball*	Buxus Ball	1	0.8m diameter (Topiary ball)	90LT
CA	*Cyathea australis*	Rough Tree Fern	20	8m	Mature stock
GF	*Gardenia augusta 'Florida'*	Gardenia	12	1.2m (Hedge to desired height)	200mm
PN	*Pennisetum alopecuroides 'Nafray'*	Nafray Fountain Grass	41	0.8m	140/200mm
NOTE: Plant species are designers recomendations only. Pot sizes may vary according to availability and budget.					

PLANT ESTABLISHMENT/ MAINTENANCE PERIOD

Regular maintenance is to be carried out, including the following works:
-Watering-to maintain healthy growth, adjusted on regular basis to suit seasons.
-Weeding to all garden and lawn areas.
-Pest and disease control
-Trim hedge planting as required to maintain desired heights.
-Tip pruning as required and fertilising to manufacturers recommendations.
-Mowing and edging of all turfed areas.

GARDEN BEDS

-Garden beds to have organic garden mix cultivated into site soil
-Imported soil to be free of weeds and toxins
-Excavate holes for plants twice the size of the plants root ball
-Ensure to remove pots from plants prior to installation
-Water plants after planting
-Install selected mulch to a minimum depth of 75mm (mulch to be selected by client)
-Keep mulch free from touching the stem of the plant
-Plant material showing poor signs of health, poor root to shoot ratio and any signs of pest & diseases or weed infestation should be rejected.



LEGEND

- EXISTING TREES TO REMAIN
- PROPOSED TREE FERNS
- EXISTING WALLS TO REMAIN
- EXISTING PLANTS TO REMAIN
- RETAINING WALL UNDER PAVING

1m 3m 5m (@ 1:100)

VEGETATION MANAGEMENT PLAN NOTE
This plan is to be read in conjunction with the Vegetation Management Plan prepared by Jesse Mclvor of Mclvor Enviromental.
Dated: 29th January 2025

POOL FENCE NOTE
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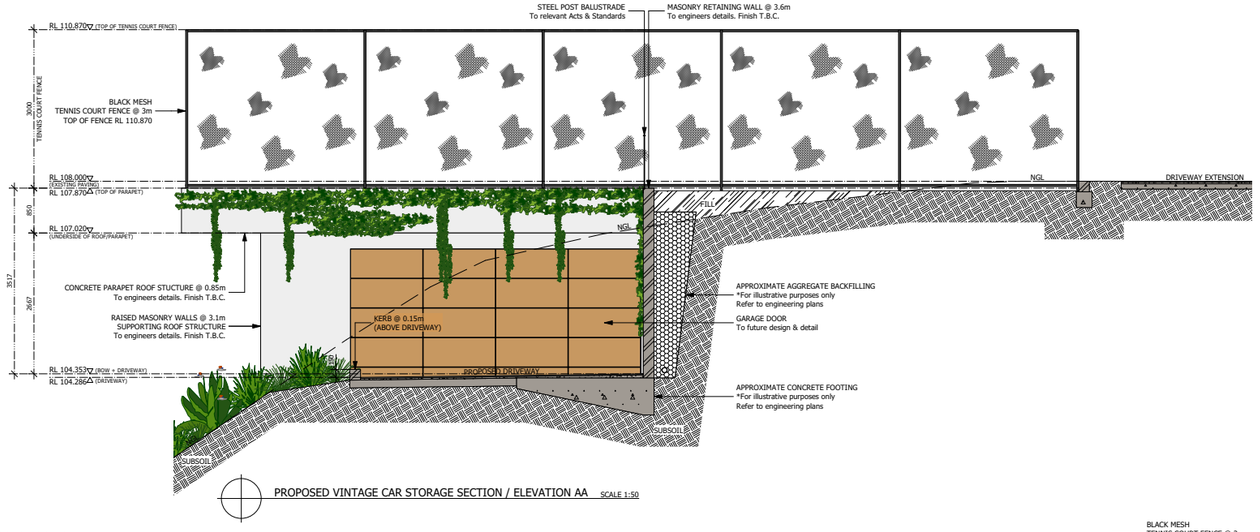
20.02.25 - PLANS UPDATED AS PER REQUEST FOR ADDITIONAL INFOMATION

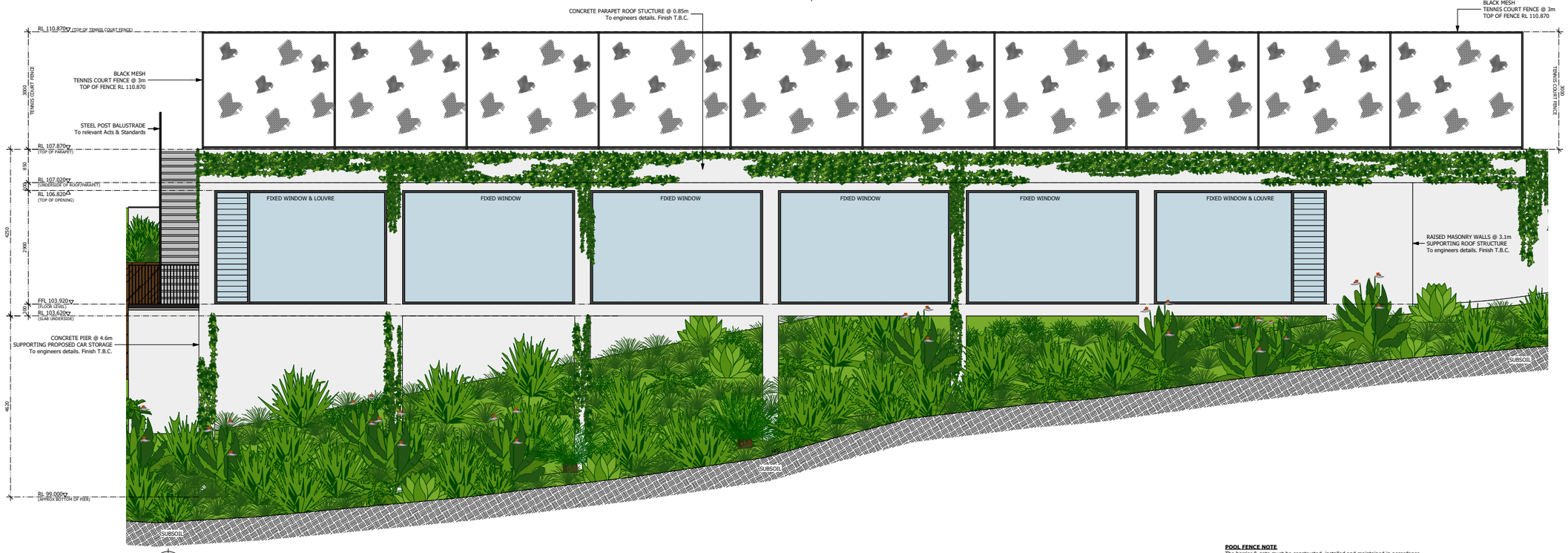
Lot & DP #:	LOT 1 / DP 1152396
Job Number:	Scott
Scale:	1:100 @ A1
Date:	5th June 2025
CAD Ref #:	Scott, Martin_plan_2024
Drawing:	D.A.2-8.
Sheet:	8 of 11

PLANTING PLAN for DA

Client:	**MR & MRS SCOTT**
Address:	**5-7 LONSDALE AVENUE, PYMBLE NSW**
Principal Designer:	Dean Herald
Designed by:	Dean Herald
Drawn by:	AB
Checked by:	DH



PROPOSED VINTAGE CAR STORAGE SECTION / ELEVATION AA SCALE 1:50



PROPOSED VINTAGE CAR STORAGE SECTION / ELEVATION BB SCALE 1:50

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0.5m 1.5m 2.5m (@ 1:50)

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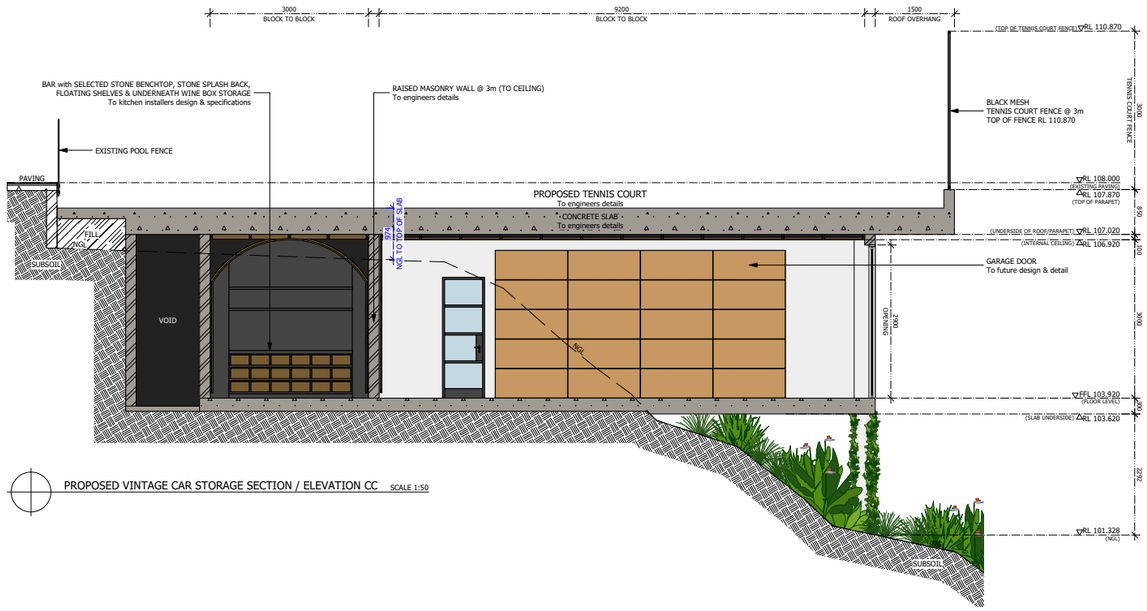
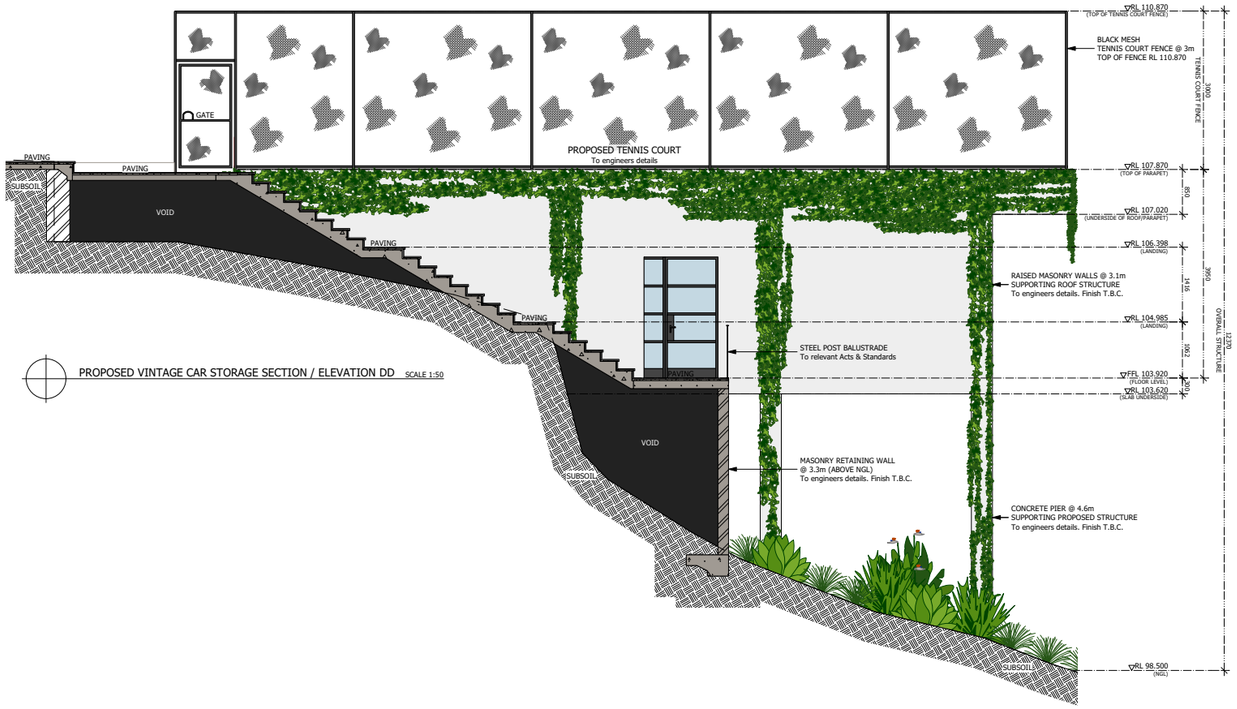
Lot & DP #: LOT 1 / DP 1152396	**SECTIONS / ELEVATIONS for DA**
Job Number: Scott	**Client:** MR & MRS SCOTT
Scale: 1:50 @ A1	**Address:** 5-7 LONSDALE AVENUE, PYMBLE NSW
Date: 5th June 2025	**Principal Designer:** Dean Herald
CAD Ref #: Scott, Martin_plan_2024	**Designed by:** Dean Herald
Drawing: D.A.2-9.	**Drawn by:** AB
Sheet: 9 of 11	**Checked by:** DH



PROPOSED VINTAGE CAR STORAGE SECTION / ELEVATION CC SCALE 1:50



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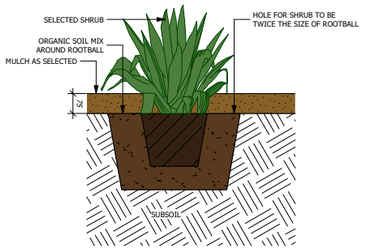
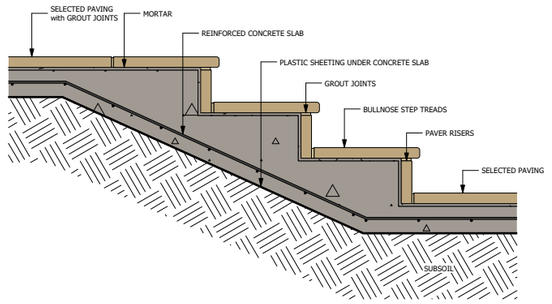
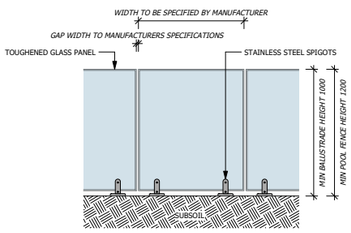


PLANTING DETAIL SCALE 1:10



STAIR DETAIL - FORMED CONCRETE SCALE 1:10



GLASS FENCE DETAIL - FIXED WITH SPIGOTS SCALE 1:25

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Job Number:	Scott
Scale:	1:25, 1:50 @ A1
Date:	5th June 2025
CAD Ref #:	Scott, Martin_plan_2024
Drawing:	D.A.2-10.
Sheet:	10 of 11

SECTIONS / ELEVATIONS for DA

Client:	**MR & MRS SCOTT**
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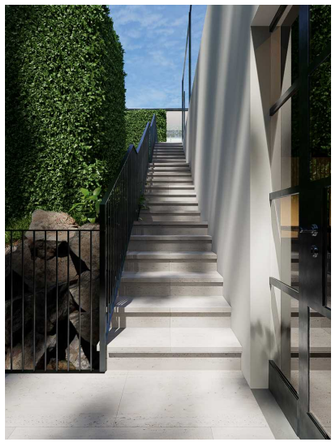

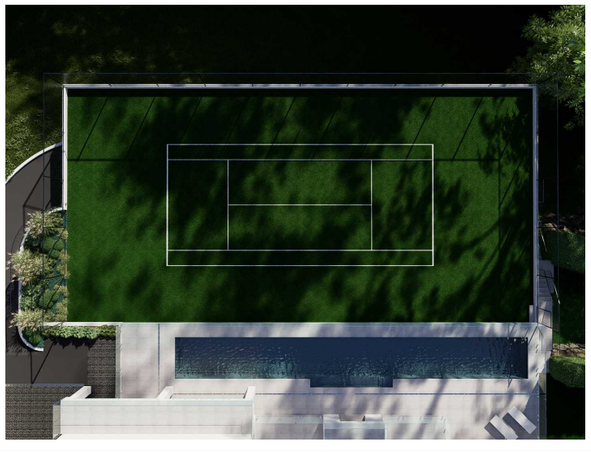



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Lot & DP #:	LOT 1 / DP 1152396	**3D PRESENTATION for DA**	
Job Number:	Scott	**Client:**	**MR & MRS SCOTT**
Scale:	N.T.S.	**Address:**	**5-7 LONSDALE AVENUE, PYMBLE NSW**
Date:	5th June 2025	**Principal Designer:**	Dean Herald
CAD Ref #:	Scott, Martin_plan_2024	**Designed by:**	Dean Herald
Drawing:	D.A.2-11.	**Drawn by:**	AB
Sheet:	11 of 11	**Checked by:**	DH

ALTERATIONS & ADDITIONS
AT 5-7 LONSDALE AVENUE, PYMBLE

GENERAL

G1 These drawings shall be read in conjunction with all architectural and other consultants drawings and specifications and with such other written instructions and sketches as may be issued during the course of the Contract. Any discrepancies shall be referred to the Superintendent before proceeding with any related works. Construction from these drawings, and their associated consultant's drawings is not to commence until approved by the Local Authorities.

G2 All materials and workmanship shall be in accordance with the relevant and current Standards Australia codes and with the By-Laws and Ordinances of the relevant building authorities except where varied by the project specification.

G3 All set out dimensions shall be obtained from Architect's and Engineer's details. All discrepancies shall be referred to the Architect and Engineer for decision before proceeding with related work.

G4 During construction the structure shall be maintained in a stable condition and no part shall be overstressed. Temporary bracing shall be provided by the builder/subcontractor to keep the works and excavations stable at all times.

G5 Unless noted otherwise levels are in metres and dimensions are in millimetres.

G6 The alignment and level of all services shown are approximate only. The contractor shall confirm the position and level of all services prior to commencement of construction. Any damage to services shall be rectified at the contractors expense.

G7 Any substitution of materials shall be approved by the Engineer and included in any tender.

G8 All services, or conduits for servicing shall be installed prior to commencement of pavement construction.

G9 Subsoil drainage, comprising 100 agriculture pipe in geo-stocking to be placed as shown and as may be directed by the superintendent. Subsoil drainage shall be constructed in accordance with the relevant local authority construction specification.

G10 The structural components detailed on these drawings have been designed in accordance with the relevant Standards Australia codes and Local Government Ordinances for the following loadings. Refer to the Architectural drawings for proposed floor usage. Refer to drawings for live loads and superimposed dead loads.

DRAINAGE NOTES

D1 All drainage levels to be confirmed on site, prior to any construction commencing.

D2 All pipes within the property to be a minimum of 100 dia upvc @ 1% minimum grade, uno.

D3 All pits within the property are to be fitted with "weldlok" or approved equivalent grates:
- Light duty for landscaped areas
- Heavy duty where subjected to vehicular traffic

D4 All pits within the property to be constructed as one of the following:
1) Precast stormwater pits
2) Cast insitu mass concrete
3) Cement rendered 230mm brickwork subject to the relevant local authority construction specification.

D5 Ensure all grates to pits are set below finished surface level within the property. Top of pit RL's are approximate only and may be varied subject to approval of the engineer. All invert levels are to be achieved.

D6 Any pipes beneath relevant local authority road to be rubber ring jointed RCP, uno.

D7 All pits in roadways are to be fitted with heavy duty grates with locking bolts and continuous hinge.

D8 Provide step irons to stormwater pits greater than 1200 in depth.

D9 Trench back fill in roadways shall comprise sharp, clean granular back fill in accordance with the relevant local authority specification to non-trafficable areas to be compacted by rodding and tamping using a flat plate vibrator.

D10 Where a high early discharge (hed) pit is provided all pipes are to be connected to the hed pit, uno.

D11 Down pipes shall be a minimum of dn100 sw grade upvc or 100 x100 colorbond/zincalume steel, uno.

D12 Colorbond or zincalume steel box gutters shall be a minimum of 450 wide x 150 deep.

D13 Eaves gutters shall be a minimum of 125 wide x 100 deep (or of equivalent area) colorbond or zincalume steel, uno.

D14 Subsoil drainage shall be provided to all retaining walls & embankments, with the lines feeding into the stormwater drainage system, uno.

EROSION AND SEDIMENT CONTROL NOTES

E1 These notes are to be read in conjunction with erosion and sediment control details in this drawing set.

E2 The contractor shall implement all soil erosion and sediment control measures as necessary and to the satisfaction of the relevant local authority prior to the commencement of and during construction. No disturbance to the site shall be permitted other than in the immediate area of the works and no material shall be removed from the site without the relevant local authority approval. All erosion and sediment control devices to be installed and maintained in accordance with standards outlined in nsw department of housing's "managing urban stormwater - soils and constructions".

E3 Place straw bales length wise in a row as parallel as possible to the site contours, uno. Bale ends to be tightly butted. Bales are to be placed so that straws are parallel to the row. Bales are to be placed 1.5m to 2m downslope from the toe of the disturbed batter, uno.

E4 Council approved filter fabric to be entrenched 150mm deep upslope towards disturbed surface. Fabric to be a minimum SF2000 or better. Fix fabric to posts with wire ties or as recomended with manufacturer's specifications. Fabric joints to have a minimum of 150mm overlap. Wire to be strung between posts with filter fabric overlap to prevent sagging.

E5 Stabalised entry/exit points to remain intact until finished driveway is complete. Construction of entry/exit points to be maintained and repaired as required so that it's function is not compromised. Construction of entry/exit point to be in accordance with the detail contained within this drawing set.

E6 All drainage pipe inlets to be capped until:
- downpipes connected
- pits constructed and protected with silt barrier

E6 Provide and maintain silt traps around all surface inlet pits until catchment is revegetated or paved.

E7 The contractor shall regularly maintain all erosion and sediment control devices and remove accumulated silt from such devices such that more than 60% of their capacity is lost. All the silt is to be placed outside the limit of works. The period for maintaining these devices shall be at least until all disturbed areas are revegetated and further as may be directed by the superintendent or council.

E8 The contractor shall implement dust control by regularly wetting down (but not saturating) disturbed area.

E9 Topsoil shall be stripped and stockpiled outside hazard areas such as drainage lines. This topsoil shall be respread later on areas to be revegetated and stabilised only, (i.e. all footpaths, batters, site regarding areas, basins and catchdrains). Topsoil shall not be respread on any other areas unless specifically instructed by the superintendent. If they are to remain for longer than one month stockpiles shall be protected from erosion by covering them with a mulch and hydroseeding and, if necessary, by locating barks or drains downstream of a stockpile to retard silt laden runoff.

E10 Lay 300 wide minimum turf strip on 100 topsoil behind all kerb and gutter with 1000 long returns every 6000 and around structures immediately after backfilling as per the relevant local authority specification.

E11 The contractor shall grass seed all disturbed areas with an approved mix as soon as practicable after completion of earthworks and regrading.

E12 Revegetate all trenches immediately upon completion of backfilling.

E13 When any devices are to be handed over to council they shall be in clean and stable condition.

STANDARD LINE TYPES AND SYMBOLS

- PROPOSED KERB & GUTTER
- EXISTING KERB & GUTTER
- PROPOSED BELOW GROUND PIPELINE
- PROPOSED SUSPENDED PIPELINE
- EXISTING PIPELINE
- SUBSOIL DRAINAGE LINE
- PROPOSED KERB INLET PIT
- EXISTING KERB INLET PIT
- PROPOSED JUNCTION OR INLET PIT
- EXISTING JUNCTION OR INLET PIT
- DESIGN CENTRELINE
- EXISTING EDGE OF BITUMEN
- TELECOMUNICATION CONDUIT
- GAS MAIN
- WATER MAIN
- SEWER MAIN
- UNDERGROUND ELECTRICITY CABLES
- PERMANENT MARK & S.S.M.
- BENCH MARK, SURVEY STATION

STANDARD LINE TYPES AND SYMBOLS

- OVERLAND FLOW PATH
- GUTTER DRAINAGE DIRECTION
- DP — DOWNPIPE
- DP — DOWNPIPE WITH SIDE OVERFLOW
- PERVIOUS (GRASSED) AREAS
- × RL= ?? — EXISTING (PRE-DEVELOPMENT) RL
- × RL= ?? — POST DEVELOPMENT RL
- FALL — GRADED IMPERVIOUS AREA (ROOF, CONC SLABS ETC)
- SEDIMENT FENCE
- CROSSING PIPES
- 1 — NODE POINT

LEGEND

AHD	Australian height datum	SS	Stainless steel
AG	Ag-pipe (Sub soil drainage)	SU	Box gutter sump
ARI	Average recurrence interval	TW	Top of wall
BG	Box Gutter	TWL	Top water level
BWL	Bottom water level	U/S	Underside of slab
CL	Cover level	VG	Vally gutter
CO	Clean out inspection opening	UNO	Unless noted otherwise
DCP	Discharge control pit		
DP	Down pipe		
DRP	Dropper pipe		
EBG	Existing box gutter		
EDP	Existing down pipe		
EEG	Existing eaves gutter		
EG	Eaves gutter		
FRC	Fiber reinforced concrete		
FW	Floor waste		
GD	Grated drain		
GSIP	Grated surface inlet pit		
HED	High early discharge		
HP	High point of gutter		
IL	Invert level		
IO	Inspection opening		
O/F	Overflow		
OSD	On-site detention		
PSD	Permissible site discharge		
P1	Pipe 1		
RCP	Reinforced concrete pipe		
RHS	Rectangular hollow section		
RL	Reduced level		
RRJ	Rubber ring joint		
RRT	Rainwater re-use tank		
RWH	Rain water head		
RWO	Rain water outlet		
SLAP	Sealed lid access pit		
SP	Spreader pipe		
SPR	Spreader		

RECOMMENDED MAINTENANCE SCHEDULE

DISCHARGE CONTROL PIT (DCP)	FREQUENCY	RESPONSIBILITY	PROCEDURE
Inspect flap valve and remove any blockage.	Six monthly	Owner	Remove grate. Ensure flap valve moves freely and remove any blockages or debris.
Inspect screen and clean.	Six monthly	Owner	Revove grate and screen if required and clean it.
Inspect & remove any blockage of orifice.	Six monthly	Owner	Remove grate & screen to inspect orifice. see plan for location of dcp.
Inspect dcp sump & remove any sediment-sludge.	Six monthly	Owner	Remove grate and screen. Remove sediment/sludge build-up and check orifice and flap valve clear.
Inspect grate for damage or blockage.	Six monthly	Owner	Check both sides of grate for corrosion, (especially corners and welds) damage or blockage.
Inspect return pipe from storage and return any blockage.	Six monthly	Owner	Remove grate and screen. ventilate underground storage if present. open flap valve and remove any blockages in return line. Check for sludge/debris on upstream side of return line.
Inspect outlet pipe and remove any blockage.	Six monthly	Maintenance Contractor	Remove grate and screen. ventilate underground storage if present. Check orifice and remove any blockages in outlet pipe. Flush outlet pipe to confirm it drains freely. Check for sludge/debris on upstream side of return line.
Check fixing of step irons is secure.	Six monthly	Maintenance Contractor	Remove grate and ensure fixings secure prior to placing weight on step iron.
Inspect overflow weir & remove any blockage.	Six monthly	Maintenance Contractor	Remove grate and open cover to ventilate underground storage if present. ensure weir clear of blockages.
Empty basket at overflow weir (if present).	Six monthly	Maintenance Contractor	Remove grate and ventilate underground storage chamber if present. Empty basket, check fixings secure and not corroded.
Check attachment of orifice plate to wall of pit (gaps less than 5 mm).	Annually	Maintenance Contractor	Remove grate and screen. ensure plate mounted securely, tighten fixings if required. seal gaps as required.
Check attachment of screen to wall of pit.	Annually	Maintenance Contractor	Remove grate and screen. ensure screen fixings secure. repair as required.
Check screen for corrosion.	Annually	Maintenance Contractor	Remove grate and examine screen for rust or corrosion, especially at corners or welds.
Check attachment of flap valve to wall of .	Annually	Maintenance Contractor	Remove grate. Ensure fixings of valve are secure.
Check flap valve seals against wall of pit.	Annually	Maintenance Contractor	Remove grate. fill pit with water and check that flap seals against side of pit with minimal leakage.
Check any hinges of flap valve move freely.	Annually	Maintenance Contractor	Remove grate. Test valve hinge by moving flap to full extent.
Inspect dcp walls (internal and external, if appropriate) for cracks or spalling.	Annually	Maintenance Contractor	Remove grate to inspect internal walls. Repair as required. Clear vegetation from external walls if necessary and repair as required.
Check step irons for corrosion.	Annually	Maintenance Contractor	Remove grate. Examine step irons and repair any corrosion or damage.
Check orifice diameter correct and retains sharp edge.	Five yearly	Maintenance Contractor	Compare diameter to design (see work-as- executed) and ensure edge is not pitted or damaged.
STORAGE			
Inspect & remove any blockage of orifice.	Six monthly	Owner	Remove grate and screen. remove sediment/sludge build-up.
Check orifice diameter correct and retains sharp edge.	Six monthly	Owner	Remove blockages from grate and check if pit blocked.
Inspect screen and clean.	Six monthly	Owner	Remove debris and floatable material likely to be carried to grates.
Check attachment of orifice plate to wall of pit (gaps less than 5 mm).	Annually	Maintenance	Remove grate to inspect internal walls. repair as required. clear vegetation from external walls if necessary and repair as required.
Check attachment of screen to wall of pit.	Five yearly	Maintenance Contractor	Compare actual storage available with work-as executed plans. If volume loss is greater than 5%, arrange for reconstruction to replace the volume lost. Council to be notified of the proposal.
Check attachment of screen to wall of pit.	Five yearly	Maintenance Contractor	Check along drainage lines and at pits for subsidence likely to indicate leakages.

NOTE: DO NOT SCALE OFF DRAWINGS. REFER TO ARCHITECTURAL PLANS. VERIFY DIMENSIONS ON SITE

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ALTERATIONS & ADDITIONS
AT 5-7 LONSDALE AVENUE, PYMBLE
FOR ROLLING STONE LANDSCAPES

C00.01 GENERAL NOTES

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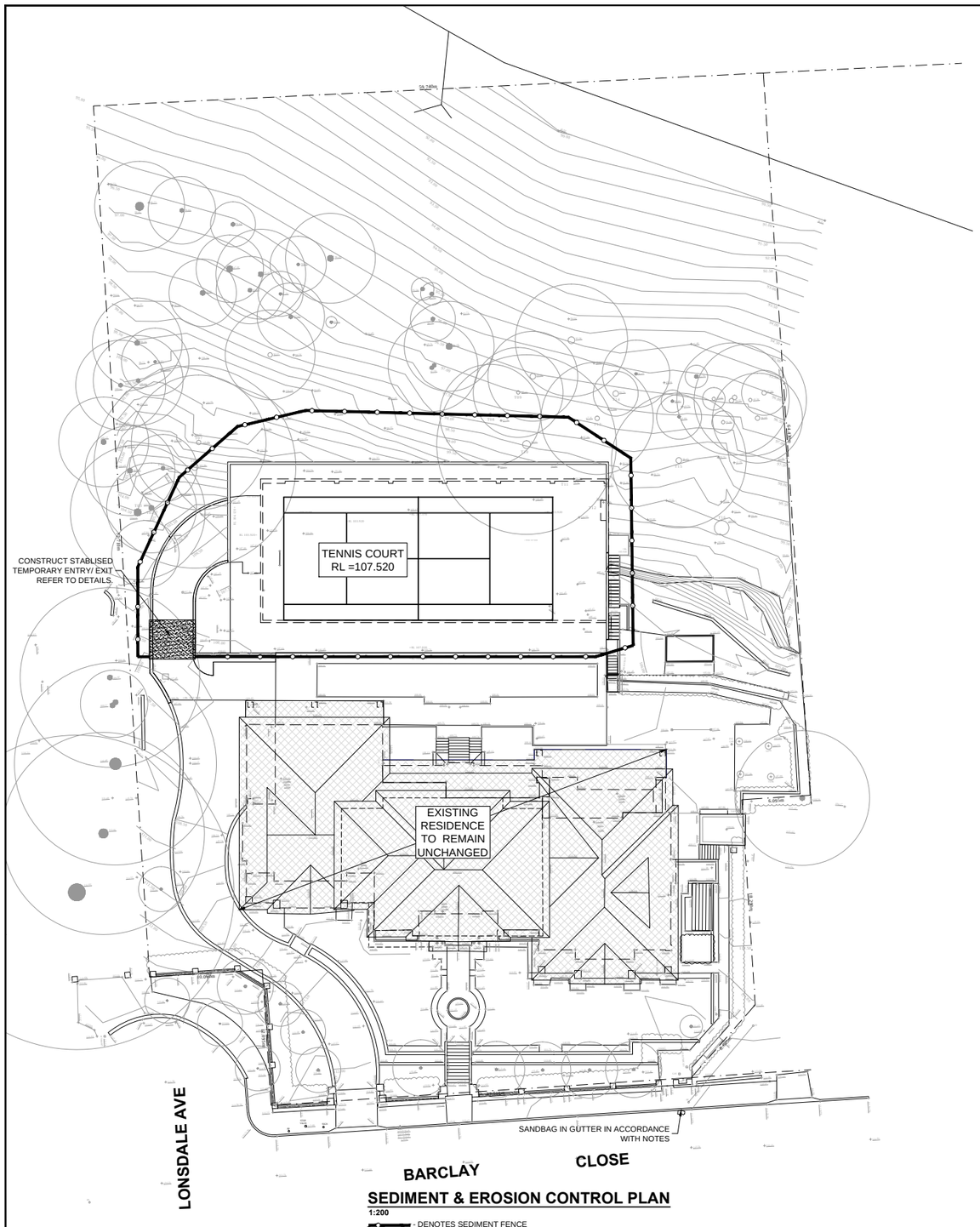
DESIGNED BY: B.C	DATE: NOVEMBER 2024	
DRAWN BY: J.B.	SCALE: SCALE	

20260216-KLPP-Crs-2026/030631/75



SEDIMENT & EROSION CONTROL PLAN

1:200

- DENOTES SEDIMENT FENCE

COMMENCEMENT OF WORKS

THE CONTRACTOR SHALL ENSURE THAT NO SPOIL OR FILL ENCROACHES UPON ADJACENT AREAS FOR THE DURATION OF WORKS.

THE CONTRACTOR SHALL ENSURE THAT KERB INLETS AND DRAINS RECEIVING STORMWATER SHALL BE PROTECTED AT ALL TIMES DURING DEVELOPMENT. KERB INLET SEDIMENT TRAPS SHALL BE INSTALLED ALONG THE IMMEDIATE VICINITY ALONG THE STREET FRONTAGE.

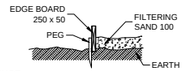
SEDIMENT FENCING SHALL BE SECURED BY POST (WHERE METAL STAR PICKETS ARE USED PLASTIC SAFETY CAPS SHALL BE USED) AT 2000 INTERVALS WITH GEOTEXTILE FABRIC EMBEDDED 200 IN SOIL.

ALL TOPSOIL STRIPPED FORM THE SITE AND STOCKPILED DOES NOT INTERFERE WITH DRAINAGE LINES AND STORMWATER INLETS AND WILL BE SUITABLY COVERED WITH AN IMPERVIOUS MEMBRANE MATERIAL AND SCREENED BY SEDIMENT FENCING.

SEDIMENT TRAP

1000 x 1000 WIDE 500 DEEP PIT, LOCATED AT THE LOWEST POINT TO THE TRAP SEDIMENT.

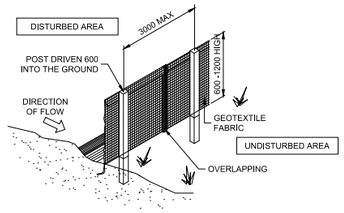
WASHOUT AREA TO BE 1800 x 1800 ALLOCATED FOR THE WASHING OF TOOL & EQUIPMENT.

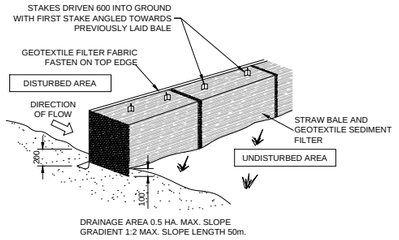


SEDIMENT FENCE

PROVIDE 'SEDIMENT FENCE ON DOWN SLOPE BOUNDARY AS SHOWN ON PLAN.

FABRIC TO BE BURIED BELOW GROUND AT LOWER EDGE.

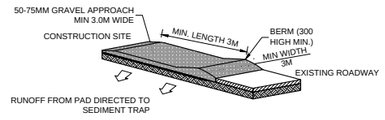




DRAINAGE AREA 0.5 HA. MAX. SLOPE GRADIENT 1:2 MAX. SLOPE LENGTH 50m.

TEMPORARY CONSTRUCTION ENTRY/EXIT

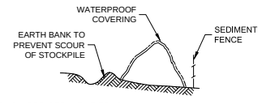
VEHICLE ACCESS TO THE BUILDING SITE SHOULD BE RESTRICTED TO A SINGLE POINT SO AS TO REDUCE THE AMOUNT OF SOIL DEPOSITED ON THE STREET PAVEMENT.



BUILDING MATERIAL STOCKPILE

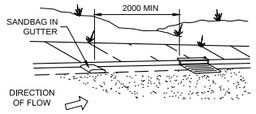
ALL STOCKPILES OF BUILDING MATERIAL SUCH AS SAND AND SOIL MUST BE PROTECTED TO PREVENT SCOUR AND EROSION.

THEY SHOULD NEVER BE PLACED IN THE STREET GUTTER WHERE THEY WILL WASH AWAY WITH THE FIRST RAINSTORM.



SANDBAG KERB SEDIMENT TRAP

IN CERTAIN CIRCUMSTANCES EXTRA SEDIMENT TRAPPING MAY BE NEEDED IN THE STREET GUTTER.



GENERAL NOTES

THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH OTHER CONSULTANTS' DRAWINGS AND SPECIFICATIONS AND WITH OTHER SUCH WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCY SHALL BE REFERRED TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK.

ALL DIMENSIONS ARE IN MILLIMETRES & ALL LEVELS ARE IN METRES, UNO (UNLESS NOTED OTHERWISE). NO DIMENSION SHALL BE OBTAINED BY SCALING THE DRAWINGS.

ALL LEVELS AND SETTING OUT DIMENSIONS SHOWN ON THE DRAWINGS SHALL BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF THE WORK.

DURING EXCAVATION WORK THE STRUCTURE SHALL BE MAINTAINED IN A STABLE AND NO PART SHALL BE OVERSTRESSED.

ALL WORK IS TO BE UNDERTAKEN IN ACCORDANCE WITH THE DETAILS SHOWN ON THE DRAWINGS & THE SPECIFICATION.

EXISTING SERVICES WHERE SHOWN HAVE BEEN PLOTTED FROM SUPPLIED DATA AND SUCH THEIR ACCURACY CAN NOT BE GUARANTEED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ESTABLISH THE LEVEL OF ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF WORK.

ALL SERVICE TRENCHES UNDER VEHICULAR PAVEMENTS SHALL BE BACK FILLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL COUNCIL.

ALL TRENCH BACK FILL MATERIAL SHALL BE COMPACTED TO THE SAME DENSITY AS THE ADJACENT MATERIAL.

ON COMPLETION OF STORMWATER INSTALLATION, ALL DISTURBED AREAS MUST BE RESTORED TO ORIGINAL CONDITION, INCLUDING KERBS, FOOTPATHS, CONCRETE AREAS, GRAVEL AND GRASSED AREAS AND ROAD PAVEMENTS, UNLESS DIRECTED OTHERWISE.

CONTRACTOR TO OBTAIN ALL AUTHORITY APPROVALS UNLESS DIRECTED OTHERWISE.

STORMWATER DRAINAGE

THE STORMWATER DRAINAGE DESIGN HAS BEEN CARRIED OUT IN ACCORDANCE WITH
AS/NZS 3500.3 - 1990 "STORMWATER DRAINAGE" & AS/NZS 3500.3.2-1998 "STORMWATER DRAINAGE - ACCEPTABLE SOLUTIONS".

ANY VARIATIONS TO THE NOMINATED LEVELS SHALL BE REFERRED TO ENGINEER IMMEDIATELY.

ANY VARIATIONS TO SPECIFIED PRODUCTS OR DETAILS SHALL BE REFERRED TO THE ENGINEER FOR APPROVAL.

DOWN PIPES SHALL BE A MINIMUM OF DN100 SW GRADE uPVC OR 100 X 100 COLORBOND OR ZINCALUME STEEL, UNO.

BOX COLORBOND OR ZINCALUME STEEL. GUTTERS SHALL BE A MINIMUM OF 450 WIDE X 150 DEEP.

EAVES GUTTERS SHALL BE A MINIMUM OF 125 WIDE X 100 DEEP (OR OF EQUIVALENT AREA) COLORBOND OR ZINCALUME STEEL.

SUBSOIL DRAINAGE SHALL BE PROVIDED TO ALL RETAINING WALLS & EMBANKMENTS, WITH THE LINES FEEDING INTO THE STORMWATER DRAINAGE SYSTEM.

SEDIMENT AND EROSION CONTROL NOTES

SEDIMENT AND EROSION CONTROL SHALL BE EFFECTIVELY MAINTAINED AT ALL TIMES DURING THE COURSE OF CONSTRUCTION AND SHALL NOT BE REMOVED UNTIL THE SITE HAS BEEN STABILISED OR LANDSCAPED TO THE SUPERINTENDENT'S SATISFACTION

A SINGLE ALL WEATHER ACCESS WAY WILL BE PROVIDED AT THE FRONT OF THE PROPERTY CONSISTING OF 50-75 AGGREGATE OR SIMILAR MATERIAL AT A MINIMUM THICKNESS OF 150 LAID OVER NEEDLE-PUNCHED GEOTEXTILE FABRIC AND CONSTRUCTED PRIOR TO COMMENCEMENT OF WORKS.

SOIL CONSERVATION NOTE

PRIOR TO COMMENCEMENT OF CONSTRUCTION PROVIDE 'SEDIMENT FENCE,' 'SEDIMENT TRAP' AND WASHOUT AREA TO ENSURE THE CAPTURE OF WATER BORNE MATERIAL GENERATED FROM THE SITE.

MAINTAIN THE ABOVE DURING THE COURSE OF CONSTRUCTION, AND CLEAR THE 'SEDIMENT TRAP AFTER EACH STORM.

NOTE: DO NOT SCALE OFF DRAWINGS. REFER TO ARCHITECTURAL PLANS. VERIFY DIMENSIONS ON SITE

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ALTERATIONS & ADDITIONS
AT 5-7 LONSDALE AVENUE, PYMBLE
FOR ROLLING STONE LANDSCAPES

SEDIMENT & EROSION CONTROL PLAN

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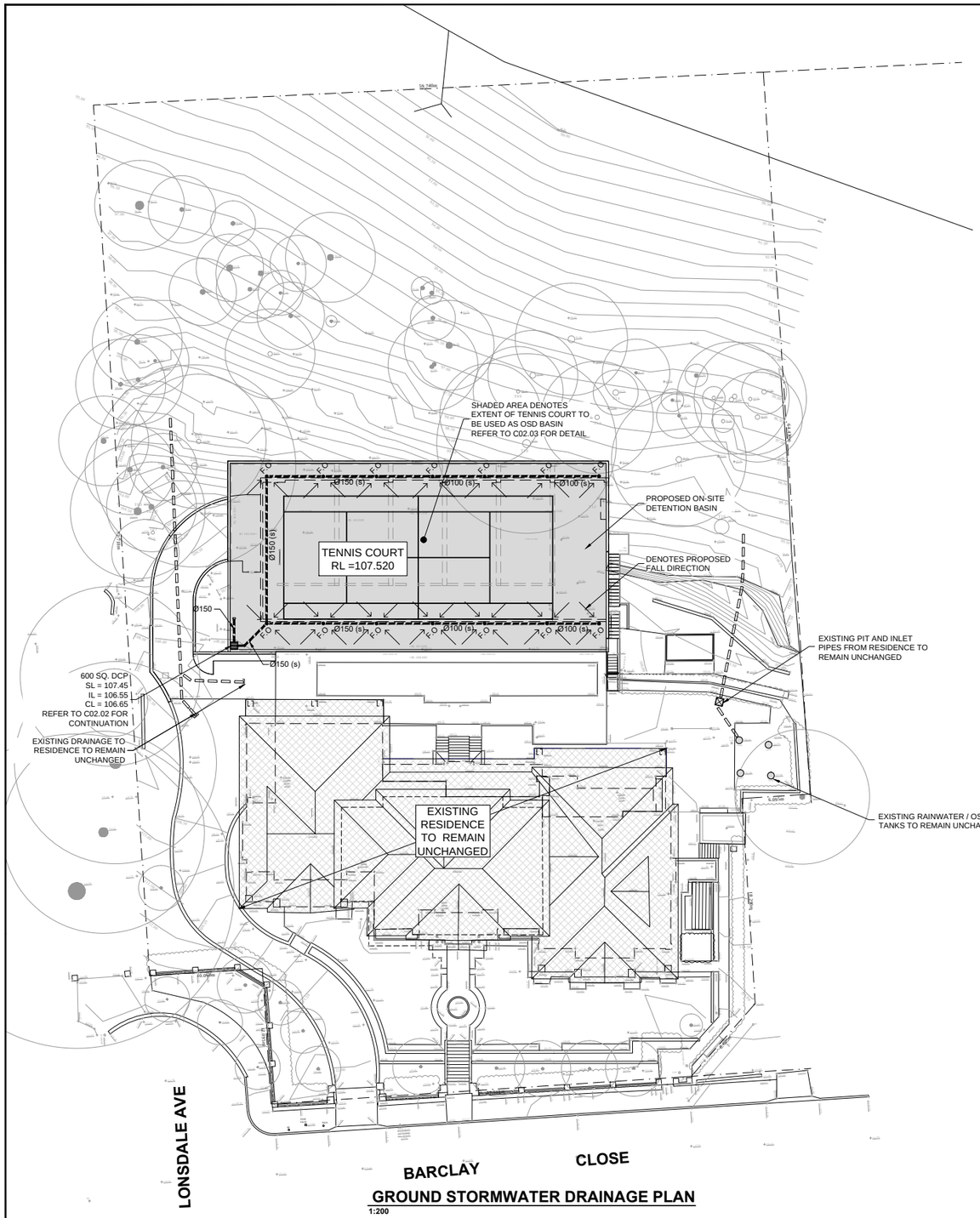
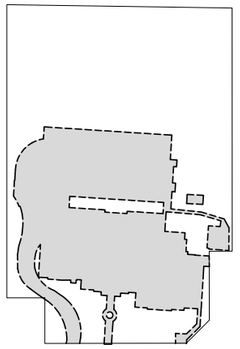
240705	C01.01	A1
DESIGNED BY: B.C	DATE: NOVEMBER 2024	
DRAWN BY: J.B.	SCALE: 1:200 U.N.O.	

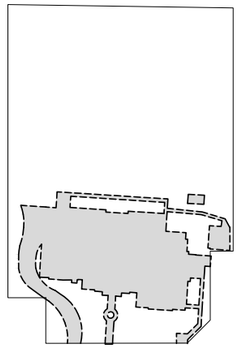


GROUND STORMWATER DRAINAGE PLAN
1:200



TOTAL IMPERVIOUS AREA =1941.5m^2

POST- DEVELOPMENT IMPERVIOUS FOOTPRINT
1:700



TOTAL IMPERVIOUS AREA =1192m^2

PRE- DEVELOPMENT IMPERVIOUS FOOTPRINT
1:700

STORMWATER DESIGN SUMMARY

COUNCIL: KU-RING-GAI COUNCIL

100 YEAR, 5 MIN STORM	= 271 mm/h
20 YEAR, 5 MIN STORM	= 200 mm/h
TOTAL SITE AREA	= 5048m^2
TOTAL PROPOSED IMPERVIOUS AREA	= 1941m^2
IMPERVIOUS SITE PERCENTAGE	= 38%
TOTAL IMPERVIOUS SITE AREA	= 1192m^2
TOTAL IMPERVIOUS AREA INCREASED BY	= 749m^2

ON-SITE DETENTION DESIGN SUMMARY

CATCHMENT: AC1 (AVONDALE CREEK)

BASIC STORAGE VOLUME	= 398 m^3/ha
BASIC DISCHARGE RATE	= 102 l/s/ha
IMPERVIOUS AREA DRAINING TO STORAGE	= 556 m^2
DETERMINED SITE STORAGE REQUIREMENT	= 22.90 m^3
DETERMINED PERMISSIBLE SITE DISCHARGE	= 5.9 l/s
MAXIMUM HEAD TO ORIFICE CENTRE LINE	= 0.9 m
DETERMINED **ORIFICE DIAMETER**	= 54.3 mm
TOTAL OSD STORAGE VOLUME PROVIDED	= 56.6 m^3

STORMWATER DRAINAGE NOTES

- ALL DRAINAGE LINES SHALL BE uPVC (CLASS SH) STORMWATER DRAINAGE PIPE, U.N.O.
- ALL DRAINAGE LINES SHALL BE LAID @ 1% FALL MIN, U.N.O.
- FIRST FLUSH RAINWATER DEVICES TO BE FITTED TO DRAINAGE LINES TO BUILDER'S DETAIL, TYPICAL
- MINIMUM EFFECTIVE EAVES GUTTER SLOPE = 1:500 U.N.O.
- MINIMUM EFFECTIVE EAVES GUTTER SIZE = **6800 mm²**

LEGEND

- Ø90 OR 100 x 50 RECTANGULAR DOWN PIPE U.N.O
- INSPECTION POINT
- RAINWATER SPREADER
- FIRST FLUSH RAINWATER DEVICE TO BUILDERS DETAIL
- X 100.00 — PROPOSED FINISHED SURFACE LEVEL
- (c) — CHARGED PIPE
- PROPOSED BELOW GROUND PIPELINE
- (S) — PROPOSED SUSPENDED PIPELINE
- EXISTING PIPELINE
- SUBSOIL DRAINAGE LINE
- PROPOSED SURFACE INLET PIT
- DRAINAGE NODE POINT
- OVERLAND FLOW PATH
- F.O — 150SQ FLOOR OUTLET
- PB — PLANTER BOX DRAIN REFER TO DETAIL
- SLAB FALL DIRECTION

NOTE: DO NOT SCALE OFF DRAWINGS. REFER TO ARCHITECTURAL PLANS. VERIFY DIMENSIONS ON SITE

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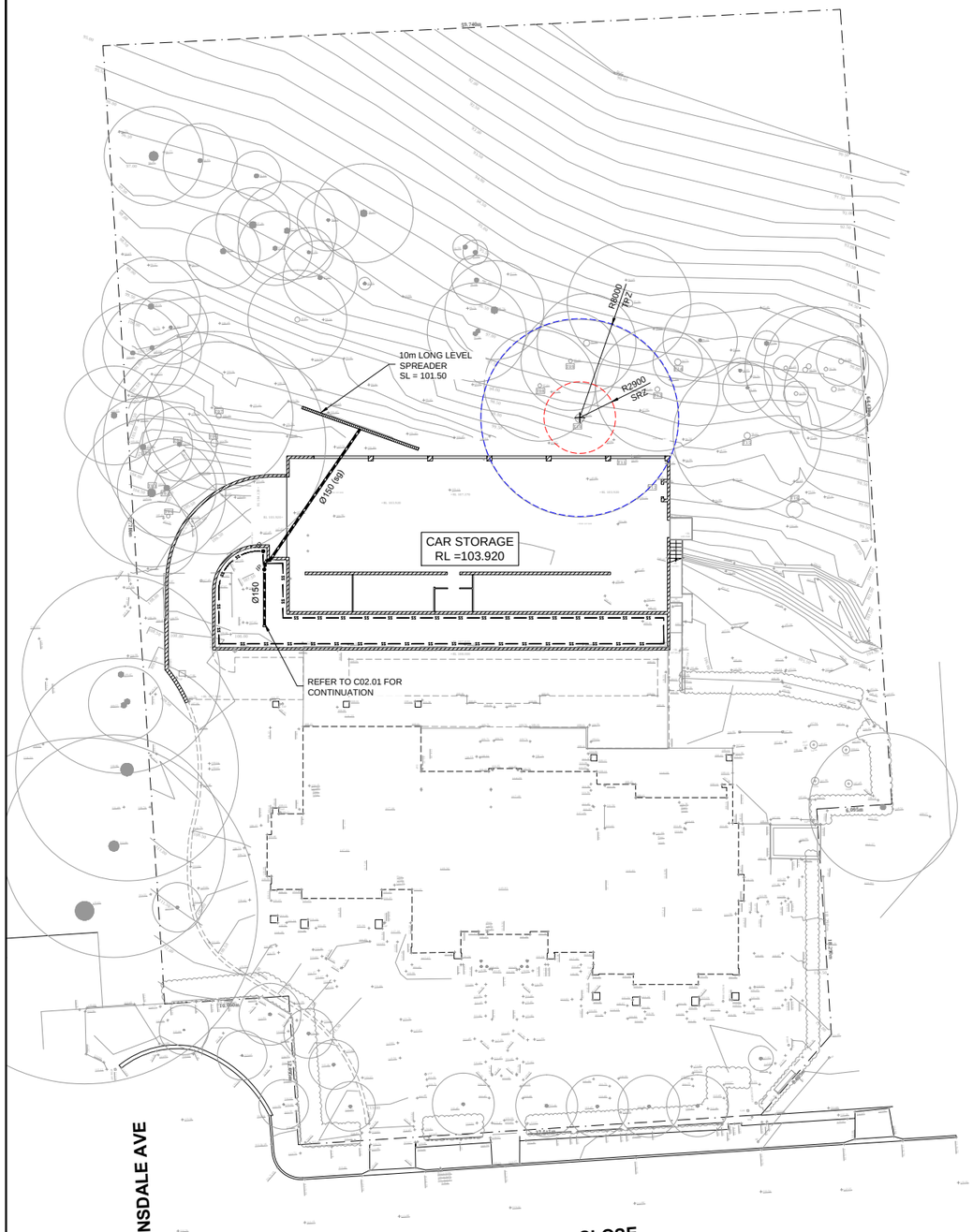

CAR STORAGE STORMWATER DRAINAGE PLAN

1:200

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- ALL DRAINAGE LINES SHALL BE LAID @ 1% FALL MIN, U.N.O.
- FIRST FLUSH RAINWATER DEVICES TO BE FITTED TO DRAINAGE LINES TO BUILDER'S DETAIL, TYPICAL
- MINIMUM EFFECTIVE EAVES GUTTER SLOPE = 1:500 U.N.O.
- MINIMUM EFFECTIVE EAVES GUTTER SIZE = **6800 mm²**

LEGEND

	INSPECTION POINT
(c)	CHARGED PIPE
(sg)	SEWER GRADE PIPE
	PROPOSED BELOW GROUND PIPELINE
	SUBSOIL DRAINAGE LINE
	PROPOSED SURFACE INLET PIT

NOTE: DO NOT SCALE OFF DRAWINGS. REFER TO ARCHITECTURAL PLANS. VERIFY DIMENSIONS ON SITE

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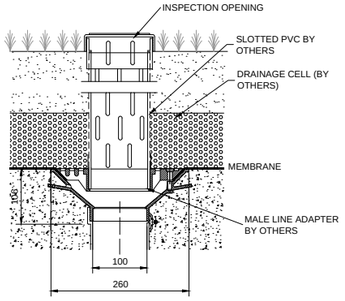
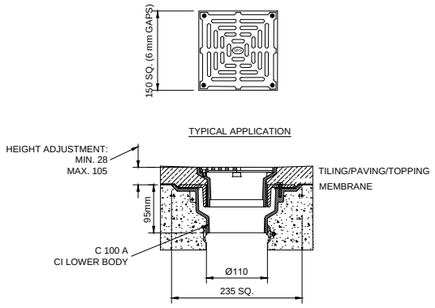
DESIGNED BY: B.C	DATE: NOVEMBER 2024	
DRAWN BY: J.B.	SCALE: 1:200 U.N.O.	



TYPICAL PLANTER BOX 'PB' DRAIN

1:5

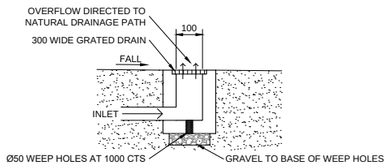
SPECIFICATION CODE:
TIA100PB (100MM CI BODY WITH PLANTER BOX ADAPTER)
TIA150PB (150MM CI BODY WITH PLANTER BOX ADAPTER)



TYPICAL Ø150 INLET IN SUSPENDED SLAB

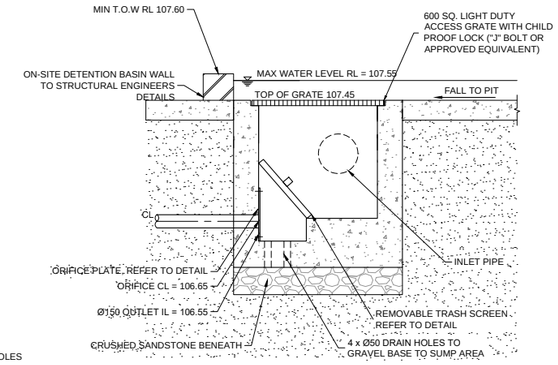
1:5

SPECIFICATION CODE:
Q150 G/C (BRONZE GRATE, CI LOWER BODY)
Q150 N/C (NICKEL - BRONZE GRATE, CI LOWER BODY)
Q150 S/C (316 STAINLESS STEEL GRATE, CI LOWER BODY)



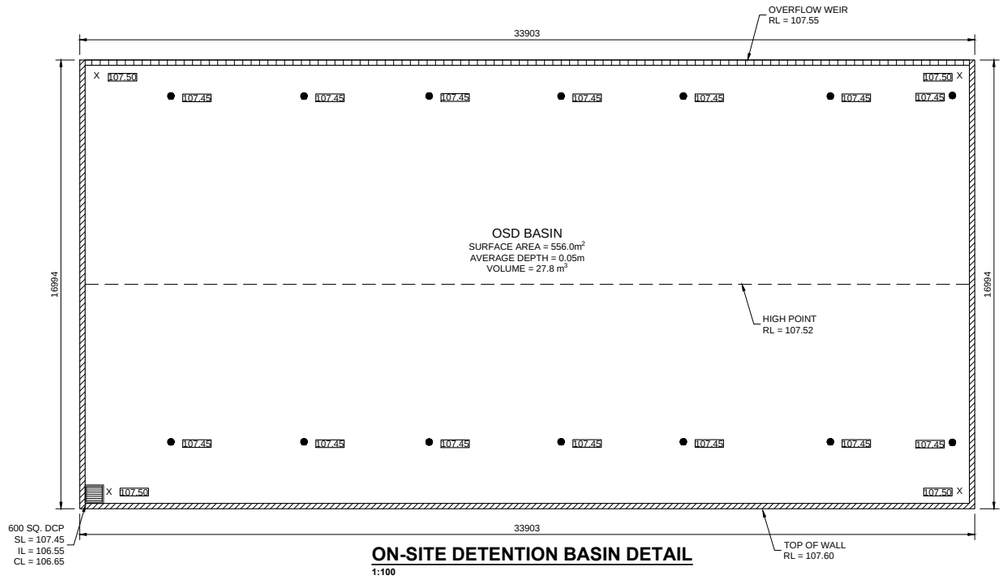
TYPICAL LEVEL SPREADER DETAIL

1:20



DISCHARGE CONTROL PIT (DCP)

1:20



ON-SITE DETENTION BASIN DETAIL

1:100

NOTE: DO NOT SCALE OFF DRAWINGS. REFER TO ARCHITECTURAL PLANS. VERIFY DIMENSIONS ON SITE

REV	DATE	DESCRIPTION	BY
F	12.09.25	REVISED TO SUIT OSD BASIN	L.E.
E	26.06.25	REVISED TO SUIT ARCHITECTURALS	B.D.C.
D	24.01.25	RE-ISSUED FOR APPROVAL	J.B.
C	23.01.25	RE-ISSUED FOR APPROVAL	J.B.
B	15.01.25	RE-ISSUED FOR APPROVAL	J.B.

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Norwest NSW 2153

ALTERATIONS & ADDITIONS

AT 5-7 LONSDALE AVENUE, PYMBLE
FOR ROLLING STONE LANDSCAPES

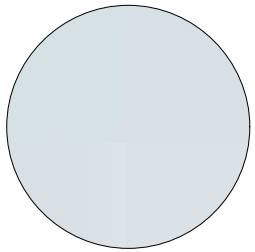
GROUND STORMWATER DETAILS

JOB NUMBER:	DWG NUMBER:	ORIGINAL SIZE:
240705	C02.03	A1
DESIGNED BY: B.C	DATE: NOVEMBER 2024	
DRAWN BY: J.B.	SCALE: 1:20 U.N.O.	

EXTERNAL COLOURS & FINISHES



PAVING COLOUR



RENDERED WALL COLOUR
(PAINT COLOUR TO MATCH RESIDENCE)

ROLLING STONE
LANDSCAPES

DEAN HERALD
POOL + LANDSCAPE DESIGN

PO Box 3341
Dural, NSW 2158
Australia

Phone: (02) 9651 5002
Email: sales@rollingstonelandscapes.com
Web: www.rollingstonelandscapes.com

MR & MRS SCOTT
SCHEDULE OF MATERIALS & FINISHES
5-7 LONSDALE AVENUE, PYMBLE NSW
6th February 2025

Minto Planning Services
Town Planning Consultants

PROPOSED CAR PARKING & STORAGE STRUCTURE WITH ROOFTOP TENNIS COURT
5-7 LONSDALE AVENUE, PYMBLE

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 construction of a car parking & storage structure with rooftop tennis court to the rear of the existing dwelling upon the subject land.

This variation is to be read in conjunction with the following documentation:

- Survey Plan prepared by Richards & Loftus Surveying Services, Ref. No. 3469 LS, Sheet No. 1 of 1, Issue A and dated 17/06/2024.
- Maximum Building Height Plan prepared by Rolling Stone Landscapes, Job No. Scott, Drawing No. D.A.3-4 and dated 12/09/2025.

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 Area "J2" and is therefore subject to a maximum building height control of 9.5m.

The proposal as detailed on the accompanying plans will result in a maximum building height of 12m and which exceeds the requirements of this clause. The maximum non-compliance is 2.5m or 26.32%. The area of non-compliance equates to 0.97m^2 or 0.167% of the proposed built form area.

The proposed non-compliance relates to a portion of the tennis court fence. The extent of non-compliance is illustrated on the accompanying Max Building Height Plan for DA (Dwg No. D.A.3-4) contained within the architectural plans (extract below)

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postal address: po box 2290 dangar 2309
telephone: 9875 4788 email: planning@mintoplanning.com.au
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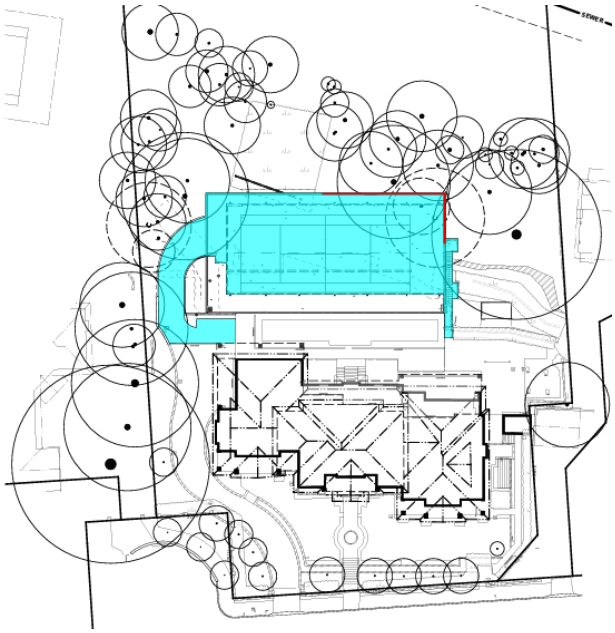

MAXIMUM HEIGHT COMPLIANCE PLAN SCALE 1:500

MAXIMUM HEIGHT COMPLIANCE CALCULATIONS		
	PROPOSED	
	AREA SQM	%
TOTAL PROPOSED BUILT FORM	579.46sqm	
TOTAL MAX HEIGHT NON-COMPLIANCE	0.97	0.167% OF PROPOSED BUILT FORM AREA

LEGEND

NON-COMPLIANCE AREA = 0.97sqm / 0.167%

COMPLIANT AREA = 578.49sqm / 99.833%

Given that the proposal does not comply with the maximum building height required by Clause 4.3 of the Ku-ring-gai LEP 2015 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 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 as flexibility is required as a result of the sloping topography of the site and the small area of non-compliant built form area.

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 is satisfied the applicant has demonstrated that-

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) there are sufficient environmental planning grounds to justify contravention of 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 majority of the proposal complies with the maximum building height requirement with the non-compliant area considered minor being just 0.97m^2 or 0.167% and is a result of the sloping topography.
3. The proposal will not result in any unreasonable arboricultural impacts.
4. The proposal will not result in any unreasonable ecological impacts,
5. The proposal will not result in any unreasonable impacts upon the streetscape or character of the surrounding locality.
6. The proposal will not result in any unreasonable impacts upon the amenity of the adjoining properties.

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 object of the Act is considered to be relevant to the proposal.

> *(g) to promote good design and amenity of the built environment,*

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 proposal as detailed on the accompanying plans will result in a portion of the proposed building which exceeds the maximum building height of building requirement of this clause.
>
> The proposal as detailed on the accompanying plans will result in a maximum building height of 12m and which exceeds the requirements of this clause.
>
> The maximum non-compliance is 2.5m or 26.32%.

The accompanying Max. Building Height Plan for DA (Dwg No. D.A.3-4) identifies that the proposed built form area breaching the 9.5m height limit equates to 0.97m^2 or 0.167%.

The non-compliant building height associated with the proposal is attributable to a portion of the tennis court fence which is situated above a sloping area of the site.

What are the environmental grounds associated with the departure

It is my opinion the environmental planning grounds associated with the proposal are as follows:

- The proposal for the construction of a car parking & storage structure with rooftop tennis court to the rear of the existing dwelling having a maximum height of 12m which exceeds Council's maximum building height of 9.5m is justified as a result of the moderate to steeply sloping topography.
- The area of non-compliance equates to 0.97m^2 or 0.167% of the proposed built form area.
- The proposed building height variation does not result in a loss of view or overshadowing to an adjoining property.

It is my opinion based upon the above that the departure does promote good design and amenity of the built environment consistent with 1.3(g) of the Act.

Are the environmental planning grounds sufficient to justify contravening the development standard

It is considered that a contravention of the development standard is justified on environmental planning grounds on the basis that the site is sloping and provision of tennis court fencing will result in the non-compliance.

Importantly, the non-compliance will not result in any unreasonable impacts upon adjoining properties or the surrounding locality.

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.



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MINTO PLANNING SERVICES PTY LTD
26th September 2025

Minto Planning Services
Town Planning Consultants

Clause 4.6 – Exceptions to Development Standards – Floor Space Ratio

Proposed Car parking & storage structure with rooftop Tennis Court
5-7 Lonsdale Avenue, Pymble

Variation to Clause 4.4 – Floor Space Ratio

The subject site is located within the "A1" floor space area zone and as such is ordinarily subject to a maximum FSR of 0.2:1.

Despite the above provision and in accordance with sub-clause (2D) a variation to the maximum permissible FSR is applicable. In this instance and based upon a site area of 5,047.8m^2 a maximum permissible floor area of 1,007.17m^2 or 0.1995:1 is applicable.

The proposal as detailed on the accompanying plans will result in a gross floor area of 1,316.92m^2 or FSR of 0.2609:1 and which exceeds the requirements of subclause (2D).

The proposed variation equals 309.75m^2 or 30.75%.

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:

- Floor Space Raito Plan prepared by prepared by Rolling Stone Landscapes, Job No. Scott, Drawing No's. D.A.3-5, Sheet 5 of 11 and dated 12/09/2025.

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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abn 68 091 465 271

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 is satisfied the applicant has demonstrated that-*
>
> *(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
> *(b) there are sufficient environmental planning grounds to justify contravention of 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 located within the "A1" floor space area zone and as such is ordinarily subject to a maximum FSR of 0.2:1.

Despite the above provision and in accordance with sub-clause (2D) a variation to the maximum permissible FSR is applicable. In this instance and based upon a site area of 5,047.8m^2 a maximum permissible floor area of 1,007.17m^2 or 0.1995:1 is applicable.

The proposal as detailed on the accompanying plans will result in a gross floor area of 1,316.92m^2 and FSR of 0.2609:1 and which exceeds the requirements of subclause (2D).

The proposed variation equals 309.75m^2 or 30.75%.

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 will not result in any unreasonable arboricultural impacts.
3. The proposal will not result in any unreasonable impacts upon the streetscape or character of the surrounding locality.
4. 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.

(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 subject site is not located in an employment or mixed use zone.

The proposal is therefore considered to be consistent with the objectives of clause 4.4 of the LEP.

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 object of the Act is considered to be relevant to the proposal.

(g) to promote good design and amenity of the built environment,

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 the "A1" floor space area zone and as such is ordinarily subject to a maximum FSR of 0.2:1.

Despite the above provision and in accordance with sub-clause (2D) a variation to the maximum permissible FSR is applicable. In this instance and based upon a site area of 5,047.8m^2 a maximum permissible floor area of 1,007.17m^2 or 0.1995:1 is applicable.

The proposal as detailed on the accompanying plans will result in a gross floor area of 1,316.92m^2 and FSR of 0.2609:1 and which exceeds the requirements of subclause (2D).

The proposed variation equals 309.75m^2 or 30.75%.

It is my opinion that the non-compliant FSR is primarily associated with proposed car parking area and associated hallway and bathroom 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 proposed additional FSR is associated with a high quality designed ancillary structure, which has been designed and located in a manner whereby:
    a. It will not result in any unreasonable streetscape impacts.
    b. It will not result in any unreasonable amenity impacts upon adjoining properties, particularly in relation to overshadowing or a loss of privacy.
2. The proposed additional FSR has been located within an ancillary structure which will not result in any unreasonable arboricultural or ecological impacts.
3. The proposed additional FSR will allow for the owner of the property to maintain and store rare and vintage cars in a manner which will not result in any unreasonable impacts.
4. The proposed additional FSR has been designed and sited so as to not require the excessive excavation of the site and occupies an area under a proposed tennis court, which would otherwise exist largely as a void space.
5. The development, despite the exceedance of the floor space ratio control achieves the objectives of the zone and the applicable control.

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 departure does promote good design and amenity of the built environment consistent with 1.3(g) of the Act.

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
26th September 2025

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	2 FORSYTH STREET, KILLARA - DEMOLITION OF EXISTING BUILDING, CONSTRUCTION OF A MULTI-DWELLING HOUSING DEVELOPMENT WITH BASEMENT CAR PARKING
ITEM/AGENDA NO:	GB.2

APPLICATION NO:	eDA0580/25
ADDRESS:	2 Forsyth Street, Killara
WARD:	Gordon
DESCRIPTION OF PROPOSAL:	Demolition of existing building, construction of a multi-dwelling housing development with basement car parking
APPLICANT:	Mackenzie Architects International Pty Ltd
OWNER:	North Point Group Pty Ltd
DATE LODGED:	23 October 2025
SUBMISSIONS:	9
ASSESSMENT OFFICER:	Isabel Dong
RECOMMENDATION:	Refusal

KLPP REFERRAL CRITERION:	Development which proposes a departure from a development standard more than 10%.

PURPOSE OF REPORT

To determine Development Application No eDA0580/25 for demolition of existing building, construction of a multi-dwelling housing development with basement car parking at 2 Forsyth Street, 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 proposes a departure from a development standard in excess of 10%.

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, refuse development consent to eDA0580/25 for the demolition of existing building, construction of a multi-dwelling housing development with basement car parking on land at 2 Forsyth Street Killara, for the reasons as outlined in the Development Assessment Report **(Attachment A1).**

Isabel Dong
Senior Development Assessment Officer

Brodee Gregory
Team Leader Development Assessment

Shaun Garland
Manager Development Assessment Services

Attachments:	A1⇩	Assessment Report	2025/382899
	A2⇩	Location Sketch	2026/004016
	A3⇩	Zoning Sketch	2026/004017
	A4⇩	Architectural Plans	2025/348106
	A5⇩	Landscape Plans	2025/348096
	A6⇩	Stormwater Plans	2025/348108
	A7⇩	Clause 4.6 Variation Request - Height	2025/348086

DEVELOPMENT APPLICATION

ASSESSMENT REPORT

REPORT TITLE	2 Forsyth Street, Killara - Demolition of existing building, construction of a multi-dwelling housing development with basement car parking

APPLICATION NO	eDA0580/25
PROPERTY DETAILS	2 Forsyth Street, Killara Lot B in DP 398529 1,450.20m^2 R2 Low Density Residential
WARD	Gordon
PROPOSAL/PURPOSE	Demolition of existing building, construction of a multi-dwelling housing development with basement car parking
TYPE OF DEVELOPMENT	Local
APPLICANT	Mackenzie Architects International Pty Ltd
OWNER	North Point Group Pty Ltd
DATE LODGED	23 October 2025
RECOMMENDATION	Refusal

PURPOSE OF REPORT

To determine Development Application No. eDA0580/25 for demolition of existing building, construction of a multi-dwelling housing development with basement car parking.

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 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	Building height Building separation Building setback Residential amenity Visual privacy impact Private open space Floor Space Ratio Building façade and articulation Deep soil zones Sustainability Tree removal Landscape design Basement design Visitor and bicycle parking Stormwater management Waste management Insufficient information
Submissions	Nine submissions received;

	7 of 9 submissions objecting to the proposal
Land and Environment Court	Yes - deemed refusal
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 prior to the lodgement of this Development Application.

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

Type	Application	Description	Decision	Date
BA	89/01241	Pool	Approved	11/08/1989
BA	89/01127	Garage deck & pergola	Approved	18/08/1989
BA	90/01603	Conversion of existing garage to rumpus room	Approved	15/01/1991
BA	95/00852	Addition of front fence	Rejected	Unknown
eDA	eDA0202/23	Demolition of existing structures, construction of detached dual occupancy, tree removal and associated works	Refused	05/02/2024
Pre-DA	PRE0046/23	Demolition of existing structures and construction of two detached dwellings as a dual occupancy	Completed	08/05/2023

Current Development Application History

Date	Action
23/10/2025	Application lodged.
7/11/2025 – 8/12/2025	The application was notified to neighbouring property owners for a period of 30 days. In response, nine submissions were received.
8/12/2025	Council sent a letter to the applicant advising that the following issues were required to be addressed: i. incorrect Floor Space Ratio ii. insufficient building separation and associated adverse impacts on residential amenity (visual and acoustic privacy impact, solar access, daylight and outlook) iii. insufficient private open space iv. unacceptable building facades design

	v. unacceptable top storey design in relation to building setbacks and terraces vi. unacceptable storage room on the basement level vii. unacceptable sustainability viii. visual privacy impacts ix. insufficient deep soil zone x. unacceptable tree removal and impacts on trees to be retained xi. unacceptable landscape design xii. inconsistencies between plans and BASIX Certificate xiii. insufficient water management xiv. unacceptable waste management xv. insufficient visitor parking space xvi. unacceptable carparking design xvii. insufficient information regarding landscape plans, architectural plans and preliminary Construction Traffic Management xviii. inappropriate colours and materials
19/12/2025	An appeal against the deemed refusal of the application was filed with the Land and Environment Court.

Land and Environment Court appeal history

A Class 1 appeal against the deemed refusal of the subject Development Application was filed with the Land and Environment Court (Court) on 19 December 2025. The Statement of Facts and Contentions (SOFAC) is due to be filed with the Court on 5 February 2026.

THE SITE



Figure 1: Aerial photograph of the subject site and surrounding properties

Site description

The subject site is legally described as Lot B in DP 398529 and is known as No. 2 Forsyth Street, Killara (**Figure 1**). The subject site is a corner allotment with dual frontages to Forsyth

Street and Werona Avenue at lengths of 28.45 and 42.98 metres, respectively. The site has an average depth of 45.96 metres and a total area of 1,450.20m^2. The site falls to the street from the north-western corner to the south-eastern corner. Located on the northern side of Forsyth Street, the site is positioned on the high side of the street.

The site is zoned R2 Low Density Residential pursuant to the Ku-ring-gai Local Environmental Planning 2015 (KLEP). The site is within 550 metres walking distance of the Gordon Railway Station and is therefore located within a low and mid rise housing outer area pursuant to Section 163 of the *State Environmental Planning Policy (Housing) 2021* (SEPP Housing).

The site currently accommodates what predominantly presents from the street as a single storey dwelling house comprising of brick and sandstone construction with a pitched tile roof. The site is also occupied by the following ancillary structures:

- a detached single-storey brick garage;
- an outbuilding;
- an above-ground swimming pool inclusive of associated decking; and
- a shed.

Constraint:	**Application:**
Visual character study category	1920-1945
Easements/rights of way	No easements or restrictions identified
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No
Within 100m of a heritage item	Yes • No. 17 McIntosh Street (I8); • No. 14 Forsyth Street (I32); • No. 49 Werona Avenue (I28); and • No. 51 Werona Avenue (I29).
Bush fire prone land	No
Natural Resources Biodiversity	No
Natural Resources Greenweb	No
Natural Resources Riparian	No
Within 25m of Urban Bushland	No
Contaminated land	No

Surrounding development

Surrounding development is predominantly residential in nature and primarily consists of single and two storey dwelling houses sited on large, landscaped allotments.

The surrounding zoning is generally R2 Low Density Residential (**Figure 2**). On the western side of the north shore railway line are properties zoned SP2 Infrastructure (Ravenswood Girls School) and R3 Medium Density Residential.

The site is in the vicinity of the Greengate Estate Conservation Area ('C20') and four heritage listed properties at No. 14 Forsyth Street, No. 49 and 51 Werona Avenue and No. 17 McIntosh Street. The southern side of the streetscape of Forsyth Street is characterised by Federation and Inter-war period style dwellings.

Council's road reserve along Forsyth Street primarily contains small to medium sized trees which, in conjunction with trees in the front setbacks of properties, forms a dense tree canopy for the streetscape. Council's road reserve along Werona Avenue contains a variety

of shrubs, ground covers, small, medium and large sized trees. The western side of Werona Avenue, adjacent to the railway corridor, is densely vegetated and accommodates a mixture of weeds, ground covers, and an assortment of trees.



Figure 2: Zoning extract showing land uses surrounding the site

THE PROPOSAL

The application proposes the demolition of the existing building and construction of a multi-dwelling housing development with basement car parking. The proposal contains 7 multi-dwelling housing units comprising 6 x 3 bedroom dwellings and 1 x 4 bedroom dwellings. The dwellings are described by the applicant as 'townhouse 1-07' (TH1-07). The proposed works are specifically detailed as follows:

i. One storey of basement including:

- 7 x 2 car garages
- storage rooms, laundries with storage and WC, individual stairs and lift access to dwellings above (TH01, 02, 03, 04, 06 and 07)
- laundry, storage, individual stairs and lift access to dwelling above (TH05)
- fire stairs providing access to common pedestrian pathway above
- lift access to communal open space above
- new driveway
- bin storage room with a bulky waste room
- service room

ii. Ground floor

- entry to each multi-dwelling unit accessed from the primary private open space facing the central courtyard
- secondary private open space to each multi-dwelling unit

- open plan kitchen dining area, living area, bathroom, linen storage (TH01, 02, 03, 04, 06 and 07)
- 1 bedroom, open plan kitchen dining area, living area and bathroom (TH05)
- lift and stairs within each multi-dwelling unit
- central courtyard between including pedestrian pathway and lawn areas
- landscape works including paving, retaining walls and planting
- vehicular access from Forsyth Street
- pedestrian access from Werona Avenue

iii. First floor

- 2 bedrooms including 1 bedroom with ensuite and walk in robe, study room and bathroom (TH01 – 07)
- lift and stairs within each multi-dwelling unit

iv. Second floor

- 1 bedroom with ensuite and walk in robe (TH01, 02, 03, 04, 06 and 07)
- 1 bedroom with ensuite and walk in robe, and a study room (TH05)
- lift and stairs within each multi-dwelling
- south facing rooftop terrace for each multi-dwelling

The proposal provides 5 x Silver Level dwellings (TH01, 02, 03, 04, 06 and 07) and 1 Platinum Level (TH05) dwelling pursuant to the Livable Housing Australia Guidelines.

External finishes for the proposed development include facebrick, metal cladding and metal screens.

The application also involves the following works:

- demolition of the existing dwelling and ancillary structures/facilities
- removal of all existing trees (20 trees) on the subject site
- stormwater works including provision of 3000L rainwater tank and a belowground on-site detention tank (OSD) of 35m^3 to be installed below the new driveway
- landscaping works

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, nine submissions from the following were received.

1. *L. Yan - No. 4 Elva Avenue, Killara*
2. *R. Wan – No. 6 Elva Avenue, Killara*
3. *D. Lim – No. 6 Forsyth Street, Killara*
4. *M. Mckeown - No. 8 Forsyth Street, Killara (2 x submissions)*
5. *A. Mckeown - No. 8 Forsyth Street, Killara*
6. *J. C. Tsui & D. Tsui – No. 47 Werona Avenue, Gordon (2 x submissions)*
7. *J. W. Scott & D.C. Scott – No. 49 Werona Avenue, Gordon*

The submissions raised the following issues:

Overshadowing and loss of solar access

Control 6 in Part 6C. 3 of the Ku-ring-gai Development Control Plan (KDCP) requires that all developments retain at least three hours of sunlight between 9am and 3pm on 21st June to the living areas and the private open spaces and communal open spaces of any low density residential development on adjoining lots.

The existing 5 hours solar access of the living areas and the private open space of the adjoining property at No. 6 Forsyth Street is retained from 9am to 3pm on 21st June which is consistent with the solar access requirements in Part 6C.3.

The proposal has no impact on the existing solar access to the neighbouring properties on the southern side of Forsyth Street.

Excessive building height

A maximum building height of 9.5 metres applies under *Statement Environmental Planning Policy (Housing) 2021* (SEPP Housing). The proposed development has a maximum height of 10.52 metres which is a variation of 10.73% to the building height development standard.

A Clause 4.6 variation request has been submitted in support of the variation. The variation is not supported for the reasons identified elsewhere in this report.

Unacceptable visual bulk and loss of established local character

The subject site is zoned R2 Low Density Residential and within the Low and Mid Rise (LMR) housing area under SEPP Housing. The proposed development is defined as multi dwelling housing and is prohibited under the KLEP. However, multi dwelling housing is permitted with development consent in a low and mid rise housing area in Zone R2 Low Density Residential under SEPP Housing. The development standards of the SEPP Housing prevail over the KLEP.

The proposed development generally responds well to the surrounding neighbourhood character and topography, in terms of alignment, building height (refer to the above comments regarding building height) and vehicular entry. However, the proposal includes unacceptable removal of trees and insufficient mid layer screen plantings which will not soften the built form nor maintain the existing tree canopy and garden features of the streetscape. These issues forms part of the recommended reason for refusal.

In addition, the proposed development does not provide sufficient building separation between Block A and Block B which results in adverse amenity impacts between the proposed dwellings. This issue forms a part of recommended reason for refusal.

Visual privacy impact

The proposed development has been assessed under Part 23.8 ‘General Visual Privacy’ of the KDCP. Figures 23.9.4 and 23.9.5 apply when assessing visual privacy impacts to neighbouring properties. The proposal does not result in adverse visual privacy impacts on the neighbouring properties opposite the subject site.

However, the proposed windows on the north-eastern elevations potentially directly and unreasonably overlook to the principle private open space and/or swimming pool of the neighbouring properties at No. 6 and 8 Forsyth Street. Whilst privacy screens are proposed to the north-eastern side of the roof-top terraces (TH01 and 07), details of the privacy screens including height, privacy screen type and materials have not been provided to

enable a full assessment. The proposed nil setback of the roof-top terraces further contributes to visual privacy impacts on the neighbouring properties. In addition, the proposal does not provide mid layer screen planting along the north-eastern side boundary adjacent to the neighbouring property at No. 6 Forsyth Street to minimise visual privacy impacts. This issue forms part of a recommended reason for refusal.

Loss of mature trees and hedges

The proposed removal of healthy trees including T6, T16, T22 and a Murraya that currently contribute positively to the landscape character, streetscape amenity, and the amenity of neighbouring properties is non-compliant with the relevant design criteria and objectives of Low Rise Housing Diversity Design Guide 2020 (LRHDD) and Part 13 of the KDCP and therefore is not acceptable. This issue forms part of a recommended reason for refusal.

Construction noise, vibration and dust impacts

An acoustic report and a Construction Management Plan were submitted with this development application and reviewed by Council's Environmental Health Officer and Development Engineer. Relevant conditions such as noise and vibration management plan and control of construction noise would be included in the conditions of consent if approval were recommended.

The applicant did not submit an indicative construction traffic management plan (CTMP) to enable a full assessment regarding construction vehicles, swept path analysis of the largest vehicle to be used during construction and potential location for a work zone. This issue forms part of a recommended reason for refusal.

Traffic, on-street parking, and safety concerns

The Traffic and Parking Assessment Report (TPAR) has calculated the traffic generation of the site using the industry accepted traffic generation rate for medium density residential developments (0.39 vehicle trips in AM peak hour and 0.37 vehicle trips in PM peak hour, 2-way) set out by Transport for NSW in the Guide to Transport Impact Assessments.

Applying these rates and allowing for the existing traffic generation of the site would result in 3 additional vehicle trips (2-way) per AM peak hour and 2 additional vehicle trips (2-way) per PM peak hour. The estimated increase in traffic movements from the proposed development is equivalent to an average of 1 additional vehicle trip every 20 minutes in the AM peak and PM peak.

According to the above guidelines, the additional vehicle trips are considered minimal and would not have any noticeable or unacceptable effect on the road network serving the site in terms of road network capacity or traffic-related environmental effects.

The proposal provides 14 on-site car parking space (2 spaces for each dwelling including 1 x residential and 1 x visitor) within the private garages which is compliant with the parking requirements of both SEPP Housing and KDCP.

Environmental and stormwater management

The proposed stormwater design does not satisfy the requirements of Clause 6.5 of the KLEP and Part 24 of the KDCP as there is insufficient information regarding stormwater management. This issue forms a recommended reason for refusal.

Loss of amenity, liveability and property value of existing homes

Concerns regarding overshadowing, noise, privacy and traffic impacts have been discussed above. Impact on property value is not a matter for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979 (*the Act).

The submitted design, size and land cover must now be reviewed, considered and controlled under the guidelines of the Council's Preferred Alternative Scenario to the TOD Proposal for housing.

The Council's TOD Preferred Alternative is not relevant to this application.

Approving proposed development such as what has been submitted at No. 2 Forsyth Street Killara will set a dangerous precedent for other future developments of this type and proportion within Ku-ring-gai

Each Development Application is assessed on its individual merits per the requirements of section 4.15 of the Act.

Incorrect information on the development application notification board

It is acknowledged that the illustration of the property on the notification sign was incorrect. However, the content of the notification sign including application identification, description, property address and due date for submissions was correct and consistent with the requirements of Part 4 of the Ku-ring-gai Community Participation Plan (CPP). Notification letters were also correctly sent to adjoining and nearby residents in accordance with the Ku-ring-gai CPP. The error in the notification sign therefore does not invalidate the notification of the application in accordance with the CPP.

Internal Referrals

Urban design

Council's Urban Design Consultant has reviewed the proposed development and raised concerns with building separation, residential amenity, private open space, tree removal, building façade design and sustainability. These issues are agreed and form part of the recommend reasons for refusal.

Landscaping

Council's Senior Landscape and Tree Assessment Officer has reviewed the proposed development and raised concerns with deep soil provision, tree removal, impacts on retained trees and landscape design. These issues are agreed and form part of the recommend reasons for refusal.

Engineering

Council's Team Leader Development Engineer's has reviewed the proposed development and raised concerns in relation to water management, waste management, parking and vehicle access and preliminary construction traffic management. These issues are agreed and form part of the recommend reasons for refusal.

Heritage

Council's Heritage Advisor has reviewed the proposed development and has raised concerns in relation to colours and materials. This issue is agreed and forms part of the

recommended reasons for refusal.

Health

Council's Coordinator Environmental Health Services has reviewed the proposed development and has raised no objections, subject to the inclusion of conditions concerning construction noise, noise from road and rail, acoustic design report, mechanical ventilation, waste and recycling storage facilities, mechanical noise, outdoor lighting and noise control (mechanical plant, rainwater re-use system and air conditioning). These conditions are agreed with and would be included in the recommendation if the application was recommended for approval.

Building

Council's Senior Building Surveyor has reviewed the proposed development and has raised no objections, subject to the inclusion of conditions concerning access and fire safety. These conditions are agreed and would be included if the application was recommended for approval.

External Referrals

Sydney Trains

The application was referred to Sydney Trains for concurrence under section 2.98 of the SEPP (Transport and Infrastructure) 2021. The following comments were received:

> *[Reference is made to] Council's referral requesting comments for the above Development Application (DA) in accordance with Section 2.98 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).*
>
> *Council is advised that TfNSW, via Instruments of Delegation, has been delegated to act as the rail authority for the heavy rail corridor operated by Sydney Trains (including infrastructure), and to process the review for this Development Application.*
>
> *We advise that the proposed development has been assessed in accordance with the relevant TfNSW Asset Management Branch standards and Sydney Trains' requirements. To ensure that the proposed development is undertaken in a safe manner it is requested Council impose the conditions provided in Attachment A.*
>
> *Council is also advised that the requested conditions of consent as provided in Attachment A are not to be amended, replaced, or superseded by any subsequent submission provided by any other rail authority, without the further agreement from TfNSW (as Rail Authority).*

The recommended conditions would be included if the application was recommended for approval.

STATUTORY PROVISIONS

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

The provisions of Chapter 4 require Council to consider the potential for a site to be

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

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

The site falls within a regulated catchment. The proposal does not include appropriate stormwater measures to minimise any adverse impacts on the regulated catchment. The proposal is unsatisfactory in regard to Chapter 6 'Water Catchments' of the State Environmental Planning Policy (Biodiversity and Conservation) 2021. A reason for refusal is recommended concerning water management.

State Environmental Planning Policy (Transport and Infrastructure) 2021 – Division 15 Railways

The application is adjacent to the rail corridor and consideration is required pursuant to Section 2.98 of State Environmental Planning Policy (Transport and Infrastructure) 2021. Sydney Trains provided concurrence subject to recommended conditions.

The requirements of Section 2.100 'Impact of rail noise or vibration on non-rail development' have been addressed in the Acoustic Report. Part 6.1 of the Acoustic Report includes an assessment of rail noise and vibration impacts. Part 6.2 of the Acoustic Report identifies measures to achieve the acoustic standards specified in section 2.100(3). The proposal is consistent with the requirements of Section 2.100.

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

An invalid BASIX certificate has been submitted due to inconsistencies between plans and the certificate in relation to the number of bedrooms, floor area of TH05, garden and lawn areas. As per the requirements of Clause 2.1 (5) the consent authority is not satisfied that the application includes information in which the embodied emissions attributable to the development have been quantified. This issue forms a recommended reason for refusal.

State Environmental Planning Policy (Housing) 2021

SEPP Housing contains a number of 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 multi-dwelling housing development on land that is zoned R2 Low Density Residential. The site is located within the 'Low and Mid Rise Area' as defined in Chapter 6, being land within 800 metres walking distance of the public entrance to Gordon railway station.

The relevant sections of Chapter 6 of SEPP Housing are considered below:

Chapter 6 Low and mid rise housing

Part 3 Attached dwellings, multi dwelling housing and multi dwelling (terraces)		
Development standard	**Proposed**	**Complies**
S 170 Development permitted with development consent Development for the purposes of multi dwelling housing or attached dwellings is	The subject site is zoned R2 Low Density Residential. 7 multi-dwelling housing units are proposed.	**YES**

Part 3 Attached dwellings, multi dwelling housing and multi dwelling (terraces)		
Development standard	**Proposed**	**Complies**
permitted with development consent on land to which this chapter applies in a low and mid rise housing area in Zone R2 Low Density Residential.		
S 171 Landscaping – multi dwelling housing or multi dwelling housing (terraces) (2) Before granting development consent to development to which this section applies, the consent authority must consider the *Tree Canopy Guide for Low and Mid Rise Housing*, published by the Department in February 2025. Note: Table 5 Tree canopy and deep soil – Multi-dwelling housing requires: • minimum deep soil required is 25% or 362m²; • tree canopy required is 25% or 362m²; • al least 7 medium trees are required.	 Deep soil area has been estimated at 509.2m^2 or 35%. Tree canopy provided is 30% or 434.8m². 7 trees provided.	 **YES** **YES** **YES**
S 172 Non-discretionary development standards – multi-dwelling housing (2) The following non-discretionary development standards apply in relation to development for the purposes of multi dwelling housing— (a) A minimum lot size of 600m²; (b) a minimum lot width at the front building line of 12 metres, (c) if no environmental planning instrument or development control plan that applies to the land specifies a maximum number of car parking spaces per dwelling—a minimum of 1 car parking space per dwelling, (d) a maximum Floor Space Ratio of	 The site has an area of 1,450.20m². The site has a width of 28.5 metres at the front building line. (2)(c) does not apply as the DCP includes a maximum number of car spaces control. The FSR is 0.70:1 (1,016.12m²) being 0.7% over the maximum.	 **YES** **YES** **N/A** **NO**

Part 3 Attached dwellings, multi dwelling housing and multi dwelling (terraces)		
Development standard	**Proposed**	**Complies**
0.7:1, (e) a maximum building height of 9.5m.	Based on the submitted plans, the GFA including internal stairs on the first-floor level is estimated at 0.701:1 or 1,016.12m² (0.7% variation). 10.52 metres	**NO**

An assessment of the non-compliance to the controls identified in the compliance table is provided below.

S 171 Landscaping – multi dwelling housing or multi dwelling housing (terraces)

The site has an area of 1,450.2m². Table 5 in the *Tree Canopy Guide for Low and Mid Rise Housing* requires a minimum deep soil area of 25% or 362m² of the site area.

The submitted Deep Soil Calculation plan indicates deep soil of 40.18% or 581.85m², which numerically complies with the minimum 25% deep soil required under Table 5. However, there are some areas included in the calculation that do not satisfy the deep soil definition. The non-compliant areas include:

- the common pedestrian path within the south-western setback is 1.5 metres wide which is greater than the required minimum 1.2 metres,
- the landscape area between the common pedestrian path and the south-western side of the basement has a dimension less than 3 metres,
- the triangular section of landscaped area adjacent to the south-western side of the driveway has a dimension less than 3 metres, and
- the finished level of the living area for TH01 will be approximately 1 metre lower than existing grades, requiring a retaining structure within the north-eastern setback. The remaining landscaped area between the wall and the north-eastern boundary will have a dimension less than 3 metres.

The deep soil area has been estimated by Council's Senior Landscape & Tree Assessment Officer at 509.2m^2 or 35% of the site area. To verify compliance, an amended deep soil diagram demonstrating compliance with the deep soil standard of the *Tree Canopy Guide for Low and Mid Rise Housing* should be provided. This issue forms a recommended reason for refusal.

S 172 Non-discretionary development standards – multi-dwelling housing

Section 172(2)(d) of SEPP Housing permits a maximum Floor Space Ratio (FSR) of 0.7:1 (1,015.14m²).

The submitted Gross Floor Area (GFA) calculation diagrams (Drawing No. A3001, Issue A, dated 29/09/2025) show that the proposal has a FSR of 0.68:1 (986.67m²). However, the submitted GFA calculations have not been prepared in accordance with the GFA Definition within the KLEP as the internal stairs on the first-floor level of each multi-housing dwelling should be included in the GFA calculation.

Based on the submitted architectural floor plans, the proposed FSR including internal stairs on the first-floor level is estimated at approximately 0.70:1 (1,016.12m²) which results in a non-compliant FSR with a variation of 0.7%.

In addition, the south-eastern part of the proposed basement is approximately 1.6 metres above the existing ground level, which does not meet the definition of 'basement' in the KLEP, which requires a maximum projection of 1 metres. The GFA at basement level has not been included on the GFA calculation diagrams. The estimated FSR would be further increased if the aforementioned part of the basement was included in the GFA calculation.

The proposed FSR variation is not supported by a Clause 4.6 variation request therefore the merits of the variation cannot be considered.

Any inconsistencies with other Environmental Planning Instruments

The development standards referred to in the above table prevail to the extent of any inconsistency with another Environmental Planning Instrument including the KLEP as stated in Section 8 1 of SEPP Housing.

The following controls under the KLEP are not inconsistent with the abovementioned SEPP housing provisions and as such they continue to apply to the assessment of the subject application.

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 R2 Low Density Residential. The proposed development is defined as 'multi dwelling housing' and is prohibited with development consent under the KLEP. However, multi dwelling housing is permitted with development consent in a low and mid rise housing area in Zone R2 Low Density Residential under the SEPP Housing. Refer to Chapter 6 provisions above.

Development standards:

Ku-ring-gai Local Environmental Plan 2015

Development standard	Proposed	Complies
Cl 4.3 - Height of buildings: Maximum Building Height - 9.5 metres	10.52 metres Refer to Chapter 6 provisions above.	**NO**
Cl 4.4 - Floor space ratio (FSR): Maximum Floor Space Ratio - 0.3:1	0.701:1 or 1,016.12m² (0.7% variation). Refer to Chapter 6 provisions above.	**NO**
Cl 6.6 - Requirements for multi dwelling housing and residential flat buildings:	Site area - 1,450.20m² Width – 28.45 metres	**YES** **YES**

Development standard	Proposed	Complies
the lot has an area of at least 1,200 square metres and minimum dimensions (width and depth) of at least— *(a) if the area of the land is less than 1,800 square metres — 24 metres.*	Depth – 42.97 metres Refer to Chapter 6 provisions above.	**YES**

Note: Calculations above based on the submitted survey plan

The proposed development breaches the building height, FSR and minimum lot size development standards contained within the KLEP, as well as the building height and FSR development standards contained within SEPP Housing. Per Section 8(1) of SEPP Housing, where there is any inconsistency between SEPP Housing and another environmental planning instrument, the provisions of SEPP Housing prevail. Consequently, the building height and FSR development standards of the SEPP Housing prevail over the KLEP.

The applicant has made a submission pursuant to Clause 4.6 seeking to vary the building height control contained in Chapter 6, Part 3 of SEPP Housing (**Attachment A7**). The Clause 4.6 variation request to this development standard is considered below.

The applicant has not provided a submission pursuant to Clause 4.6 seeking to vary the FSR development standard and consequently development consent cannot be granted to the application. This issue forms a recommended reason for reason.

Clause 4.6 Exceptions to development standards

Clause 4.6 provides flexibility in applying certain development standards and an assessment of the request to vary the development standard is provided below:

> *(1) The objectives of this clause are as follows—*
>
> > *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
> > *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
>
> *(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
>
> *(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
>
> > *(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
> > *(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

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

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

Pursuant to clause 4.6(3)(a) of the LEP, the variation to the height of buildings development standard is acceptable in the circumstances of this case and compliance with the development standard is considered unreasonable and unnecessary because the proposed development is consistent with the objectives of the height of buildings standard, notwithstanding non-compliance with the standard.

- ***Objectives of the Height of Buildings Development Standard***

The objectives of the development standard are at clause 4.3(1) of the LEP 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 proposed development meets the objectives of Clause 4.3 of the LEP based on the following assessment:

> ***Objective (a) –** Not applicable. The subject site is not identified as being within one of Ku-ring-gai's centre.*
>
> ***Objective (b) –** The proposal provides a development that allows for the transition in scale between Gordon Town Centre and the adjoining low density residential zone the subject site is located within. The proposed development meets the Ku-ring-gai DCP controls and objectives with regards to amenity and privacy. Despite the numerical height variation, the proposal presents no undesirable visual impacts in terms of loss of amenity or solar access on the development itself or adjoining properties, and therefore achieves the aims of the height development standard of the LEP.*
>
> ***Objective (c) –** The proposed development presents a built form that is compatible with the controls contained within SEPP – Housing which envision the desired future character of R2 Low Density Residential zones within low and mid rise housing areas. As such, the proposal is of a scale that is compatible with the size of the land being developed by virtue of being compliant with the relevant development standards for multi dwelling housing within Chapter 6 of SEPP – Housing.*

In accordance with the decision in Wehbe v Pittwater Council [2007] NSWLEC 827 the development meets the first test because compliance with a development standard is unnecessary as the objectives of the development standard are achieved notwithstanding the non-compliance.

It is unreasonable and unnecessary to require compliance with the height of buildings development standard due to the following reasons:

- *The variation to the 9.5 metre height standard is confined to [the] roof form of the building with the most prominent variation being to the roof form-eave at the south-east corner of the building. These building elements will not result in any significant adverse visual impacts upon the adjoining properties or the public domain, with the proposed built form being suitable within the context of the subject site and the desired future characteristics of the locality.*

- *The variation to the proposed building height is partly a result of the topography of the subject site which [has a] cross-fall from the north-western corner (rear) of the site (RL 118.09) to the south-western corner (front) (RL111.38). It is unreasonable to require strict compliance with the standard due to the topography of the site.*

- *It is unnecessary to require compliance with the height control as the proposed variation does not result in any significant environmental or amenity impacts when compared with a complying height at this element of the proposal. The variation does not result in any significant overshadowing, bulk and scale, or visual/acoustic privacy impacts upon adjoining properties.*

- *The height is suitable for the subject site and compatible with the planning objectives and intended outcomes for the site and the objectives of the R2 – Low Density Residential zone.*

The applicant's arguments are not acceptable for the following reasons:

- The proposed height of 10.5 metres within a context characterised by buildings that are predominantly less than 9.5 metres is not consistent with the objective of achieving an appropriate transition between the centres and lower density residential zones.
- It is not agreed there is an absence of impacts arising from the non-compliance. The interface with R2 land to the east, where the non-compliant height occurs, is not acceptable. The proposed building height of 10.5 metres is inconsistent with adjoining development to the east, which is characterised by one or two storeys, whereas the proposed height variation facilitates three storeys above a basement level.
- The variation in the height standard occurs at the primary street frontage (Forsyth Street) and would be visible from the street and adjoining properties. The proposed top floor design, in which an increased setback is not provided to the eastern walls of TH01 and 05, further contributes to excessive bulk and scale. The extent of the non-compliance would result in a bulk and scale that is incompatible with the local character and the streetscape.

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:

> *Pain J held in Four2Five vs Ashfield Council [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation 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 written 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.*

Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the height of buildings development standard because:

- *The variation to the 9.5 metre height standard pursuant to Clause 172(3)(e) of SEPP – Housing is partly a result of the topography of the subject site which has a cross fall from the north-western corner (rear) of the site to the south-eastern corner (front). The development proposal meets the height of buildings development standard in the western portion of the site.*

- *The development proposal has been designed with a three-storey form, noting the third floor has been recessed to reduce its visual prominence. The building, despite its minor variation in height is consistent with the desired future character for development in the locality – R2 Low Density Residential zone.*

- *The variation in the height standard will not be visually discernible from the public domain or adjoining properties. In this case, the building form is suitable for the subject site and compatible with the planning objectives and intended outcomes of the objectives of the R2 – Low Density Residential zone.*

- *The portion of the development exceeding the building height development standard will not result in unreasonable privacy impacts, overshadowing, or the loss of views/outlook from the adjoining properties.*

- *The proposal is consistent in form and scale of development within the visual catchment of the site noting the development is compatible with the height of development envisioned by the controls contained within SEPP – Housing for low and mid rise housing area.*

- *The variation in height is consistent with the following relevant aims of the Ku-ring-gai LEP 2015 found at clause 1.2(2):*

    - *2(i) The proposal provides for additional housing contributing to housing choice within the catchment of Gordon Town Centre and Gordon Railway Station.*
    - *2(l) The proposed development provides for excellent amenity provisions for future occupants at the subject site whilst protecting and not resulting in any unreasonable amenity impacts on existing residents at adjoining properties.*
    - *2(o) The proposed built form presents a high standard of development that is consistent with the controls contained in SEPP – Housing envisioned for R2 Low Density Residential areas within low and mid rise housing areas. In turn, the character of the low density residential area is protected whilst providing a development that is compatible with the desired future character of the locality.*

- *The variation in height is consistent with the following objects of the Environmental Planning and Assessment Act, 1979 as follows:*

    - *1.3(c) – The proposed multi dwelling housing development on the subject site is an orderly and economic use of the site. The development is largely consistent with the height standard with a built form that is compatible with the desired future character of the locality, and the variation will not result in unreasonable amenity impacts,*

- *1.3(d) – The proposal provides 7 new dwellings that will undoubtedly assist with housing targets within the Local Government Authority, and in turn assist with the provision of affordable housing through additional supply,*
- *1.3(g) – The proposed residential flat building is a good design outcome for the subject site being consistent in form and scale of development within the visual catchment of the site noting the controls contained within SEPP – Housing for the provision of housing within the R2 Low Density Residential zone in a low and mid rise housing area.*

The applicant's environmental planning grounds are unacceptable for the following reasons:

- Whilst the variation in topography is acknowledged, the interface with R2 land to the east, where the non-compliant height occurs, is not acceptable. The proposed building height of 10.5 metres is inconsistent with adjoining development to the east, which is characterised by one or two storeys, whereas the proposed height variation facilitates three storeys above a basement level.
- The variation in the height standard occurs at the primary street frontage (Forsyth Street) and would be visible from the street and adjoining properties. The proposed top floor design, in which an increased setback is not provided to the eastern walls of TH01 and 05, further contributes to excessive bulk and scale. The extent of the non-compliance would result in a bulk and scale that is incompatible with the local character and the streetscape.
- The grounds provided by the applicant in relation to the objects of the *Environmental Planning and Assessment Act 1979* are generic in nature and do not adequately address the building elements that depart from the development standard.

For the above reasons, the requirements of Clause 4.6(3)(b) have not 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. As the variation to the numerical standard is greater than 10% 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 within a heritage conservation area. The site is located within 100 metres of heritage items at No. 17 Mcintosh Street, No. 14 Forsyth Street, No. 49 Werona Avenue and No. 51 Werona Avenue.

The proposed development will have an adverse impact on the heritage items and heritage conservation area in the vicinity due to inappropriate colours and materials and is not supported from a heritage perspective. This issue forms a recommended reason for refusal.

The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance.

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. A geotechnical report that includes appropriate recommendations was submitted with the application and conditions requiring compliance with the report would be included in the recommendation if the application was recommended for approval.

Clause 6.5- Stormwater and water sensitive urban design

The objective of this clause is to avoid or minimise the adverse impacts of urban stormwater on the land on which development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems.

The proposed stormwater design is inadequate as a detailed longitudinal section of the on-site detention (OSD) tank, a high level overflow pipe from the OSD connecting to the proposed pipe network system, and invert/surface levels of all stormwater pits within the site have not been provided. In addition, the applicant has failed to provide adequate calculations and modelling to support the proposed stormwater design. These issues form a recommended reason for refusal.

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 found to be unacceptable 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. This issue forms a recommended reason for refusal.

Part 6: Multi-dwelling housing

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
Section A		
Part 6 Multi Dwelling Housing Controls		
Part 6A Site Design		
6A.1 – Local character and streetscape		
Designed by an architect registered with the NSW Architects Registration Board	The development has been designed by an architect registered with the NSW Architects Registration Board.	**YES**
All multi dwelling housing developments are to demonstrate how they provide: i.a garden setting with buildings surrounded by landscaped gardens, including tall trees, on all sides; ii.a transition in built form between single dwelling residential buildings and high density apartment buildings.	A suitable garden setting is not provided due to unacceptable tree removal and insufficient planting. An appropriate built form transition is provided.	**NO (reasons for refusal 11, 12 and 13)** **YES**
Design components of new development are to be based on the existing predominant and high quality characteristics of the local neighbourhood.	Design components do not reflect high quality characteristics of the neighbourhood.	**NO (reasons for refusal 2-5, 8, 11-13)**
The appearance of the development is to maintain the local visual character by considering the following elements: visibility of on-site development when viewed from the street, public reserves and adjacent properties; and relationship to the scale, layout and character of the tree dominated streetscape of Ku-ring-gai.	The development does not have an appropriate relationship to the layout and character of the streetscape. The appearance of the development does not maintain the local character.	**NO (reasons for refusal 3, 4 8)**
The predominant and high quality characteristics of the local neighbourhood are to be identified and considered as part of the site analysis required per Part 2 of the DCP.	The submitted site analysis is insufficient.	**NO (reasons for refusal 2-5, 8, 11-13)**
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	Whilst the 3 storey scale is appropriate and there is no overshadowing to the neighbouring properties, the built form is not appropriately integrated with soft landscaping, in part due to non-compliances of building separation and building setbacks.	**NO (reasons for refusal 2-5, 8, 11-13)**

COMPLIANCE TABLE		
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.		
Development on visually prominent sites is to: i.be of high architectural and aesthetic quality; ii.be integrated into the existing landscape through the site planning process and avoid tall and bulky structures; iii.have a selection of external colours and finishes that are sensitive to the site and locality; iv.retain significant landscape and vegetation elements; v.consider views to the site as well as those from the site; and vi.soften visual impact by extensive landscaping including larger trees and shrubs.	The site is a visually prominent site given its location on the corner of Forsyth Street and Werona Avenue. The proposed development is not of high aesthetic quality. The colour/materials are not sensitive to the locality and the development does not retain significant landscape elements.	**NO (reasons for refusal 2-5, 8, 11-13)**
Colours of materials used in sites adjoining or in close proximity to bushland areas and Heritage Conservation Areas are to be in harmony with the built and natural landscape elements of the area.	The site is in vicinity of a Heritage Conservation Area. The proposed colours and materials are not in harmony with the built and natural landscape elements of the area.	**NO (reason for refusal 20)**

COMPLIANCE TABLE		
6A.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. Demonstration of design strategies to address opportunities and constraints based on the Site Analysis are to include: i) building location and orientation on the site optimising northern aspect; relationship with neighbouring development; 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 separations and internal layouts of buildings that respond to (i) above and be consistent with the requirements of the DCP.	The proposed development does not appropriately maintain the significant trees within the site, nor does it provide sufficient building separation.	**NO (reasons for refusal 4, 13)**
A drawing and supporting written information is to demonstrate how the building and its layout has applied and responded to the Site Analysis.	Provided.	**YES**
For requirements on development near noise sources refer to Part 20 Development Near Rail Corridors and Busy Roads in this DCP.	Acoustic report submitted.	**YES**
Any dwelling with a frontage to the street is to address that street with entry doors, windows, verandas and such like.	The dwellings within the buildings that have a frontage to Werona Avenue do not address this street.	**NO (reason for refusal 8)**
Where a site has two or more frontages, the buildings are to address and provide dwelling door entry points from all street frontages.	The proposal provides vehicle access on Forsyth Street and pedestrian access on Werona Avenue only. The door entry point for each dwelling is facing the central courtyard via the common pedestrian path.	**NO (reason for refusal 8)**
Soft landscaping, including tall trees, is to be provided between onsite buildings, fences and courtyard walls.	Sufficient tall trees are not provided on-site.	**NO (reason for refusal 15)**

COMPLIANCE TABLE		
Hard landscaping is to be minimised to maximise opportunities for landscape planting.	Hard landscaping is minimised as far as possible.	**YES**
Long straight driveways are not permitted except where necessary for battle-axe sites. Driveways are to be designed to be of minimal visual impact.	A long driveway is not proposed. The driveway is designed to be of minimal visual impact.	**YES**
A single pedestrian entry point into the development from the street is to be provided. Other entries may be permitted where several dwellings address the street along an extended street or dual frontage sites.	One pedestrian entry point is proposed to the development on Werona Avenue.	**YES**
All development is to have a building alignment parallel to the street, or in alignment with existing setback patterns where the pattern is not likely to change, as in *Figure 6A.2-2* of the DCP.	Due to the irregular shape of the site, the building alignment of Block A is parallel to Forsyth Street but not to Werona Avenue. The building alignment of Block B is parallel to Werona Avenue but not to Forsyth Street.	**NO**
6A.3 – Building setback		
Multi-dwelling housing developments are to meet the following street setback requirements: i.a minimum of 10.0m from the Primary street boundary; ii.on corner sites a minimum of 8.0m from the Secondary street boundary with a 6.0-8.0m articulation zone. No more than 40% of the articulation zone is to be occupied by the building.	The site is a corner allotment. <u>*Primary street boundary (Forsyth Street):*</u> 10 metres (to the building line). 8 metres (to the ground floor POS). <u>*Secondary street boundary (Werona Avenue)*</u> 72.8% of the articulation zone is occupied by the building. 5.6 metres to the very southern corner of the private open space of 'TH07'.	 **YES** **YES** **NO (reason for refusal 3)** **NO (reason for refusal 3)**
A minimum setback of 3.0m is to be provided from any side boundary where the side elevation has non-habitable rooms only. Where a pedestrian pathway is located within this type of side setback, the minimum	3 metres (between Block A and the eastern side boundary) inclusive of access path	**NO (reason for refusal 3)**

COMPLIANCE TABLE		
side setbacks are to be increased by the width of that path.	1.56 metres (between basement lift and the eastern side boundary)	
A minimum setback of 6.0m is to be provided from the rear boundary. For corner sites one boundary is to be nominated as a rear boundary.	The north-western boundary is nominated as a rear boundary. 6 metres (to building line)	**YES**
Basement areas are to be consolidated under the building footprint and meet the same building setback.	Basement areas are generally consolidated under the building footprint except the common lift and stairs. The south-western end of the basement does not meet the 6-8 metres articulation zone required in control 1 ii) of Part 6A.3.	**NO**
No driveways are to be located in side or rear setback areas including within the side setback areas in front of the building line.	Driveway is not located in side or rear setback area.	**YES**
Ground floor private terraces/courtyards may encroach into the required street, side and rear setback areas only where deep soil landscaping requirements are met. The encroachments are to retain a minimum setback to the courtyard wall of: i) 8.0m from the Primary street boundary; ii) 4.0m from the Secondary street boundary; iii) 3.0m from any side boundary; and iv) 4.0m from the rear boundary;	8 metres from the primary street boundary. 4 metres from the rear boundary.	**YES** **YES**
The following elements may encroach into the setback areas only where they do not increase the apparent bulk of the building: i) eaves; ii) open pergolas; iii) blades, fins, columns	The proposed eaves encroach into the setback areas and do not increase the apparent bulk of the building and are acceptable.	**YES**
all primary pathways located between buildings or private open space must accommodate a minimum width of 2.4m to allow for a path width of at least 1.2m and at least 1.2m of landscape in common ownership. Landscape may be as 0.6m both sides of the path or a single width of 1.2m.	The proposed primary pathways have a width of 2.4 metres including a 1.2 metre wide path and a 0.6 metre wide landscape strip on both sides of the path.	**YES**

COMPLIANCE TABLE		
6A.4 – Building separation		
The minimum separation between residential buildings on the development site and the adjoining sites must comply with the following: • 12.0m between habitable rooms/balconies; • 9.0m between habitable room/balcony and non-habitable room; • 6.0m between a habitable room and a blank wall; • 6.0m between non-habitable rooms; • 6.0m between a blank wall and a non-habitable room; • 4.0m between blank walls	12 metres at extreme north-east between habitable rooms of TH01 and TH05. The proposed building separation between habitable rooms gradually decreases to 7.8 metres between TH04 and TH07.	**NO (reason for refusal 4)**
6A.5 – Site coverage		
The maximum site coverage is 40% per Figure 6A.5-1 of the DCP.	32% (459.36m²)	**YES**
6A.6 – Deep soil landscaping		
Multi-dwelling housing development is to have a minimum deep soil landscaping area of 40% of the site area provided within common areas only.	Deep soil area has been estimated by Council's Senior Landscape Assessment Officer at 509.2m^2 or 35% of the site area. Insufficient information has been provided to verify deep soil area compliance.	**NO (reason for refusal 12)**
Deep soil zones are to be configured to retain healthy and significant trees on the site and adjoining sites.	Due to the proposed removal of all 20 trees on site, the deep soil zone is not configured to retain healthy trees.	**NO (reason for refusal 13)**
Deep soil areas for tree and screen planting are to be as follows: i) provided within setback areas to all side and front boundaries; ii) be a minimum width of 4m along the rear boundary. This is to be within the common area if it is located at the rear of the development.	 Deep soil area provided to front and side setback areas. A minimum 4 metre deep soil common area in the rear is provided.	 **YES** **YES**
Deep soil landscaping is to support the planting of tall trees to the streetscape.	Tall trees to streetscape are provided.	**YES**
Screen planting is to soften and reduce dominance of walls and fences.	Sufficient screen planting is provided.	**YES**
Driveways are not to dominate the street setback area. Deep soil landscaping areas	The driveway is located to the south-eastern side of	**YES**

COMPLIANCE TABLE		
in the street setback are to be maximised.	Block A and does not dominate the street setback.	
Supports the required minimum number of tall trees: 1200m^2 or less: 1 per 400m^2 **1201-1800m^2: 1 per 350m^2** 1801m^2+: 1 per 300m^2	Four trees are required. The proposal provides 5 trees capable of attaining a minimum height of 13 metres.	**YES**
In addition to the tall trees, a range of medium trees, small trees and shrubs are to be selected to ensure: i) that the streetscape presents as buildings within a tall tree canopy setting; ii) that vegetation creates a garden setting and can be viewed from the buildings onsite.	Small and medium trees are proposed.	**YES**
Part 6B Access and Parking		
6B.1 – Vehicle access		
Driveway located 3m (min) from side boundary and separated by a continuous landscaped verge & screen planting	The driveway is set back 3 metres from the north-eastern side boundary and continuous landscaped area is provided.	**YES**
Not more than one driveway is to be established on any property.	One driveway is proposed.	**YES**
Driveway designed to avoid straight, long gun barrel appearance by use of landscaping and variations in alignment.	A short driveway is proposed with acceptable landscaping along both sides of the driveway.	**YES**
On-site vehicle turning areas located within the basement.	On-site vehicle turning areas are not provided within the basement.	**NO (reason for refusal 18)**
On-site vehicle turning areas designed to permit turning in a single reversing movement.	On site vehicle turning areas are not provided.	**NO (reason for refusal 18)**
6B.2 – Car parking provision		
All multi dwelling housing development is to provide on-site parking within the basement.	On-site parking is provided within the basement.	**YES**
Basement car park areas are to be consolidated under building footprints per Figure 6B.2-1 of the DCP.	The basement is generally consolidated under the building footprint.	**YES**
The basement car park is not to project more than 1.0m above existing ground level.	The basement projects a maximum of 1.9 metres above existing ground level at the south-eastern corner.	**NO (reason for refusal 2)**

COMPLIANCE TABLE		
Single lane aisles, straight ramps and tunnels are to be a maximum of 12.0m in length.	The ramp length is acceptable due to the fall of the land and configuration of the site.	**YES**
Direct access is to be provided from basement car parks to dwelling entry points; and, wherever possible direct access is to be provided from basement parking into each individual dwelling.	Direct access is provided from the basement car park into each individual dwelling via lift or stairs.	**YES**
Car park entry is to be integrated within the building and located behind the building line.	Car parking entry is appropriately integrated within the building and located 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 is to take precedence.	Satisfactory.	**YES**
The site is not within 400m walking distance of a railway station entry and 7 - 14 resident car spaces are required. Resident parking: 3-4 bedroom unit: min.1-max.2 spaces per unit (min. 7 x 1 = 7 spaces and max. 7 x 2 = 14 spaces);	The proposal provides 7 resident parking spaces and 7 visitor parking spaces (all within the enclosed garages).	**YES**
At least one visitor car space is to be provided within the site for every 4 dwellings or part thereof.	Use of car spaces within enclosed garages is proposed.	**NO (reason for refusal 18)**
At least one visitor parking space is to be accessible and compliant with the dimensional and locational requirements of AS2890.6.	One visitor parking space provided in the enclosed garage is accessible (TH05). However, this visitor parking space would not be accessible to visitors of other multi-dwellings and therefore is unacceptable.	**NO (reason for refusal 18)**
One visitor space to be provided with tap to make provision for on-site car washing.	Not provided.	**NO (reason for refusal 18)**

COMPLIANCE TABLE		
Clearly signposted space for temporary parking of service and removalist vehicles with min. dimensions of 3.5m x 6m and min. manoeuvring area 7m wide (where not provided, one of visitor spaces may be used if it meets these dimensions)	A loading bay for the temporary parking of service and removalist vehicles is not provided.	**NO (reason for refusal 18)**
All parking bays are to be EV ready with design and construction (provision for conduits, switchboards, electrical capacity etc) to enable installation of electric vehicle charging points that are linked to each individual dwelling electricity meter.	Provision has not been made for electric vehicle charging. However, this could be achieved if approval was recommended, subject to conditions.	**YES**
6B.3 – Bicycle parking provision		
Where basement parking is provided, the following rates of onsite secure bicycle parking spaces and storage to AS2890.3 on site are required: 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 or part thereof for visitors within the visitor car park area.	Bicycle parking is not shown on the basement plan, whilst it could be provided, storage per AS2890.3 is not demonstrated	**NO (reason for refusal 18)**
Part 6C. Building Design and Sustainability		
6C.2 – Private open space		
The private open space to each dwelling may be provided as a maximum of 2 separate spaces only if the Primary private open space is a minimum 20m^2 in area, and meets all the criteria in i-iv above. The remaining Secondary private open space is to have a minimum internal dimension of 2m.	The proposal provides two separate paved areas of private open space to each dwelling, however, none of the dwellings provide compliant private open space except TH01.	**NO (reason for refusal 5)**
All private open space area requirements are exclusive of any areas for the provision of services such as fixed drying areas.	The proposal does include services such as fixed drying areas in the private open space.	**NO (reason for refusal 24)**
Ground level private open space is to be differentiated from common areas by: i. change in level and/or: ii. screen planting such as hedges or shrubs and/or; iii. fence/wall to max height of 1.8 metres. Solid wall components max 1.2 metres height with min 30% transparent component	Ground level private open space is differentiated from common areas by planters and fences.	**YES**

COMPLIANCE TABLE		
Where practical, a gate is to be provided between the private open space and common areas to allow access into common areas.	A gate is provided between the principle private open space and the common central courtyard.	**YES**
Private open space, courtyard and terrace wall and fence heights are not to exceed: i.1.2 metres to any street frontage; ii.1.8 metres to any side or rear boundary, with a maximum 1.2 metres high solid component and a minimum 30% transparent component above.	Private open space, courtyard and terrace fences are horizontally slatted with heights less than 1.2 metres to any street frontage and less than 1.8 metres to any side or rear boundary.	**YES**
A water outlet is to be provided within the Primary private open space.	A water outlet is not provided. This could be achieved via conditions if approval was recommended.	**YES**
6C.3 – Solar access and daylight		
Buildings are to be oriented to optimise the northern aspect.	Buildings are generally orientated north-west/south-east and are acceptable.	**YES**
All dwellings are to receive a minimum of three hours direct sunlight to the living room and/or dining room, and to the Primary private open space between 9am and 3pm on 21st June.	<u>The living room and/or dining room:</u> • A minimum of 3 hours is provided to all dwellings <u>The primary private open space facing the central courtyard:</u> • TH02 and 03 - 1 hour • TH04 – nil • TH07 – 2 hours • TH01, 05 and 06 – a minimum of 3 hours	**YES** **NO (reason for refusal 6)**
All habitable rooms are to have a window in an external wall that is directly visible from every part of the room. Snorkel windows are not permitted.	Satisfactory.	**YES**
All developments are to allow the retention of at least three hours of sunlight between 9am and 3pm on 21st June to the living areas and the private open spaces and communal open spaces of multi dwelling housing and any low density residential development on adjoining lots.	3 hours solar access is retained to adjoining low density residential development.	**YES**
Developments are to allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing	4 hours direct sunlight is retained to the solar collectors of the	**YES**

COMPLIANCE TABLE		
neighbouring solar collectors and solar hot water services.	neighbouring property at No. 6 Forsyth Street.	
All developments are to utilise shading and glare control.	The buildings utilise shading and glare control.	**YES**
All shading devices are to be integrated into the building façade design.	The shading devices are integrated into the building façade design.	**YES**
6C.4 – Natural ventilation		
All dwellings are to have natural cross ventilation. Building designs (plans, sections) are to demonstrate the potential for cross ventilation.	Satisfactory.	**YES**
All habitable rooms are to have a window or door in an external wall that can be opened and closed for natural ventilation. The use of lightwells, skylights, or high level windows as a primary source of ventilation in habitable rooms is not permitted.	All habitable rooms have a window or door in an external wall that can be opened and closed for natural ventilation.	**YES**
At least 25% of all kitchens are to be immediately adjacent to an operable window in an external wall.	All kitchens are immediately adjacent to an operable window.	**YES**
Notches, slots or indentations cannot be relied upon to achieve natural cross ventilation unless they meet the minimum building separation requirements. Notches, slots or indentations in the perimeter of the building are to be at least as wide as they are deep.	Notches, slots and indentations are not relied upon for natural cross ventilation.	**YES**
6C.5 – Dwelling mix and accessibility		
A range of dwelling sizes and a mix of types which includes two, three and four bedroom dwellings are to be provided within the development.	The development provides 3 and 4 bedroom dwellings only.	**NO**
All dwellings designed to Silver Level, and 15% of those are to be Platinum Level, with standards as indicated in the *Livable Housing Design Guidelines*.	All dwellings are designed to Silver Level. TH05 meets the Platinum Level guidelines.	**YES** **YES**
All developments are required to meet the KDCP Livable Housing Design Guideline provisions and National Construction Code accessibility requirements regardless of streepness of site.	Satisfactory.	**YES**
All development is to provide an accessible path of travel: i) From the street entry to the front door of each dwelling; and ii) From the basement carparking to the dwelling entry; and iii) Front the dwelling to the primary communal open space and each type of room or space for use in common by the residents.	The required accessible path of travel is provided.	**YES**

COMPLIANCE TABLE		
For Platinum level units with more than one level, an internal lift is to be provided to allow access to all levels.	An internal lift is provided in each dwelling.	**YES**
Chair lifts, platform lifts and the like are not permitted on internal and external communal/shared paths and circulation area. Where lifts are required, they are to be constructed with lift shafts with full weather protection for users.	Chair lifts, platform lifts and the like are not proposed.	**YES**
6C.6 – Dwelling placement and room design		
Subterranean rooms are not permitted to any part of the dwelling. The floor level of all rooms is to be located above finished ground level.	Subterranean rooms are proposed to the basement level including laundry and storage of TH01- 07.	**NO (reason for refusal 7)**
No dwellings are to be accommodated as a result of excavation.	No dwellings are accommodated as a result of excavation. The laundry and storage areas are within the basement.	**YES**
No part of any wall used to accommodate any residential dwelling uses, including storage areas inside and outside the dwelling: i. is to be located below any adjacent ground level; ii. is to be in direct contact with soil; iii. is to have any form of tanking, including spaces that act as tanking, separating the dwelling from external ground levels.	Parts of the dwellings at basement level are in direct contact with the soil and below the adjacent ground level.	**NO (reason for refusal 7)**
Tanking may only be provided to basement parking levels. Where basement storage is located adjacent to external walls, it is to be separated from the tanked wall by an accessible maintenance passage per Figure 6C.6-1 of the DCP.	The proposed basement storage rooms are located adjacent to external walls but are not separated from the tanked wall by an accessible maintenance passage.	**NO (reason for refusal 7)**
The internal finished floor level of any part of a ground floor dwelling and/or private open space is not to be more than 0.9m below existing ground level at the building line.	The finished floor level of living area of TH03 and 04 is maximum 1.4 metre below existing ground level.	**NO (reason for refusal 5)**
Where the internal finished floor level of a ground floor dwelling 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 per Figure 6C.6-1 of the DCP.	Ground level is levelled for 2 metres adjacent to TH01 and 02.	**NO**

COMPLIANCE TABLE		
No obstructions, such as retaining walls or fences, are permitted to project beyond a 45˚ control plane, drawn from the finished ground level at the building line. Plants may project beyond the 45˚ control per Figure 6C.6-1 of the DCP.	Satisfactory.	**YES**
Ground floor dwellings are to consider noise attenuation measures where the dwellings may be impacted by adjoining common areas, communal open space and the public domain.	Landscaped area, courtyard fences assist in minimising noise impacts to ground floor dwellings.	**YES**
Ground and podium level dwellings are to have private outdoor areas differentiated from communal areas. A gate is to be provided from the private open space of each dwelling into common areas where possible.	Gates are provided where possible.	**YES**
Maximum habitable room depth is 8.0m	7 metres	**YES**
Maximum internal plan depth of dwellings is 14.0m	9.8 metres	**YES**
Living and dining areas have 4m internal plan dimension (min)	Satisfactory.	**YES**
Where kitchen areas are included within open plan dining and living areas, the kitchen area and the circulation area for the kitchen is to be separate and excluded from the measurement of living room and dining room area dimensions.	Kitchen area is excluded from living/dining room measurement per the control.	**YES**
All bedrooms have a minimum internal plan dimension of 3m exclusive of storage and wardrobe space	Satisfactory.	**YES**
All dwellings sized & configured as follows: **Dwelling** / **Min size (m^2)** / **Bathrooms** Studio 50 1 1 bedroom 70 1 2 bedrooms 95 2 **3 bedrooms 115 3** **4 bedrooms 130 3**	Satisfactory.	**YES**
Built in wardrobes are a minimum 0.6 metres deep and 1.8 metres long: i) to all studio apartments; ii) to all bedrooms in one & two bedroom dwellings **iii) to at least two bedrooms in dwellings of three or more bedrooms**	Satisfactory.	**YES**
One bathroom is to be fitted with a bathtub if more than one bathroom is provided	Provided.	**YES**
All kitchens have a clear workbench surface of 0.6x2.0 metres or two surfaces of minimum 0.6x1.0 metres each	Provided.	**YES**

COMPLIANCE TABLE		
6C.7 – Building entries and internal pathways		
The entry is to be directly accessible and visible from the street.	The entry into the multi dwelling housing development is directly accessible and visible from Forsyth Street and Werona Avenue.	**YES**
All ground floor entries to dwellings are to be located no more than 1.0m above natural ground level. Any falls in the ground level are to be accommodated within the design of the dwelling by utilising split levels.	The ground floor entries are no more than 1 metre above natural ground level.	**YES**
Building entry pathways are to be minimum 1.2m wide and located within the common area with a minimum dimension of 1.2m on either side for landscape planting. All other internal pathways are to be minimum 1.2m wide with a minimum dimension of 0.6m on either side for landscape planting.	Building entry paths are a minimum of 1.2 metres wide and located within the common area.	**YES**
All paths are to provide extra widths to allow effective turning and to allow easy passing between pedestrians.	Extra widths to allow effective turning and passing between pedestrians are provided.	**YES**
Where any path is included in the side setback, then the setback is to be increased by the width of the path.	The setback between Block A and the eastern side setback is not increased by the width of the path.	**NO (reason for refusal 3)**
Provide clear sightlines to the entries of all dwellings. Provide way-finding signs on large development sites comprising multiple buildings.	Provided.	**YES**
All street and individual dwelling entry areas are to be well lit and designed to avoid any concealment or entrapment areas. All light spill is prohibited.	All street and individual entries are well lit and designed to avoid entrapment areas.	**YES**
Individual dwelling entries are to be integrated into the building facade design and be articulated with awnings, porticos, recesses or projecting bays for clear identification.	Individual entries are integrated into the façade.	**YES**
All pathways are to be designed to avoid blind corners, dark alcoves and narrow passageways dominated by internal fencing or structures.	Satisfactory.	**YES**
6C.8 – Building facades and articulation		
Buildings are to express the scale and mass of townhouse and villa development.	The buildings express the scale and mass of townhouse development.	**YES**
Building design and finish is to provide a variety of architectural character within the streetscape.	Satisfactory.	**YES**

COMPLIANCE TABLE		
All facades are to achieve well-proportioned compositions utilising suitable architectural elements and treatments, including a variety of window openings.	The facades do not utilise appropriate architectural elements and treatments.	**NO (reason for refusal 8)**
All building elevations are not to exceed 36.0m in length.	Block A – 20 metres Block B – 25 metres	**YES**
All external walls longer than 14.0m are to be articulated by having a minimum 0.6m step in the building facade alignment (projection or indentation). Facades consisting of a single predominant finish or material and/or limited articulation will not be accepted	Satisfactory.	**YES**
All building facades are to be modulated and articulated with wall planes and architectural elements that vary in depth and reduce bulk and scale of the building. Large flat walls, undifferentiated window openings, applied treatments and unarticulated facades will not be accepted.	Concern is raised that uniform floor-to-ceiling height privacy screens may inadequately address privacy and/or aesthetic.	**NO (reason for refusal 8)**
All building elements, including shading devices and awnings, are to be coordinated and integrated into the overall facade design.	The detailed interface between some materials and key constructional elements (e.g: structural transom element) is not explained.	**NO (reason for refusal 8)**
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: the building façade, the top of a flat roof, terraces, private or communal open spaces; or balconies.	Air conditioning condensers are not demonstrated on the plans.	**NO (reason for refusal 24)**
Balconies that run the full length of the building facade are not permitted.	Balconies on the second floor level run the full length of the building façade.	**NO**
Balconies are not to project more than 1.5 metres from the outermost wall of the building facade and be integrated into the overall building design and composition of the elevations.	Balconies are integrated into the building envelope.	**YES**
Blade walls are not to be the sole element used to articulate the facade.	Blade walls are not the only element used to articulate the facades.	**YES**
Overhead ducts and services at the basement parking entry are to be concealed and not be visible from the street.	Overhead ducts and services are concealed at the basement parking entry.	**YES**
Street corners are to be addressed through the use of architectural elements that give visual prominence to parts of the building facade, such as a change in building	The street corner is not addressed through the use of architectural elements that give visual	**NO (reasons for refusal 8, 10)**

COMPLIANCE TABLE		
modulation, material, colour, roof expression or height.	prominence to the building facade facing Werona Avenue.	
Building elevations are not to create snorkel windows to any part of the building.	The building elevations do not create snorkel windows.	**YES**
6C.9 – Building storeys		
Multi-dwelling housing is to have a maximum of 3 storeys. Note: Refer to figure 6C.9-1. The 1st storey is measured from a maximum 1m above the existing ground line.	The proposed development is generally 3 storeys except the south-eastern corner of Block A which is 4 storeys.	**NO (reason for refusal 2)**
On steep sites, the size of the floor plate is to reflect the topographic constraints. Subterranean dwellings at ground level are not permitted. Note: Smaller stepping floor plates can assist to negotiate the topography.	The floor plates reflect generally reflect the topographical constraints.	**YES**
6C.10 – Top storey design and roof forms		
The top storey of the building is to be incorporated into the roof space to make an attic floor level where possible. Where a flat roof is proposed, the design is not to resemble a residential apartment building form.	The design of the building does not resemble a residential flat building form.	**YES**
Service elements such as drainage pipes and communication devices are to be integrated into the overall design of the roof and not be visible from the public domain or any surrounding development.	Service elements are integrated into the overall design.	**YES**
Roof design is to enable solar access to openings in winter and shading to openings in summer	The roof design, including awnings, enables solar access in winter and shading in summer.	**YES**
Roof forms are to be modulated or broken, especially for long facades.	Roof forms are not modulated or broken.	**NO (reason for refusal 9)**
Balconies and terraces are not permitted above the ground and first floor levels of the building except to the street frontage.	The terraces of TH01, 02, 03 and 04 at the second floor level face the rear elevation of Block A.	**NO (reason for refusal 9)**
Where the top storey is not incorporated within the roof form, it is to step back as follows: i.a minimum of 2.0m from the front and rear building line of the floor below; ii.a minimum of 0.6m from the building line of the floor below at the end walls, where the end walls at the top storey has no openings; where end walls have openings,	Block A - <2 metres from the front building line of the floor below (TH05, 06 and 07) Block B - <2 metres from the rear building line of the floor below (TH01, 02, 03 and 04). Nil setback to the end walls of TH01, 04, 05 and 07.	**NO (reason for refusal 9)**

COMPLIANCE TABLE		
the step-back is to be a minimum of 2.0m from the building line of the floor below; iii. access to balconies or terraces at the top storey may only be provided to the street elevation.	Access to terraces at the top storey of Block B (TH01, 02, 03 and 04) is provided.	
Flat roofs and terraces are not to be used for plant and service equipment, all such equipment is to be concealed within the buildings roof structure and basements.	It is unclear if flat roofs and terraces are to be used for air conditioning condenser units.	**NO (reason for refusal 24)**
6C.11 – Internal ceiling heights		
Minimum ceiling height for habitable rooms: 2.7m with a minimum 3.1m floor to floor height.	2.7 metres with a 3 metre floor to floor height with 0.3 metre clearance for structure, services and finishes.	**NO (reason for refusal 24)**
Minimum ceiling height for non-habitable rooms: 2.4m with a minimum 2.8m floor to floor height with 0.4m clearance for structure, services and finishes	2.7 metres with a 3 metre floor to floor height with 0.3 metre clearance for structure, services and finishes.	**NO (reason for refusal 24)**
Architectural plans indicate location of service ducts for drainage pipes and services	Compliance demonstrated on sections.	**YES**
6C.12 – Visual and acoustic privacy		
Buildings are to be designed to ensure privacy to other onsite dwellings and to neighbouring properties. In addition to design options outlined in Parts 23.8 and 23.9 of the DCP, design measures may also include: i. off-setting balconies in relation to adjacent balconies; ii. using recessed balconies and/or vertical fins between adjacent private balconies; iii. using louvres/screen panels to windows and balconies; iv. incorporating planter boxes into walls or balustrades to increase the visual separation between areas; v. utilising pergolas or shading devices to limit overlooking of lower building levels or common and private open space.	The proposed slat fences to courtyards and terraces ensure visual privacy is generally maintained between townhouses and neighbouring properties. However, the windows of the first and second floor levels on the north-east elevation would directly overlook the living areas and primary private open space of the adjoining property at No. 6 Forsyth Avenue. For other privacy issues refer to Part 23.8 of the KDCP.	**NO (reason for refusal 10)**
Continuous transparent or translucent balustrades to private open spaces are not permitted to balconies/terraces/courtyards.	Continuous transparent balustrades to private open space are not proposed.	**YES**
Screening between dwellings is to be integrated into the overall building design.	Screening is integrated into the overall building design.	**YES**

COMPLIANCE TABLE		
Landscaped screening is to be provided to neighbouring properties.	Landscaped screening is provided to neighbouring properties.	**YES**
Any screens for achieving visual privacy to habitable rooms cannot be fixed in place and impede their function of the opening to provide daylight, ventilation or outlook from the internal space.	The fixed floor-to-ceiling height privacy screens potentially compromise outlook and solar access.	**NO (reason for refusal 10)**
6C.13 – Storage		
Storage space is provided at the following minimum volumes: 10m³ for 2 bedroom dwellings 12m³ for dwellings with 3+ bedrooms	Storage spaces for the dwellings appear to all exceed 12m³.	**YES**
At least 50% of storage space is provided within the dwelling.	No breakdown provided.	**NO (reason for refusal 24)**
Storage space provided outside the dwellings within basements and such like, are to be separately allocated and identified as belonging to the relevant dwelling.	All storage areas are provided within the private basement storage rooms accessible via a private lift and stairs.	**YES**
6C.14 – External air clothes drying facilities		
One private external air clothes drying area shall be provided for each dwelling.	Private external air clothes drying area are not indicated on the plans.	**NO (reason for refusal 24)**
The private external air clothes drying area is not to be located at the street frontage and is to be screened from all public domain areas and common areas.	Private external air clothes drying area are not indicated on the plans.	**NO (reason for refusal 24)**
Where shared air clothes drying lines are provided, they are to be located within common areas, but are not to form part of any communal open space and should not be visible from any public domain.	Private external air clothes drying area are not indicated on the plans.	**NO (reason for refusal 24)**
6C.15 – Fencing		
Front boundary fences and walls (to a public street/public domain) and side boundary fences within the street setback are not to be higher than: i) 0.9m if of closed construction (such as masonry, lapped and capped timber or brushwood fences); or ii) 1.2m if of open construction (such as open paling and picket fences).	The SEE states that the existing fence to Forysth Street is retained. However, retention is not demonstrated on the plans. It appears that the fences and gate along the south-western portion of the south-western boundary fronting Werona Avenue have a height of 1.2 metres. The remainder of boundary fences have a height of 1.8 metres.	**NO (reason for refusal 24)**

COMPLIANCE TABLE		
	However, sufficient details of fences has not been provided to enable a full assessment.	
Fences and walls are to step down and follow the natural contours of the site	Details of fences are not provided.	**NO (reason for refusal 24)**
Hedges and shrub planting are to be no higher than 1.2m along the entire front boundary, or 1.8m on a site fronting a busy road.	Satisfactory.	**YES**
All fences to highlight entrances and be compatible with buildings and letterboxes.	Details of fences are not provided.	**NO (reason for refusal 24)**
External finishes are robust and graffiti resistant	Details of fences are not provided.	**NO (reason for refusal 24)**

An assessment of the variations to the controls identified in the compliance table is provided below.

Part 6A.2 – Site layout

The proposed building alignment of Block A is not parallel to Werona Avenue and the building alignment of Block B is not parallel to Forsyth Street which is non-compliant with Control 10 in Part 6A.2 of the KDCP.

The objectives of Part 6A.2 in KDCP are as follows:

> *"1 To ensure fundamental design decisions are appropriate to the site.*
> *2 To ensure detailed design decisions are funded on an appropriate site strategy determined through site analysis.*
> *3 To enable that site planning for multi-dwelling housing responds to site attribute such as streetscape character, existing vegetation and topography, and addresses associated opportunities and constraints.*
> *4 To ensure high impact elements such as noise sources are considered early in the design stage.*
> *5 To ensure provision of a clear and legible address for the development.*
> *6 To soften built form with soft landscaping.*
> *7 To achieve a high standard of amenity for future residents.*
> *8 To minimise impacts on the amenity of neighbouring sites.*
> *9 To reduce the appearance of building mass and scale.*
> *10 To ensure driveways are not a dominant feature of the development.*
> *11 To provide a safe and continuous pathway from the street to the entry point of each dwelling.*
> *12 To ensure buildings address the public domain and give direct access from both primary and secondary street on the property boundary.*
> *13 To maintain the alignment and rhythm of the built form on the street.*
> *14 To ensure high quality site design with integrated methods of pedestrian and vehicular access that support the visual character of the streetscape and locality.*
> *15 To ensure visual and acoustic amenity is preserved to neighbouring developments."*

For the following reasons it is considered that the objectives of the control are achieved despite the variation to the design control:

i. Due to the irregular shape of the site, aligning the development parallel to both

Forsyth Street and Werona Avenue is not necessary, as it would not enhance the amenity of future residents, reduce impacts on the amenity of neighbouring sites or improve the internal functionality of the multi-housing dwellings.

ii. The alignment of Block A is parallel to Forsyth Street (primary street frontage) and the alignment of Block B is parallel to Werona Avenue (secondary street frontage). As such, the development generally reflects the predominant street alignment.

Part 6A.3 – Building setback

The proposed south-western end of the basement and the common stairs are not consolidated under the building footprint which does not comply with Control 5 in Part 6A.3 of the KDCP.

The objectives of Part 6A.3 in KDCP are as follows:

> *"1 To ensure buildings are situated within a garden setting dominated by tall trees.*
> *2 To soften the built form and maintain the garden character of Ku-ring-gai.*
> *3 To ensure deep soil areas within setbacks areas are clear of elements that compromise planting and growth of tall trees.*
> *4 To ensure adequate space between buildings to enable effective landscaping and to soften the built form.*
> *5 To protect existing trees and provide areas for the planting of tall trees, especially at the front and rear of the development.*
> *6 To provide adequate amenity including visual and acoustic privacy, solar access and natural ventilation.*
> *7 To reduce the visual bulk of buildings from the street.*
> *8 To maintain the rhythm of the built form to the streetscape.*
> *9 To ensure access pathways do not compromise the privacy of onsite or adjacent dwellings."*

For the following reasons it is considered that the objectives of the control are achieved despite the variation to the design control:

i. Adequate landscaping area including small trees and shrubs are provided between the pedestrian path and the south-western end of Block A to soften the built form.

ii. The uncovered common stairs provide access from the basement to the common pedestrian path and do not result in adverse visual bulk impacts when viewed from the street.

Part 6C.5 – Dwelling mix and accessibility

The development provides three and four bedroom dwellings only. Two bedroom dwellings are not provided within the development. This does not comply with Control 1 in Part 6C.5 of the KDCP.

The objectives of Part 6C.5 in KDCP are as follows:

> *"1 To provide dwellings to cater for a range of household types.*
> *2 To increase housing diversity and housing choice within Ku-ring-gai.*
> *3 To increase the housing choice for seniors, people with disabilities and families.*
> *4 To promote flexible housing for all community members and for changing household requirements now and in the future as needs change due to ageing and disability.*
> *5 To ensure all developments and dwellings incorporate Livable Housing Design Guideline provisions and National Construction Code accessibility requirements regardless of steepness of a site."*

For the following reasons it is considered that the objectives of the control are achieved despite the variation to the design control:

i. The proposal has 7 multi-housing dwellings and is a large-scale multi dwelling housing development. A wider range of dwelling mix or unit types is not necessary for the scale of development proposed.

ii. The proposed 6 x 3 bedroom dwellings and 1 x 4 bedroom dwellings cater for a range of household types.

iii. The proposal increases housing choice within Ku-ring-gai.

Part 6C.6 – Dwelling placement and room design

Control 6 in Part 6C.11 of the KDCP requires that 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 where the internal finished floor level of a ground floor dwelling and/or private open space is not more than 0.9 metres below the existing ground level at the building line.

The proposed ground level adjacent to the northern private open space of TH01 and 02 is levelled for 2 metres which does not comply with Control 6 in Part 6C.11 of the KDCP.

The objectives of Part 6C.6 in KDCP are as follows:

> *"1 To ensure adequate outlook, daylight access and natural ventilation to all dwellings.*
> *2 To minimise on site excavation for multi-dwelling developments.*
> *3 To assist in preventing dampness and water ingress into buildings and to enable effective long term maintenance and servicing to all external walls of dwellings.*
> *4 To enable pleasant outdoor private open space that has good daylight and ventilation.*
> *4 To enable connection and access to common areas prom private open areas."*

For the following reasons it is considered that the objectives of the control are achieved despite the variation to the design control:

i. The proposed northern private open space is the secondary private open space to TH01 and 02 connecting to the dining and kitchen area and is not accessed from common areas.

ii. Adequate outlook, daylight access and natural ventilation is provided to the dining and kitchen area of TH01 and 02.

Part 6C.8 – Building facades and articulation

The proposed balconies on the second floor level run the full length of the south-eastern facade of Block A and Block B which does not comply with Control 9 in Part 6C.8 of the KDCP.

The relevant objectives of Part 6C.8 in KDCP are as follows:

> *"1 To ensure multi-dwelling development does not appear as 3 storey residential flat buildings in their shape and structure.*
> *2. To create high quality streetscapes of buildings with individual character, diversity and interest.*
> *4 To promote well-designed buildings of high architectural quality that contribute to the local character.*
> *5 To design building facades that reduce the bulk and scale of the building.*

6. To create building facades that are environmentally responsive.
7 To integrate building elements into the overall building form and façade design.
9 To provide distinct building articulation on corner sites that reinforce the street intersection."

For the following reasons it is considered that the objectives of the control are achieved despite the variation to the design control:

i. The proposed uncovered balconies are located on the top level (the second floor) and are stepped back from the building lines below and as such do not dominate the building façade.

ii. The proposed balconies on the top level facing Forsyth Street do not result in adverse visual impacts on the streetscape.

DCP Section B

Part 15 – Land Contamination

The site is not mapped as being contaminated.

The proposal has been assessed against the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of land. The proposal is satisfactory in this regard as discussed earlier in the report. Refer to the SEPP (Resilience and Hazards) 2021 discussion for further details in this regard.

Part 19 – Heritage and Conservation Areas

The site is within 100 metres of heritage items at No. 17 Mcintosh Street, No. 14 Forsyth Street, No. 49 Werona Avenue and No. 51 Werona Avenue. The site is not listed as a heritage item or within a heritage conservation area.

Council's Heritage Advisor considers that the proposed multi-dwelling housing development will have an adverse impact on the heritage items and heritage conservation area in the vicinity due to inappropriate colours and materials. Consequently, the proposal is not supported from a heritage perspective. This issue form recommended reason for refusal 20.

Part 20 – Development near Road or Rail noise

DCP COMPLIANCE TABLE PART 20 - Development Near Road or Rail Noise		
Development control	**Proposed**	**Complies**
All development that is in, or immediately adjacent to, the rail corridor or a busy road must be designed in accordance with NSW Department of Planning '*Development Near Rail Corridors and Busy Roads - Interim Guidelines, December 2008*' (DNRCBR 2008).	Appropriately designed with recommendations of the acoustic report.	**YES**
Buildings must be designed to minimise the impact of noise through planning, construction and materials in accordance with the relevant acoustic standards in relation to noise transmission from traffic:	Complies subject to recommendations of the acoustic report.	**YES**

i) AS3671-1989: Acoustics- Road traffic noise intrusion- Building siting and construction. ii) AS2107-2000: Acoustics- Recommended design sound levels and reverberation times for building interiors.		
On lots adjoining the rail corridor and/or a busy road, landscaping is to be designed to: i) create a setting for the building by planting tall trees which contribute to the tree canopy; and ii) be durable and suited to the conditions of the road and railway environment.	Tall trees are proposed which contribute to the tree canopy.	**YES**

The proposal has been assessed against the relevant provisions contained under this Part. The proposed development is generally consistent with these provisions as there will not be a significant detrimental impact on the railway from construction including excavation, noise, air quality, vibration or to the safety to users of the site or the rail corridor.

DCP Section C

The table below addresses the assessment criteria contained under Section C of the DCP which is not addressed above.

Development Control	Proposed	Complies
Part 21 General Site Design		
21.1 – Earthworks and slope		
Development must be accommodated within the natural slope of the land. Level changes across the site are to be primarily resolved within the building footprint. This may be achieved by: i) stepping buildings down a site; and ii) locating the finished ground floor level as close to existing ground level as practicable.	The proposed development is generally accommodated within the topography of the site.	**YES**
A minimum 0.6m width is required between retaining walls to provide adequate soil area and depth to ensure that they do not read as a single level change, and for the viability of landscaping.	The terraced retaining walls at the rear of Block B are acceptable.	**YES**
Existing ground level is to be maintained for a distance of 2m from any boundary.	Existing ground level has been maintained for 2 metres from any boundary	**YES**
Retaining walls on low and medium residential density sites must not exceed 1m in height above existing ground level. Where greater level change over the site is required, the site should be terraced.	Satisfactory.	**YES**

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 proposed landscape plan is not acceptable as per Landscape & Tree Assessment Officer's comments.	**NO (reason for refusal 15, 22)**
23.6 – Building Services		
Air-conditioning units are well screened and do not create adverse noise impacts.	Air-conditioning unit locations are not demonstrated on the plans.	**NO (reason for refusal 24)**
23.7 – General Acoustic Privacy		
Development is to be designed to minimise the impact of external noise sources (eg busy roads, railways, swimming pools, heavy vehicle entries) on the internal and external spaces used by occupants.	The development is impacted by the rail corridor and has been designed to minimise the impacts of external noise on the occupants.	**YES**
Balconies and other external building elements are to be designed and located to minimise infiltration and reflection of noise onto the façade.	Satisfactory.	**YES**
Buildings must 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	The building is not designed to minimise noise transmission due to insufficient building separation.	**NO**
When designing and siting active open space areas (eg BBQ areas, swimming pools, communal areas etc) regard must be paid to potential noise impacts on adjacent rooms and buildings, such as bedrooms.	Active areas of private open space are located facing the common central courtyard away from noise sensitive rooms.	**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.	This could be achieved via conditions if approval was recommended.	**YES**

The background (LA90, 15 min) level is to be determined without the source noise present.		
23.8 – General 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 windows of the first and second floor levels on the north-east elevation would directly overlook the living areas and primary private open space of the adjoining property at No. 6 Forsyth Street. Terraces of TH01, 02, 03 and 04 on the top storey of Block B may potentially result in unreasonable overlooking into the living areas and primary private open space of the dwellings (TH05, 06 and 07) in Block A. In addition, details of the proposed privacy screens are not provided to enable a full assessment.	**NO (reason for refusal 10)**
23.9 – Construction, Demolition and Disposal		
Site disturbance during construction or demolition must be minimised by: i) avoiding excavation beyond the building area; ii) restricting machinery and vehicle movement to the building footprint and access corridor; iii) locating service lines close to the building or within previously excavated areas where possible; and iv) locating storage areas to areas outside the tree protection zones of trees to be retained.	Site disturbance is minimised.	**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.	The required information is indicated on the relevant plans.	**YES**
A Waste Management Plan (WMP) must be submitted with the application, in accordance with Part 23R.8 of the DCP and controls 3 and 4 of Part 23.10.	An adequate waste management plan has been submitted.	**YES**

All development applications must be accompanied by an 'Erosion and Sediment Control Plan' (ESCP) that describes the measures undertaken at development sites to minimise land disturbance and to control sediment pollution. The ESCP shall be prepared in accordance with "Managing Urban Stormwater, Soil and Construction, 2006 (Landcom)".	An erosion and sediment control plan was submitted.	**YES**
24 Water Management		
This Part facilitates development in achieving the requirements of the clause titled '*Stormwater and water sensitive urban design' in* KLEP 2015.	An assessment of the proposal against the controls in Part 24 has been undertaken. The proposed water management is unsatisfactory as per Development Engineer comments.	**NO (reason for refusal 16)**

Ku-ring-gai Contributions Plan 2010

The development, if approved, would attract a Section 7.11 contribution. If the Panel is of a mind to approve the application, it is recommended a condition requiring payment of the required contribution to be included in the determination.

Housing Productivity Contribution

The development, if approved, would attract a Housing and Productivity Contribution.

REGULATION

Section 61(1) of the Environmental Planning & Assessment Regulation 2021 requires the consent authority to consider the provisions of *Australian Standard AS 2601-2001: The demolition of structures.* If the application was recommended for approval, conditions to manage demolition would be included in the recommendation.

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.

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 as detailed throughout the report and recommended reasons for refusal.

CONCLUSION

Having regard to the provisions of section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory for the reasons advanced in the recommendations of this report.

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 eDA0580/25 for the demolition of existing building, construction of a multi-dwelling housing with basement car parking on land at 2 Forsyth Street Killara, for the following reasons:

1. Non-compliant Floor Space Ratio

The proposed development results in a non-compliant Floor Space Ratio (FSR).

Particulars:

a) Section 172(2)(d) of the State Environmental Planning Policy (Housing) 2021 (SEPP Housing) permits a maximum Floor Space Ratio (FSR) of 0.7:1 (1,015.14m²).

b) The submitted Gross Floor Area (GFA) calculation diagrams (Drawing No. A3001, Issue A, dated 29/09/2025) show that the proposal has a FSR of 0.68:1 (986.67m²). However, the submitted GFA calculations have not been prepared in accordance with the GFA Definition within the Ku-ring-gai Local Environmental Plan (KLEP) as the internal stairs on the first-floor level of each multi-dwelling should be included in the GFA calculation.

c) Based on the submitted architectural floor plans, the proposed FSR including internal stairs on the first-floor level is estimated at approximately 0.70:1 (1,016.12m²) which results in a non-compliant FSR with a variation of 0.7%.

d) In addition, the south-eastern part of the proposed basement is greater than 1 metre above the natural existing ground level, which does not meet the definition of ‘basement’ in the Ku-ring-gai LEP and no GFA at basement level has been included on the GFA calculation diagrams. The estimated FSR would be further increased if the aforementioned part of the basement was included in the GFA calculation.

e) The proposed FSR as calculated is non-compliant with the maximum FSR required in Section 172 (2) (d) of the SEPP (Housing) 2021 and is not supported by a Clause 4.6 variation request. Accordingly, consent cannot be granted to the proposed development.

f) The proposed development will result in detrimental environmental impacts resulting from excessive density. The development includes non-compliant and inadequate

building separation and deep soil provision as well as adverse amenity impacts between dwellings therefore is not acceptable.

2. Inadequate Clause 4.6 variation request – height of building

The Clause 4.6 variation request seeking a variation to the maximum height of building development standard is not well founded.

Particulars:

a) A Clause 4.6 variation request prepared by Chapman Planning Pty Ltd, dated 9 October 2025, seeking a variation to the maximum height of building development standard in Section 172(2)(e) of the SEPP Housing.

b) Section 172(2)(d) of SEPP Housing states that the maximum height of building for this site is 9.5 metres. The proposed maximum building height is 10.52 metres and does not comply with the development standard.

c) Whilst the variation in topography is acknowledged, the interface with R2 land to the east, where the non-compliant height occurs, is not acceptable. The proposed building height of 10.5m is inconsistent with adjoining development to the east, which is characterised by one or two storeys, whereas the proposed height variation facilitates three storeys.

d) The variation in the height standard occurs at the primary street frontage (Forsyth Street) and would be visible from the street and adjoining properties. The proposed nil setback to the eastern end walls of TH01 and 05 further contributes to excessive bulk and scale. The extent of non-compliance would result in bulk and scale that is incompatible with the local character and the streetscape.

e) The Clause 4.6 variation request has not demonstrated that compliance with the development standard is unreasonable and unnecessary as it primarily relies upon topographical constraints and an absence of impacts.

f) The environmental planning grounds advanced within the written request in relation to the objects of the Environmental Planning and Assessment Act 1979 are generic in nature and do not adequately address the specific departure from the development standard.

g) As above, the Clause 4.6 variation request has not demonstrated that there are sufficient environmental planning grounds to justify the contravention of the development standard.

h) The proposed development includes cumulative non-compliances relating to building height. The proposed development is partly 4 storeys in height and is contrary to Control 1 of Part 6C.9 of Ku-ring-gai Development Control Plan (KDCP). The proposed development also includes a basement projection of approximately 1.6 metres which is contrary to Control 3 of Part 6B.2 of KDCP.

3. Inadequate building setbacks

The proposal provides non-compliant building setbacks to the Werona Avenue (secondary frontage) boundary and the eastern side boundary of the site.

Particulars:

i) Control 1 ii) in Part 6A.3 of the Ku-ring-gai Development Control Plan (KDCP) requires that '*on corner sites a minimum of 8 metres from the Secondary street boundary with a 6.0-8.0 metres articulation zone. No more than 40% of the articulation zone is to be occupied by the building'*.

j) Control 2 in Part 6A.3 of the KDCP requires a minimum setback of 3 metres to be provided from any side boundary where the side elevation has non-habitable rooms only. Control 2 further requires that where a pedestrian pathway is located within this side setback, the setback is to be increased by the width of that path.

k) Control 3 in Part 6A.3 of the KDCP requires that where the dwellings have openings to habitable rooms towards side boundaries, the setback is to be a minimum of 6.0m.

l) The building setbacks to the secondary street boundary (Werona Avenue) are a minimum of 5.6 metres (southern corner of TH07). Only a small section of the wall of TH07 is set back at or behind the 8 metre setback control. Approximately 72.8% of the building that fronts Werona Avenue is within the 6-8 metre articulation zone and is non-compliant with Control 1 ii) of Part 6A.3 of the KDCP which requires that no more than 40% of the articulation zone is to be occupied by the building.

m) The non-compliant building setback to Werona Avenue reduces opportunities for deep soil landscaping and tree replenishment within these parts of the site and does not reduce the visual bulk of the buildings when viewed from Werona Avenue and is inconsistent with Objectives 1, 2, 3 and 5 of Part 6A.3 of the KDCP.

n) The common lift providing access from the basement to the common central courtyard has a setback of 1.56 metres to the north-eastern side boundary which is non-compliant with Control 2 of Part 6A.3 of the KDCP.

o) A pedestrian path is located within the eastern side setback area between Block A and the eastern side boundary. The proposed eastern side setback of 3m to non-habitable rooms of Block A is not increased by the width of the pedestrian path and is non-compliant with Control 2 of Part 6A.3 of the KDCP.

p) Towards the eastern side boundaries the proposal has openings to the following habitable rooms:

   i. the kitchen and living area on the ground floor level of TH01;

   ii. the study area on the first floor level of TH01;

   iii. the kitchen on the ground floor level of TH05; and

   iv. the bedroom 3 on the first floor level and the master bedroom on the second floor level of TH05.

q) The eastern side setback of 3 metres to habitable rooms which have openings is non-compliant with Control 3 in Part 6A.3 of the KDCP which requires a minimum setback of 6 metres.

r) The non-compliant building setback to the eastern boundary potentially results in noise and visual privacy impact on the adjoining property at No. 6 Forsyth Street and reduces opportunities for sufficient screen plantings to soften the built form within

these parts of the site and is inconsistent with Objectives 1, 2, 3, 4 and 6 of Part 6A.3 of the KDCP.

4. Inadequate building separation

The non-compliant building separation results in unacceptable amenity impacts between dwellings within the development.

Particulars:

a) There are no dimensions of building separations shown on the architectural plans.

b) Based on the submitted architectural plans, it appears that the proposal provides a building separation of approximately 12 metres at the eastern end of the common central courtyard between habitable rooms of TH01 and TH06. However, this distance gradually reduces to a dimension of approximately 7.8 metres at the south-western end of the common central courtyard between habitable rooms of TH04 and TH07 which is con-compliant with the minimum separation of 12 metres between habitable rooms/balconies required in Control 1 i) in Part 6A.4 of the KDCP.

c) The terraces of TH01, 02, 03 and 04 (the second-floor level) will have direct downward views towards the ground floor north-western private open space of TH05, 06 and 07.

d) Whilst full floor-to-ceiling height privacy screens are provided on the first-floor elevations facing the common central courtyard, the non-compliant building separation results in unacceptable amenity impacts including visual and acoustic privacy, solar access and daylight and outlook impacts on future residents of the development.

e) While privacy screens may mitigate certain visual privacy impacts, details of privacy screens are not provided and other amenity impacts resulting from the non-compliance of the building separation, as detailed in particular (e), must also be considered.

f) As detailed above, a high level of residential amenity will not be provided between these dwellings as a result on the non-compliant building separation which is inconsistent with Objective 4 in Part 6A.4 in KDCP.

5. Insufficient private open space

The proposed development provides insufficient private open space with insufficient dimensions and is inconsistent with Part 6C.2 and 6C.6 of the KDCP.

Particulars:

a) The proposal provides two separate areas of private open space (POS) to each dwelling, however, none of the dwellings provide compliant POS except TH01.

b) The primary area of private open space of TH02, 03, 04 and 07 facing the common central courtyard has an area less than required 20m² and the internal dimension of the primary POS of TH02 – 07 is less than required 4 metres.

c) The secondary POS of TH05, 06 and 07 has an internal dimension of less than required 2 metres.

d) The POS to the south-east of Block A and north-west of Block B adjoining dining/kitchen area is small (varied from 12.3m² to 15m²) and narrow.

e) All POS is hard-paved without landscape area/planter bed for gardening and compromised by its proximity to neighbouring dwellings on 3 sides.

f) For the reasons outlined in particulars (a) to (e), the proposal is inconsistent with Control 2 and Objective 1 in Part 6C.2 of the KDCP.

g) The finished floor level of living area and north-western POS (the secondary POS) of TH03 and 04 is maximum 1.4 metre below existing ground level and is non-compliant with Control 5 in Part 6C.6 of the KDCP which requires that the internal finished floor level of any part of a ground floor dwelling or private open space is not to be more than 0.9 metre below exiting ground level at the building line.

6. Solar access and daylight

The proposed development provides inadequate sunlight to some of the dwellings and is inconsistent with Part 6C.3 of the KDCP.

Particulars:

a) TH02 and 03 will receive one hour direct sunlight to the primary POS (facing the common central courtyard), TH04 will receive zero hour direct sunlight to its primary POS and TH07 will receive two hours direct sunlight to its primary POS. This is non-compliant with Control 2 in Part 6C.3 of the KDCP.

b) The proposal fails to provide adequate sunlight which is inconsistent with Objective 1 in Part 6C.3 of the KDCP.

7. Subterranean rooms

The proposal includes subterranean rooms which is non-compliant with Part 6C.6 in KDCP.

Particulars:

a) Subterranean rooms are proposed to the basement level including laundries and store rooms of TH01 - 07. These spaces are not separated by a continuous maintenance passage around the perimeter. This is non-compliant with Controls 1, 3 and 4 in Part 6C.6 of the KDCP.

b) The failure to provide an accessible maintenance passage around the perimeter of these subterranean rooms will create potential issues relating to dampness and water ingress into the building, does not ensure long term maintenance and is inconsistent with Objective 3 in Part 6C.6 of the KDCP.

8. Unacceptable building facades and articulation / built form

The proposed facades do not utilise appropriate architectural elements and treatments and is inconsistent with Part 6C.8 of the KDCP.

Particulars:

a) The appearance of the proposed south-west elevations facing Werona Avenue are same as the north-east elevations. The street corner is not addressed through the use of architectural elements that give visual prominence to the building façade facing Werona Avenue which is non-compliant with Control 13 and Objective 9 in Part 6C.9 of the KDCP.

b) The proposed development provides a uniform application of full floor-to-ceiling height privacy screens on the first floor level on the north-west and south-east elevations of Blocks A and B which is not the most appropriate solution from either a privacy and/or aesthetic consideration.

c) Full-height glazing, solid walls and lower height windows (adjacent to bathrooms) are located behind the full floor-to-ceiling height privacy screens. The proposed privacy screens do not suit varying glazing types nor improve both privacy and aesthetics.

d) In addition, the detailed interface between some materials and key constructional elements is not explained. For example, between the first and second floors (on both the south-east and north-east elevations) there is a transom at the top of the windows that is labelled as “4.0 Planters and Flashing”. This transom is shown as spanning the full width of each dwelling between what appears to be protruding brick blade walls. This would be likely to produce a deep capping (when seen from above) which would need some structure below to support it. The elevations, however, show it as being a very thin element.

e) Keeping the above element of transom/planter/capping junction visually minimal (as indicated on the elevations) is preferable, however it is unclear how it would be constructed. Clarification is required.

f) The proposal is inconsistent with Controls 3, 6 i) and Objectives 2 and 4 in Part 6C.8 of the KDCP.

9. Unacceptable top storey design

The proposed top storey design is inconsistent with Part 6C.10 of the KDCP.

Particulars:

a) The proposed top storey of Block B (TH01, 02, 03 and 04) steps back 0.7m from the rear building line of the floor below which is inconsistent with a minimum setback of 2m required in control 9 i) of Part 6C.10 of the KDCP.

b) The proposed top storeys of Block A and Block B (TH01, 04, 05 and 07) have nil setback from the line of the floor below at the end walls and result in 3 storey presentation when viewed from Werona Avenue, which is inconsistent with a minimum setback of 2m required in control 9 ii) of Part 6C.10 of the KDCP.

c) These non-compliances result in oversized and inadequately articulated top storeys as well as adverse visual privacy impact between dwellings, which are inconsistent with the objectives 1 and 2 of the KDCP.

d) As mentioned in reason for refusal 2, the submitted Clause 4.6 written variation request seeking a variation to the maximum height of building development standard is not well founded. The proposed eastern side of top storey of Block A with insufficient eastern side setback also significantly contributes to the non-compliance of the building height and results in visual bulk of buildings and adverse visual impact

on the streetscape. A further eastern side setback to the top storey of Block A is required.

10. Adverse visual privacy impact

The proposed development will result in adverse visual privacy impact between dwellings within the development and between the dwellings and an adjoining property and is inconsistent with Part 23.8 of the KDCP.

Particulars:

a) The windows of the first and second floor levels on the north-east elevation would directly overlook the principle living areas and primary POS of the adjoining property at No. 6 Forsyth Avenue, which is inconsistent with Control 1 and objectives 1, 2 and 3 in Part 23.8 of the KDCP.

b) The terraces of TH01, 02, 03 and 04 on the top storey (the second floor level) of Block B will have direct downwards view towards the primary POS of the dwellings (TH05, 06 and 07) in Block A which is inconsistent with Control 1 in Part 23.8 of the KDCP.

c) Whilst privacy screens are provided between buildings, such visual privacy measures will compromise outlook and solar access which is inconsistent with Objective 4 in Part 23.8 of the KDCP.

11. Insufficient information to verify compliance with deep soil standards under the Tree Canopy Guide for Low and Mid Rise Housing, dated February 2025.

Insufficient information has been provided to verify compliance with the Tree Canopy Guide for Low and Mid Rise Housing, dated February 2025 (the Guide).

Particulars:

a) Deep Soil Calculation plan A3003 indicates a deep soil area of 581.85m^2 or 40.18%, which numerically complies with the minimum 25% deep soil required under Table 5 of the Guide however, there are some areas included in the calculation that do not satisfy the deep soil definition.

b) The non-compliant areas include:

i. The common pedestrian path within the south-western setback is 1.5 metres wide which is greater than the 1.2 metre minimum requirement.
ii. The landscape area between the common pedestrian path and the south-western side of the basement has a dimension of < 3 metres.
iii. The triangular section of landscaped area adjacent to the south-western side of the driveway has a dimension of < 3 metres.
iv. The finished level of the living area for TH01 will be approximately 1 metre lower than existing grades, requiring a retaining structure within the north-eastern setback. The remaining landscaped area between the retaining wall and the north-eastern boundary will have a dimension of < 3 metres.

12. Insufficient information to verify compliance with deep soil landscaping controls under the KDCP.

Insufficient information has been provided to verify compliance with the deep soil landscaping (DSL) controls under Part 6A.6 of KDCP.

Particulars:

a) Deep Soil Calculation plan A3003 indicates DSL of 581.85m^2 or 40.18%, which numerically complies with the minimum 40% DSL required under the control however, there are some areas included in the calculation that do not satisfy the deep soil definition.

b) The non-compliant areas include:

   i. The common pedestrian path within the south-western setback is 1.5 metres wide which is greater than the 1.2 metre minimum requirement.
   ii. The landscape area between the common pedestrian path and the south-western side of the basement has a dimension of < 2 metres.
   iii. The triangular section of landscaped area adjacent to the south-western side of the driveway has a dimension of < 2 metres.
   iv. The finished level of the living area for Town House 1 will be approximately 1 metre lower than existing grades, requiring a retaining structure within the north-eastern setback. The retaining wall should be indicated on the plans, and the area between the wall and the dwelling deleted from the DSL area.

13. Unacceptable tree removal

The proposed removal of healthy trees that currently contribute positively to landscape character, streetscape amenity, and the amenity of neighbouring properties is inconsistent with relevant sections under the Low Rise Housing Diversity Design Guide 2020 (LRHDD) and objectives under Part 13 of the KDCP.

Particulars:

a) The removal of T6, T16, T22 and a Murraya does not comply with the following design criteria and objectives of LRHDD and Part 13 of the DCP:

   LRHDD Section 2.4C-3

   Design Criteria 21. Mature trees are to be retained, particularly those along the boundary, (except those where approval is granted by Council for their removal).

   Design Criteria 22. Landscape features including trees and rock outcrops are to be retained where they contribute to the streetscape character or are located within the rear setback.

   Part 13 of the DCP

   1.To manage Ku-ring-gai's tree and vegetation resources in a sustainable manner. 2 To protect and enhance biodiversity values and identify replenishment opportunities. 3 To recognise, protect and enhance the aesthetic and heritage values of trees. 4 To secure and maintain local character and amenity. 5 To sustain and enhance the tree canopy. 6 To prohibit unnecessary injury to, or destruction of, trees and vegetation. 7 To encourage responsible management of trees and vegetation within an urban environment.

b) T6 – *Syzygium smithii* (Lillypilly)

i. T6 is 12 metres high in good health and condition.

ii. T6 is on the north-west (rear) boundary and provides good amenity for the adjoining property at No. 47 Werona Avenue, Gordon.

iii. The proposed retaining wall and earthworks for the private terraces will encroach within the structural root zone (SRZ) which is a major encroachment under AS4970-2025. However, root disturbance is unlikely given the existing 1 metre-high retaining wall on the south-east side of the tree, which would have already displaced roots in this area. Therefore, this tree should be retained.

c) T16 – *Camellia sasanqua* (Camellia)

i. T16 is 10 metres high and in good health, incorrectly identified as a Ficus benjamina (Weeping Fig).

ii. T16 is in the southern (front) corner of the site and outside the proposed building footprint.

iii. The new front fence will encroach within the notional root zone (NRZ) however, impacts will be acceptable provided the fence is isolated posts with a light weight infill and no strip footings. Therefore, this tree should be retained.

d) T22 – Unknown species

i. There is uncertainty regarding the arborist' identification of T22 as a *Flacourtia jangomas* (Indian Plum). Further confirmation is required.

ii. T22 is 10 metres high in good health.

iii. T22 is in the northern corner of the site and provides good amenity for the adjoining property at No. 6 Forsyth Street, Killara.

iv. As the NRZ of T22 lies wholly outside the building footprint, the tree is capable of being effectively retained.

e) *Murraya paniculata* (Murraya)

i. The Murraya is 6 metres high and is located on the north-west (rear) boundary and approximately 8 metres from the northern corner. The Murraya has been shown on the survey plan, however, has not been included in the Arboricultural Impact Assessment.

ii. The Murraya is not impacted by the proposed development and can be effectively retained.

14. Unacceptable impacts on trees to be retained

The proposal fails to provide adequate measures to preserve T1 which is contrary to the standards set out under AS4970-2025 – *Protection of trees on development sites.*

Particulars:

a) T1 – Fraxinus excelsior (European Ash)

i. T1 is located within the adjoining property at No. 6 Forsyth Street, Killara and therefore represents a material constraint on the proposed development.

ii. The proposed stormwater pit and associated pipework encroach into the SRZ, which is classified as a major encroachment under the Standard. Given the unacceptable impacts on T1, alternative stormwater arrangements—such as positioning the pit adjacent to the driveway—must be investigated.

15. Unacceptable landscape proposal

The landscape plan does not satisfy the relevant objections and controls of Part 21.2 of the KDCP.

Particulars:

a) The removal of Trees T6, T16, T22 and a *Murraya paniculata* (Murraya) are not in accordance with Control 1(ii) which requires the retention of visually prominent trees and vegetation that contributes to the neighbourhood character. Note: The Murraya is located on the north-west (rear) boundary, approximately 8 metres from the northern corner.

b) Excessive use of monoculture planting (consisting of one species or variety) along the south-east and south-west boundaries does not satisfy Control 9 which requires a diversity of species and heights including trees, shrubs and ground covers.

c) The proposal includes inappropriate tree planting. The proposed planting of a *Corymbia citriodora* (Spotted Gum) at the centre of the north-west (rear) boundary should be deleted due to insufficient deep soil provisions.

d) To satisfy Control 14, 25% of the overall number of trees are to be locally occurring vegetation from the Blue Gum High Forest plant community.

e) The proposal results in adverse amenity impacts on adjoining properties due to insufficient mid layer screen planting to soften the built form within the north-east and north-west setbacks.

16. Water management

The works proposed under the Development Application will not avoid, minimise or mitigate adverse impacts to adjoining properties, contrary to clause 6.5 ‘Stormwater and water sensitive urban design’ of the KLEP. As such, development consent cannot be granted by the consent authority. In the alternative, the Development Application is not accompanied by sufficient particulars to enable an assessment against clause 6.5 of the KLEP and Part 24 of the KDCP.

Particulars:

a) No detailed longitudinal section of the on-site detention (OSD) tank has been submitted depicting the driveway ramp grade.

b) A high level overflow pipe from the OSD has not been provided and connected to the proposed pipe network system.

c) No supporting hydraulic calculations have been submitted to demonstrate compliance with Control 4 of Part 24C.3 of the KDCP, which requires rainwater retention and re-use to be provided to achieve a 50% reduction in runoff days. A water balance model has not been submitted.

d) No invert levels and surface levels of stormwater pits within the site have been submitted.

17. Waste Management

The proposed development fails to provide a waste collection point on the site which is inconsistent with the requirements of Part 25A.3 of KDCP.

Particulars:

a) The access to collection point does not comply with Part 25A.3, which requires residential developments greater than 4 dwellings to have an internal collection point.

"Access to collection point

This section does not apply to residential developments of 4 dwellings or less, which do not have an internal collection point.

"The location of the waste and recycling room is to be conveniently accessible and have unimpeded access for both occupants and collection service operators. In the event that the proposed development is protected by a security system and/or locked gates, the waste and recycling room/s are to have unimpeded access for the collection service providers. Where security gates are provided to the development, gates are to be accessible by Council's master key".

b) No provision has been made for an on-site loading area for bulky goods waste in accordance with control 25B.2 of the KDCP (a separate hardstand area is not permitted). The position of the loading area must not prevent access to and from the basement level car park, with at least one travel lane to be maintained at all times while loading/unloading takes place on the driveway.

c) One on-site loading space has been provided to cater for a minimum 6.7 metres long service vehicle. The loading space/s must be shown as line marked and/or signposted as a designated loading area.

d) The loading bay area within the basement has not been shown to have a minimum width of 3.5 metres and length of 6 metres.

e) No longitudinal section through the driveway has been submitted starting from the centreline of the public road to the basement loading bay area 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 as required under Part 25A.3 of the KDCP. The section must include realistic slab/beam depths, stormwater pipelines and other overhead services.

f) No swept paths have been submitted demonstrating that Council's Waste Collection Vehicle (6.7 metre Mitsubishi Canter) can enter and depart the garbage/room recycle storage area in a forward direction.

18. Parking Provision and Vehicle Access

There is insufficient information regarding the proposed the parking provisions and vehicular access.

Particulars:

a) It has not been demonstrated that the 1 visitor car parking space in the basement is accessible to visitors of all dwellings.

b) There is no provision of a clearly signposted space for temporary parking of service and removalist vehicles as required by the KDCP.

c) One visitor parking bay has not been provided with a tap, to make provision for on-site car washing.

d) It has not been demonstrated that the gradient of 5% for the first 6 metres into the site complies with clause 3.3 (a) of AS2890.1.

e) It has not been demonstrated that the 2.5 metre x 2 metre pedestrian sight triangle on the entry and exit side of the driveway at the property boundary is achieved.

f) No visitor bicycle parking device (of a type complying with AS2890.3) has been located at street level near the pedestrian entry on the street frontage.

19. Preliminary Construction Traffic Management

A Construction Traffic Management Plan has not been provided.

Particular:

a) An indicative construction traffic management plan (CTMP) has not been provided. The plan is to show construction vehicles entering and exiting the site in a forward direction. A Swept Path analysis must also be provided showing the largest vehicle to be used entering and exiting the site for the demolition, excavation and construction stages, as well as stockpiles and all necessary tree protection fencing. Consultation with the project arborist is recommended. The CTMP must also include discussion on a potential location for a work zone unless it is demonstrated that all loading and unloading can be carried out within the site.

20. Inappropriate colours and materials

The proposed development fails to provide finishes of appropriate colours and materials.
Particular:

a) The proposed colours and materials of facebrick and fibre cement cladding on the external walls are inappropriate and inconsistent with Control 2 iv) and Objective 4 of Part 19F.1 of the KDCP. Bricks and cladding are to be warm, earthy tones.

21. Unacceptable BASIX Certificate

The BASIX Certificate is not consistent with the garden and lawn areas shown on the landscape plans, and the number of bedrooms and floor area of TH05 shown on the architectural plans.

Particulars:

a) The common areas of garden and lawn shown on the table at Page 2 of the certificate are not consistent with the garden and lawn areas detailed on the Hardscape Plan no. LP01.

b) The private planter boxes on Level 2 of the 7 dwellings, have not been included in the table shown on Page 3 of the Certificate.

c) The number of bedrooms and floor area of TH05 shown on Page 3 of the certificate are not consistent with the details shown on the architectural plans.

22. Insufficient landscape plan

The proposed landscape design is inadequate and does not meet the Design Criteria of the Low Rise Housing Diversity Design Guide for Development Applications dated July 2020 (LRHDD).

Particulars:

a) The proposal fails to consider Design Criteria (DC) 15, 16 and 17 of Section 2.4C-1 Landscaped Area of the LRHDD. To satisfy the DC, a landscaped area compliance plan with calculations must be provided.

b) The proposal fails to consider DC 29 and 30 of Section 2.4E-2 'Public Domain Interface' of the LRHDD. To satisfy the DC, full details of the proposed fencing must be provided including an elevation and proposed finishes.

23. Inadequate information regarding landscape plans

The submitted landscape plans contain errors and inconsistencies.

Particulars:

a) The landscape plans do not show Trees T22 and T19 within the property in accordance with the survey.

b) All trees required to be retained have not been clearly identified and numbered on all plans, including architectural, landscape and stormwater plans.

24. Insufficient information regarding architectural plans

The submitted architectural plans contain errors and insufficient information to enable a detailed assessment.

Particulars:

a) Clothes drying areas are required to be shown on the architectural plans.

b) The dimensions of private open space (POS) for each dwelling are to be clearly identified on the floor plans to enable assessment against POS requirements in Part 6C.2 of the KDCP.

c) RLs for existing and proposed ground levels (including POS), proposed roof levels and proposed ceiling levels are to be included on all sections and elevations.

d) Colour and materials are to be identified in all elevations.

e) The location of air conditioning condenser units is to be clearly identified on architectural plans, corresponding with the recommendations of the acoustic report.

f) Proposed building setbacks are to be shown on each architectural floor plans.

g) Details of all proposed fences including fence type, height, materials and colours are to be provided.

h) It is to be clearly demonstrated whether all existing boundary fences are retained, or new boundary fences are proposed. If new boundary fences are located on the common boundaries, owner's consent must be provided. Otherwise, all structures are to be contained within the boundaries of the site.

i) The photovoltaic system is to be shown on the architectural plans.

j) The locations of ceiling fans and hot water system are to be shown on the architectural plans in accordance with the BASIX Certificate.

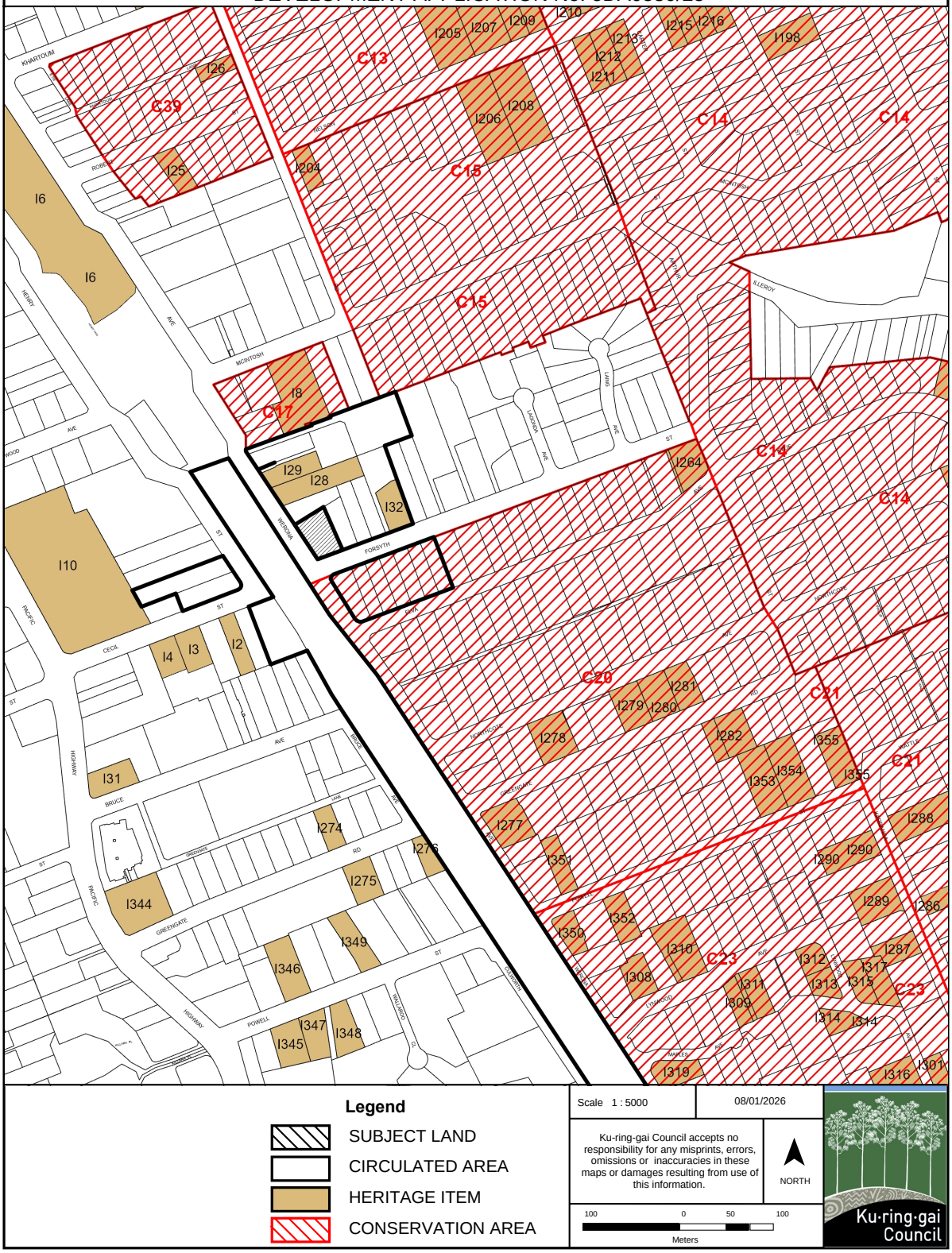
k) The breakdown of storage space is to be provided to enable assessment against storage requirement in Control 2 in Part 6C.13 of the KDCP.

l) The proposed development includes a floor-to-floor height of 3 metres and is non-compliant with Control 1(i) of Part 6C.11 of the KDCP. As the second floor terraces in Block A have not been shown to be 'set down' from the adjacent rooms, concern is raised that the ceiling height of bedroom 01 in TH07 and TH06 and bedroom 02 in TH02 will need to be reduced further to achieve BCA/NCC compliance. Clarification is required.

LOCATION SKETCH

2 Forsyth Street KILLARA NSW 2071

DEVELOPMENT APPLICATION No. eDA0580/25



Legend

- SUBJECT LAND
- CIRCULATED AREA
- HERITAGE ITEM
- CONSERVATION AREA

Scale 1 : 5000

08/01/2026

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NORTH

100 0 50 100

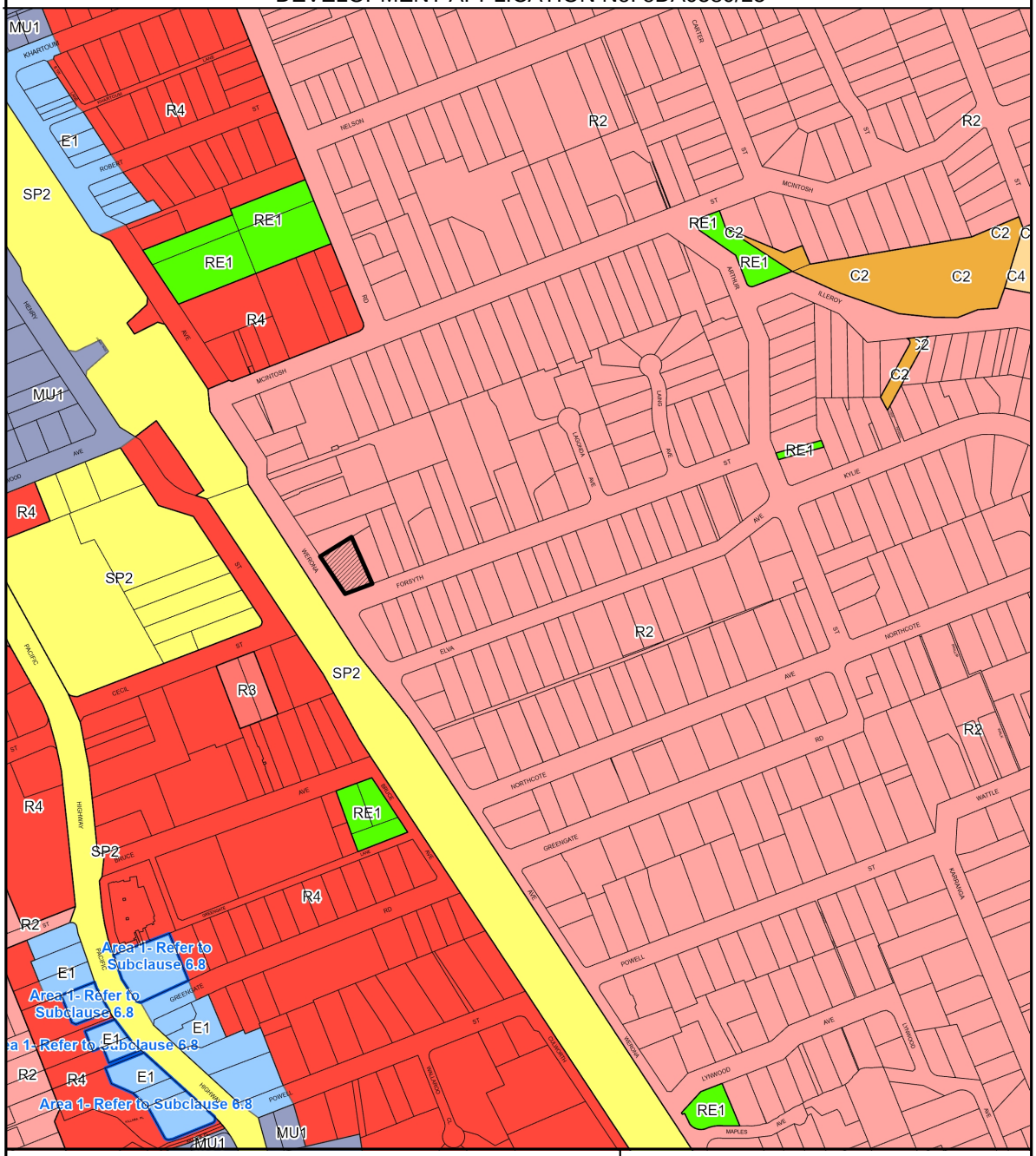
Meters

Ku·ring·gai Council

KU-RING-GAI LEP 2015 ZONING EXTRACT

2 Forsyth Street KILLARA NSW 2071

DEVELOPMENT APPLICATION No. eDA0580/25



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 : 5000

Date: 08/01/2026

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NORTH

0 100 200

Meters

Ku·ring·gai Council

DEVELOPMENT APPLICATION
2 FORSYTH STREET KILLARA, NSW 2072

SEPP (HOUSING) AMENDMENT (LOW AND MID RISE HOUSING) 2025



Eco Certificates Pty Ltd
info@ecocertificates.com.au
1300 16 24 36
PO Box 5172 South Turramurra NSW 2074

Building Components Performance and Specifications Schedule

NatHERS Thermal Comfort Modeling

These specifications form the basis of the certified NatHERS assessment. Any deviation from them will render the NatHERS certificate invalid and result in non-compliance with the National Construction Code 2022. In case of any variation from these specifications contact Eco Certificates Pty Ltd to obtain updated NatHERS and BASIX certificates, along with a revised version of this document. This document serves as a summary and general guide only. The detailed specifications outlined in the NatHERS certificate must be strictly followed during the design and construction of the proposed development.

Assessment Date: 04 / 10 / 2025
Assessor: Manuel Basiri - DMN Accredited Assessor DMN/12/1462 / MIEAust
Thermal Modeling Software: HERO 4.1
Development: EC - 5542 - 2 Forsyth Avenue, Killara NSW 2071

Windows and Skylights

	Description	Type	U Value	SHGC
1	All windows and glazed doors of TH04	Generic glazing system modelled	1.50	0.23
2	All windows and glazed doors of all other dwellings	Generic glazing system modelled	2.00	0.23

Window and skylight U and SHGC values, if specified, are according to NFRC. Alternate products or specifications may be used if their U value is lower, and the SHGC value is less than 5% higher or lower than the U and SHGC values of the product specified above.

External and Internal Walls

	Description	Construction	Insulation	Colour (Solar Absorptance)
1	All basement walls of all dwellings adjacent to car park areas and ground	As per plans	R 2.50	As per plans
2	All external walls of all dwellings	As per plans	R 2.50	As per plans
3	All party walls of all dwellings	As per plans	R 2.50	N/A
4	All internal walls of all dwellings	As per plans	None	N/A

The solar absorptance values are as per definition of Light, Medium and Dark Colours in the thermal modelling software and the naming might differ according to the latest version of the BASIX thermal comfort protocol.

Floors

	Description	Construction	Insulation	Floor Covering
1	All floors of all dwellings on ground areas	As per plans	R 1.00	Not Specified (Defaults Applied)
2	All floors of all dwellings on top of carpark areas	As per plans	R 1.50	Not Specified (Defaults Applied)
3	All other floors of all dwellings	As per plans	None	Not Specified (Defaults Applied)

Ceilings and Roofs

	Description	Construction	Insulation	Colour (Solar Absorptance)
1	All ceiling of all dwellings under balcony or roof areas	As per plans	R 5.00	N/A
2	All Roof	As per plans	Foiled back R1.30	As per plans

Ceiling penetrations, including the installation of sealed recessed downlights and 250 mm exhaust fans, have been accounted for in the NatHERS thermal comfort modelling associated with this specifications schedule. If unsealed recessed downlights or any other unsealed penetrations are introduced into the ceiling insulation at any stage, the NatHERS certificate linked to this specification - as well as the BASIX certificate for this development, if applicable - will become invalid and must be updated accordingly. The sealed recessed downlights and exhaust fans have been modelled with a 50 mm insulation clearance.

UNIT SCHEDULE			UNIT SCHEDULE			PRIVATE OPEN SPACE		
	TH	AREA (m2)		TH	AREA (m2)		UNIT	POS (AREA m2)
BASEMENT			**FIRST FLOOR**			**GROUND FLOOR**		
	TH01	62.79		TH01	53.37		TH01	34.42
	TH02	63.72		TH02	58.80		TH02	31.00
	TH03	63.80		TH03	58.80		TH03	31.00
	TH04	66.00		TH04	58.80		TH04	31.20
	TH05 (p)	45.97		TH05 (p)	70.07		TH05	43.69
	TH06	66.31		TH06	58.80		TH06	36.58
	TH07	67.74		TH07	58.80		TH07	31.66
GROUND FLOOR			**SECOND FLOOR**			**SECOND FLOOR**		
	TH01	53.37		TH01	32.84		TH01	20.20
	TH02	58.80		TH02	34.20		TH02	24.30
	TH03	58.80		TH03	34.20		TH03	24.30
	TH04	58.80		TH04	34.20		TH04	24.50
	TH05 (p)	70.07		TH05 (p)	44.33		TH05	25.74
	TH06	58.80		TH06	37.20		TH06	21.29
	TH07	58.80		TH07	37.20		TH07	21.30

SCHEDULE ABBREVIATIONS (*)
(P) PLATINUM LEVEL UNIT
ALL UNITS TO COMPLY WITH SILVER LEVELS

TH01 - 3 BED + STUDY
TH02 - 3 BED + STUDY
TH03 - 3 BED + STUDY
TH04 - 3 BED + STUDY
TH05 - 4 BED + STUDY
TH06 - 3 BED + STUDY
TH07 - 3 BED + STUDY

DRAWING SCHEDULE

	DRAWING NAME	ISSUE	SCALE
A0000 GENERAL INFORMATION			
A0001	COVERPAGE	A	
A0002	SITE ANALYSIS 1/2	A	1:100
A0003	SITE ANALYSIS 2/2	A	1:100
A0004	DEMOLITION PLAN	A	1:200
A0005	EXCAVATION PLAN	A	1:200
A0006	SITE PLAN	A	1:200
A1000 GENERAL ARRANGEMENT PLAN			
A1001	BASEMENT PLAN	A	1:200
A1002	GROUND FLOOR PLAN	A	1:200
A1003	FIRST FLOOR PLAN	A	1:200
A1004	SECOND FLOOR PLAN	A	1:200
A1005	ROOF PLAN	A	1:200
A2000 ELEVATIONS			
A2001	NORTH & SOUTH ELEVATIONS - BLOCK...	A	1:200
A2002	NORTH & SOUTH ELEVATIONS - BLOCK...	A	1:200
A2003	EAST & WEST ELEVATIONS	A	1:200
A2100 SECTIONS			
A2101	SECTIONS A,B & C	A	1:200
A3000 ADDITIONAL INFO			
A3001	GFA CALC.	A	1:500
A3002	SITE COVERAGE CALC.	A	1:200
A3003	DEEP SOIL CALC.	A	1:200
A3004	SILVER & PLATINUM UNITS	A	1:200
A3005	SILVER & PLATINUM UNITS	A	1:200
A3006	SAMPLE BOARD	A	1:200
A3007	HEIGHT LIMIT	A	1:100
A4000 SHADOW DIAGRAMS			
A4001	SHADOW DIAGRAMS (9-10am)	A	1:500
A4002	SHADOW DIAGRAMS (11-12pm)	A	1:500
A4003	SHADOW DIAGRAMS (1-2pm)	A	1:500
A4004	SHADOW DIAGRAMS (3pm)	A	1:500
A4100 SOLAR ACCESS			
A4101	JUNE 21ST SOLAR ACCESS	A	
A4102	JUNE 21ST SOLAR ACCESS	A	

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AMENDMENTS

No.	REVISION	BY	DATE
A	DEVELOPMENT APPLICATION	R.I. ; I.S.	29.09.2025

MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING: **COVERPAGE**

DRAWN BY: R.I. ; I.S.
CHECKED BY: D.M.
SCALE: @A3
DRAWING NO.: **A0001**
ISSUE: **A**

SITE LOCATION & DEVELOPMENT CONTROL

This proposed development is for 2 Forsyth Street Killara, NSW a 1448sqm lot with a primary street frontage of approximately 28.45m to Forsyth Street and 42.975sqm to the seconadry street, Werona Ave.

Applicable Planning Controls
SEPP (HOUSING) AMENDMENT (LOW AND MID RISE HOUSING) 2025
Acid Sulphate Soils : N/A
Height of Building : 9.5m
FSR: 0.7:1
Land Zoning : R2 Low Density Residential

SURROUNDING BUILDINGS
The site is located on 2 Forsyth Street, Killara and is orientated facing South (entry point).

The site is situated in R2-zoned lot. 6 Forsyth Street on the eastern side is a two storey dwelling of brick and cladding with tiled roof. 47 Werona Ave on the northern side is also a dwelling consisting of brickwork.

The site is approximately 500 metres South from Gordon Twon centre, and approximately 16 kilometres North from the Sydney CDB. Approximately a 25-minute drive along Werona Ave, Pacific Hwy A1, M1 Warringah Freeway and Western Distributer. The train station and Bus stops are 500m north from the subject site, a 5 minute walk from the site. Several parks, shopping areas and schools are within walking distance to 2 Forsyth St.

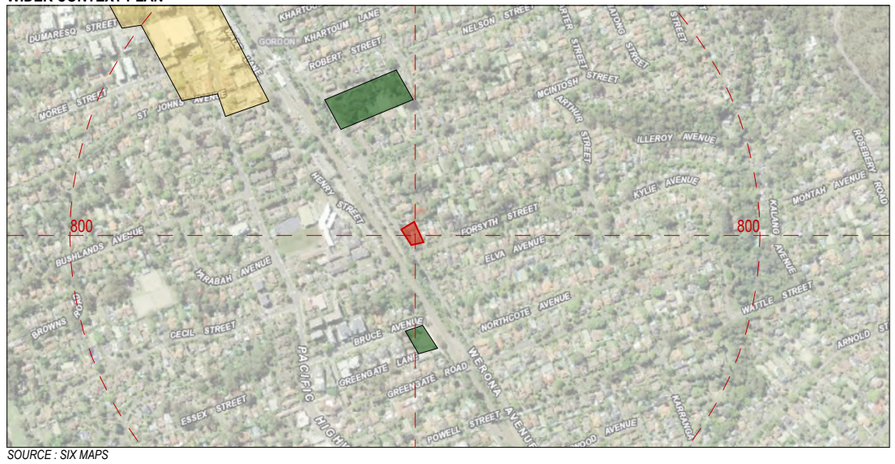
TRAFFIC ANALYSIS
The site is located in a corner between Forsyth Street and Werona Avenue, Killara.
Forsyth street is a peaceful and well-maintained residential street that typically experiences low levels of traffic. Werona Avenue, parrallel to the train, is still a residential road with moderate levels of traffic.The streets are not a major thoroughfare, which makes it a quiet and safe place to live.

Despite occasional increased traffic during peak hours and school drop-off and pick-up times, the street remains relatively calm and safe for both drivers and pedestrians. Both streets are two-way road with a speed limit of 50 km/h, and its intersections with other residential streets are well-marked and designed for safe and easy navigation.

Furthermore, the site is conveniently located within easy reach of other main roads, such as Pacific Hwy, which provides quick and easy access to other parts of the region.

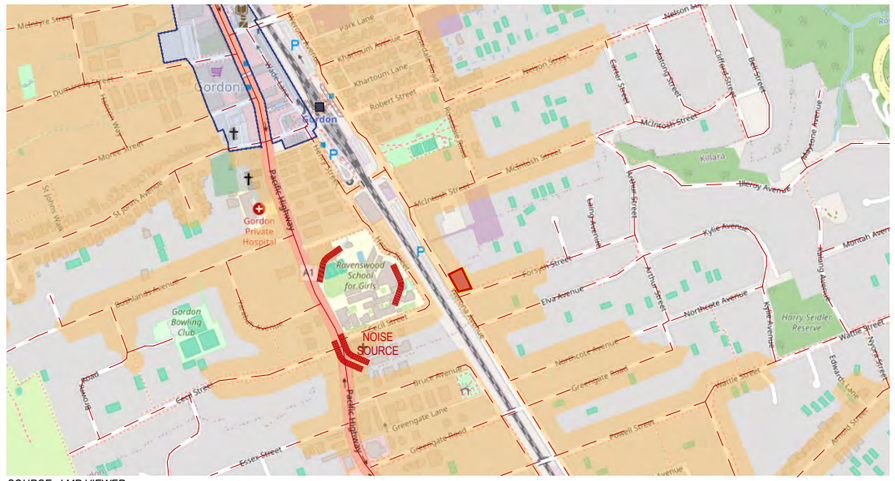
VIEWS
The site is visible from the streetscape of Forsyth Street and Werona Avenue, with also possible views from the train. Views from the site are facing the neighbouring house on 47 Werona Ave and 2 Elva Ave acroos the street of Forsyth St. Due to the topography, the site does not have any elevated views from ground level or throughout the site.

WIDER CONTEXT PLAN



SOURCE : SIX MAPS

PROPOSED DEVELOPMENT SITE
TOWN CENTRE
PUBLIC OPEN SPACE



SOURCE : LMR VIEWER

PROPOSED DEVELOPMENT SITE
TOWN CENTRE
LARGER TRAFFIC FLOW
TRAIN STATION
PUBLIC OPEN SPACE
LMR HOUSING AREA
LOCAL TRAFFIC
NOISE SOURCE

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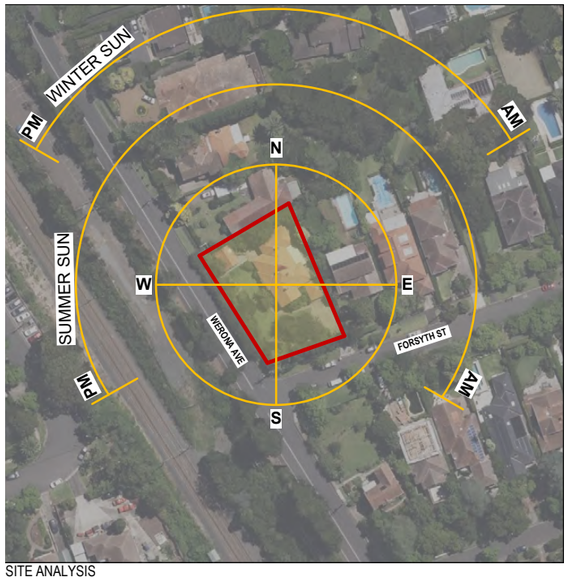
MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
SITE ANALYSIS 1/2

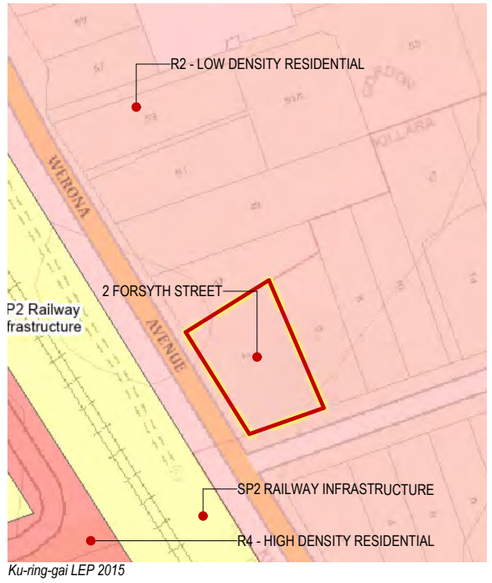
DRAWN BY: R.I. ; I.S.
CHECKED BY: D.M.
SCALE: 1:100@A3
DRAWING NO.: **A0002**
ISSUE: **A**



SITE ANALYSIS



SITE LOCATION PLAN



Ku-ring-gai LEP 2015

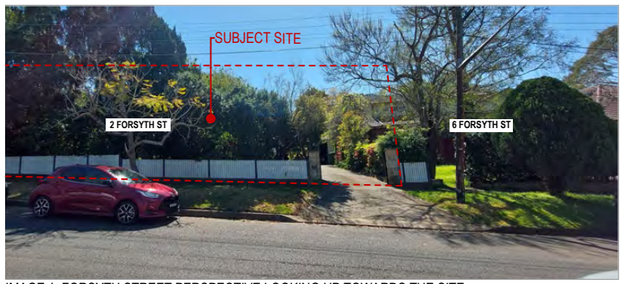


IMAGE 1: FORSYTH STREET PERSPECTIVE LOOKING UP TOWARDS THE SITE

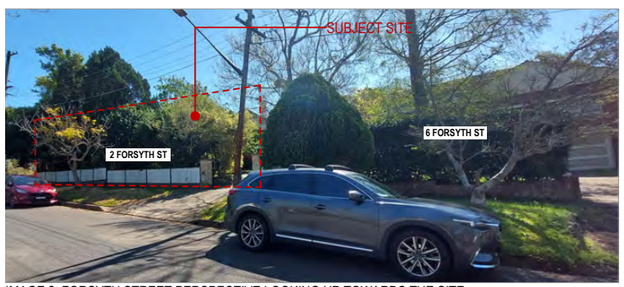
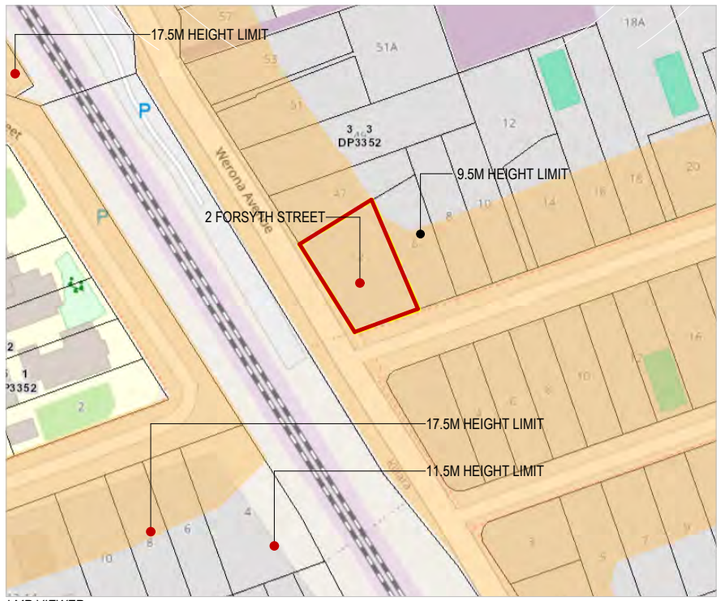


IMAGE 2: FORSYTH STREET PERSPECTIVE LOOKING UP TOWARDS THE SITE



LMR VIEWER

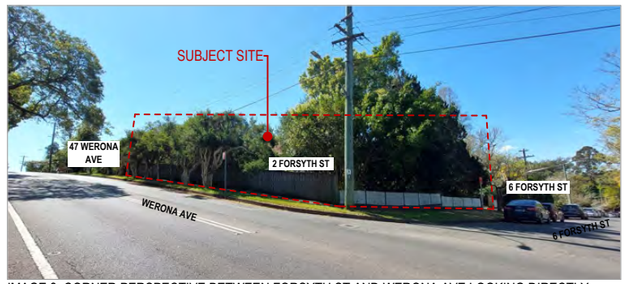


IMAGE 3: CORNER PERSPECTIVE BETWEEN FORSYTH ST AND WERONA AVE LOOKING DIRECTLY TOWARDS THE SITE



IMAGE 4: WERONA AVE PERSPECTIVE LOOKING TOWARDS THE REAR OF THE SITE

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AMENDMENTS

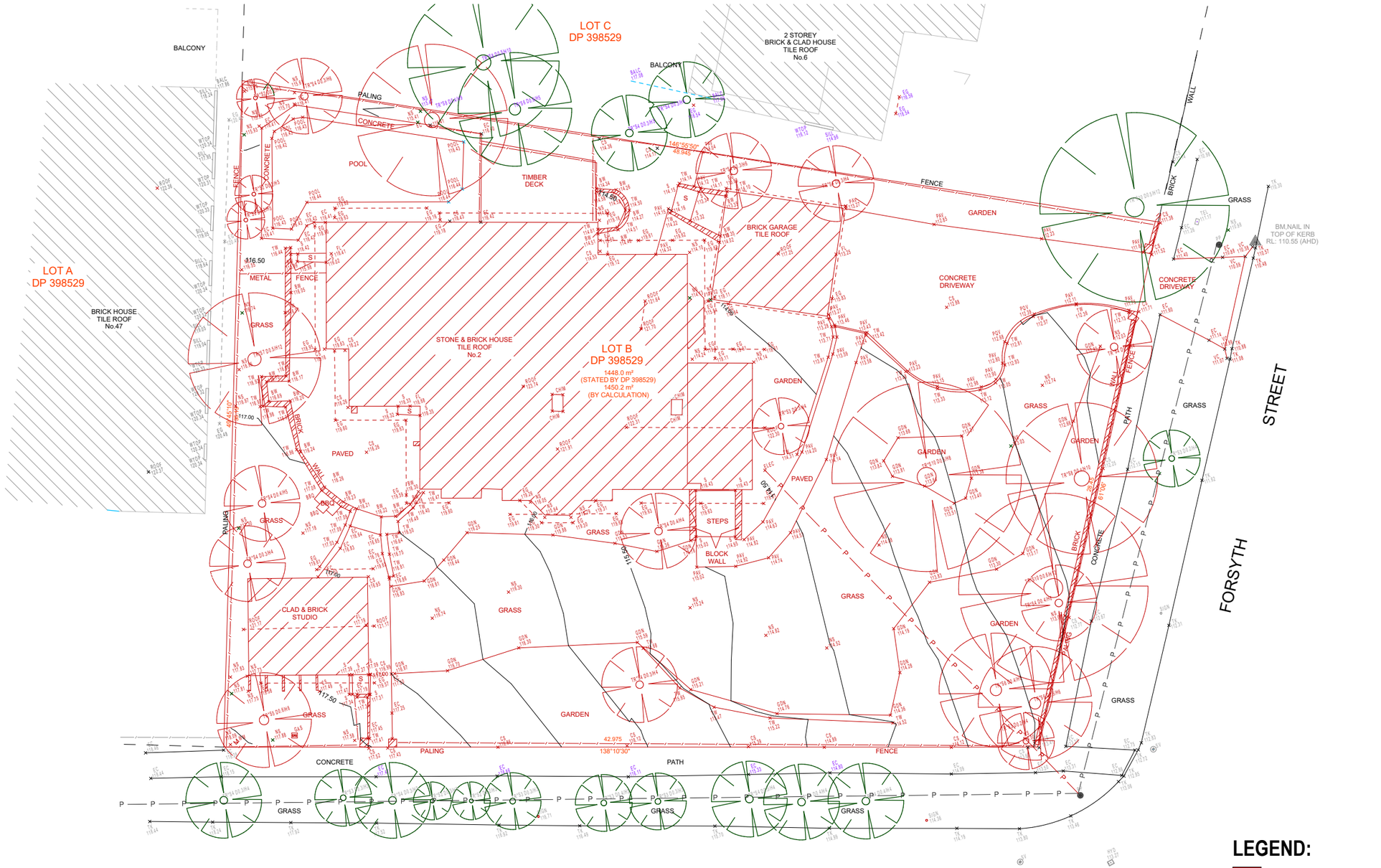
No.	REVISION	BY	DATE
A	DEVELOPMENT APPLICATION	R.I. ; I.S.	29.09.2025

MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA NSW 2071

DRAWING:
SITE ANALYSIS 2/2

DRAWN BY: R.I. ; I.S.
CHECKED BY: D.M.
SCALE: 1:100@A3
DRAWING NO.: **A0003**
ISSUE: **A**

29/09/2025 C:\Users\iara\OneDrive - Mackenzie Architect International\Desktop\2025.09.09 - 2 Forsyth Ave, Killara_.pln



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- TO BE DEMOLISHED
- TO BE RETAINED

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No.	REVISION	BY	DATE
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PROJECT NORTH

MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
DEMOLITION PLAN

DRAWN BY	SCALE:	DRAWING NO.:	ISSUE:
R.I. ; I.S.	1:200@A3	**A0004**	**A**
CHECKED BY D.M.			

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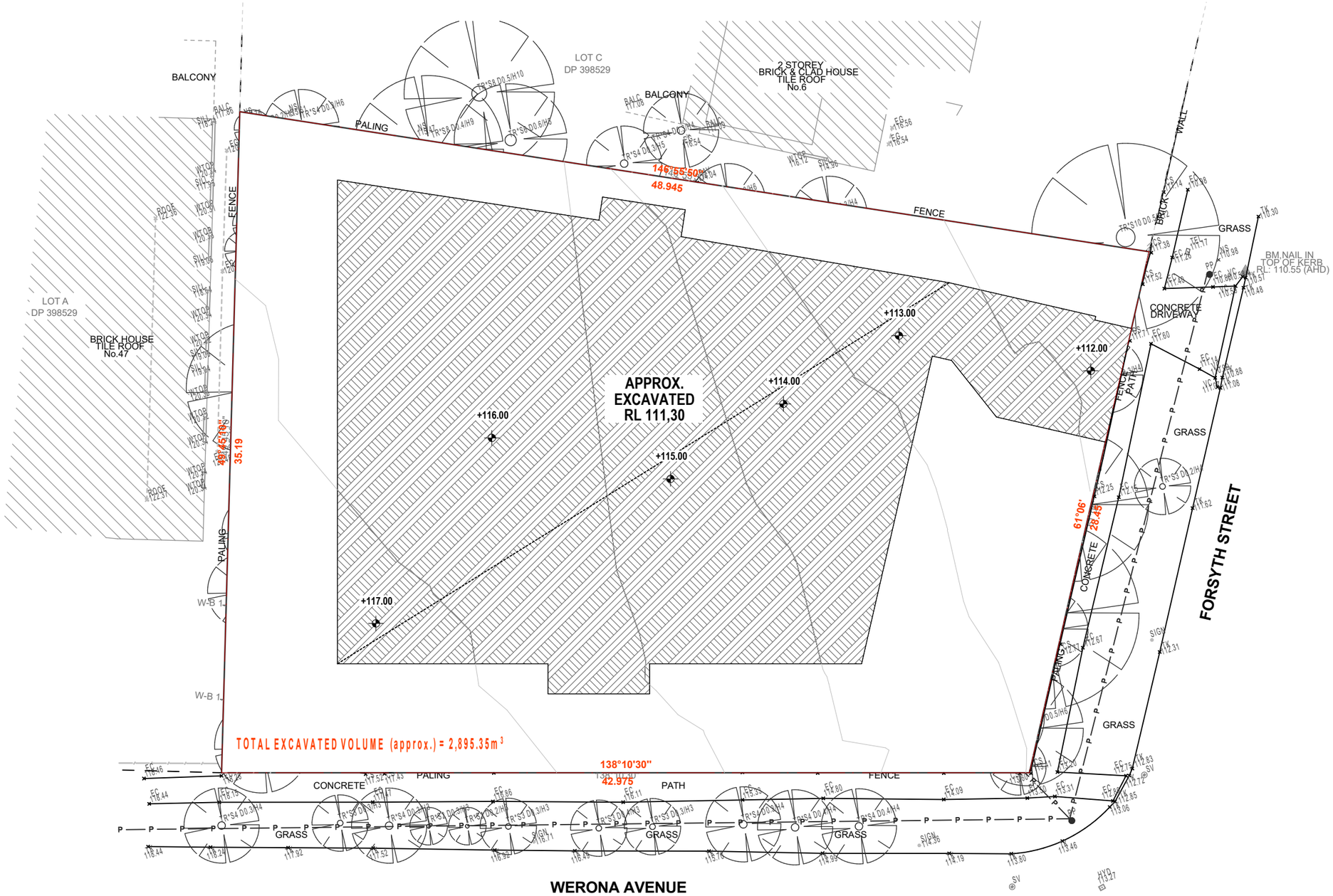

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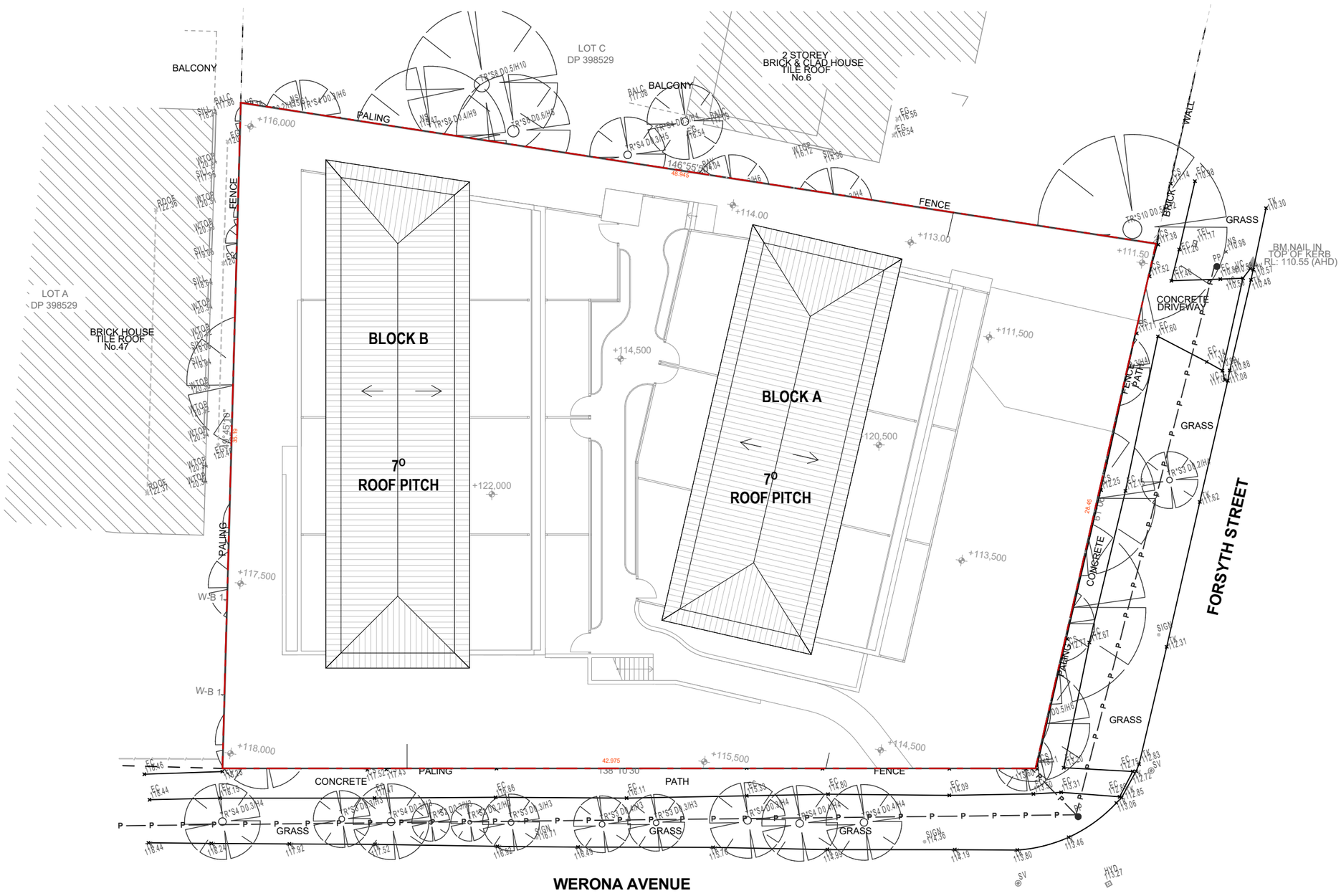
20260216-KLPP-Crs-2026/030631/165



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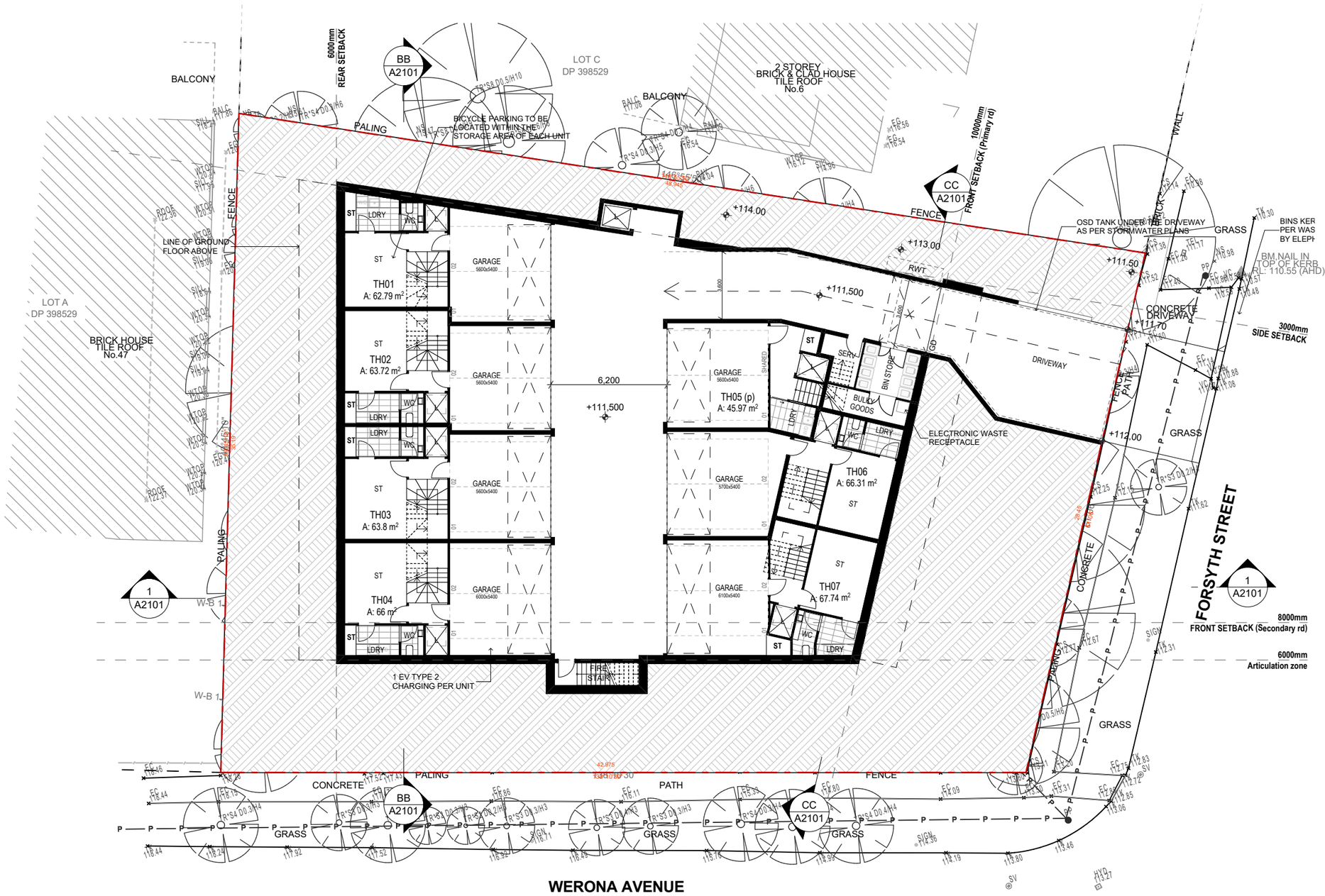
PROJECT NORTH

MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
SITE PLAN

DRAWN BY	SCALE:	DRAWING NO.:	ISSUE:
R.I. ; I.S.	1:200@A3	**A0006**	**A**
CHECKED BY D.M.			



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SCALE 0 2 5 10

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AMENDMENTS

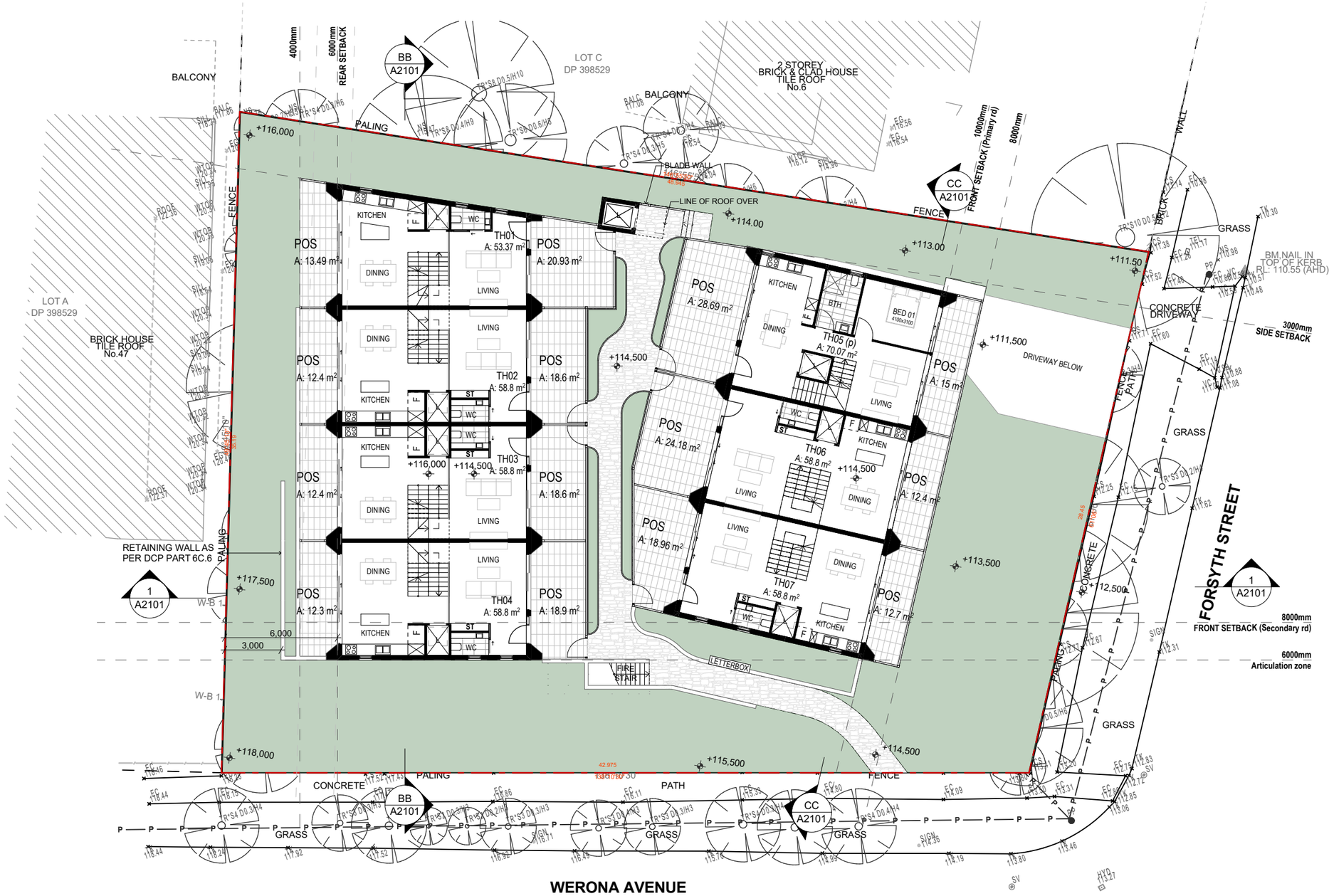
No.	REVISION	BY	DATE
A	DEVELOPMENT APPLICATION	R.I. ; I.S.	29.09.2025

PROJECT NORTH

PROJECT
MULTI RESIDENTIAL DEVELOPMENT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
BASEMENT PLAN

DRAWN BY: R.I. ; I.S.
CHECKED BY: D.M.
SCALE: 1:200@A3
DRAWING NO.: **A1001**
ISSUE: **A**



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PROJECT NORTH

MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
GROUND FLOOR PLAN

DRAWN BY	SCALE:	DRAWING NO.:	ISSUE:
R.I. ; I.S.	1:200@A3	**A1002**	**A**
CHECKED BY D.M.			

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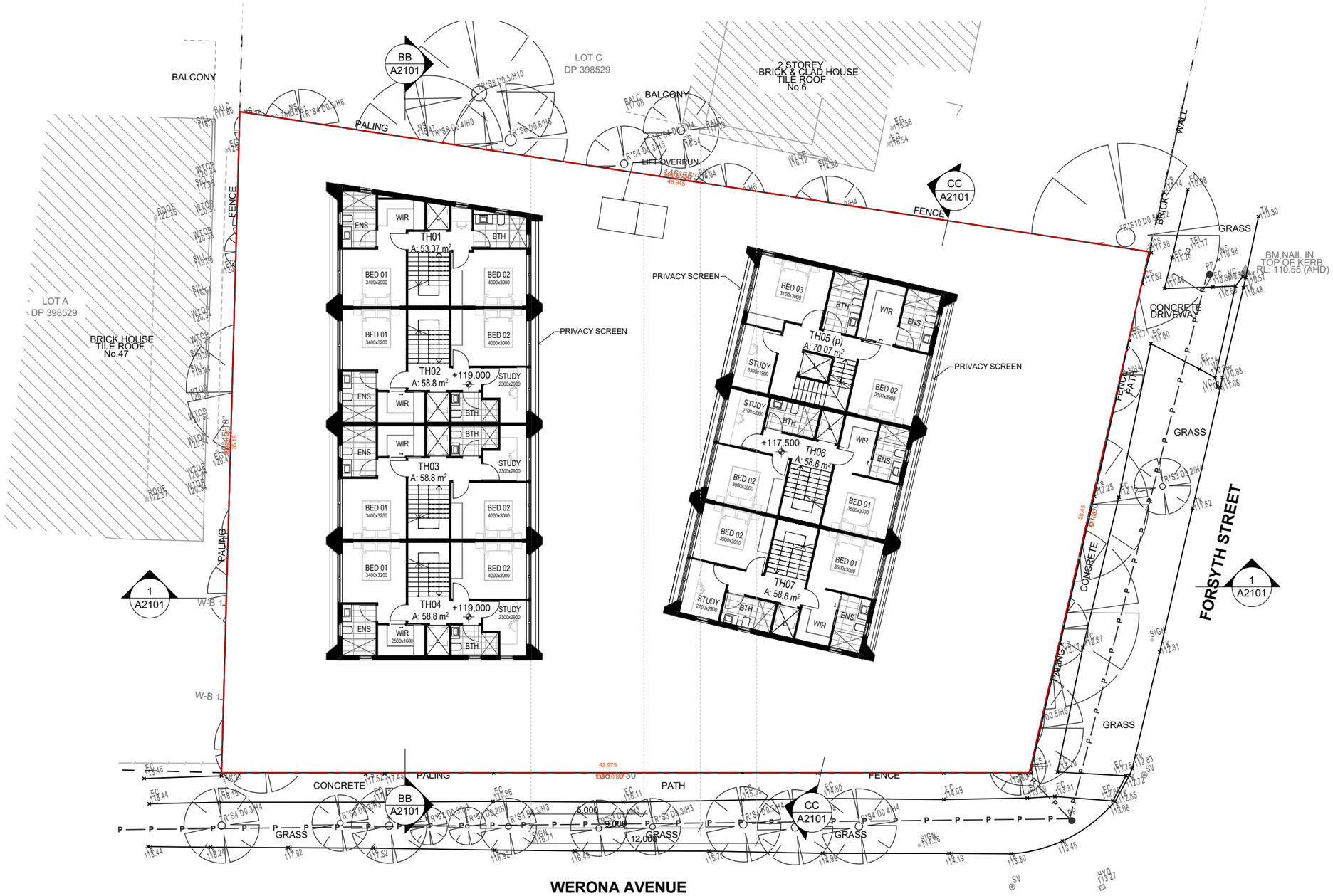

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20260216-KLPP-Crs-2026/030631/169



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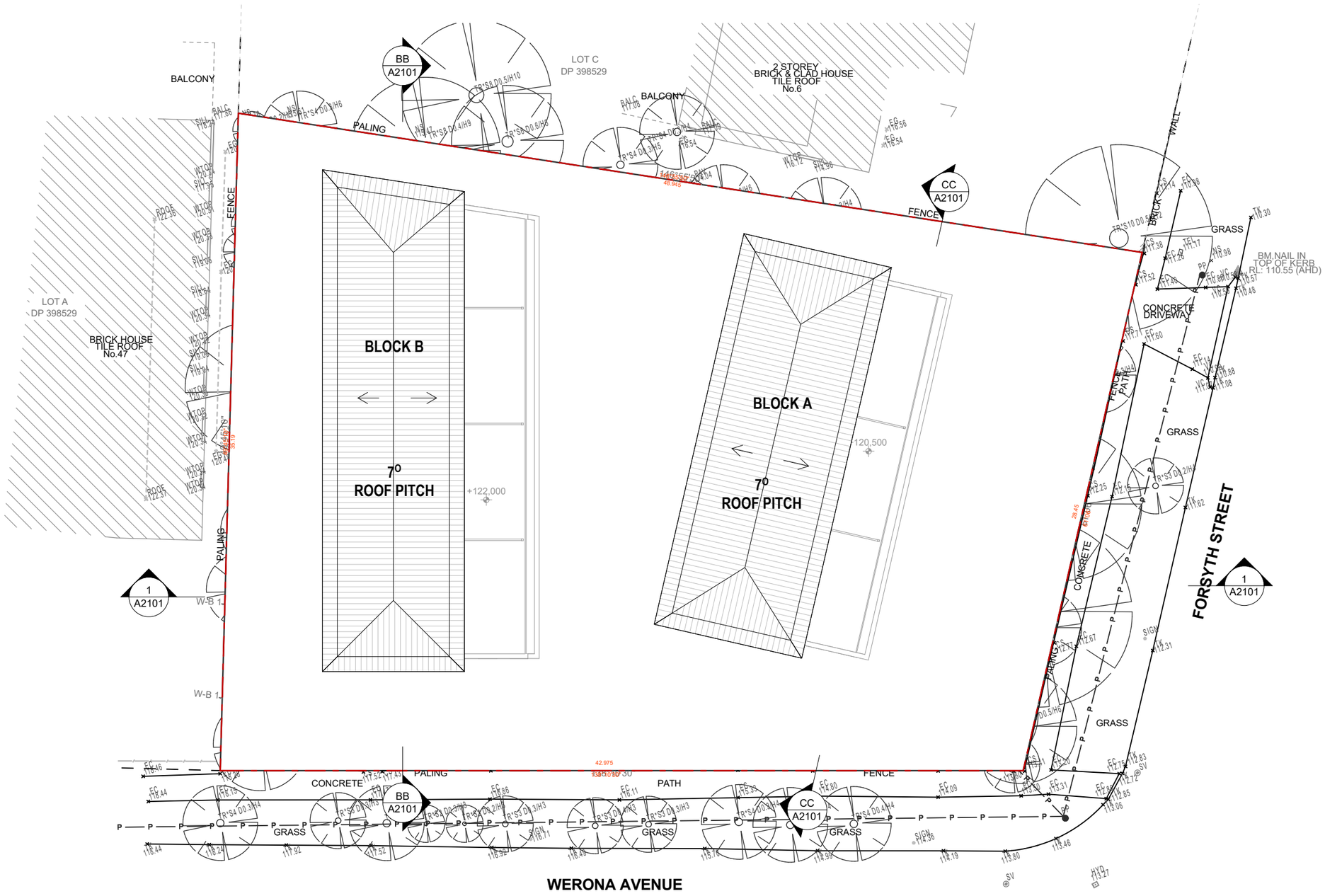

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PROJECT NORTH

MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
ROOF PLAN

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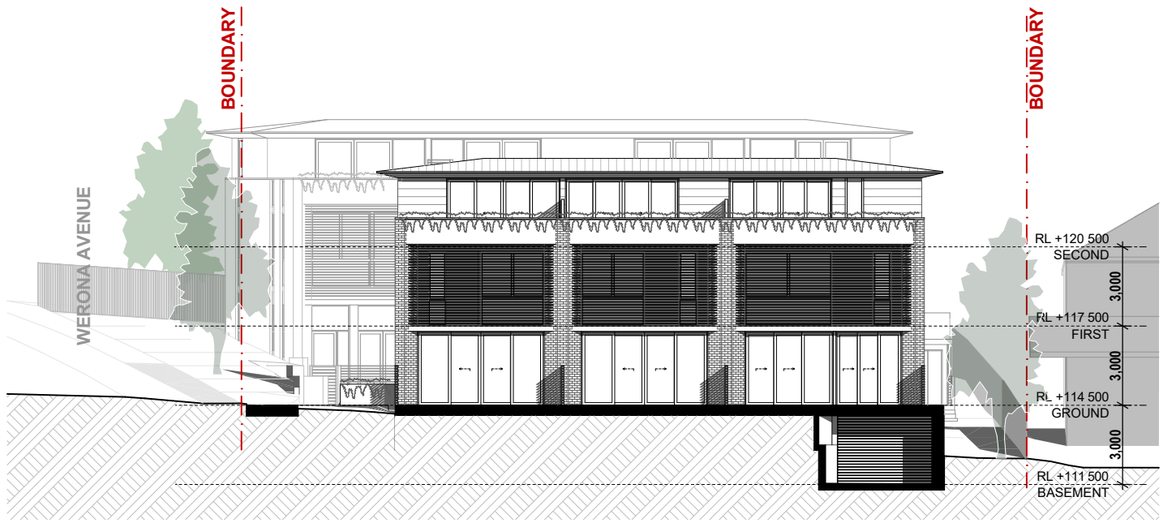
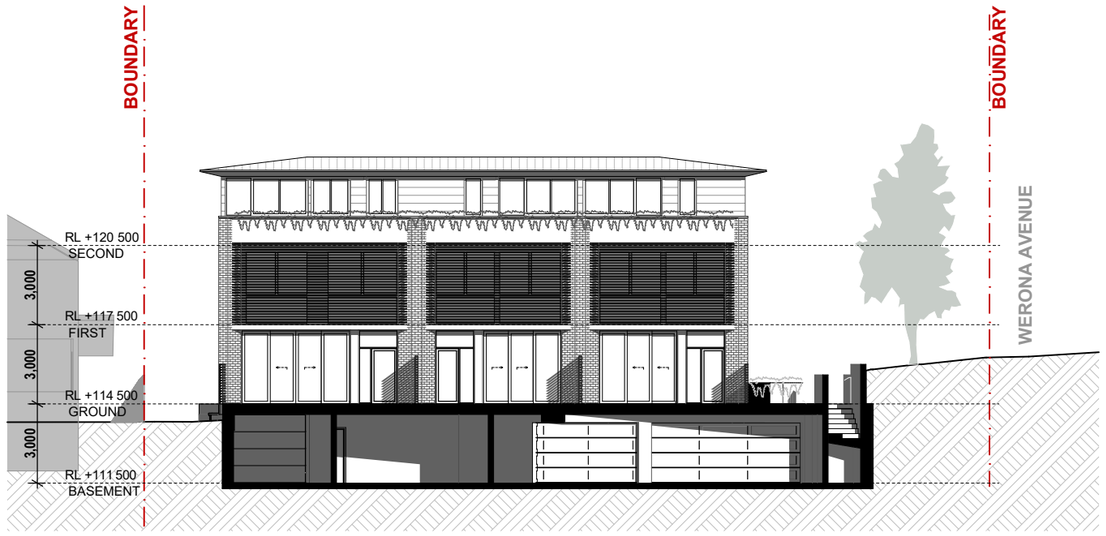
R.I. ; I.S.	1:200@A3	**A1005**	**A**
CHECKED BY D.M.			



1 SOUTH EAST ELEVATION - BLOCK A
FORSYTH STREET



2 NORTH WEST ELEVATION - BLOCK A

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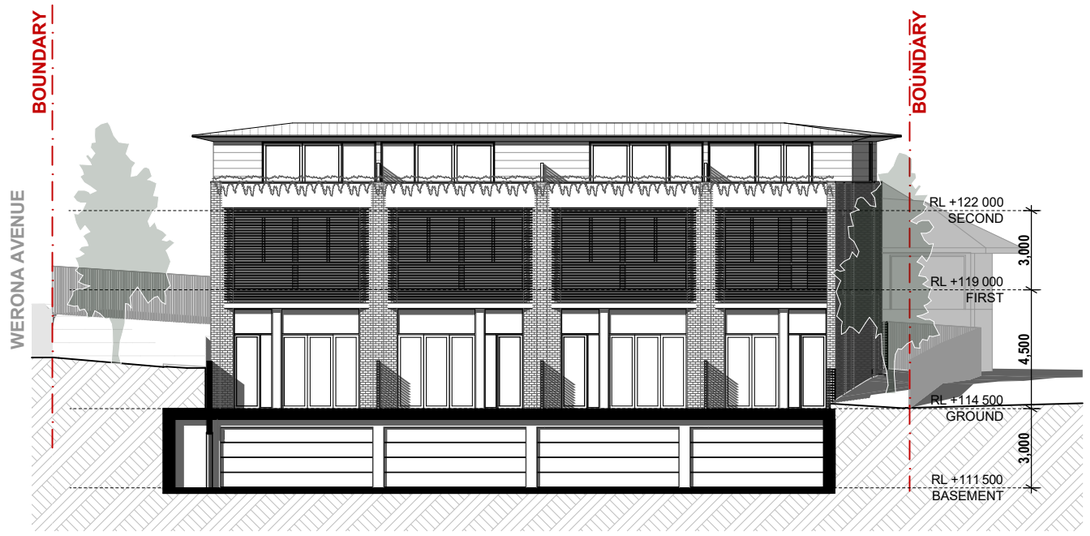
MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
NORTH & SOUTH ELEVATIONS - BLOCK A

DRAWN BY: R.I. ; I.S.
CHECKED BY: D.M.
SCALE: 1:200@A3
DRAWING NO.: A2001
ISSUE: A



3 NORTH WEST ELEVATION - BLOCK B



4 SOUTH EAST ELEVATION -BLOCK B

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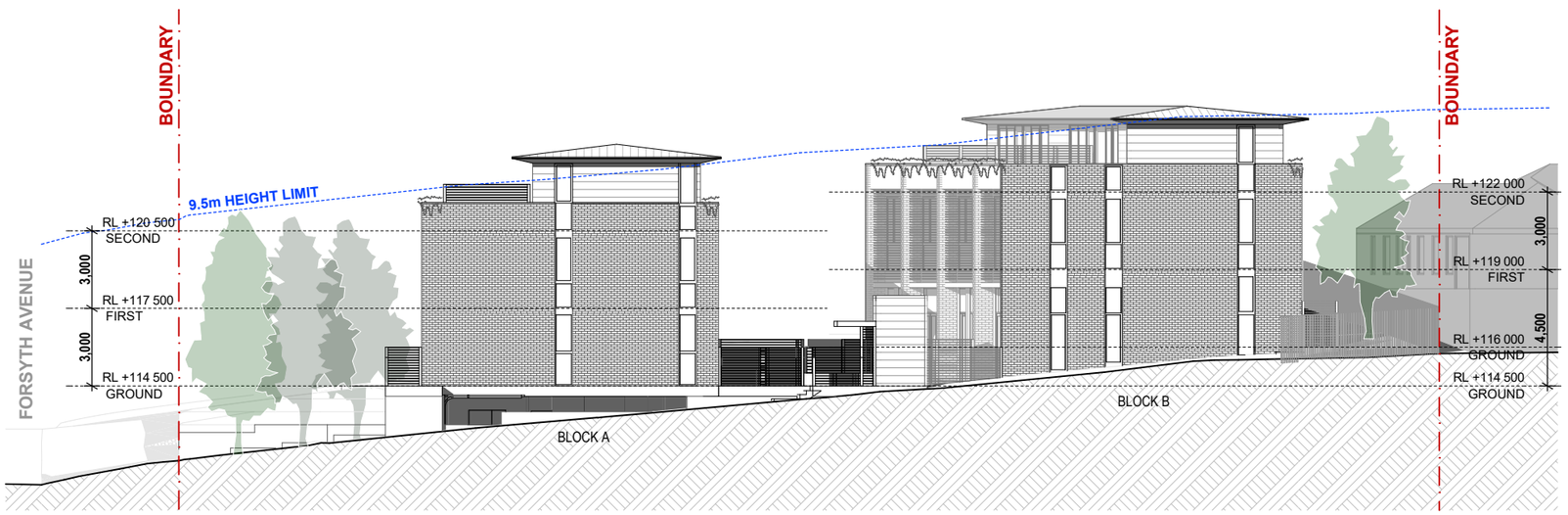
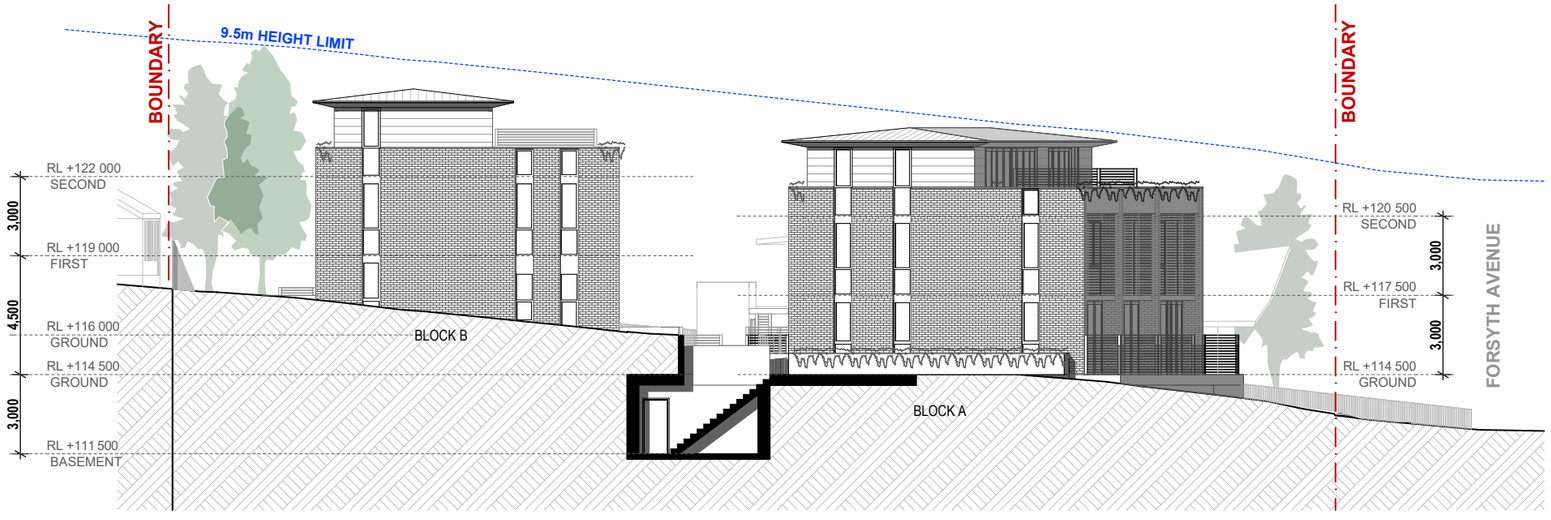
MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
NORTH & SOUTH ELEVATIONS - BLOCK B

DRAWN BY	SCALE:	DRAWING NO.:	ISSUE:
R.I. ; I.S.	1:200@A3	A2002	A
CHECKED BY D.M.			



5 NORTH EAST ELEVATION



6 SOUTH WEST ELEVATION
WERONA AVENUE

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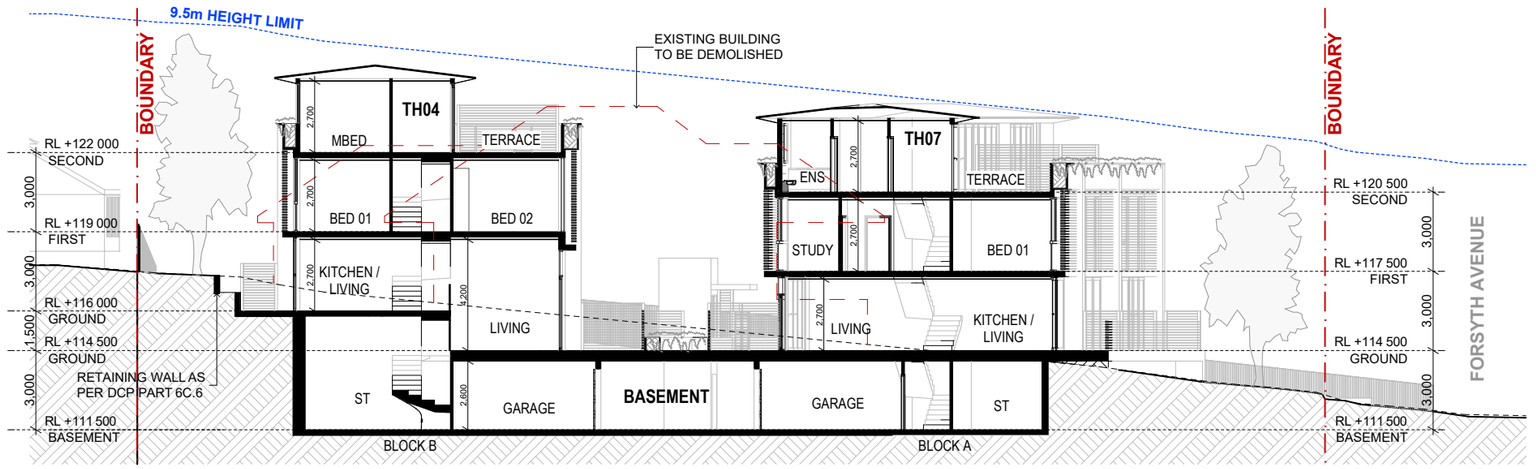
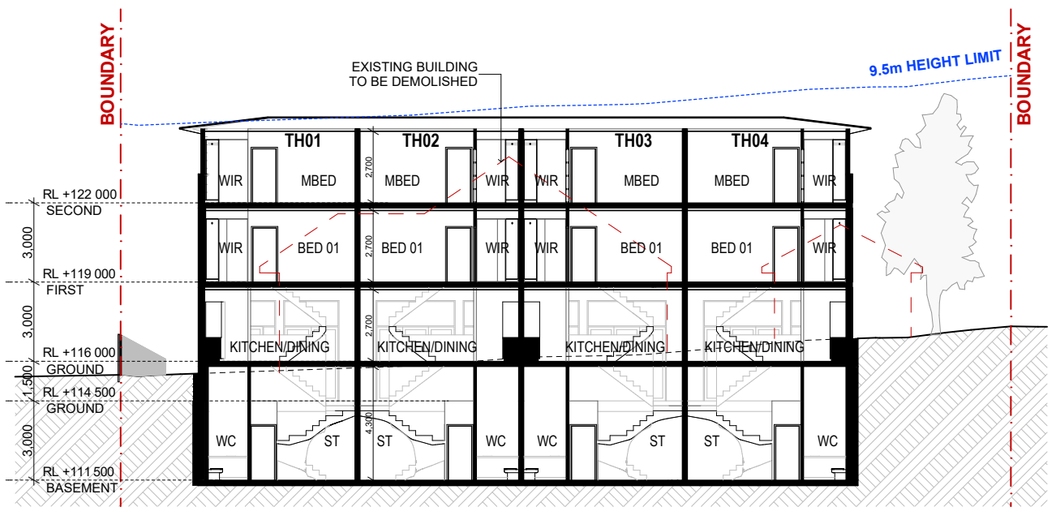
MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
EAST & WEST ELEVATIONS

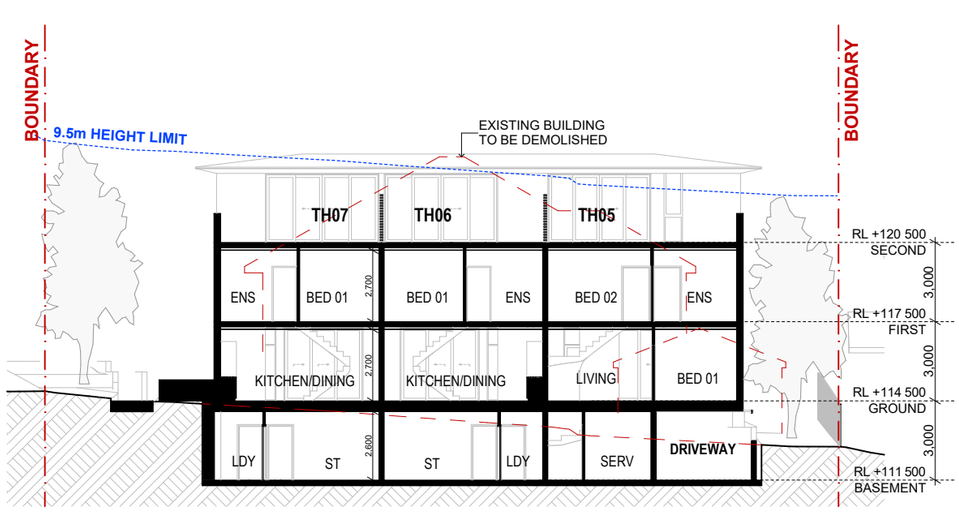
DRAWN BY: R.I. ; I.S.
CHECKED BY: D.M.
SCALE: 1:200@A3
DRAWING NO.: A2003
ISSUE: A



1 SECTION AA



2 SECTION BB
BLOCK B



3 SECTION CC
BLOCK A

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MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
SECTIONS A,B & C

DRAWN BY R.I. ; I.S.
CHECKED BY D.M.
SCALE: 1:200@A3
DRAWING NO.: A2101
ISSUE: A



1 GROUND FLOOR



2 FIRST FLOOR



3 SECOND FLOOR

FSR CALCULATIONS	
SITE AREA	1450.20m²
SEPP LMR MAX. FSR	0.7:1
SEPP LMR MAX. GFA	1015.14m²
PROPOSED GFA	0.68:1
PROPOSED FSR	986.67

GROSS FLOOR AREAS	
	AREA (m2)
GROUND FLOOR	
	191.59
	235.65
FIRST FLOOR	
	163.82
	197.73
SECOND FLOOR	
	95.00
	102.88
	986.67 m²
	GFA MEASURED

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AMENDMENTS

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A	DEVELOPMENT APPLICATION	R.I. ; I.S.	29.09.2025

PROJECT NORTH

PROJECT
MULTI RESIDENTIAL DEVELOPMENT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
GFA CALC.

DRAWN BY: R.I. ; I.S.
CHECKED BY: D.M.
SCALE: 1:500@A3
DRAWING NO.: **A3001**
ISSUE: **A**

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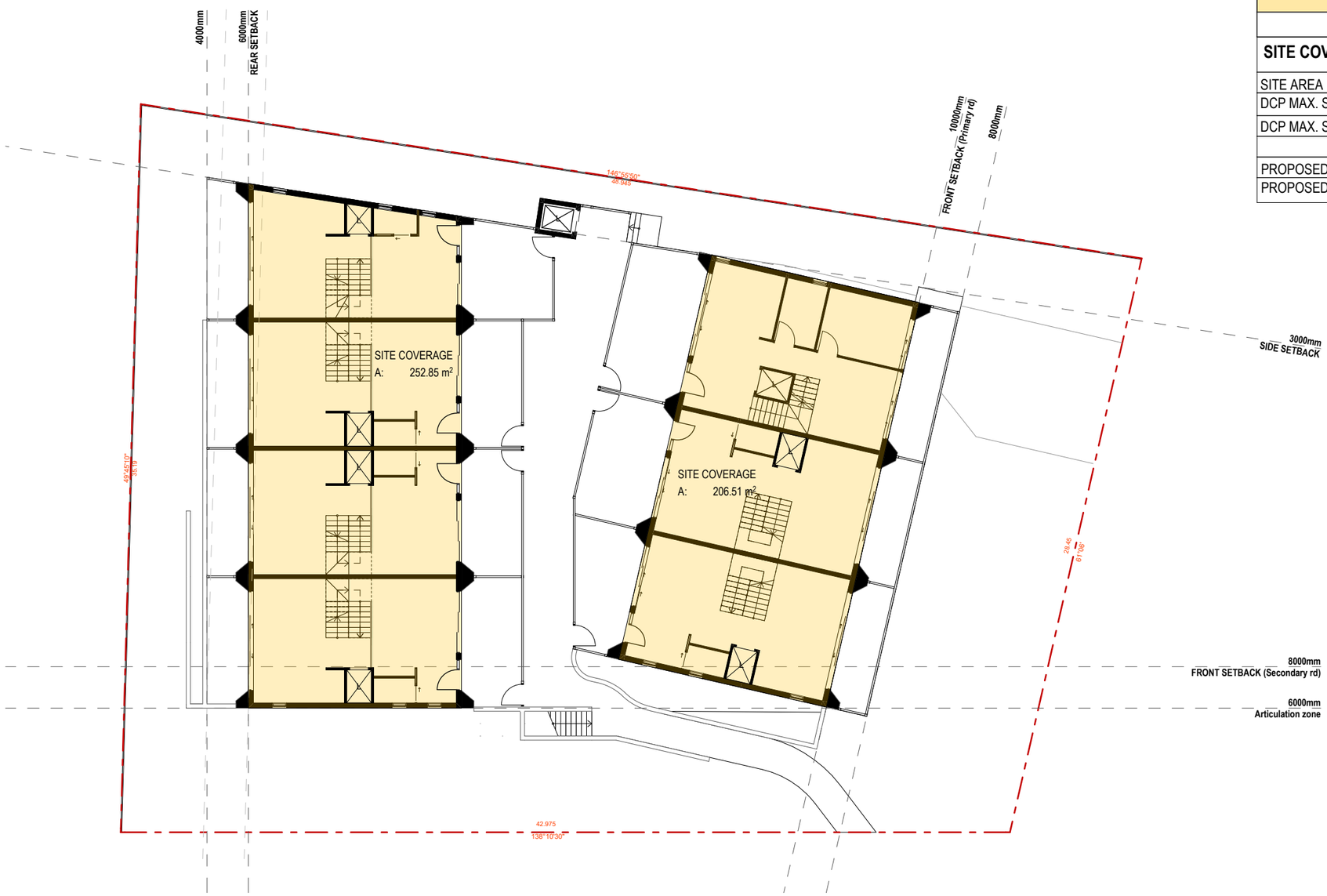
AREAS MEASURED	
	SITE COVERAGE
	459.36 m²

SITE COVERAGE CALCULATIONS	
SITE AREA	1450.2m²
DCP MAX. SITE COVERAGE %	40%
DCP MAX. SITE COVERAGE m²	580.08m²
PROPOSED SITE COVERAGE %	32%
PROPOSED SITE COVERAGE m²	459.36m²



1 GROUND FLOOR

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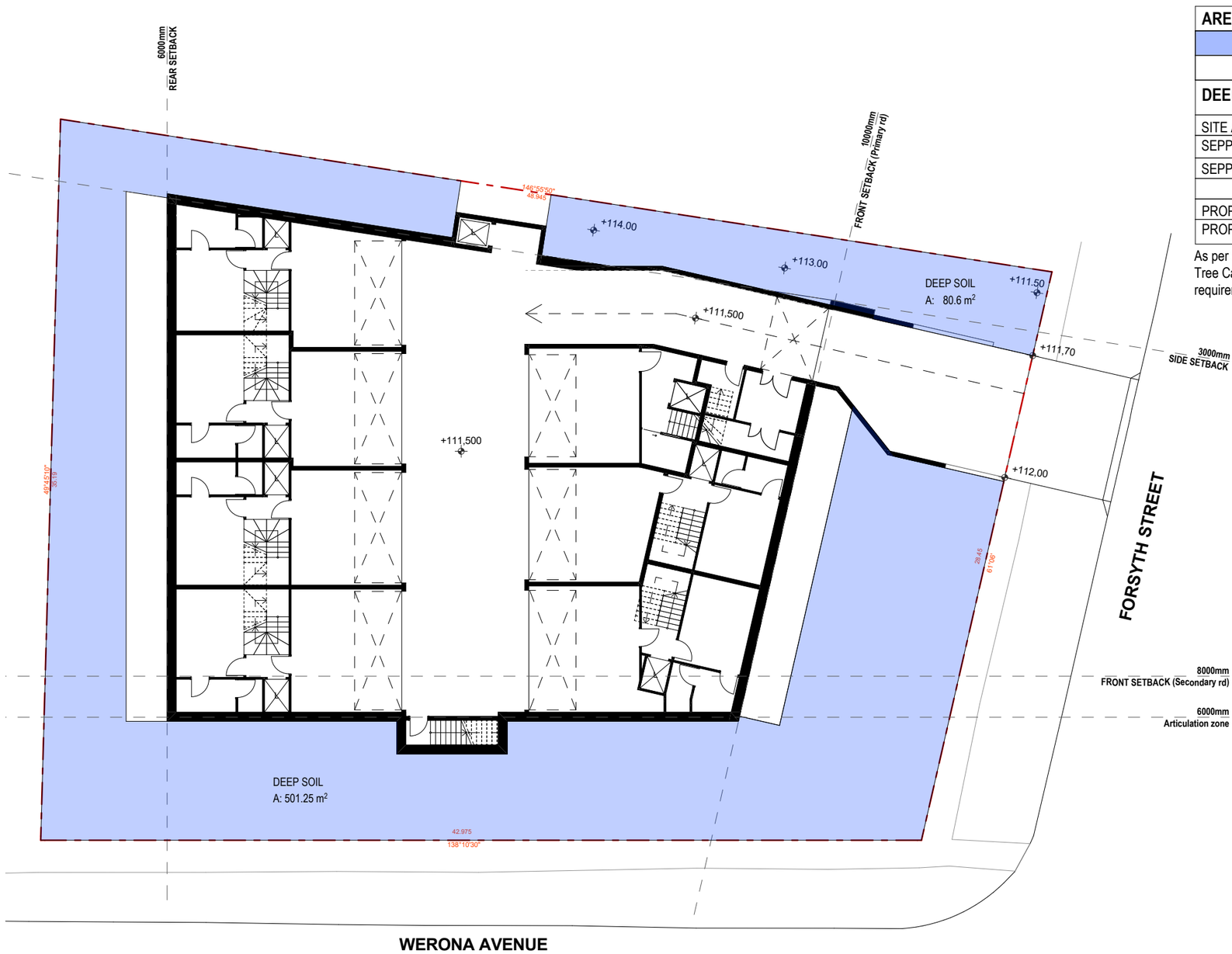
PROJECT NORTH

MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
SITE COVERAGE CALC.

DRAWN BY	SCALE:	DRAWING NO.:	ISSUE:
R.I. ; I.S.	1:200@A3	A3002	A
CHECKED BY D.M.			



AREAS MEASURED	
	DEEP SOIL AREAS
	581.85 m²

DEEP SOIL CALCULATIONS	
SITE AREA	1450.2m²
SEPP MIN. DEEP SOIL %	25%
SEPP MIN. DEEP SOIL m²	362.55m²
PROPOSED DEEP SOIL %	40%
PROPOSED DEEP SOIL m²	581.72m²

As per SEPP (Housing) 2021 - Clause 171:
Tree Canopy Guide for Low and Mid Rise Housing requirements prevails

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A	DEVELOPMENT APPLICATION	R.I. ; I.S.	29.09.2025

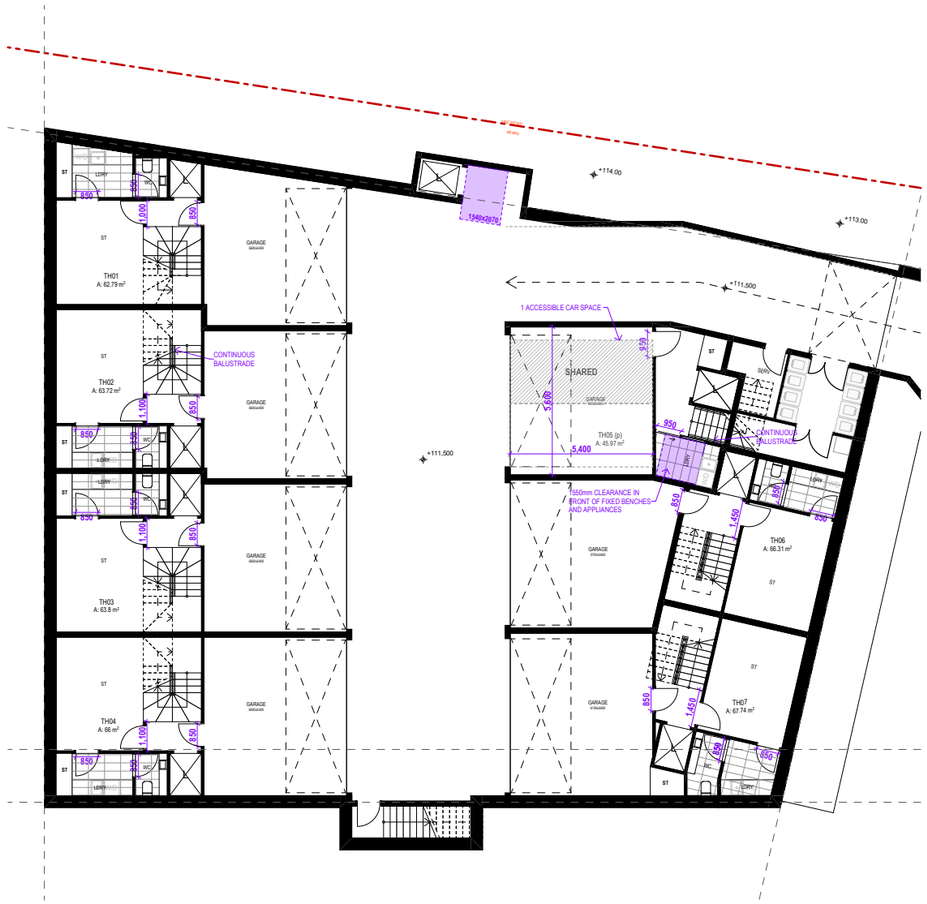
PROJECT NORTH

MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
DEEP SOIL CALC.

DRAWN BY	SCALE:	DRAWING NO.:	ISSUE:
R.I. ; I.S.	1:200@A3	A3003	A
CHECKED BY D.M.			

SILVER AND PLATINUM UNITS	
TOTAL UNITS	7
SILVER LEVEL LIVABLE UNITS MIN. 100%	7
PLATINUM LEVEL LIVABLE UNITS MIN. 15%	1
PROPOSED SILVER UNITS	ALL UNITS
PROPOSED PLATINUM UNIT	TH05



1 BASEMENT



2 GROUND FLOOR

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A	DEVELOPMENT APPLICATION	R.I. ; I.S.	29.09.2025

PROJECT NORTH

MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
SILVER & PLATINUM UNITS

DRAWN BY	SCALE:	DRAWING NO.:	ISSUE:
R.I. ; I.S.	1:200@A3	**A3004**	**A**
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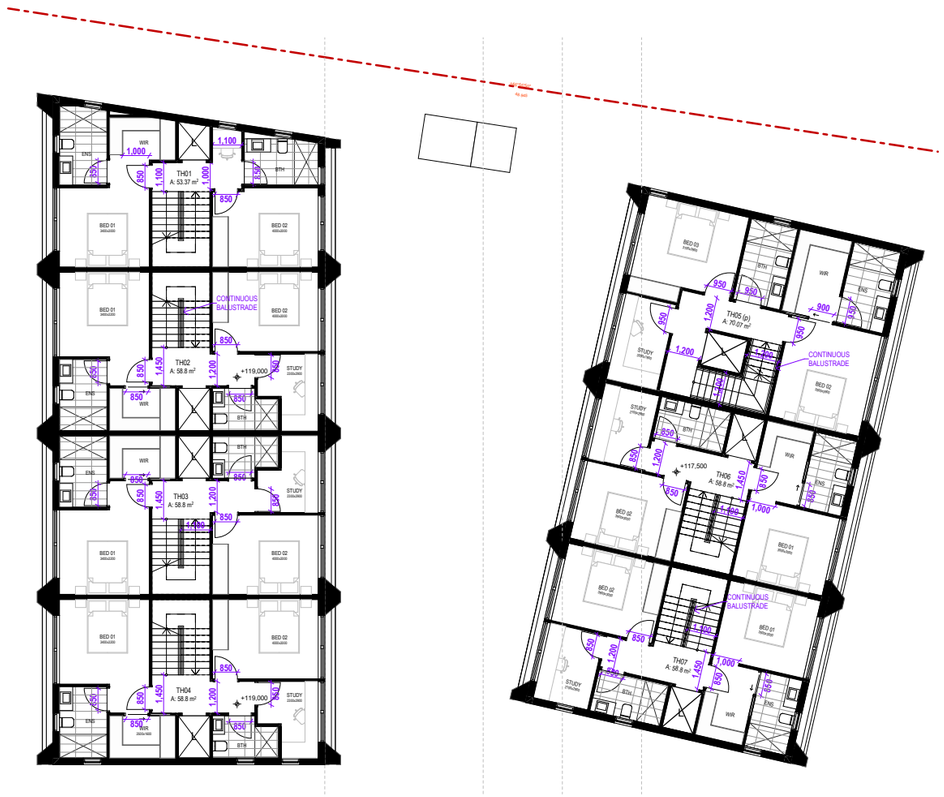

1. FIRST FLOOR



2. SECOND FLOOR

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PROJECT NORTH

MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
SILVER & PLATINUM UNITS

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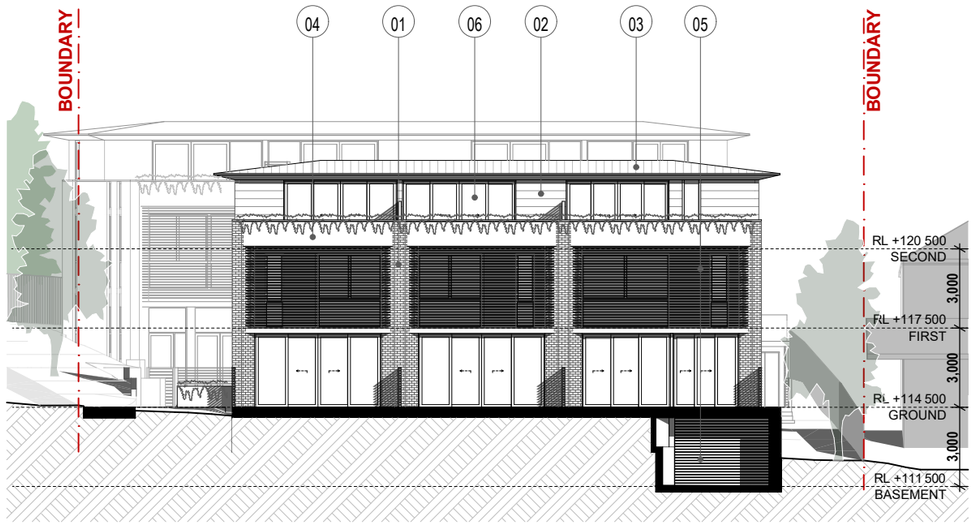
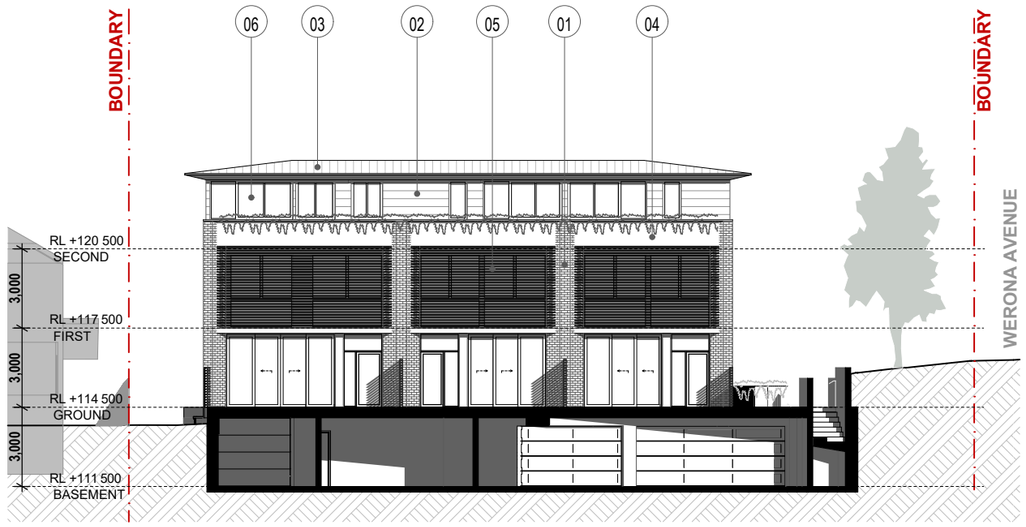
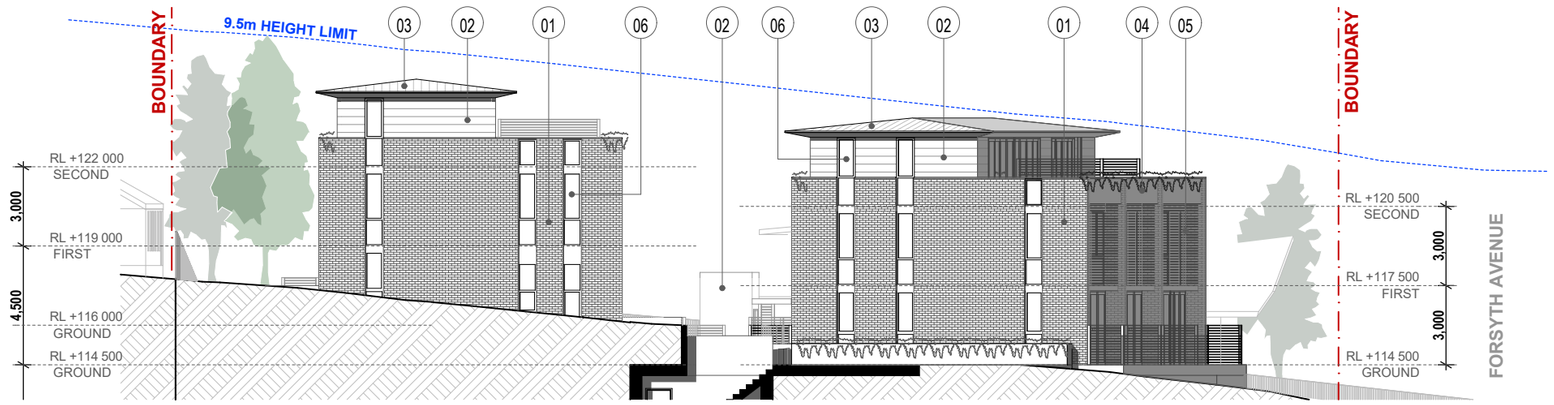
CHECKED BY: D.M.
SCALE: 1:200@A3
DRAWING NO.: **A3005**
ISSUE: **A**



1 SOUTH EAST ELEVATION - BLOCK A
FORSYTH STREET



2 NORTH WEST ELEVATION - BLOCK A



6 SOUTH WEST ELEVATION



1.
ELEMENT: EXTERNAL WALL
FINISH/MATERIAL: FACEBRIICK
COLOUR: ALFRESCO VINO PGH BRICK OR EQUIVALENT



3.
ELEMENT: ROOF
FINISH/MATERIAL: METAL CLADDING
COLOUR: STANDING SEAM MONUMENT OR EQUIVALENT



5.
ELEMENT: LOUVRES
FINISH/MATERIAL: ALUMINIUM
COLOUR: DULUX MONUMENT OR EQUIVALENT



2.
ELEMENT: EXTERNAL WALL
FINISH/MATERIAL: FC CLADDING
COLOUR: DULUX DOMINO OR EQUIVALENT



4.
ELEMENT: PLANTERS AND FLASHING
FINISH/MATERIAL: METAL
COLOUR: COLORBOND MONUMENT OR EQUIVALENT



6.
ELEMENT: WINDOW & DOOR GLAZING FIXTURES
FINISH/MATERIAL: ALUMINIUM & GLAZING
COLOUR: DULUX MONUMENT OR EQUIVALENT

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A	DEVELOPMENT APPLICATION	R.I. ; I.S.	29.09.2025

MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
SAMPLE BOARD

DRAWN BY: R.I. ; I.S.
CHECKED BY: D.M.
SCALE: 1:200@A3
DRAWING NO.: A3006
ISSUE: A



HEIGHT LIMIT

-

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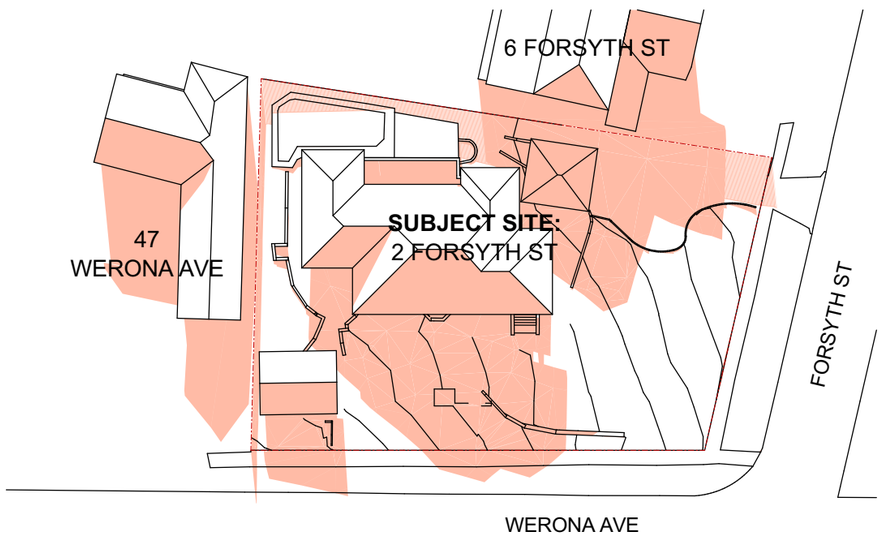
PROJECT NORTH

MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
HEIGHT LIMIT

DRAWN BY	SCALE:	DRAWING NO.:	ISSUE:
R.I. ; I.S.	1:100@A3	**A3007**	**A**
CHECKED BY D.M.			



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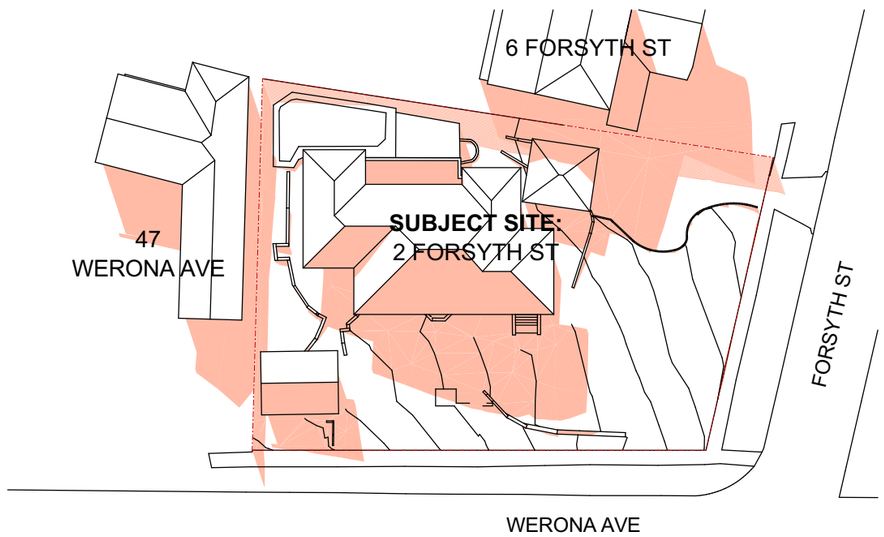

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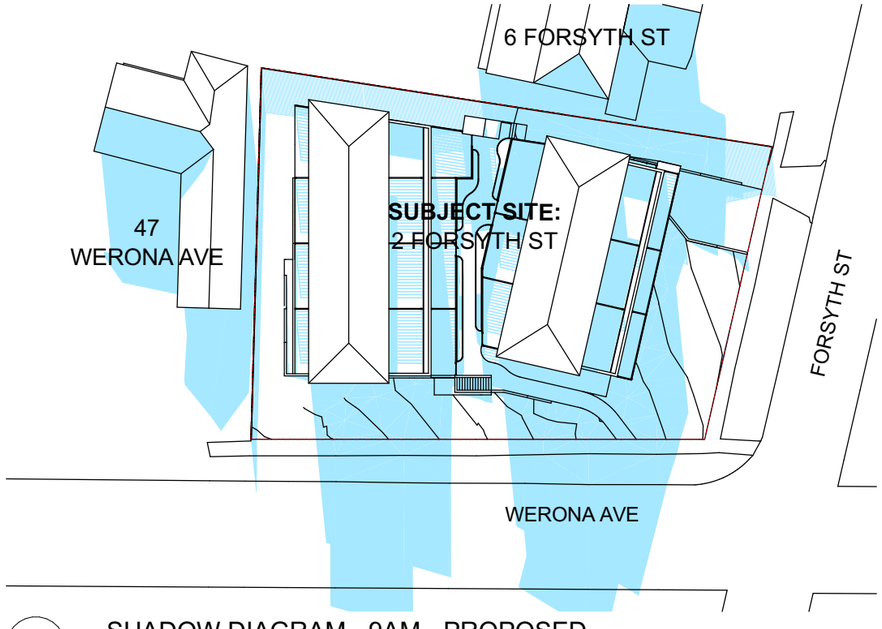

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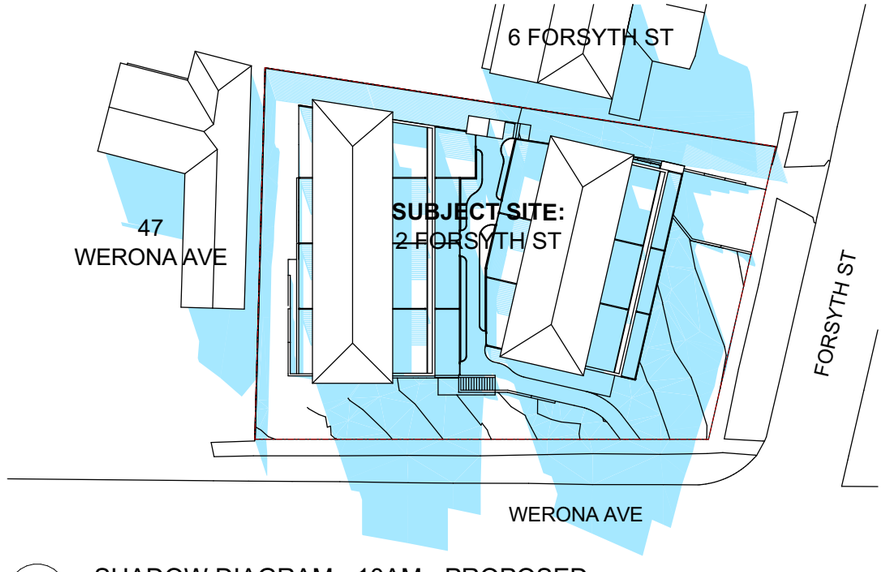

SHADOW DIAGRAM - 10AM - PROPOSED

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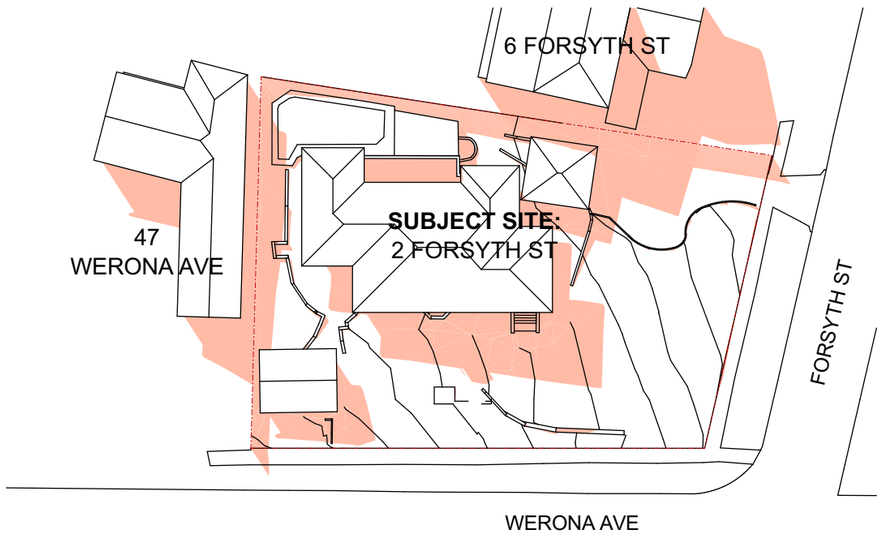
MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

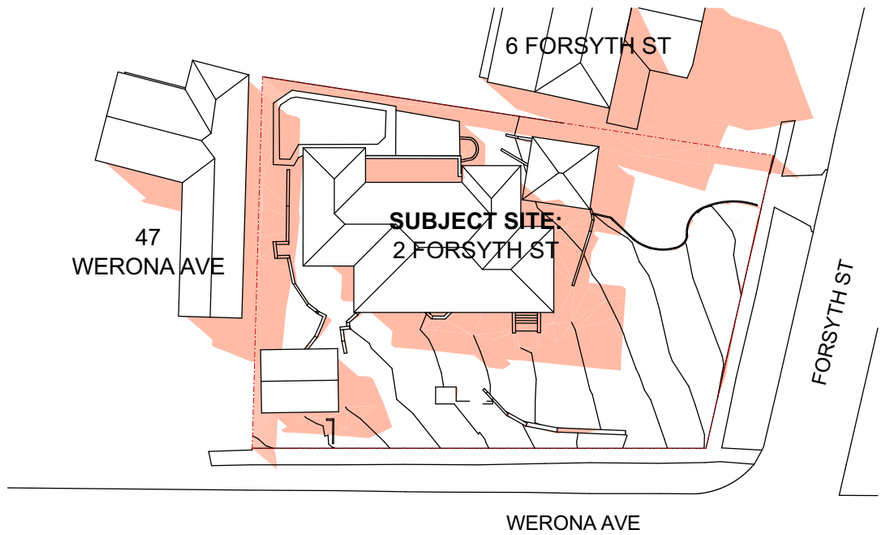
DRAWING:
SHADOW DIAGRAMS (9-10am)

DRAWN BY: R.I. ; I.S.
CHECKED BY: D.M.
SCALE: 1:500@A3
DRAWING NO.: **A4001**
ISSUE: **A**



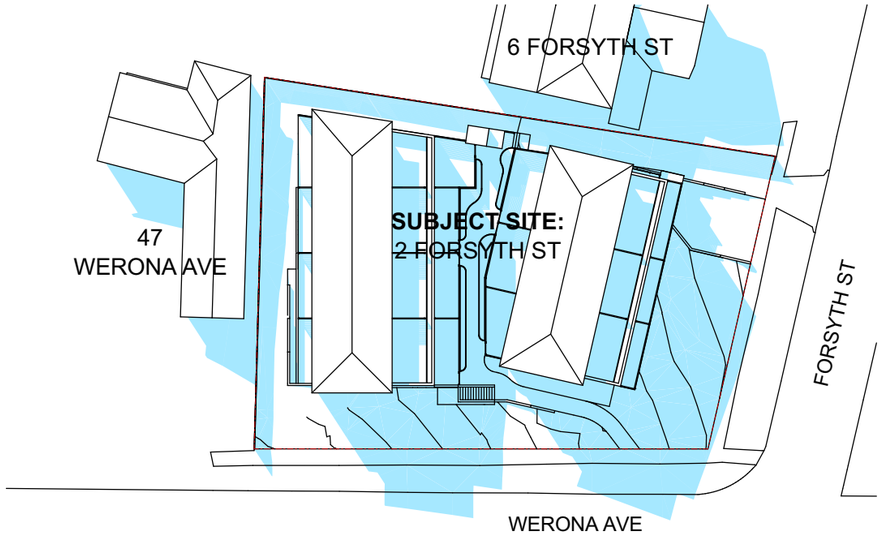
SHADOW DIAGRAM - 11AM - EXISTING

-



SHADOW DIAGRAM - 12PM - EXISTING

-



SHADOW DIAGRAM - 11AM - PROPOSED

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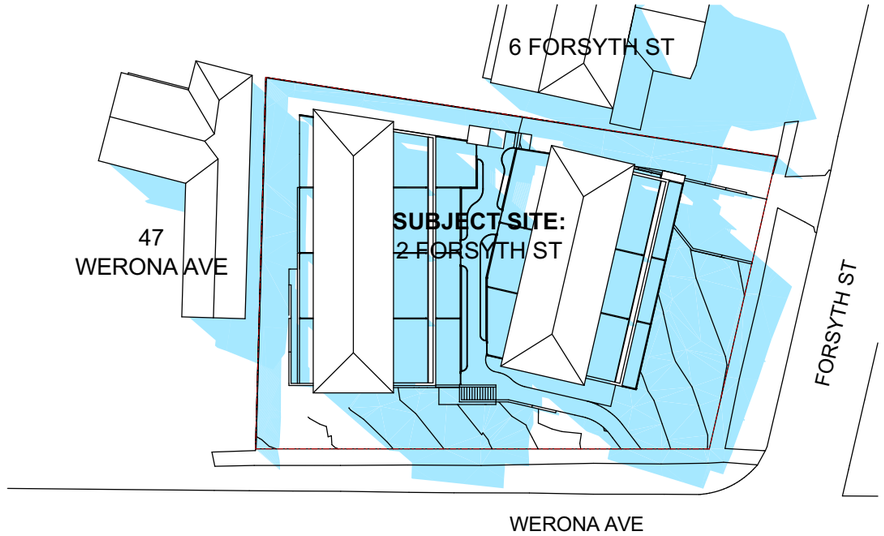

SHADOW DIAGRAM - 12PM - PROPOSED

-

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NSW 2071

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SHADOW DIAGRAMS (11-12pm)

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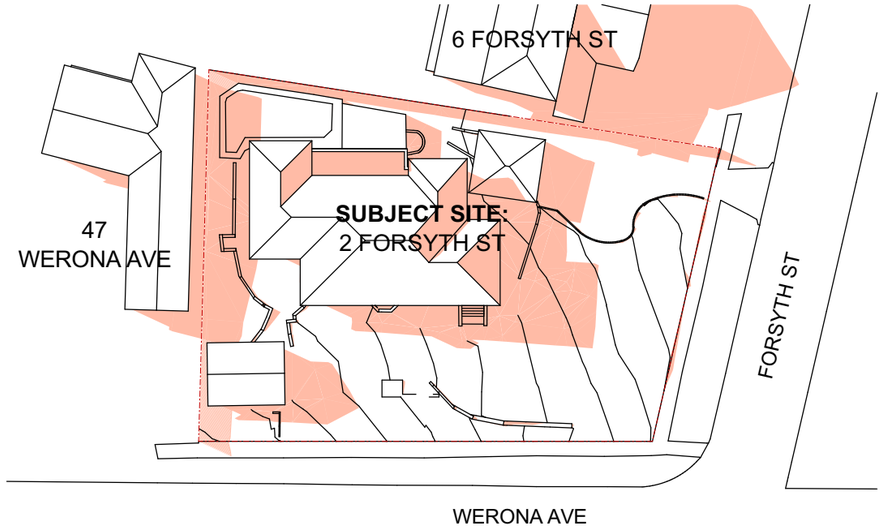
CHECKED BY: D.M.
SCALE: 1:500@A3
DRAWING NO.: A4002
ISSUE: A



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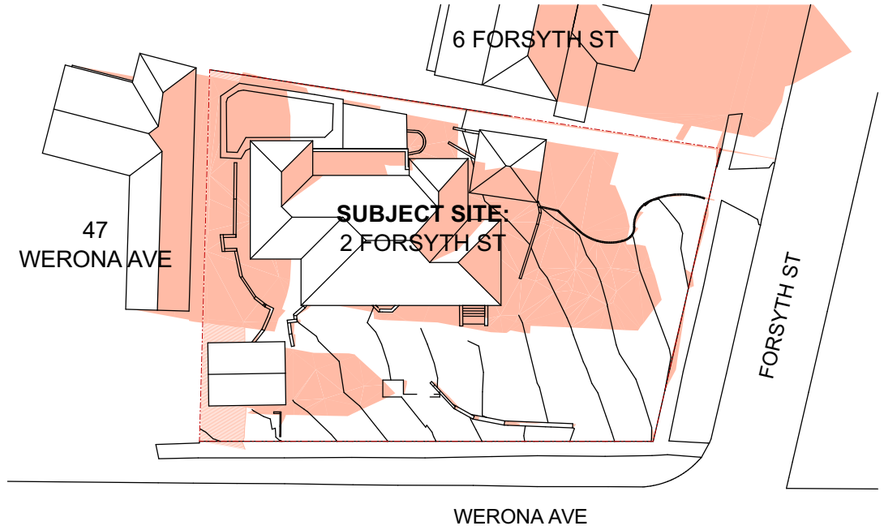
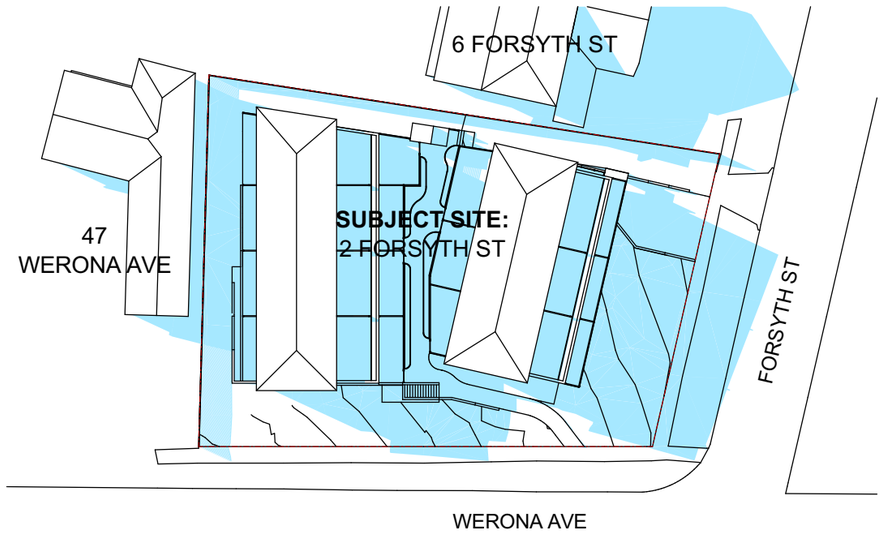


- SHADOW DIAGRAM - 2PM - EXISTING



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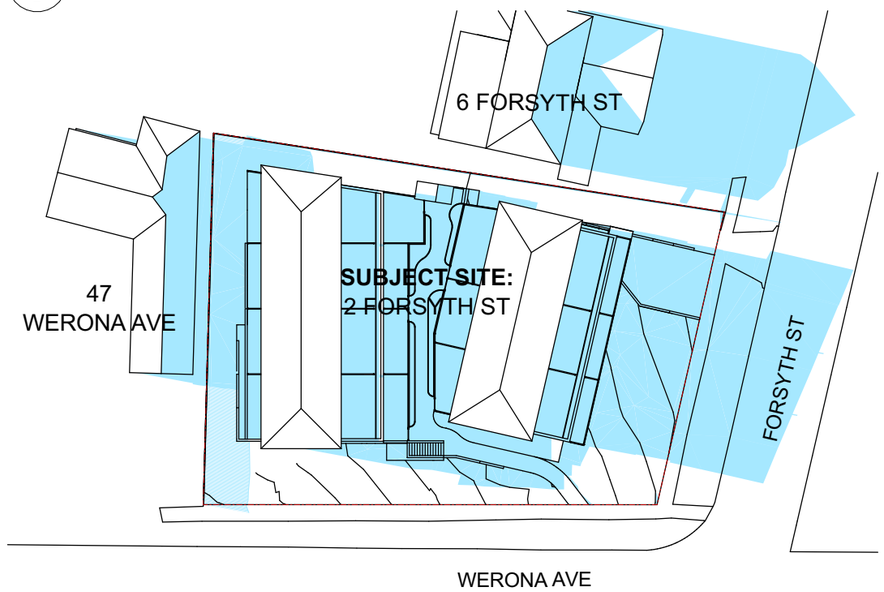

- SHADOW DIAGRAM - 2PM - PROPOSED

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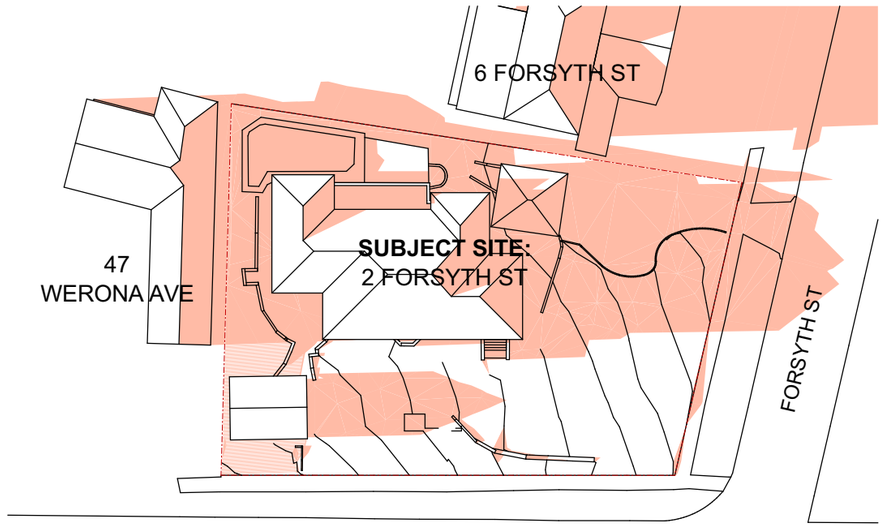
PROJECT NORTH

MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
SHADOW DIAGRAMS (1-2pm)

DRAWN BY: R.I. ; I.S.
CHECKED BY: D.M.
SCALE: 1:500@A3
DRAWING NO.: **A4003**
ISSUE: **A**



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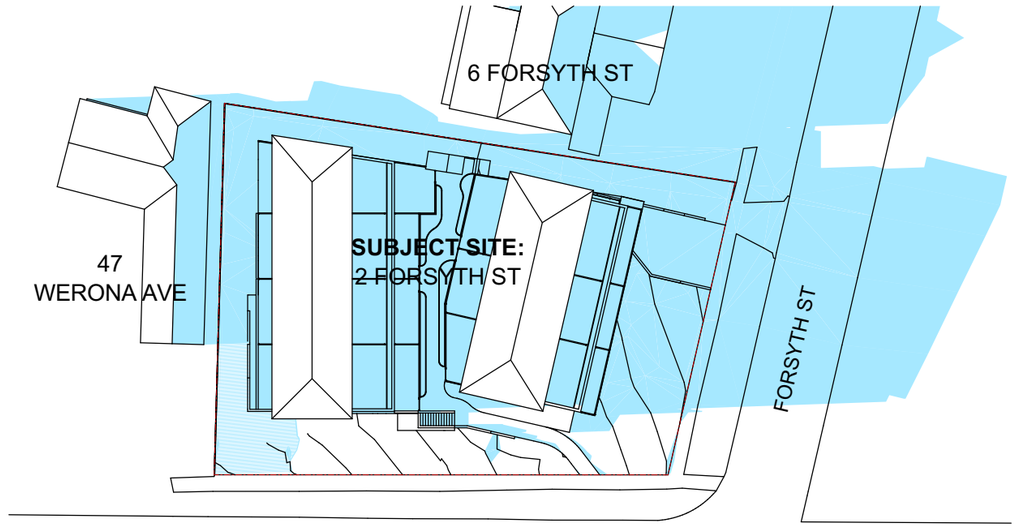

- SHADOW DIAGRAM - 3PM - PROPOSED

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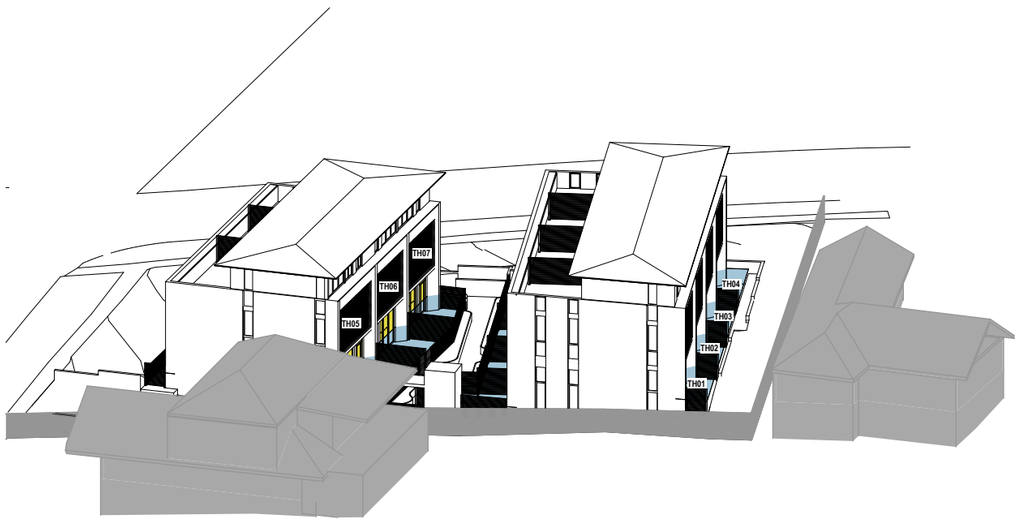
DRAWING:
SHADOW DIAGRAMS (3pm)

DRAWN BY: R.I. ; I.S.
CHECKED BY: D.M.
SCALE: 1:500@A3
DRAWING NO.: **A4004**
ISSUE: **A**



9AM @21ST OF JUNE



10AM @21ST OF JUNE



11AM @21ST OF JUNE



12PM @21ST OF JUNE

SOLAR ACCESS TO LIVING AREAS
SOLAR ACCESS TO POS AREAS

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PROJECT NORTH

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PROJECT
2 FORSYTH AVE, KILLARA
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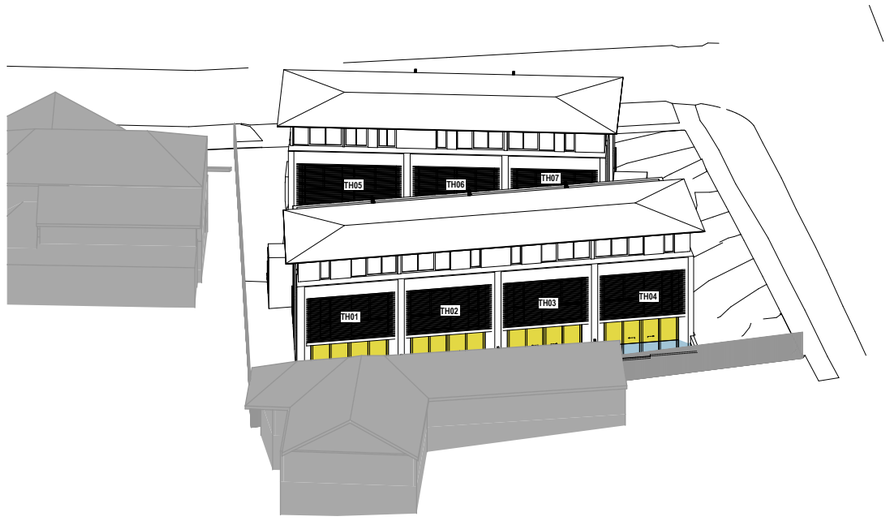
JUNE 21ST SOLAR ACCESS

DRAWN BY: R.I. ; I.S.
CHECKED BY: D.M.
SCALE: @A3
DRAWING NO.: **A4101**
ISSUE: **A**



1PM @21ST OF JUNE



2PM @21ST OF JUNE



3PM @21ST OF JUNE

TOWNHOUSE	9AM-10AM	10AM-11AM	11AM-NOON	NOON-1PM	1PM-2PM	2PM-3PM	NATURALLY CROSS VENTILATED	3+ HOURS LIVING ROOM	3+ HOURS POS
TH01							X	X	X
TH02							X	X	X
TH03							X	X	X
TH04							X	X	X
TH05							X	X	X
TH06							X	X	X
TH07							X	X	

SOLAR ACCESS COMPLIANCE	
NUMBER OF TOWNHOUSES	7
SEPP REQUIRED SOLAR ACCESSABLE TOWNHOUSES %	70%
SEPP REQUIRED SOLAR ACCESSABLE TOWNHOUSES	5
PROPOSED SOLAR ACCESSABLE TOWNHOUSES (3H)	6
PROPOSED SOLAR ACCESSABLE TOWNHOUSES (3H) %	85.7%

SOLAR ACCESS TO LIVING AREAS
SOLAR ACCESS TO POS AREAS

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PROJECT NORTH

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PROJECT
2 FORSYTH AVE, KILLARA
NSW 2071

DRAWING:
JUNE 21ST SOLAR ACCESS

DRAWN BY: R.I. ; I.S.
CHECKED BY: D.M.
SCALE: @A3
DRAWING NO.: A4102
ISSUE: A

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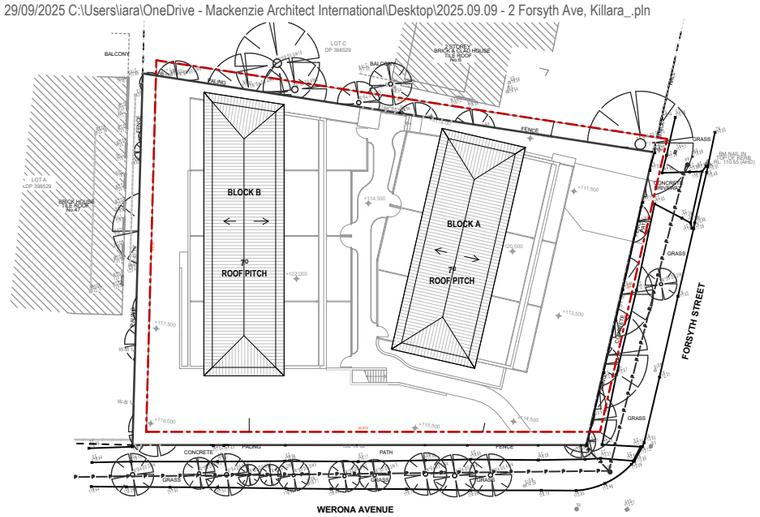
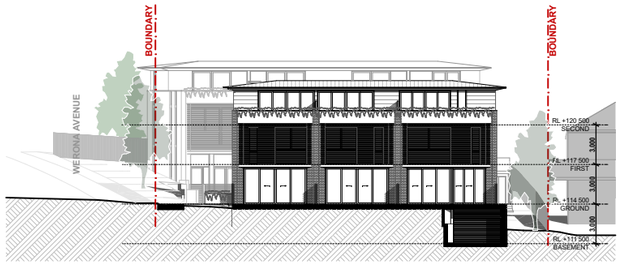
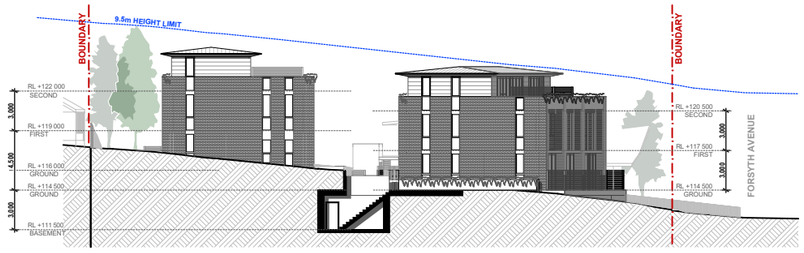


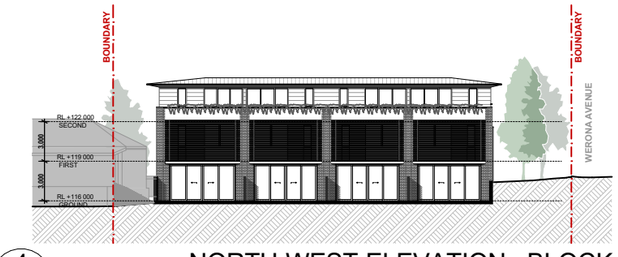
1 - SITE PLAN



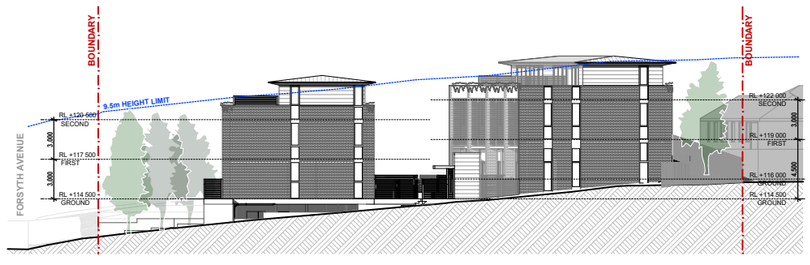
2 - SOUTH EAST ELEVATION - BLOCK A



3 - SOUTH WEST ELEVATION



4 - NORTH WEST ELEVATION - BLOCK B



5 - NORTH EAST ELEVATION

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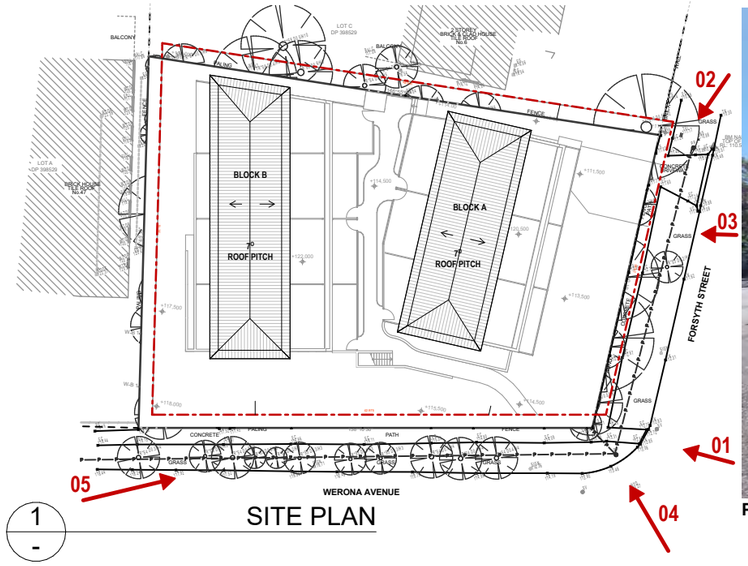
PROJECT NORTH

MULTI RESIDENTIAL DEVELOPMENT
PROJECT
2 FORSYTH AVE, KILLARA NSW 2071

DRAWING:
NOTIFICATION PLANS

DRAWN BY: R.I. ; I.S.
CHECKED BY: D.M.
SCALE: 1:400, 1:500@A3
DRAWING NO.: **N/A**
ISSUE: **A**



1 / - SITE PLAN



PHOTOGRAPH 01 - STREET VIEW FROM SOUTH-WEST CORNER OF THE SITE



PHOTOGRAPH 02 - STREET VIEW FROM SOUTH SIDE OF THE SITE



PHOTOGRAPH 03 - STREET VIEW FROM SOUTH OF THE SITE



PHOTOGRAPH 04 - STREET VIEW FROM SOUTH-WEST CORNER OF THE SITE



PHOTOGRAPH 05 - STREET VIEW FROM WEST SIDE OF THE SITE

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PROJECT
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NSW 2071

DRAWING:
SITE PHOTOGRAPHS

DRAWN BY	SCALE:	DRAWING NO.:	ISSUE:
R.I. ; I.S.	1:500, 1:11.39 @A3	N/A	A
CHECKED BY D.M.			



LOCATION PLAN

Scale: NTS



OTHER LANDSCAPE ITEMS

- Brick Edging - refer detail
- Turf area - refer detail
- Stepping stones with ground covers in gaps - refer detail
- Retaining / raised planter wall - refer detail
- 1.8m Ht site boundary fence to be nom. by client
- 1.2m Ht front fence to be nom. by client
- Trees proposed to be removed and replaced with new landscaping
- Existing trees proposed to be retained and protected
- Structural root zone

TREE SURVEY

Existing Trees information is extracted from Arboricultural Impact Assessment by AEP in Sep 2025

No.#	Species	Size (Ht x Sp)	Condition	Action
1	*Pyrus calleryana*	10x7m	Fair	Retain
2	*Cupressus x leylandii*	4x4m	Good	Retain
3	*Jacaranda mimosifolia*	4x4.5m	Fair	Retain
4	*Pittosporum undalatum*	7x10.5m	Poor	Remove
5	*Celtis sinensis*	6x3.5m	Poor	Remove
6	*Syzygium smithii*	16x11.5m	Fair	Remove
7	*Cotoneaster glaucophyllus*	4x5m	Fair	Remove
8	*Camellia sasanqua*	4x4m	Good	Remove
9	*Camellia sasanqua*	5x7m	Good	Remove
10	*Acer spp.*	6x7m	Fair	Remove
11	*Ulmus parvifolia*	16x14m	Fair	Remove
12	*Ficus benjamina*	5x3m	Fair	Remove
13	*Agonis flexuosa*	4x4m	Poor	Remove
14	*Cupress x leylandii*	15x7.5m	Fair	Remove
15	*Cupress x leylandii*	15x8.5m	Fair	Remove
16	*Ficus benjamina*	13x9m	Fair	Remove
17	*Ficus benjamina*	16x11.5m	Fair	Remove
18	*Camellia sasanqua*	5x4.5m	Fair	Remove
19	*Rhododendron arboreum*	6x6.5m	Fair	Retain
20	*Magnolia soulangeana*	7x4.5m	Fair	Remove
21	*Cupressus x leylandii*	16x10.5m	Fair	Remove
22	*Flacourtia jangomas*	8x6m	Fair	Remove
S1	*14x Melaleuca styphelioides*	5x6m	Fair	Retain
S2	*2x Camellia Sasanqua*	5x4m	Fair	Remove
S3	*4x Murraya paniculata*	5x4m	Fair	Remove
S4	*4x Murraya paniculata*	4x4m	Fair	Remove

LANDSCAPE PLAN NOTES

This plan should be read in conjunction with the architectural and hydraulics plans. Work specific to these plans should be prepared in accordance to these plans, including specification and details prior to the installation of landscaping, and should not be altered or compromised during landscape construction. **Retaining wall details to engineers design.**
Elements such as drainage swales may be incorporated in garden bed areas (using non-floatable mulch) without compromising the capacity or form.

This plan has been prepared for Development Application approval only, not for construction.

This plan has been prepared with reference to ***Ku-Ring-Gai DCP*** Landscaping Guidelines & requirements. Planting proposed using commercially available plant species selected from local planting lists and the BASIX local plant list and from Sydney Waters "Plant Selector" web site one-drip rated native plants ***(acceptable for BASIX planting)***.

The Design & location of new letter boxes shall be in accordance with Australia Post's "Requirements for Delivery of Mail to Residential Premises" published Feb '97. All noxious weeds listed in Councils weed lists & located on the site shall be continually removed & suppressed. Reinstate all boundary fencing in poor condition with Council approved 1.8m fencing to rear of building line, rake to 1m forward of BL. Pollution, sediment & erosion control devices as specified shall be in place, and maintained for the duration of the construction period. Proposed excavation near existing established trees to be supervised by arborist.

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

DRAWING SCHEDULE

SHEET #	DRAWING TITLE	REV.
/LP01	HARDSCAPE PLAN	A
/LP02	SITE CALCULATIONS	A
/LP03	LANDSCAPE PLAN/GF	A
/LP04	LANDSCAPE PLAN/L2	A
/LP05	SECTION	A
/LP06	DETAIL + SPECIFICATION	A

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COUNCIL: KU-RING-GAI

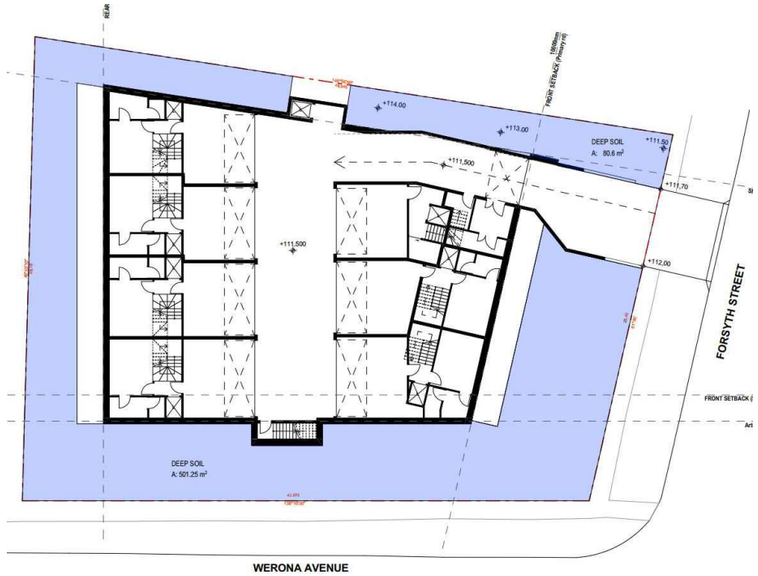
CLIENT: NOTH POINT GROUP

REV	DATE	NOTATION/AMENDMENT
SK1	16.09.2025	Preliminary DA prepared for review
A	23.09.2025	Final Issue for submission

PROJECT: PROPOSED TOWN HOUSES DEVELOPMENT
2 FORSYTH STREET,
KILLARA

Bar Scale 0 2 4 6 8 10m

TITLE: HARDSCAPE PLAN
STATUS: DEVELOPMENT APPLICATION
SCALE: 1:100@A1
DATE: SEP 2025
PROJECT No: LPDA26-55
DWG SHEET: LP01
ISSUE: A
DRAWN: C.D
CHECKED: R.F



DEEP SOIL CALCULATIONS

- Refer Architetcural drawing A3003

SITE AREA: **1450.2m²**

SEPP MIN. DEEP SOIL AREA: **362.55m² (25%)**

PROPOSED DEEP SOIL AREA: **581.85m² (40.1%)**
(COMPLIANT)

DEEP SOIL AREA INCLUDE IN CALCULATION:

DEEP SOIL CALCULATION

SCALE: 1:200



TREE CANOPY CALCULATIONS

SITE AREA: **1450.2m²**

REQUIRED TREE CANOPY AREA: 362.55m² (25%)

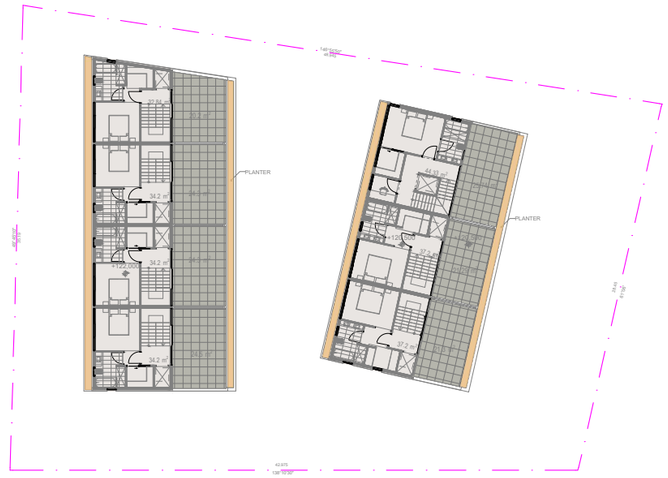
PROPOSED TREE CANOPY AREA:434.8m² (30%)
(COMPLIANT)

TREE CANOPY AREA INCLUDED IN CALCULATION:

TREE CANOPY CALCULATION

SCALE: 1:200





SOIL DEPTH STUDY

NATURAL DEEP SOIL:

NATURAL DEEP SOIL ZONE

ON-SLAB PLANTING:

PLANTER OVER SLAB
(MINIMUM OF 1M SOIL DEPTH FOR SMALL TREES)

PLANTER OVER SLAB
(MINIMUM OF 800mm SOIL DEPTH FOR SHRUBS)

PLANTER OVER SLAB
(MINIMUM OF 300mm SOIL DEPTH FOR LAWN & GROUNDCOVER)

*SOIL DEPTH FOR PLANTING PURPOSE ONLY.
ALLOW FOR SET DOWN, 75MM MULCH, ADDITIONAL DEPTH FOR WATERPROOFING, DRAINAGE LAYER, etc IN PLANTER TO ENGINEER'S DETAILS

SOIL DEPTH STUDY

SCALE: 1:200

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PROPOSED TOWN HOUSES DEVELOPMENT
2 FORSYTH STREET,
KILLARA

0 1 2 5 10 20
1:200

TITLE:
SITE CALCULATIONS

STATUS:
DEVELOPMENT APPLICATION

SCALE:	DATE:
1:200@A1	SEP 2025

PROJECT No:	DWG SHEET:	ISSUE:	DRAWN:	CHECKED:
LPDA26-55	LP02	A	C.D	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 2303:2018 - TREE STOCK FOR LANDSCAPE USE
8. (*) DENOTES TREE SPECIES SELECTED FROM KU-RING-GAI TREE REPLACEMENT PLANTING LIST

LARGE CANOPY TREES (OVER 13m MATURE HEIGHT)

CM
Botanical Name: (*)*Corymbia maculata*
Common Name: Spotted Gum (Native)
Pot size: 75Lt
Mature H x S: 20m x 8m
Qty Required: 3

LT
Botanical Name: (*)*Liriodendron tulipifera*
Common Name: Tulip Tree (Exotic)
Pot size: 100Lt
Mature H x S: 13m x 8m
Qty Required: 2

MEDIUM CANOPY TREES (OVER 7m MATURE HEIGHT)

NS
Botanical Name: (*)*Nyssa sylvatica*
Common Name: Black Tulepo (Exotic)
Pot size: 100Lt
Mature H x S: 12m x 6m
Qty Required: 1

EE
Botanical Name: (*)*Elaeocarpus eumundi*
Common Name: Eumundi Quandong (Native)
Pot size: 75Lt
Mature H x S: 6-11m x 3-5m
Qty Required: 1

PC
Botanical Name: (*)*Pyrus calleryana*
Common Name: Ornamental Pear (Exotic)
Pot size: 75Lt
Mature H x S: 11m x 5m
Qty Required: 2

GARDEN SCALE AND FEATURE TREES (under 6m max height)

LI
Botanical Name: (*)*Lagerstroemia indica*
Common Name: Crepe myrtle (Exotic)
Pot size: 100Lt
Mature H x S: 8m x 5m
Qty Required: 2

APA
Botanical Name: (*)*Acer palmatum 'Ariadne'*
Common Name: Japanese maple (Exotic)
Pot size: 75Lt
Mature H x S: 3m x 4m
Qty Required: 2

PALMS & TREE FERNS

CR
Botanical Name: *Cycas revoluta*
Common Name: Sago palm (Exotic)
Pot size: 300mm
Mature H x S: 3m x 2m
Qty Required: 3

AA
Botanical Name: *Asplenium australasicum*
Common Name: Birds Nest Fern (Native)
Pot size: 200mm
Mature H x S: 1m x 1.4m
Qty Required: 7

CYA
Botanical Name: *Cyathea australis*
Common Name: Rough Tree Fern (Native)
Pot size: 45L
Mature H x S: 2.5-5m x 3m
Qty Required: 7

ACCENT PLANTS

AIR
Botanical Name: *Alcantarea imperialis 'Rubra'*
Common Name: Ruby Imperial Bromeliad (Exotic)
Pot size: 300mm
Mature H x S: 0.8m x 0.9m
Qty Required: 5

SHRUBS & SCREEN PLANTING

RI
Botanical Name: *Rhaphiolepis indica*
Common Name: Indian Hawthorn (Exotic)
Pot size: 200mm
Mature H x S: 1.5m x 1.8m
Qty Required: 15

IA
Botanical Name: *Indigofera australis*
Common Name: Australian Indigo (Native)
Pot size: 200mm
Mature H x S: 1-2m x 1-2m
Qty Required: 10

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: 12

MI
Botanical Name: Melaleuca incana 'Velvet Cushions' (dwarf form)
Common Name: Grey Honey Myrtle (Native)
Pot size: 300mm
Mature H x S: 1m x1m
Qty Required: 10

CGBF2
Botanical Name: *Callistemon 'Great Balls of Fire'*
Common Name: GBOF Bottlebrush (Native)
Pot size: 200mm
Mature H x S: 1.8m x 1.5m
Qty Required: 24

AF
Botanical Name: *Acmena 'Firescreen'*
Common Name: Firescreen Lilly Pilly (Native)
Pot size: 200mm
Mature H x S: 3-4m x 2m
Qty Required: 20

ASM
Botanical Name: *Acmena smithii 'Minor'*
Common Name: Minor Lilly Pilly (Native)
Pot size: 200mm
Mature H x S: 2-3m x 2m
Qty Required: 13

BM
Botanical Name: *Backhousia myrtifolia*
Common Name: Grey Myrtle (Native)
Pot size: 45 Lt
Mature H x S: 4-6m x 2-4m
Qty Required: 5

ST
Botanical Name: *Syzygium 'Tiny Trev'*
Common Name: Dwarf Lilly Pilly (Native)
Pot size: 200mm
Mature H x S: 1m x 1m
Qty Required: 30

AC
Botanical Name: *Alpinia caerulea 'Red Back'*
Common Name: *Red Back Native Ginger (Exotic)*
Pot size: 300mm
Mature H x S: 1.5m x 1-1.5m
Qty Required: 25

DSG
Botanical Name: *Duranta 'Sheena's Gold'*
Common Name: Golden Dewdrop (Exotic)
Pot size: 200mm
Mature H x S: 0.75m x 0.75m
Qty Required: 31

GROUNDCOVERS & GRASSES

LM
Botanical Name: *Liriope muscari 'Evergreen Giant'*
Common Name: *Giant Lily Turf (Exotic)*
Pot size: 150mm
Mature H x S: 0.7m x 0.65m
Qty Required: 62

PX
Botanical Name: *Philodendron 'Xanadu'*
Common Name: Xanadu Plant (Exotic)
Pot size: 200mm
Mature H x S: 0.7m x 0.7m
Qty Required: 25

HM
Botanical Name: *Hardenbergia 'Meema'*
Common Name: *Meema Purple Coral Pea* (Native)
Pot size: 140mm
Mature H x S: 0.3m x 1.5m
Qty Required: 5/m2 (28m2 total)

OJ
Botanical Name: *Ophiopogon japonicus*
Common Name: Mondo grass (Exotic)
Pot size: 140mm
Mature H x S: 0.2m x 0.2m
Qty Required: 9/m2 (34.4m2 total)

MIX
Native Understorey Mix:
Lomandra longifolia 'Tanika'
Dianella revoluta 'Revelation'
Doodia aspera
Viola hederacea
Dichondra repens
Pot size: 140mm
Mature H x S: < .8m
Qty Required: 5/m2 (26.8m2 total)

ALL TREE PROTECTION MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE RECOMMENDATIONS AND DETAILING FROM THE APPROVED PROJECT ARBORISTS TREE REPORT

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.

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.



REPLACEMENT CANOPY TREE REQUIREMENT

This site is 1450.2m2 and requires 5 trees that reach a height of 13m have been included in the Landscape Plan to comply with Ku-Ring-Gai Council's DCP Section A Part 6A.6.
Refer Tree Canopy Guide for Low and Mid Rise Housing -Table 5, the site is required to plant 8 medium trees in deep soil area.
These trees have been selected from the Council's Tree Replacement Planting List.

New trees include:
3 x *Corymbia maculata* (Large- Over 13m)
2 x *Liriodendron tulipifera* (Large- Over 13m)
1 x *Nyssa sylvatica* (Medium)
1 x *Elaeocarpus eumundi* (Medium)
2 x *Pyrus calleryana* (Medium)

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2 FORSYTH STREET,
KILLARA

Bar Scale
0 2 4 6 8 10m

TITLE: LANDSCAPE PLAN/GF
STATUS: DEVELOPMENT APPLICATION
SCALE: 1:100@A1
DATE: SEP 2025
PROJECT No: LPDA 26-55
DWG SHEET: LP03
ISSUE: A
DRAWN: C.D
CHECKED: R.F

LEGEND & SCHEDULE

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7. ALL TREES TO BE SOURCED IN ACCORDANCE WITH TESTS AND MEASUREMENTS CONTAINED WITHIN AS 2303:2018 - TREE STOCK FOR LANDSCAPE USE

GROUNDCOVERS & GRASSES

RO
Botanical Name: *Rosmarinus officinalis prostratus*
Common Name: prostrate rosemary (Exotic)
Pot size: 140mm
Mature H x S: 0.3m x spreading
Qty Required: 5/m2 (**8.6m2 total)**

CG
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 (**13m2 total)**

DA
Botanical Name: *Dichondra argentea 'Silver Falls'*
Common Name: Silver Falls Dichondra (Exotic)
Pot size: 140mm
Mature H x S: 0.15m x spreading
Qty Required: 9/m2 (**9.5m2 total)**

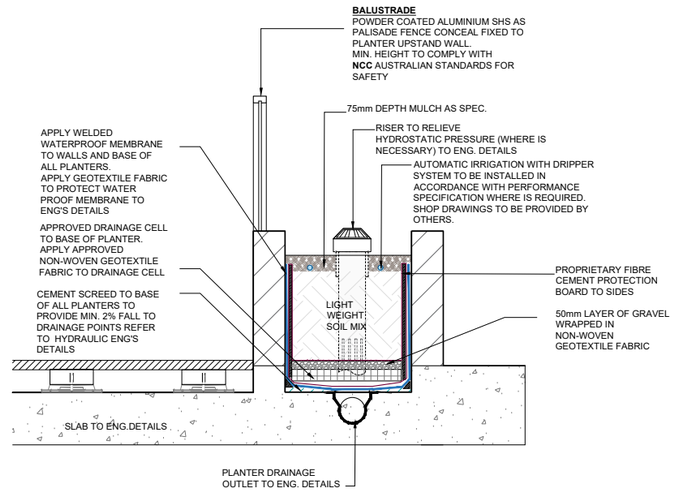
CAR
Botanical Name: *Carpobrotus 'Aussie Rambler'*
Common Name: Aussie Rambler Pigface (Native)
Pot size: 140mm
Mature H x S: 0.25m x spreading
Qty Required: 7/m2 (**11.6m2 total)**



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.

NOTE.(DRAINAGE & WATER PROOFING).
DRAINAGE PITS AND LAYOUT TO BE NOMINATED BY 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 QUALIFIED ENGINEER



RAISED PLANTER OVER SLAB DETAIL

SCALE: 1:20

SAMPLE IMAGES

Images are for design intent only, final planting species may vary, as determined by Council Approval


Corymbia maculata


Elaeocarpus eumundi


Nyssa sylvatica


Lagerstroemia indica


Acer palmatum 'Ariadne'


Backhousia myrtifolia


Acmena smithii 'Minor'


Acmena 'Firescreen'


Callistemon 'Great Balls of Fire'


Westringia 'Blue Gem'


Raphiolepis indica


Hardenbergia 'Meema'


Hibertia scandens


Syzygium 'Tiny Trev'


Duranta 'Sheena's Gold'


Cyathea australis


Asplenium australasicum


Alpinia caerulea 'Red Back'


Alcantarea imperialis 'Rubra'


Philodendron 'Xanadu'


Liriope muscari 'Evergreen Giant'


Carpobrotus 'Aussie Rambler'


Rosmarinus officinalis prostratus


Casuarina 'Cousin It'


Dichondra argentea 'Silver Falls'


Dichondra repens

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ALIA Associate

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Bar Scale 0 2 4 6 8 10m

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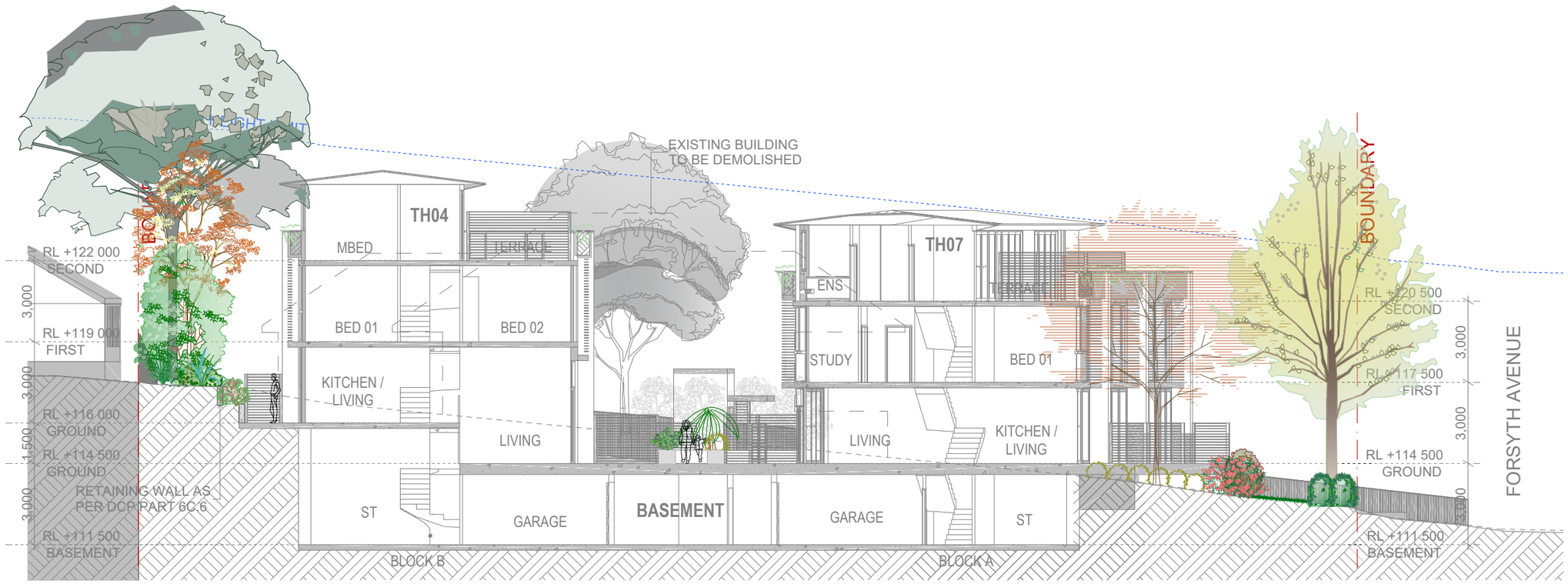
SCALE: 1:100@A1
DATE: SEP 2025
PROJECT No: LPDA 26-55
DWG SHEET: LP04
ISSUE: A
DRAWN: C.D
CHECKED: R.F



SECTION A

SCALE: 1:75

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CLIENT:
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REV	DATE	NOTATION/AMENDMENT
SK1	16.09.2025	Preliminary DA prepared for review
A	23.09.2025	Final Issue for submission

PROJECT:
PROPOSED TOWN HOUSES DEVELOPMENT
2 FORSYTH STREET,
KILLARA

TITLE:
SECTION

STATUS:
DEVELOPMENT APPLICATION

SCALE: 1:75@A1
DATE: SEP 2025

PROJECT No: LPDA 26-55
DWG SHEET: LP05
ISSUE: A
DRAWN: C.D
CHECKED: R.F

20260216-KLPP-Crs-2026/030631/195

LANDSCAPE WORK SPECIFICATION

PRELIMINARIES

1.01 GENERAL

The following general conditions should be considered prior to the commencement of landscape works:

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

1.02 PROTECTION OF ADJACENT FINISHES

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

1.03 PROTECTION OF EXISTING TREES

Existing trees identified to be retained shall be done in accordance with **(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 fertilizers 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) Brick Edging
Where is required, the Contractor shall install brick edge 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 planting.
- The irrigation application rate shall not exceed the infiltration rate of the soil or creates run-off.
- The landscape contractor shall check the existing pressure available from the ring mains and size irrigation piping to suit. Supply shall be from local hose cock where available.
- All piping and fittings shall be buried 50mm below the finished soil levels in garden and lawn areas, and secured in position at 500mm centres with galv wire pins.
- Size of 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

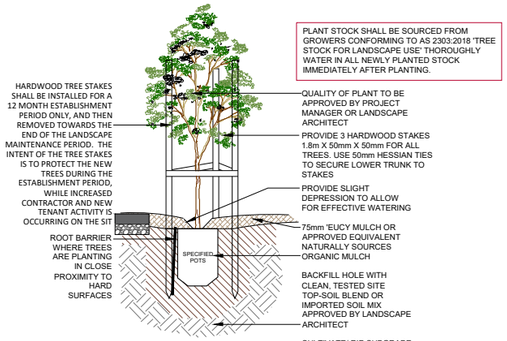
6.01 GENERAL

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.

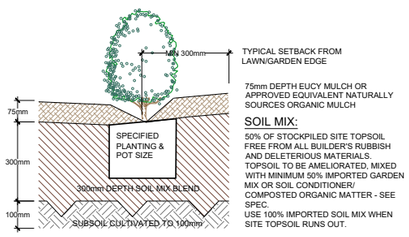
On the completion of the maintenance period, the landscape works shall be inspected and at the satisfaction of the superintendent or landscape architect, the responsibility will be signed over to the client.



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)



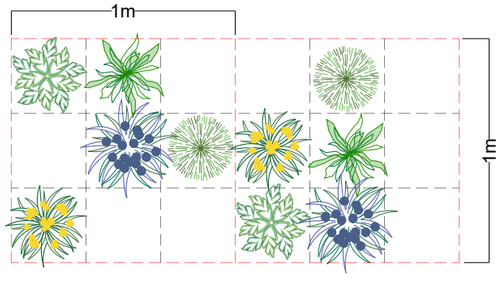
TYPICAL GARDEN PREPARATION DETAIL

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)

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.

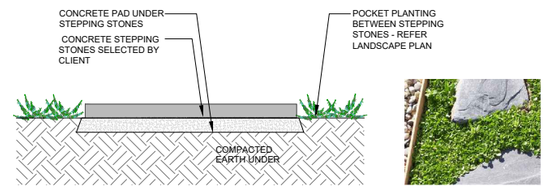


MATRIX DETAIL

N.T.S

NATIVE UNDERSTOREY MIX:

KEY	Botanical Name
	Dianella revoluta 'Revelation'
	Doodia aspera
	Lomandra longifolia 'Tanika'
	Viola hederacea
	Dichondra repens

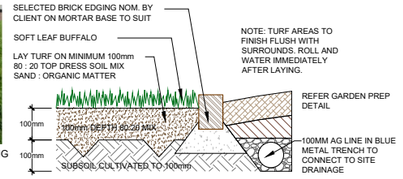


STEPPING STONES IN GROUNDCOVER PLANTING

SCALE 1:10

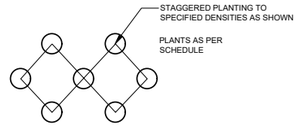


SAMPLE IMAGE: BRICK EDGING



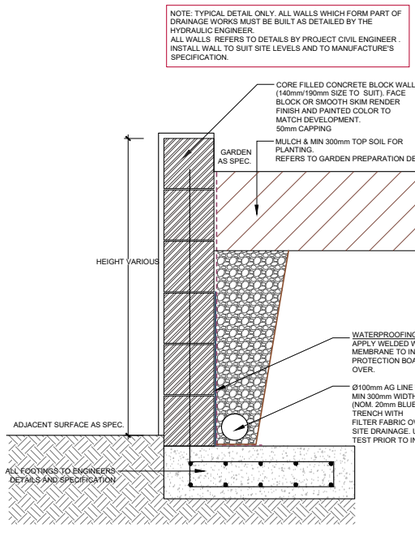
TYPICAL TURF AND BRICK EDGE DETAIL

SCALE: 1:10



MASS PLANTING SETOUT

N.T.S



TYPICAL MASONRY BLOCK RETAINING WALL

APPROX 1:10

GENERAL NOTE:
Figured dimensions take preference to scale readings. Verify all dimensions on site. YDP's plans may vary slightly in Scale for that indicated on plans. Report any discrepancies to YDP before proceeding with the work.
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COUNCIL: KU-RING-GAI

CLIENT: NOTH POINT GROUP

REV	DATE	NOTATION/AMENDMENT
SK1	16.09.2025	Preliminary DA prepared for review
A	23.09.2025	Final Issue for submission

PROJECT: PROPOSED TOWN HOUSES DEVELOPMENT
2 FORSYTH STREET,
KILLARA

TITLE: DETAILS & SPECIFICATIONS

STATUS: DEVELOPMENT APPLICATION
SCALE: AS SHOWN @A1
DATE: SEP 2025

PROJECT No:	DWG SHEET:	ISSUE:	DRAWN:	CHECKED:
LPDA 26-55	LP06	A	C.D	R.F

EXISTING SERVICES AND FEATURES

1. THE CONTRACTOR SHALL ALLOW FOR THE CAPPING OFF, EXCAVATION, REMOVAL AND DISPOSAL IF REQUIRED OF ALL EXISTING SERVICES IN AREAS AFFECTED BY WORKS WITHIN THE CONTRACT AREA, AS SHOWN ON THE DRAWINGS UNLESS DIRECTED OTHERWISE BY THE SUPERINTENDENT.
2. THE CONTRACTOR SHALL ENSURE THAT AT ALL TIMES SERVICES TO ALL BUILDINGS NOT AFFECTED BY THE WORKS ARE NOT DISRUPTED.
3. PRIOR TO COMMENCEMENT OF ANY WORKS THE CONTRACTOR SHALL GAIN WRITTEN APPROVAL OF HIS PROGRAMME FOR THE RELOCATION/CONSTRUCTION OF TEMPORARY SERVICES.
4. EXISTING BUILDINGS, EXTERNAL STRUCTURES, AND TREES SHOWN ON THESE DRAWINGS ARE FEATURES EXISTING PRIOR TO ANY DEMOLITION WORKS.
5. CONTRACTOR SHALL CONSTRUCT TEMPORARY SERVICES TO MAINTAIN EXISTING SUPPLY TO BUILDINGS REMAINING IN OPERATION DURING WORKS TO THE SATISFACTION AND APPROVAL OF THE SUPERINTENDENT. ONCE DIVERSION IS IS COMPLETE AND COMMISSIONED THE CONTRACTOR SHALL REMOVE ALL SUCH TEMPORARY SERVICES AND MAKE GOOD TO THE SATISFACTION OF THE SUPERINTENDENT.
6. INTERRUPTION TO SUPPLY OF EXISTING SERVICES SHALL BE DONE SO AS NOT TO CAUSE ANY INCONVENIENCE TO THE PRINCIPAL. CONTRACTOR TO GAIN APPROVAL OF SUPERINTENDENT FOR TIME OF INTERRUPTION.

SITEWORKS NOTES

1. ORIGIN OF LEVELS : - AUSTRALIAN HEIGHT DATUM (A.H.D.)
2. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND EXISTING LEVELS ON SITE PRIOR TO COMMENCEMENT OF WORK.
3. ALL WORK IS TO BE UNDERTAKEN IN ACCORDANCE WITH THE DETAILS SHOWN ON THE DRAWINGS, THE SPECIFICATIONS AND THE DIRECTIONS OF THE PRINCIPAL'S REPRESENTATIVE.
4. EXISTING SERVICES HAVE BEEN PLOTTED FROM SUPPLIED DATA AND AS SUCH THEIR ACCURACY CANNOT BE GUARANTEED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ESTABLISH THE LOCATION AND LEVEL OF ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE PRINCIPAL'S REPRESENTATIVE. CLEARANCES SHALL BE OBTAINED FROM THE RELEVANT SERVICE AUTHORITY.
5. WHERE NEW WORKS ABUT EXISTING THE CONTRACTOR SHALL ENSURE THAT A SMOOTH EVEN PROFILE, FREE FROM ABRUPT CHANGES IS OBTAINED.
6. THE CONTRACTOR SHALL ARRANGE ALL SURVEY SETOUT TO BE CARRIED OUT BY A REGISTERED SURVEYOR
7. CARE IS TO BE TAKEN WHEN EXCAVATING NEAR EXISTING SERVICES. NO MECHANICAL EXCAVATIONS ARE TO BE UNDERTAKEN OVER COMMUNICATIONS OR ELECTRICAL SERVICES. HAND EXCAVATE IN THESE AREAS.
8. ALL SERVICE TRENCHES UNDER VEHICULAR PAVEMENTS SHALL BE BACKFILLED WITH AN APPROVED NON-NATURAL GRANULAR MATERIAL AND COMPACTED TO 98% STANDARD MAXIMUM DRY DENSITY IN ACCORDANCE WITH AS.1289.5.1.1.
9. ALL TRENCH BACKFILL MATERIAL SHALL BE COMPACTED TO THE SAME DENSITY AS THE ADJACENT MATERIAL.
10. ON COMPLETION OF PIPE INSTALLATION ALL DISTURBED AREAS MUST BE RESTORED TO ORIGINAL, INCLUDING KERBS, FOOTPATHS, CONCRETE AREAS, GRAVEL AND GRASSED AREAS AND ROAD PAVEMENTS.
11. PROVIDE 10mm ABLEFLEX JOINTS BETWEEN CONCRETE PAVEMENTS AND ALL BUILDINGS, WALLS, FOOTINGS, COLUMNS, KERBS, DISH DRAINS, GRATED DRAINS, BOLLARD FOOTINGS ETC
12. CONTRACTOR TO OBTAIN ALL AUTHORITY APPROVALS.
13. ALL BATTERS TO BE GRASSED LINED WITH MINIMUM 100 TOPSOIL AND APPROVED COUCH LAID AS TURF.
14. MAKE SMOOTH TRANSITION TO EXISTING SERVICES AND MAKE GOOD.
15. THE CONTRACTOR SHALL PROVIDE ALL TEMPORARY DIVERSION DRAINS AND MOUNDS TO ENSURE THAT AT ALL TIMES EXPOSED SURFACES ARE FREE DRAINING AND WHERE NECESSARY EXCAVATE SUMPS AND PROVIDE PUMPING EQUIPMENT TO DRAIN EXPOSED AREAS.
16. THESE PLANS SHALL BE READ IN CONJUNCTION WITH APPROVED ARCHITECTURAL, STRUCTURAL, HYDRAULIC AND ELECTRICAL DRAWINGS AND SPECIFICATIONS.
17. TRENCHES THROUGH EXISTING ROAD AND CONCRETE PAVEMENTS SHALL BE SAWCUT TO FULL DEPTH OF CONCRETE AND A MIN 50mm IN BITUMINOUS PAVING.
18. ON COMPLETION OF WORKS ALL DISTURBED AREAS MUST BE RESTORED TO ORIGINAL INCLUDING, BUT NOT LIMITED TO, KERBS, FOOTPATHS, CONCRETE AREAS, GRASS AND LANDSCAPED AREAS.

SUBGRADE PREPARATION

1. REMOVE ALL TOPSOIL, VEGETABLE MATTER AND RUBBLE.
2. PROOF ROLL NATURAL SURFACE.
3. REMOVE ANY SOFT AREAS.
4. PLACE APPROVED NON ORGANIC FILL WITH A MAXIMUM PARTICLE SIZE OF 75mm AND COMPACT IN 200mm MAX. THICK LAYERS. U.N.O.
5. COMPACTION IS TO BE CARRIED OUT BY ROLLING AT OPTIMUM MOISTURE CONTENT TO OBTAIN A DENSITY EQUIVALENT TO 98% OF MAXIMUM DRY DENSITY WHEN TESTED BY THE STANDARD COMPACTION TEST. No. E1.1 FROM A.S. 1289.
6. COMPACTION SHALL BE CARRIED OUT WITH A VIBRATING ROLLER WITH AT LEAST 10 TONNE STATIC WEIGHT OR OTHER APPROPRIATE EQUIPMENT.
7. TESTING OF THE SUBGRADE SHALL BE CARRIED OUT BY AN APPROVED N.A.T.A. REGISTERED LABORATORY.

COMPACTION NOTES

1. STRIP TOPSOIL TO EXPOSE NATURALLY OCCURRING MATERIAL AND STOCKPILE ON SITE FOR SELECTIVE RE-USE OR DISPOSE OFF-SITE AS DIRECTED BY THE SUPERINTENDENT.
2. WHERE FILLING IS REQUIRED TO ACHIEVE DESIGN SUBGRADE PROOF ROLL EXPOSED NATURAL SURFACE WITH A MINIMUM OF TEN PASSES OF A VIBRATING ROLLER (MINIMUM STATIC WEIGHT OF 10 TONNES) IN THE PRESENCE OF THE SUPERINTENDENT. REFER TO SPECIFICATION FOR DETAILS.
3. ALL SOFT, WET OR UNSUITABLE MATERIAL TO BE REMOVED AS DIRECTED BY THE SUPERINTENDENT AND REPLACED WITH APPROVED MATERIAL SATISFYING THE REQUIREMENTS LISTED BELOW.
4. ALL FILL MATERIAL SHALL BE FROM A SOURCE APPROVED BY THE SUPERINTENDENT AND SHALL COMPLY WITH THE FOLLOWING :
   4.1. FREE FROM ORGANIC, PERISHABLE AND CONTAMINATED MATTER
   4.2. MAXIMUM PARTICLE SIZE 75MM
   4.3. PLASTICITY INDEX BETWEEN 2% AND 15%
5. ALL FILL MATERIAL SHALL BE PLACED IN MAXIMUM 200MM THICK LAYERS AND COMPACTED AT OPTIMUM MOISTURE CONTENT (+ OR - 2%) TO ACHIEVE A DRY DENSITY DETERMINED IN ACCORDANCE WITH AS 1289 E3.1 OF NOT LESS THAN THE FOLLOWING STANDARD MINIMUM DRY DENSITY IN ACCORDANCE WITH AS 1289 E1.1 :
6. THE CONTRACTOR SHALL PROGRAM THE EARTHWORKS OPERATION SO THAT THE WORKING AREAS ARE ADEQUATELY DRAINED DURING THE PERIOD OF CONSTRUCTION. THE SURFACE SHALL BE GRADED AND SEALED OFF TO REMOVE DEPRESSIONS, ROLLER MARKS AND SIMILAR WHICH WOULD ALLOW WATER TO POND AND PENETRATE THE UNDERLYING MATERIAL. ANY DAMAGE RESULTING FROM THE CONTRACTOR NOT OBSERVING THESE REQUIREMENTS SHALL BE RECTIFIED BY THE CONTRACTOR AT THEIR COST.
7. TESTING OF THE SUBGRADE SHALL BE CARRIED OUT BY AN APPROVED NATA REGISTERED LABORATORY AT THE CONTRACTORS EXPENSE.

CONCRETE NOTES

GENERAL

1. ALL WORKMANSHIP AND MATERIALS SHALL COMPLY WITH AS 3600 CURRENT EDITIONS WITH AMENDMENTS, AND THE ACSE CONCRETE SPECIFICATION EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.
2. VERIFY ALL SETTING OUT DIMENSIONS WITH THE ARCHITECT AND/OR THE SURVEYOR.
3. DO NOT OBTAIN DIMENSIONS BY SCALING THE DRAWINGS.
4. IN CASE OF DOUBT - ASK.

CONCRETE

1. PLACE CONCRETE OF THE FOLLOWING CHARACTERISTIC COMPRESSIVE STRENGTH F'C AS DEFINED IN AS.3600 OR M.R. FORM 609. ADD WATER REDUCING ADMIXTURE EQUAL TO WRDA.

2. ALL CONCRETE SHALL BE SUBJECT TO PROJECT CONTROL SAMPLE AND TESTING TO AS.3600.
3. CONSOLIDATE BY VIBRATION.

REINFORCEMENT

1. FIX REINFORCEMENT AS SHOWN ON DRAWINGS. THE TYPE AND GRADE IS INDICATED BY A SYMBOL AS SHOWN BELOW. ON THE DRAWING N IS FOLLOWED BY A NUMERAL WHICH INDICATES THE SIZE IN MILLIMETERS. A MARK NUMERAL (IF USED) FOLLOWS THIS NUMERAL.
   N - HOT ROLLED DEFORMED BAR, GRADE 410Y
   S - HOT ROLLED DEFORMED BAR, GRADE 230S
   R - PLAIN ROUND BAR, GRADE 230R
   SL - HARD DRAWN WIRE FABRIC.
2. PROVIDE BAR SUPPORTS OR SPACERS TO GIVE THE FOLLOWING CONCRETE COVER TO ALL REINFORCEMENT UNLESS NOTED OTHERWISE.
   2.1. FOOTINGS
   2.1.1. 75 BOTTOM, 65 TOP AND SIDES SLABS
   2.1.2. 20 TOP AND BOTTOM, 30 WHEN EXPOSED TO WEATHER.
   2.2. BEAMS
   2.2.1. 50 BOTTOM AND SIDES (TO STIRRIPS) TOP COVER AS DETAILED COLUMNS
   2.2.2. 40 TO TIES AND SPIRALS 50 WHEN EXPOSED TO WEATHER
   2.3. WALLS
   2.3.1. 25 GENERALLY 30 WHEN CAST IN FORMS BUT LATER EXPOSED TO WEATHER OR GROUND.
   2.3.2. 65 WHEN CAST DIRECTLY IN CONTACT WITH GROUND.

CURING

1. CURE ALL CONCRETE IN ACCORDANCE TO THE METHOD PROVIDED IN THE SPECIFICATION.

EXISTING SERVICES AND FEATURES

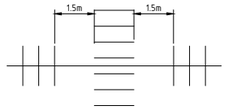
1. CONCRETE MIX PARAMETERS ;
   1.1. MAXIMUM AGGREGATE SIZE 20mm
   1.2. FLEXURAL STRENGTH AT 28 DAYS = 3.5MPa
   1.3. FLEXURAL STRENGTH AT 90 DAYS = 3.85 MPa
   1.4. MAXIMUM WATER / CEMENT RATIO = 0.55
   1.5. MAXIMUM SHRINKAGE LIMIT = 650 MICRON STRAINS (AS 1012 Pt 13)
   1.6. MINIMUM CEMENT CONTENT = 300kg/m3
   1.7. CEMENT TO BE TYPE "A" (NORMAL CEMENT) TO AS.1315
   1.8. SLUMP = 50mm
2. JOINT TO BE SAWN AS SOON AS CONCRETE HAS HARDENED SUFFICIENTLY THAT IT WILL NOT BE DAMAGED BY SAWING. IF AN UNPLANNED CRACK OCCURS THE CONTRACTOR SHALL REPLACE WHOLE SLABS EITHER SIDE OF THE UNPLANNED CRACK, UNLESS DIRECTED OTHERWISE.

3.
   3.1. CONSTRUCT JOINTS AS DETAILED
   3.2. CONSTRUCTION JOINTS WHERE REQUIRED BUT NOT SHOWN, SHALL BE LOCATED TO THE APPROVAL OF THE ENGINEER AND CONSTRUCTED AT THE CONTRACTORS EXPENSE.
   3.3. ALL LONGITUDINAL CONSTRUCTION JOINTS SHALL BE FORMED AND INCLUDE DOWEL BARS AS SPECIFIED. ALL TRANSVERSE CONSTRUCTION JOINTS SHALL BE FORMED AND INCLUDE DOWEL BARS AS SPECIFIED.
   3.4. BOND BREAKER TO BE TWO (2) UNIFORM COATS OF BITUMEN EMULSION ALL OVER THE EXPOSED SURFACE AND ON END.
4. DOWELS AND TIE BARS TO MEET STRENGTH REQUIREMENTS OF STRUCTURAL GRADE STEEL IN ACCORDANCE AS. 1302. DOWELS AND TIE BARS SHALL BE:
   4.1. STRAIGHT
   4.2. TO LENGTH SPECIFIED
   4.3. CLEAN AND FREE FROM MILL SCALE, RUST ANDOIL.
   4.4. SAWN TO LENGTH NOT CROPPED.
5. DIMENSIONS OF SEALANT RESERVOIR DEPENDANT ON THE SEALANT TYPE ADOPTED. ENGINEERS APPROVAL TO BE OBTAINED FOR SEALANT AND RESERVOIR DIMENSIONS
6. AND DETAIL PROPOSED BY THE CONTRACTOR. REFER DETAIL "B" FOR TYPICAL ARRANGEMENT AND SEALANT.
7. PRIOR TO THE PLACEMENT OF CONCRETE IN THE ADJACENT SLAB, SELF EXPANDING CORK FILLER SHALL BE ADHERED TO THE ALREADY CAST AND CLEANED CONCRETE FACE USING AN APPROVED WATERPROOF ADHESIVE. ADHESIVE SHALL BE LIBERALLY APPLIED TO THE FULL FACE OF THE CONCRETE SLAB TO BE COVERED BY THE FILLER, AND ON THE FULL FACE OF THE FILLER TO BE ADHERED.
8. REFER TO COMPACTION NOTES FOR PREPARATION OF SUB-BASE AND SUB-GRADE.
9. ALL WORK TO BE BROOM FINISH.

JOINTING NOTES

VEHICULAR PAVEMENT JOINTING

1. ALL VEHICULAR PAVEMENT TO BE JOINTED AS SHOWN ON DRAWINGS.
2. KEYED CONSTRUCTION JOINTS SHOULD GENERALLY BE LOCATED AT A MAXIMUM OF 6m CENTRES.
3. SAWN JOINTS SHOULD GENERALLY BE LOCATED AT A MAXIMUM OF 6m CENTRES OR 1.5 x THE SPACING OF KEYED JOINTS, WHERE KEY JOINT SPACING IS LESS THAN 4m, WITH DOWELLED EXPANSION JOINTS AT MAXIMUM OF 30m CENTRES.
4. PROVIDE 10mm WIDE FULL DEPTH ISOLATION JOINTS BETWEEN BUILDINGS AND ALL CONCRETE OR UNIT PAVERS.
5. WHERE DOWELED JOINTS INTERSECT REMOVE DOWELS FROM LAST 1500mm FROM JOINT IN DIRECTION POUR



PEDESTRIAN FOOTPATH JOINTING

1. DOWELED JOINTS ARE TO BE LOCATED WHERE POSSIBLE AT TANGENT POINTS OF CURVES AND ELSEWHERE AT MAX 6.0m CENTRES.
2. WHERE POSSIBLE JOINTS SHOULD BE LOCATED TO MATCH KERBING AND/OR ADJACENT PAVEMENT JOINTS.
3. ALL RAMPED CROSSINGS SHALL BE DOWELED INTO ADJOINING PATH PAVEMENT

ASPHALTIC CONCRETE NOTES

GENERAL

a. MINERAL AGGREGATES TO COMPLY WITH AUSTRALIAN STANDARDS
b. MINERAL FILLER TO COMPLY WITH AS.2357 MINERAL FILLERS OR ASPHALT.
c. BITUMEN BINDER SHALL COMPLY WITH AS 2008

MIX PROPORTIONS

a. JOB MIX - 10mm NOMINAL SIZE AGGREGATE. MINIMUM BITUMEN CONTENT BY MASS OF TOTAL MASS = 5.1%
b. MIX STABILITY - BETWEEN 16kN AND 36kN AS DETERMINED BY AS 2891
c. AIR VOIDS IN COMPACTED MIX - BETWEEN 4% AND 7% OF THE VOLUME OF THE MIX.
d. VOIDS FILLED IN BINDER - 65-80% OF AIR VOIDS IN THE TOTAL MINERAL AGGREGATE FILLED BY BINDER IN ACCORDANCE WITH AUSTRALIAN STANDARDS.

PAVEMENT PREPARATION

a. THE EXISTING SURFACE TO BE SEALED SHALL BE DRY AND BROOMED BEFORE COMMENCEMENT OF WORK TO ENSURE COMPLETE REMOVAL OF ALL SUPERFICIAL FOREIGN MATTER.
b. ALL DEPRESSIONS OR UNEVEN AREAS ARE TO BE TACK-COATED AND BROUGHT UP TO GENERAL LEVEL OF PAVEMENT WITH ASPHALTIC CONCRETE BEFORE LAYING OF MAIN COURSE.

TACK COAT

a. THE WHOLE OF THE AREA TO BE SHEETED WITH ASPHALTIC CONCRETE SHALL BE LIGHTLY AND EVENLY COATED WITH RAPID SETTING BITUMEN COMPLYING WITH AUSTRALIAN STANDARDS. APPLICATION RATE FOR RESIDUAL BITUMEN SHALL BE 0.15 TO 0.30 LITRES/SQUARE METRE. APPLICATION SHALL BE BY MEANS OF A MECHANICAL SPRAYER WITH SPRAY BAR.

SPREADING

a. ALL ASPHALTIC CONCRETE SHALL BE SPREAD WITH A SELF PROPELLED PAVING MACHINE.
b. THE ASPHALTIC CONCRETE SHALL BE LAID AT A MIX TEMPERATURE AS SHOWN BELOW;

ROAD SURFACE TEMPERATURE IN SHADE (°C)	MIX TEMPERATURE (°C)
5 - 10	NOT PERMITTED
10 - 15	150
15 - 25	145
OVER 25	140

c. ASPHALTIC CONCRETE SHALL NOT BE LAID WHEN THE ROAD SURFACE IS WET OR WHEN COLD WINDS CHILL THE MIX ADVERSELY AFFECT SPREADING AND COMPACTION.
d. THE MINIMUM COMPACTED THICKNESS IS 30mm OVER EXISTING SEALED PAVEMENTS AND 50mm OVER NEW PAVEMENTS

JOINTS

a. THE NUMBER OF JOINTS BOTH LONGITUDINAL AND TRANSVERSE SHALL BE KEPT TO A MINIMUM.
b. THE DENSITY AND SURFACE FINISH AT JOINTS SHALL BE SIMILAR TO THOSE OF THE REMAINDER OF THE LAYER.

COMPACTION

a. ALL COMPACTION SHALL BE UNDERTAKEN USING SELF PROPELLED ROLLERS.
b. INITIAL ROLLING SHALL BE COMPLETE BEFORE THE MIX TEMPERATURE FALLS BELOW 105°C
c. SECONDARY ROLLING SHALL BE COMPLETED BEFORE THE MIX TEMPERATURE FALLS BELOW 60°C
d. MINIMUM CHARACTERISTICS VALUE OF RELATIVE COMPACTION OF A LOT WHEN TESTED IN ACCORDANCE WITH AS2150

FINISHED PAVEMENT PROPERTIES

a. FINISHED SURFACES SHALL BE SMOOTH, DENSE AND TRUE TO SHAPE AND SHALL NOT VARY MORE THAN 10mm FROM THE SPECIFIED PLAN LEVEL AT ANY POINT AND SHALL NOT DEVIATE FROM THE BOTTOM OF A 3m STRAIGHT EDGE LAID IN ANY DIRECTION BY MORE THAN 5mm.

ROADWORKS NOTES

1. ALL BASECOURSE AND SUB-BASECOURSE MATERIALS SHALL CONFORM WITH AUSTRALIAN STANDARDS.
2. ALL BASECOURSE AND SUB-BASE MATERIALS SHALL BE COMPACTED TO ACHIEVE A MINIMUM OF 100% STANDARD MAXIMUM DRY DENSITY AT OPTIMUM MOISTURE CONTENT OF +OR- 2% IN ACCORDANCE WITH AS1289 E1.1.
3. ALL WEARING SURFACES SHALL BE ASPHALTIC CONCRETE LAID TO THE THICKNESS SPECIFIED AND IN ACCORDANCE WITH THE SPECIFICATION.
4. CONCRETE FOR KERB SHALL HAVE A CONCRETE STRENGTH OF 20MPA AT 28 DAYS, MINIMUM SLUMP OF 60MM AND MAXIMUM AGGREGATE SIZE OF 40MM.

GENERAL NOTES

1. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND EXISTING LEVELS ON SITE PRIOR TO COMMENCEMENT OF WORKS. ANY DISCREPANCIES TO BE REPORTED TO THE ENGINEER.
2. STRIP ALL TOPSOIL FROM THE CONSTRUCTION AREA. ALL STRIPPED TOPSOIL SHALL BE DISPOSED OF OFF-SITE UNLESS DIRECTED OTHERWISE.
3. MAKE SMOOTH CONNECTION WITH ALL EXISTING WORKS.
4. COMPACT SUBGRADE UNDER BUILDINGS AND PAVEMENTS TO MINIMUM 98% STANDARD MAXIMUM DRY DENSITY IN ACCORDANCE WITH AS 1289 5.1.1. COMPACTION UNDER BUILDINGS TO EXTEND 2m MINIMUM BEYOND BUILDING FOOTPRINT.
5. ALL WORK ON PUBLIC PROPERTY, PROPERTY WHICH IS TO BECOME PUBLIC PROPERTY, OR ANY WORK WHICH IS TO COME UNDER THE CONTROL OF THE STATUTORY AUTHORITY IS TO BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF THE RELEVANT AUTHORITY. THE CONTRACTOR SHALL OBTAIN THESE REQUIREMENTS FROM THE AUTHORITY. WHERE THE REQUIREMENTS OF THE AUTHORITY ARE DIFFERENT TO THE DRAWINGS AND SPECIFICATIONS, THE REQUIREMENTS OF THE AUTHORITY SHALL BE APPLICABLE.
6. FOR ALL TEMPORARY BATTERS REFER TO GEOTECHNICAL RECOMMENDATIONS.

STORMWATER DRAINAGE NOTES

1. STORMWATER DESIGN CRITERIA:
   A. AVERAGE RECURRENCE INTERVAL -
      1:100 YEARS FOR ROOF DRAINAGE TO FIRST EXTERNAL PIT
      1:20 YEARS FOR PAVED AND LANDSCAPED AREAS
   B. RAINFALL INTENSITIES -
      TIME OF CONCENTRATION: 5 MINUTES
      1:100 YEARS = 271 mm/hr
      1:20 YEARS = 200 mm/hr
   C. RUNOFF COEFFICIENTS -
      ROOF AREAS: C100 = 1.0
      ROADS AND PAVED AREAS: C20 = 0.95
      LANDSCAPED AREAS: C20 = 0.45
2. PIPES 300 DIA AND LARGER TO BE REINFORCED CONCRETE CLASS APPROVED SPIGOT AND SOCKET WITH RUBBER RING JOINTS U.N.O.
3. PIPES UP TO 300 DIA SHALL BE SEWER GRADE uPVC WITH SOLVENT WELDED JOINTS.
4. EQUIVALENT STRENGTH VCP OR FRP PIPES MAY BE USED SUBJECT TO APPROVAL.
5. PRECAST PITS MAY BE USED EXTERNAL TO THE BUILDING SUBJECT TO APPROVAL BY ENGINEER.
6. ENLARGERS, CONNECTIONS AND JUNCTIONS TO BE MANUFACTURED FITTINGS WHERE PIPES ARE LESS THAN 300 DIA.
7. WHERE SUBSOIL DRAINS PASS UNDER FLOOR SLABS AND VEHICULAR PAVEMENTS, UNSLOTTED uPVC SEWER GRADE PIPE IS TO BE USED.
8. GRATES AND COVERS SHALL CONFORM WITH AS 3996-2006, AND AS 1428.1 FOR ACCESS REQUIREMENTS.
9. PIPES ARE TO BE INSTALLED IN ACCORDANCE WITH AS 3725. ALL BEDDING TO BE TYPE H2 U.N.O.
10. CARE IS TO BE TAKEN WITH LEVELS OF STORMWATER LINES. GRADES SHOWN ARE NOT TO BE REDUCED WITHOUT APPROVAL.
11. ALL STORMWATER PIPES TO BE 150 DIA OT 1.0% MIN FALL U.N.O.
12. SUBSOIL DRAINS TO BE SLOTTED FLEXIBLE uPVC U.N.O.
13. ADOPT INVERT LEVELS FOR PIPE INSTALLATION (GRADES SHOWN ARE ONLY NOMINAL).

EROSION AND SEDIMENT CONTROL NOTES

1. ALL WORK SHALL BE GENERALLY CARRIED OUT IN ACCORDONCE WITH
   A. LOCAL AUTHORITY REQUIREMENTS,
   B. EPA - POLLUTION CONTROL MANUAL FOR URBAN STORMWATER,
   C. LANDCOM NSW - MANAGING URBAN STORMWATER: SOILS AND CONSTRUCTION ("BLUE BOOK").
2. EROSION AND SEDIMENT CONTROL DRAWINGS AND NOTES ARE PROVIDED FOR THE WHOLE OF THE WORKS. SHOULD THE CONTRACTOR STAGE THESE WORKS THEN THE DESIGN MAY BE REQUIRED TO BE MODIFIED. VARIATION TO THESE DETAILS MAY REQUIRE APPROVAL BY THE RELEVANT AUTHORITIES. THE EROSION AND SEDIMENT CONTROL PLAN SHALL BE IMPLEMENTED AND ADOPTED TO MEET THE VARYING SITUATIONS AS WORK ON SITE PROGRESSES.
3. MAINTAIN ALL EROSION AND SEDIMENT CONTROL DEVICES TO THE SATISFACTION OF THE SUPERINTENDENT AND THE LOCAL OUTHORITY.
4. WHEN STORMWATER PITS ARE CONSTRUCTED PREVENT SITE RUNOFF ENTERING THE PITS UNLESS SILT FENCES ARE ERECTED AROUND PITS.
5. MINIMISE THE AREA OF SITE BEING DISTURBED AT ANY ONE TIME.
6. PROTECT ALL STOCKPILES OF MATERIALS FROM SCOUR AND EROSION. DO NOT STOCKPILE LOOSE MATERIAL IN ROADWAYS, NEAR DRAINAGE PITS OR IN WATERCOURSES.
7. ALL SOIL AND WATER CONTROL MEASURES ARE TO BE PUT BACK IN PLACE OT THE END OF EACH WORKING DAY, AND MODIFIED TO BEST SUIT SITE CONDITIONS.
8. CONTROL WATER FROM UPSTREAM OF THE SITE SUCH THAT IT DOES NOT ENTER THE DISTURBED SITE.
9. ALL CONSTRUCTION VEHICLES SHALL ENTER AND EXIT THE SITE VIA THE TEMPORARY CONSTRUCTION ENTRY/EXIT.
10. ALL VEHICLES LEAVING THE SITE SHALL BE CLEANED AND INSPECTED BEFORE LEAVING.
11. MAINTAIN ALL STORMWATER PIPES AND PITS CLEAR OF DEBRIS AND SEDIMENT. INSPECT STORMWATER SYSTEM AND CLEAN OUT AFTER EACH STORM EVENT.
12. CLEAN OUT ALL EROSION AND SEDIMENT CONTROL DEVICES AFTER EACH STORM EVENT.

SEQUENCE OF WORKS

1. PRIOR TO COMMENCEMENT OF EXCAVATION THE FOLLOWING SOIL MANAGEMENT DEVICES MUST BE INSTALLED.
   1.1. CONSTRUCT SILT FENCES BELOW THE SITE AND ACROSS ALL POTENTIAL RUNOFF SITES.
   1.2. CONSTRUCT TEMPORARY CONSTRUCTION ENTRY/EXIT AND DIVERT RUNOFF TO SUITABLE CONTROL SYSTEMS.
   1.3. CONSTRUCT MEASURES TO DIVERT UPSTREAM FLOWS INTO EXISTING STORMWATER SYSTEM.
   1.4. CONSTRUCT SEDIMENTATION TRAPS/BASIN INCLUDING OUTLET CONTROL AND OVERFLOW.
   1.5. CONSTRUCT TURF LINED SWALES.
   1.6. PROVIDE SANDBAG SEDIMENT TRAPS UPSTREAM OF EXISTING PITS.
2. CONSTRUCT GEOTEXTILE FILTER PIT SURROUND AROUND ALL PROPOSED PITS AS THEY ARE CONSTRUCTED.
3. ON COMPLETION OF PAVEMENT PROVIDE SAND BAG KERB INLET SEDIMENT TRAPS AROUND PITS.
4. PROVIDE AND MAINTAIN A STRIP OF TURF ON BOTH SIDES OF ALL ROADS AFTER THE CONSTRUCTION OF KERBS.

WATER QUALITY TESTING

PRIOR TO DISCHARGE OF SITE STORMWATER, GROUNDWATER AND SEEPAGE WATER INTO COUNCIL'S STORMWATER SYSTEM, CONTRACTORS MUST UNDERTAKE WATER QUALITY TESTS IN CONJUNCTION WITH A SUITABLY QUALIFIED ENVIRONMENT CONSULTANT OUTLINING THE FOLLOWING:

- COMPLIANCE WITH THE CRITERIA OF THE AUSTRALIAN AND NEW ZEALAND GUIDELINES FOR FRESH AND MARINE WATER QUALITY (2000)
- IF REQUIRED SUBJECT TO THE ENVIRONMENTAL CONSULTANTS ADVICE, PROVIDE REMEDIAL MEASURES TO IMPROVE THE QUALITY OF WATER THAT IS TO BE DISCHARGED INTO COUNCILS STORM WATER DRAINAGE SYSTEM. THIS SHOULD INCLUDE COMMENTS FROM A SUITABLY QUALIFIED ENVIRONMENTAL CONSULTANT CONFIRMING THE SUITABILITY OF THESE REMEDIAL MEASURES TO MANAGE THE WATER DISCHARGED FROM THE SITE INTO COUNCILS STORM WATER DRAINAGE SYSTEM. OUTLINING THE PROPOSED, ONGOING MONITORING, CONTINGENCY PLANS AND VALIDATION PROGRAM THAT WILL BE IN PLACE TO CONTINUALLY MONITOR THE QUALITY OF WATER DISCHARGED FROM THIS SITE. THIS SHOULD OUTLINE THE FREQUENCY OF WATER QUALITY TESTING THAT WILL BE UNDERTAKEN BY A SUITABLY QUALIFIED ENVIRONMENTAL CONSULTANT.

FENCING

1. STOCKPILES WILL NOT BE LOCATED WITHIN 2 METRES OF HAZARD AREAS, INCLUDING LIKELY AREAS OF CONCENTRATED OR HIGH VELOCITY FLOWS SUCH AS WATERWAYS. WHERE THEY ARE BETWEEN 2 AND 5 METRES FROM SUCH AREAS, SPECIAL SEDIMENT CONTROL MEASURES SHOULD BE TAKEN TO MINIMISE POSSIBLE POLLUTION TO DOWNSLOPE WATERS, E.G. THROUGH INSTALLATION OF SEDIMENT FENCING.
2. ANY SAND USED IN THE CONCRETE CURING PROCESS (SPREAD OVER THE SURFACE) WILL BE REMOVED AS SOON AS POSSIBLE AND WITHIN 10 WORKING DAYS FROM PLACEMENT.
3. WATER WILL BE PREVENTED FROM ENTERING THE PERMANENT DRAINAGE SYSTEM UNLESS IT IS RELATIVELY SEDIMENT FREE, I.E. THE CATCHMENT AREA HAS BEEN PERMANENTLY LANDSCAPED AND/OR ANY LIKELY SEDIMENT HAS BEEN FILTERED THROUGH AN APPROVED STRUCTURE.
4. TEMPORARY SOIL AND WATER MANAGEMENT STRUCTURES WILL BE REMOVED ONLY AFTER THE LANDS THEY ARE PROTECTING ARE REHABILITATED.

OTHER MATTERS

1. ACCEPTABLE RECEPTORS WILL BE PROVIDED FOR CONCRETE AND MORTAR SLURRIES, PAINTS, ACID WASHINGS, LIGHT-WEIGHT WASTE MATERIALS AND LITTER.
2. RECEPTORS FOR CONCRETE AND MORTAR SLURRIES, PAINTS, ACID WASHINGS, LIGHT-WEIGHT WASTE MATERIALS AND LITTER ARE TO BE EMPTIED AS NECESSARY. DISPOSAL OF WASTE SHALL BE IN A MANNER APPROVED BY THE SITE SUPERINTENDENT.

SITE INSPECTION & MAINTENANCE

1. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSPECTED AFTER RAINFALL EVENTS TO ENSURE THAT THEY OPERATE EFFECTIVELY. REPAIR AND OR MAINTENANCE SHALL BE UNDERTAKEN AS REQUIRED.

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REV.	DATE	REVISION DESCRIPTION	BY
C	15.09.25	ISSUE FOR DA APPROVAL	J.S.
B	10.09.25	ISSUE FOR INFORMATION	J.S.
A	29.08.25	ISSUE FOR INFORMATION	J.S.

ARCHITECT: mackenzie architects international
CLIENT: -
PROJECT: 2 FORSYTH AVE, KILLARA
DRAWING: GENERAL NOTES - 1

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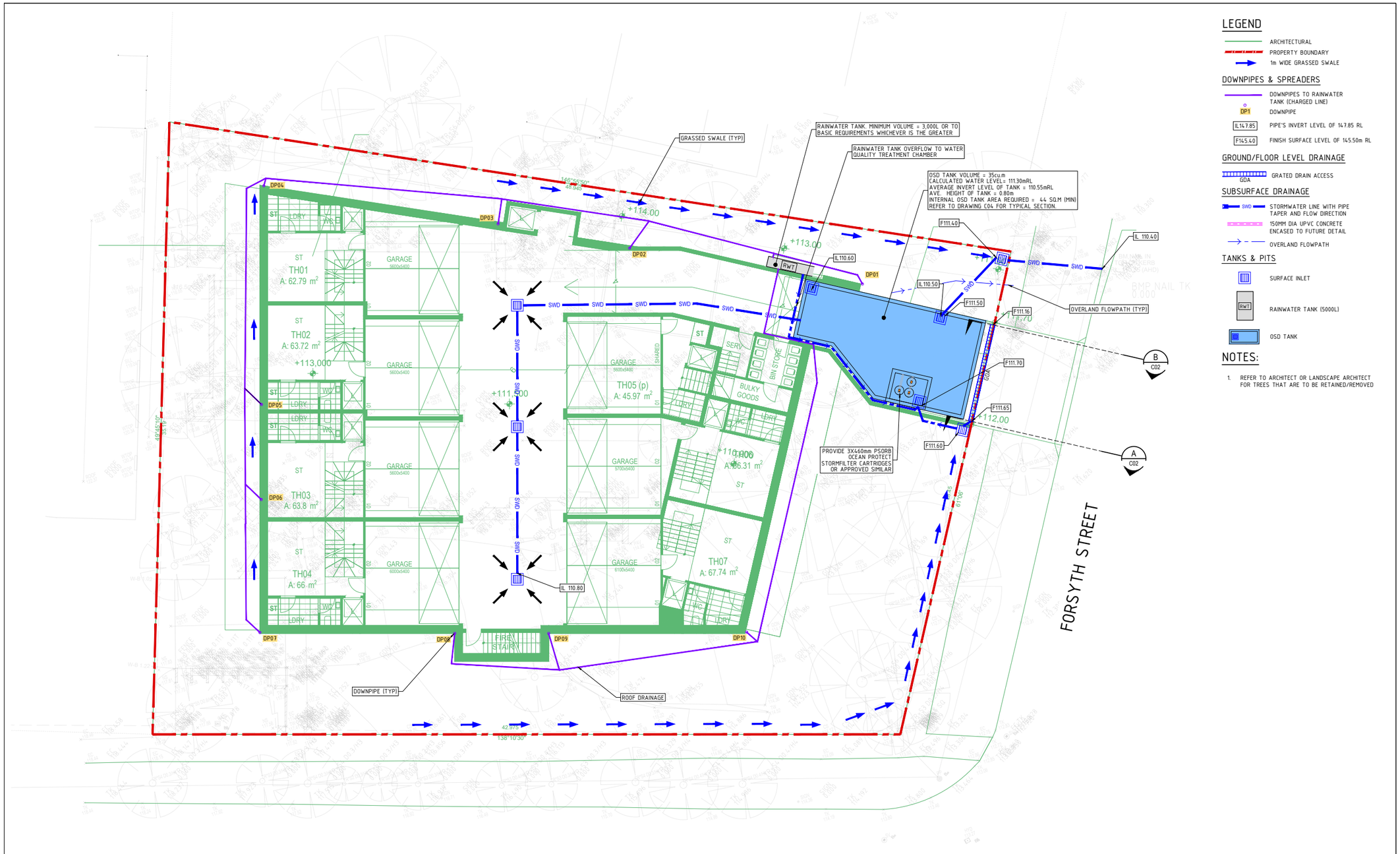

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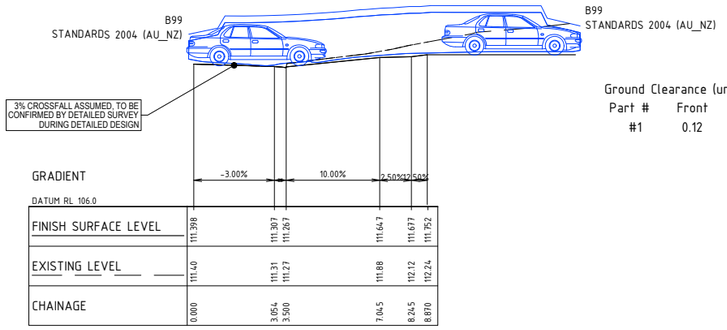
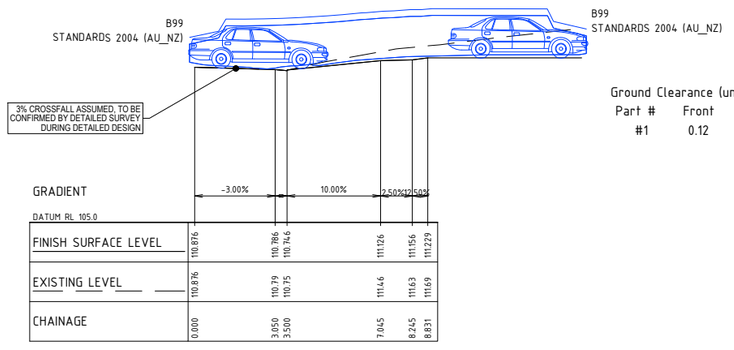


Ground Clearance (units: m)

Part #	Front	Wheelbase	Rear
#1	0.12	0.12	0.12

A LONGITUDINAL SECTION

SCALE 1:100 HORI.
1:100 VERT.



Ground Clearance (units: m)

Part #	Front	Wheelbase	Rear
#1	0.12	0.12	0.12

B LONGITUDINAL SECTION

SCALE 1:100 HORI.
1:100 VERT.

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REV.	DATE	REVISION DESCRIPTION	BY
C	15.09.25	ISSUE FOR DA APPROVAL	J.S.
B	10.09.25	ISSUE FOR INFORMATION	J.S.
A	29.08.25	ISSUE FOR INFORMATION	J.S.

ARCHITECT: mackenzie architects international

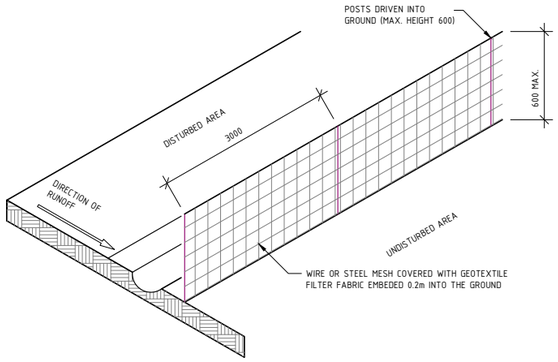
CLIENT: -

TALINGA CONSTRUCTION PTY. LTD

PROJECT: 2 FORSYTH AVE, KILLARA

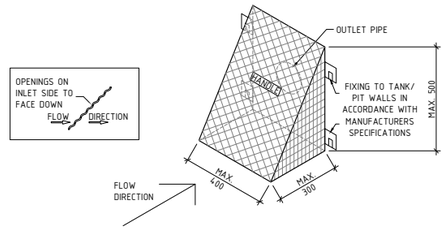
DRAWING: DRIVEWAY SECTIONS WITH SCRAPING TEST - 1

DESIGNED	SCALE	NORTH
J.S.	1:100	-
DRAWN	PAGE SIZE	PROJECT NUMBER
J.S.	A1	250705
CHECKED	REV	DRAWING NUMBER
J.S.	C	C02



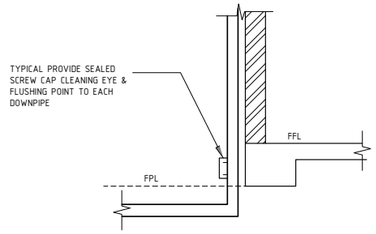
SEDIMENT FENCE DETAIL

NTS



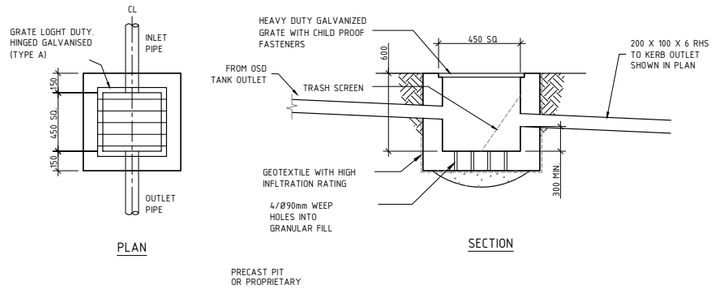
TRIANGULAR MESH SCREEN DETAIL

NTS



TYPICAL DOWNPIPE DETAIL

NTS



BOUNDARY PIT PRIOR TO DISCHARGE

1:20

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ARCHITECT: mackenzie architects international

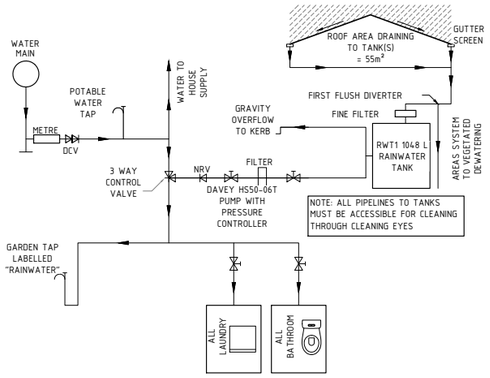
CLIENT: -

TALINGA CONSTRUCTION PTY. LTD

PROJECT: 2 FORSYTH AVE, KILLARA

DRAWING: STORMWATER DETAILS - 1

DESIGNED	SCALE	NORTH
J.S.	1:20 1:25	-
DRAWN	PAGE SIZE	PROJECT NUMBER
J.S.	A1	250705
CHECKED	REV	DRAWING NUMBER
J.S.	C	C03

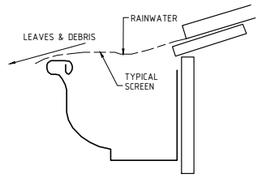


GREYWATER OR RAINWATER RE-USE FLOW SCHEMATIC DIAGRAM

NTS

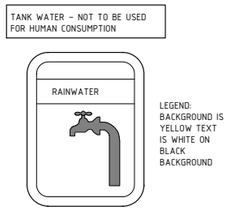
STORMWATER PITS		
SIZE	SIZE	DEPTH
TYP1	300 SQ.	300
TYP2	450 SQ.	450
TYP3	600 SQ.	600

PITS GREATER THAN 900 DEEP TO HAVE STEP RUNGS AT 300 CTS IN ACCORDANCE WITH AUSTRALIAN STANDARDS



TYPICAL DETAIL OF GUTTER PROTECTION

NTS



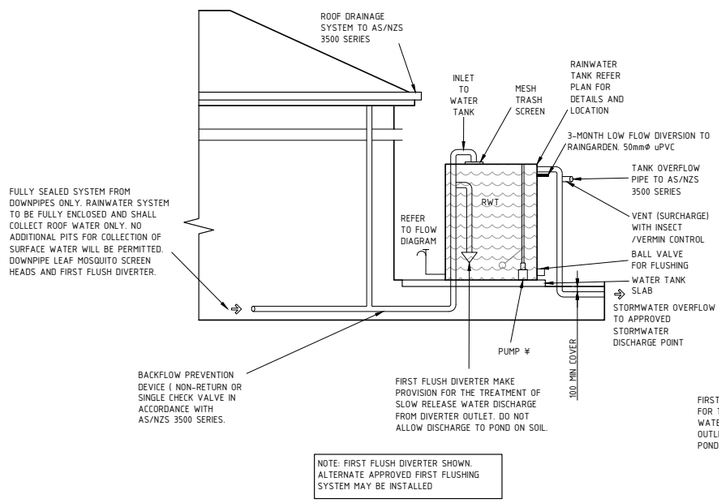
RAINWATER SIGN

NTS



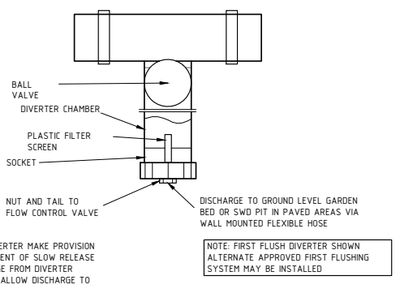
ON SITE STORMWATER DETENTION WARNING SIGN

N.T.S.



ABOVE GROUND RAINWATER TANK - SCHEMATIC LAYOUT

NTS



FIRST FLUSH DIVERTER DETAIL

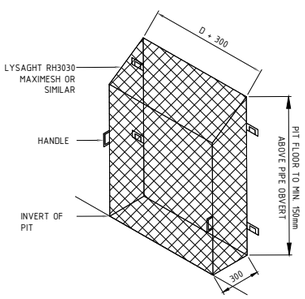
NTS



NOTES:
1. A CONFINED SPACE DANGER SIGN SHALL BE PLACED NEXT TO EACH AND EVERY ACCESS POINT SO THAT THEY ARE VISABLE TO PERSONS ENTERING ANY BELOW GROUND TANK OR PIT.
2. COLOURS:
DANGER AND BACKGROUND = WHITE
ELLIPTICAL AREA = RED
RECTANGLE CONTAINING ELLIPSE = BLACK
OTHER LETTERING AND BORDER = BLACK
3. MINIMUM DIMENSIONS OF SIGN. LARGE ENTRIES: 300mm x 450mm SMALL ENTRIES: 250mm x 180mm
4. SIGN TO BE MADE FROM COLOUR BONDED ALUMINUM OR POLYPROPYLENE.
5. SIGN FIXED USING HILTI CHEMSETS OR EPOXY.

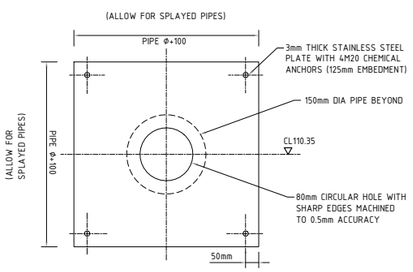
CONFINED SPACE SIGN

N.T.S.



SCREEN MESH DETAIL

N.T.S.



OSD - ORIFICE PLATE

N.T.S.

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ARCHITECT: MAI mackenzie architects international

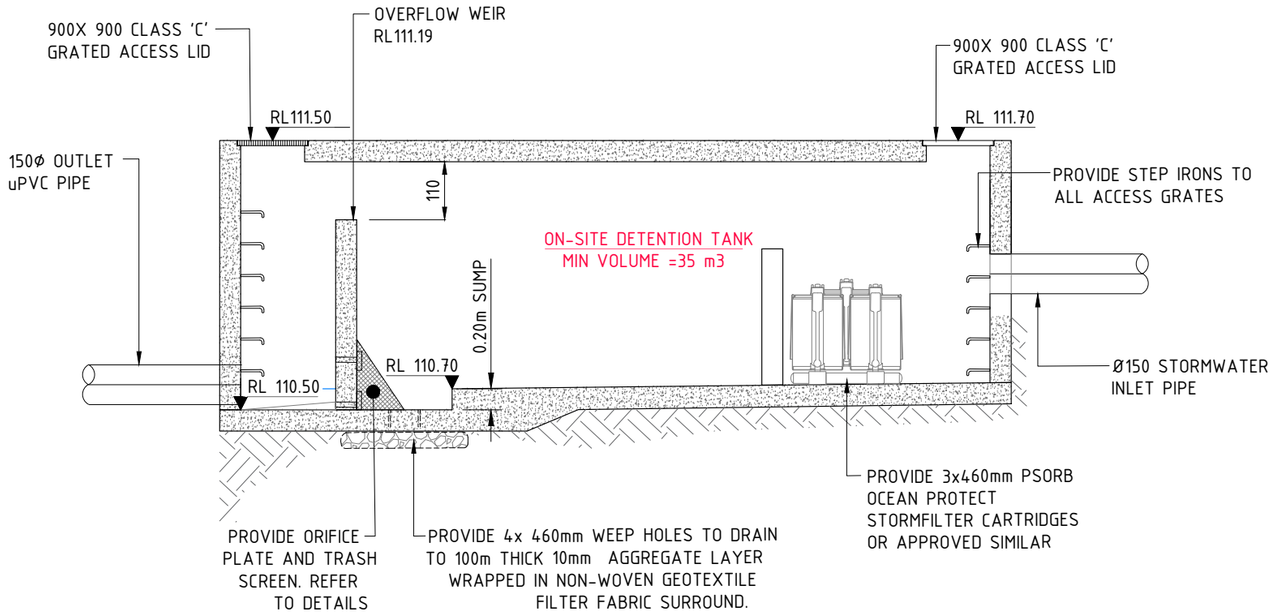
CLIENT: -

TALINGA CONSTRUCTION PTY. LTD

PROJECT: 2 FORSYTH AVE, KILLARA

DRAWING: STORMWATER AND DRIVEWAY DETAILS - 2

DESIGNED	SCALE	NORTH
J.S.	-	-
DRAWN	PAGE SIZE	PROJECT NUMBER
J.S.	A1	250705
CHECKED	REV	DRAWING NUMBER
J.S.	C	C04



OSD TANK TYPICAL SECTION

N.T.S.

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ARCHITECT: mackenzie architects international

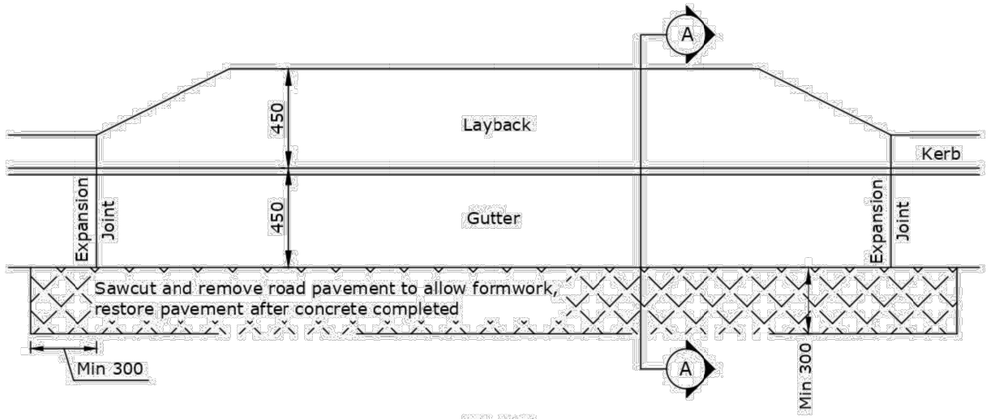
CLIENT: -

TALINGA CONSTRUCTION PTY. LTD

PROJECT: 2 FORSYTH AVE, KILLARA

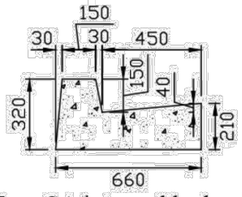
DRAWING: STORMWATER AND DRIVEWAY DETAILS - 3

DESIGNED	SCALE	NORTH
J.S.	-	-
DRAWN	PAGE SIZE	PROJECT NUMBER
J.S.	A1	250705
CHECKED	REV	DRAWING NUMBER
J.S.	C	C04

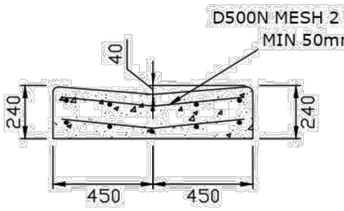


PLAN

Not To Scale



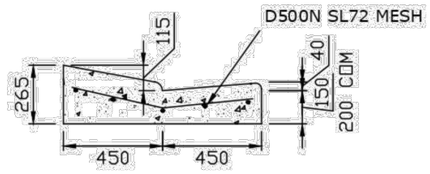
Type SA intergral kerb and gutter



COMMERCIAL, 200 THICK AT INVERT,
SL82 MESH X 2, CONCRETE N32

RESIDENTIAL, 200 THICK AT INVERT,
SL72 MESH X 2, CONCRETE N25

DISH GUTTER CROSSING



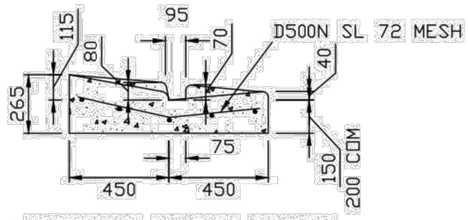
SECTION A-A

COMMERCIAL, 200 THICK AT INVERT,
SL72 MESH X 2, CONCRETE N32

RESIDENTIAL, 150 THICK AT INVERT,
SL72 MESH X 1, CONCRETE N25

LAYBACK GUTTER CROSSING

Scale 1:25

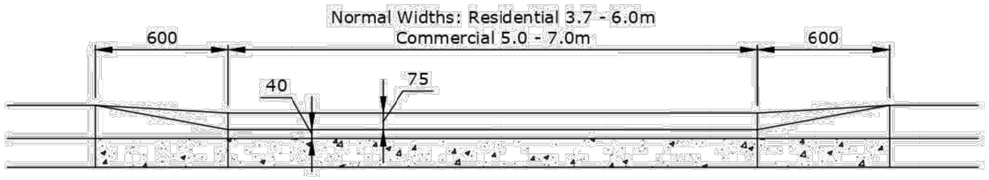


COMMERCIAL, 200 THICK AT INVERT,
SL82 MESH X 2, CONCRETE N32

RESIDENTIAL, 150 THICK AT INVERT,
SL72 MESH X 1, CONCRETE N25

PAD GUTTER CROSSING

see note 8



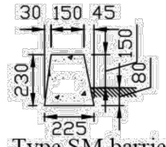
ELEVATION

Not To Scale

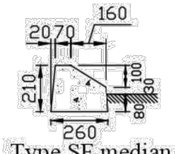
NOTE:

1. CONCRETE TO BE A MINIMUM THICKNESS OF 150mm. LAYBACK AND SLAB TO BE REINFORCED WITH MINIMUM D500N SL 72 MESH.
2. LAYBACK REINFORCEMENT MAY BE OMITTED WHEN KERB MACHINE IS USED.
3. ALL MEASUREMENTS ARE IN MILLIMETRES UNLESS OTHERWISE INDICATED.
4. ALL FILLET CURVES TO BE RADIUS OF 25mm UNLESS OTHERWISE INDICATED.
5. LEVELS AT THE ROAD PROPERTY BOUNDARY ALIGNMENT TO BE OBTAINED BEFORE CONSTRUCTION.
6. THIS PLAN TO BE READ IN CONJUNCTION WITH K.C. SPECIFICATION FOR THE CONSTRUCTION OF GUTTER AND FOOTWAY CROSSINGS.
7. CONCRETE STRENGTH CLASS TO BE N25 MPa AT 28 DAYS, UNLESS NOTED OTHERWISE.
8. PAD GUTTER CROSSINGS ARE ONLY TO BE USED IN NON STANDARD DRIVEWAYS, AT THE DIRECTION OF THE COUNCILS DRIVEWAY ENGINEER.

REVISED: Layback raised to 115...12/79 D.I.N.
REVISED: Roll K & G...10/86 N.J.T.
REVISED: Layback opening...5/86 I.P.
REVISED: Layback & Integral Kerb Thickness....15/03/94 R.B
NEW NUMBER: 2004-004 based on 80-195....22 Feb 2004 JT
REVISED: RTA Type SA, SF & SM kerbs added....22 Feb 2004 JT
REVISED: Concrete and steel classes updated....22 Feb 2004 JT
REVISED: Dish crossing details updated....15 May 2006 JT
REVISED: Roll kerb and gutter removed....02 June 2006 JT
REVISED: Broom finish on layback....02 June 2006 JT
REVISED: Bridge crossing removed to 94-030....21 Feb 2019 JT



Type SM barrier kerb



Type SF median and island kerb

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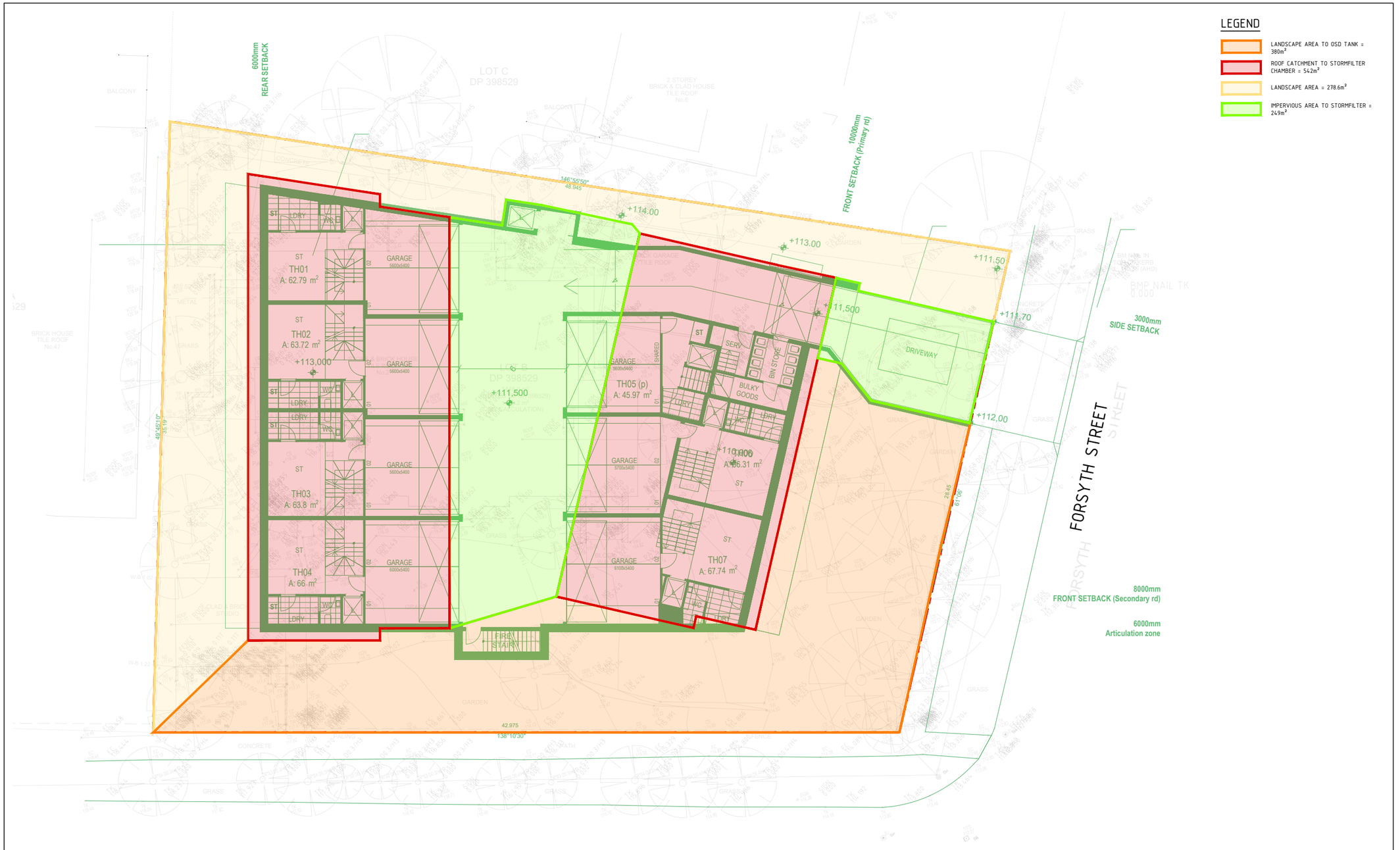
ARCHITECT: mackenzie architects international

CLIENT: -

PROJECT: 2 FORSYTH AVE, KILLARA

DRAWING: CONCRETE KERB AND GUTTER CROSSING AND LAYBACK DETAILS - 4

DESIGNED	SCALE	NORTH
J.S.	1:25	-
DRAWN	PAGE SIZE	PROJECT NUMBER
J.S.	A1	250705
CHECKED	REV	DRAWING NUMBER
J.S.	C	C06



SYJ CONSULTING ENGINEERS STRUCTURAL I CIVIL I FACADE	SYJ Consulting Engineers ABN 23 603 477 425 Suite 604A, 1-5 Railway St., Chatswood NSW 2067 T: 02 9411 3556 E: jack.shi@syjeng.com.au w: www.syjeng.com.au					ARCHITECT MAI mackenzie architects international	PROJECT 2 FORSYTH AVE, KILLARA	DESIGNED J.S.	SCALE 1:100	NORTH
						CLIENT - TAL TALINGA CONSTRUCTION PTY. LTD	DRAWING WSUD CATCHMENT PLAN - 1	DRAWN J.S.	PAGE SIZE A1	PROJECT NUMBER 250705
								CHECKED J.S.	REV C	DRAWING NUMBER C07

REV.	DATE	REVISION DESCRIPTION	BY
C	15.09.25	ISSUE FOR DA APPROVAL	J.S.
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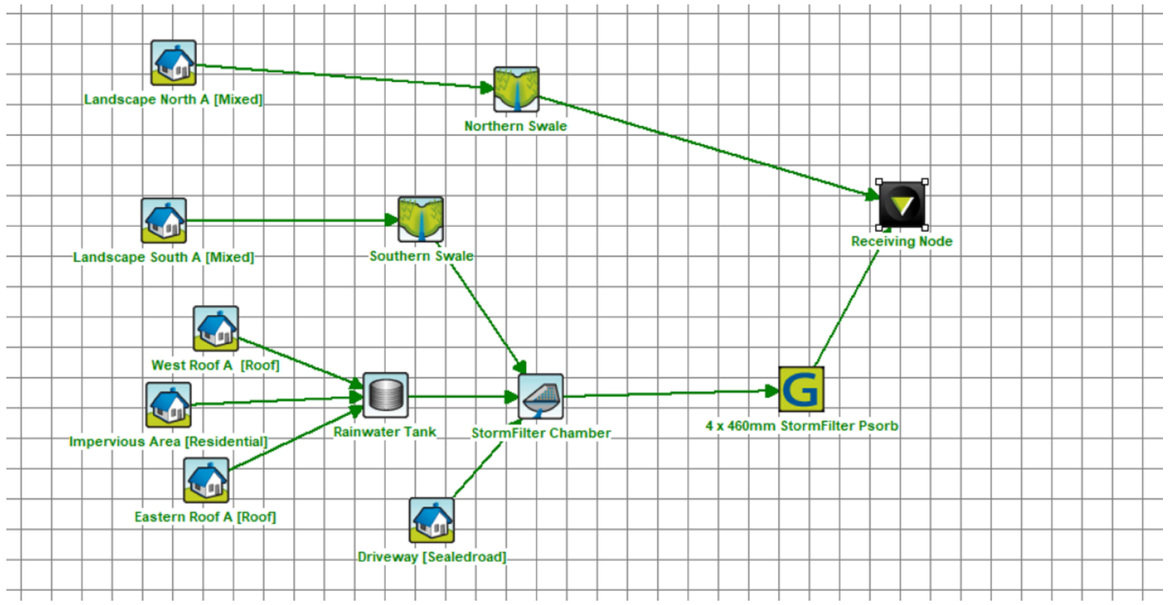
A	29.08.25	ISSUE FOR INFORMATION	J.S.



Treatment Train Effectiveness - Receiving Node

	Sources	Residual Load	% Reduction
Flow (ML/yr)	1.28	1.12	12.2
Total Suspended Solids (kg/yr)	113	10.8	90.4
Total Phosphorus (kg/yr)	0.276	0.0646	76.6
Total Nitrogen (kg/yr)	2.65	0.975	63.2
Gross Pollutants (kg/yr)	23.3	0	100

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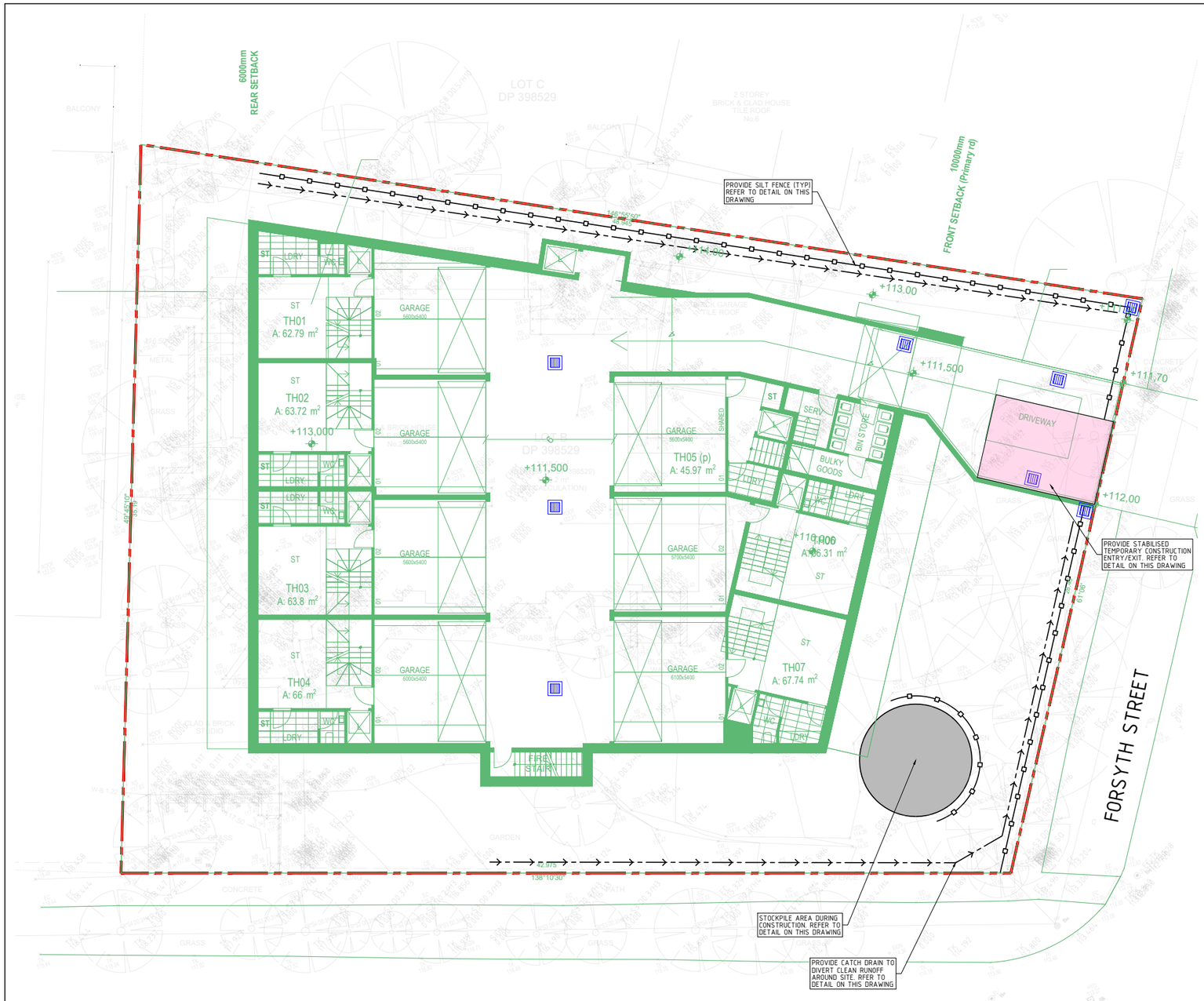
A	29.08.25	ISSUE FOR INFORMATION	J.S.

ARCHITECT: mackenzie architects international
CLIENT: -
TALINGA CONSTRUCTION PTY. LTD

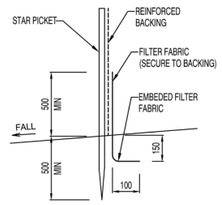
PROJECT: 2 FORSYTH AVE, KILLARA
DRAWING: WSUD (MUSIC) MODELLING - 1

DESIGNED	SCALE	NORTH
J.S.	NTS	-
DRAWN	PAGE SIZE	PROJECT NUMBER
J.S.	A1	250705
CHECKED	REV	DRAWING NUMBER
J.S.	C	C08

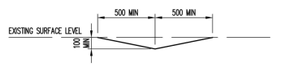


LEGEND

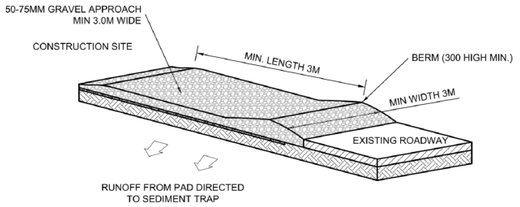
- SILTATION FENCE
- CATCH DRAIN
- STABILISED TEMPORARY CONSTRUCTION ENTRY/EXIT



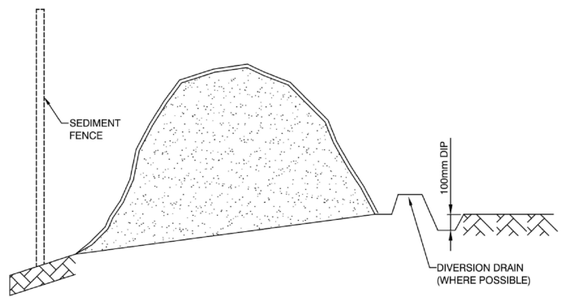
SILT FENCE DETAIL



CATCH DRAIN



TEMPORARY ENTRY/EXIT DETAIL



TEMPORARY STOCKPILE AREA

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ARCHITECT: MAI mackenzie architects international

CLIENT: - TAL TALINGA CONSTRUCTION PTY. LTD

PROJECT: 2 FORSYTH AVE, KILLARA

DRAWING: SEDIMENT AND EROSION CONTROL PLAN - 1

DESIGNED	SCALE	NORTH
J.S.	1:100	
DRAWN	PAGE SIZE	PROJECT NUMBER
J.S.	A1	250705
CHECKED	REV	DRAWING NUMBER
J.S.	C	C09

Chapman Planning Pty Ltd

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9 October 2025

Clause 4.6 Variation to Development Standard

Property Description: 2 Forsyth Street, Killara

Development: Multi-dwelling housing

Development Standard: Height of Buildings

Introduction

This is a clause 4.6 request to support the development proposal for a multi dwelling housing development at 2 Forsyth Street, Killara. This clause 4.6 request seeks a variation to the maximum building height development standard of 9.5m pursuant to Clause 172(3)(e) of *State Environmental Planning Policy (Housing) 2021*.

The development proposal has been designed with a maximum height of 10.52m measured to the roof form-eave at the south-east corner of the building, with variations to the maximum building height also at a height of 9.67m and 9.78m.

The height variation is partly a result of the topography of the site, noting the land has a cross-fall from the north western corner (rear) of the site (RL 118.09) to the south western corner (front) (RL111.38) of approximately 6.71m across the length of the site. Additionally, the height variation is confined to the eaves of the roof form of the development, with the most prominent variation being located on the south east corner of the building. It is noted that the development otherwise complies with the 9.5m height development standard.

The fundamental role of clause 4.6 in any local environmental plan is reflected in the recent decision of Commissioner Clay in *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112. In particular, Commissioner Clay notes at [73] of his decision that:

> *"First, it should be noted cl 4.6 of WLEP is as much a part of WLEP as the clauses with development standards. Planning is not other than orderly simply because there is reliance on cl 4.6 for an appropriate planning outcome."*

The objectives of clause 4.6 facilitate the flexible application of development standards to particular development in order to achieve an improved environmental planning outcome.

This request has been prepared having regard to the Department of Planning and Environment's Guide to Varying Development Standards (November 2023) and various relevant decisions in the Land and Environment Court and Court of Appeal of NSW.

The maximum height of the proposal is 10.52m measured to the roof form-eave at the south-east corner of the building. The maximum numerical variation is 1.02m, being a variation of 10.73%.

The extent of the variation is shown on the extract below.

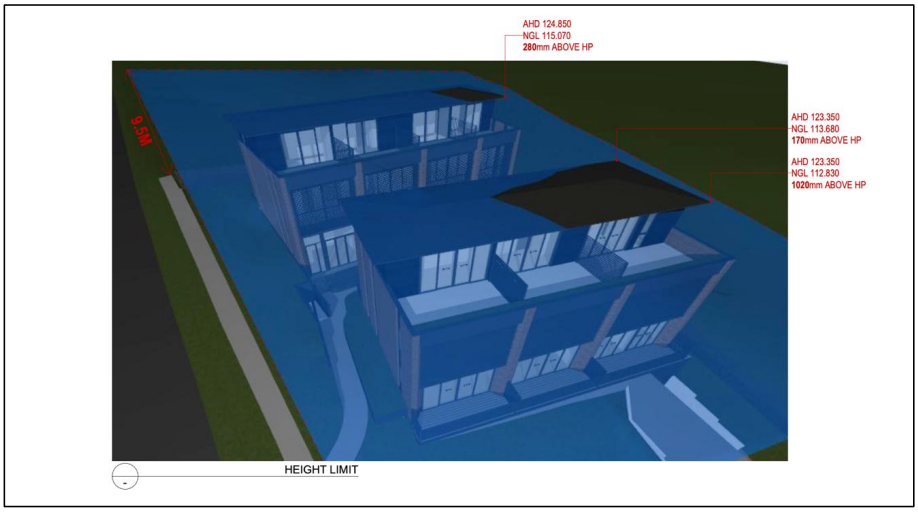


Figure 1: *3D Height Plane indicating the variation – Mackenzie Architects International*

The request to contravene the development standard for the building height has been prepared in accordance with the principles applied in relevant case law including:

1. *Winten Property Group Limited v North Sydney Council* (2001) 130 LGERA 79;
2. *Wehbe v Pittwater Council* (2007) 156 LGERA 446;
3. *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009*;*
4. *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118*;*
5. *Al Maha Pty Ltd v Huajun Investments Pty Ltd* (2018) 233 LGERA 170; *and*
6. *RebelMH Neutral Bay Pty Limited v North Sydney Council (2019) NSWCA 130*

This Clause 4.6 variation request is set out in accordance with the relevant principles established by the Court including:

1. Is the development consistent with the objectives of the zone?

2. Is the proposed development consistent with the objectives of the development standard which is not met?

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case? (cl 4.6(3)(a) and cl 4.6(4)(a)(i))

4. Are there sufficient environmental planning grounds to justify contravening the development standard and therefore the Applicant's written request to vary the development standard is well founded? (cl 4.6(3)(b) and 4.6(4)(a)(ii))

5. Is the proposed development in the public interest because it is consistent with the objectives of the standard and the zone? (cl 4.6(4)(a)(ii))

Matters required to be demonstrated under clause 4.6(3) of the LEP

Compliance with the development standard is unreasonable or unnecessary in this particular case

Pursuant to clause 4.6(3)(a) of the LEP, the variation to the height of buildings development standard is acceptable in the circumstances of this case and compliance with the development standard is considered unreasonable and unnecessary because the proposed development is consistent with the objectives of the height of buildings standard, notwithstanding non-compliance with the standard.

- **Objectives of the Height of Buildings Development Standard**

The objectives of the development standard are at clause 4.3(1) of the LEP 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 proposed development meets the objectives of Clause 4.3 of the LEP based on the following assessment:

> **Objective (a) –** Not applicable. The subject site is not identified as being within one of Ku-ring-gai's centre.
>
> **Objective (b) –** The proposal provides a development that allows for the transition in scale between Gordon Town Centre and the adjoining low density residential zone the subject site is located within. The proposed development meets the Ku-ring-gai DCP controls and objectives with regards to amenity and privacy. Despite the numerical height variation, the proposal presents no undesirable visual impacts in terms of loss of amenity or solar access on the development itself or adjoining properties, and therefore achieves the aims of the height development standard of the LEP.
>
> **Objective (c) –** The proposed development presents a built form that is compatible with the controls contained within SEPP – Housing which envision the desired future character of R2 Low Density Residential zones within low and mid rise housing areas. As such, the proposal is of a scale that is compatible with the size of the land being developed by virtue of being compliant with the relevant development standards for multi dwelling housing within Chapter 6 of SEPP – Housing.

In accordance with the decision in *Wehbe v Pittwater Council* [2007] NSWLEC 827 the development meets the first test because compliance with a development standard is unnecessary as the objectives of the development standard are achieved notwithstanding the non-compliance.

It is unreasonable and unnecessary to require compliance with the height of buildings development standard due to the following reasons:

- The variation to the 9.5m height standard is confined to roof form of the building with the most prominent variation being to the roof form-eave at the south-east corner of the building. These building elements will not result in any significant adverse visual impacts upon the adjoining properties or the public domain, with the proposed built form being suitable within the context of the subject site and the desired future characteristics of the locality.

- The variation to the proposed building height is partly a result of the topography of the subject site which cross-fall from the north western corner (rear) of the site (RL 118.09) to the south western corner (front) (RL111.38). It is unreasonable to require strict compliance with the standard due to the topography of the site.

- It is unnecessary to require compliance with the height control as the proposed variation does not result in any significant environmental or amenity impacts when compared with a complying height at this element of the proposal. The variation does not result in any significant overshadowing, bulk and scale, or visual/acoustic privacy impacts upon adjoining properties.

- The height is suitable for the subject site and compatible with the planning objectives and intended outcomes for the site and the objectives of the R2 – Low Density Residential zone.

<u>There are sufficient environmental planning grounds to justify contravening the development standard</u>

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation 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 written 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.

Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the height of buildings development standard because:

- The variation to the 9.5m height standard pursuant to Clause 172(3)(e) of SEPP – Housing is partly a result of the topography of the subject site which has a cross fall from the north western corner (rear) of the site to the south eastern corner (front). The development proposal meets the height of buildings development standard in the western portion of the site.

- The development proposal has been designed with an three-storey form, noting the third floor has been recessed to reduce its visual prominence. The building, despite its minor variation in height is consistent with the desired future character for development in the locality – R2 Low Density Residential zone.

- The variation in the height standard will not be visually discernible from the public domain or adjoining properties. In this case, the building form is suitable for the subject site and compatible with the planning objectives and intended outcomes of the objectives of the R2 – Low Density Residential zone.

- The portion of the development exceeding the building height development standard will not result in unreasonable privacy impacts, overshadowing, or the loss of views/outlook from the adjoining properties.

- The proposal is consistent in form and scale of development within the visual catchment of the site noting the development is compatible with the height of development envisioned by the controls contained within SEPP – Housing for low and mid rise housing area.

- The variation in height is consistent with the following relevant aims of the *Ku-ring-gai LEP 2015* found at clause 1.2(2):

    - 2(i) The proposal provides for additional housing contributing to housing choice within the catchment of Gordon Town Centre and Gordon Railway Station.
    - 2(l) The proposed development provides for excellent amenity provisions for future occupants at the subject site whilst protecting and not resulting in any unreasonable amenity impacts on existing residents at adjoining properties.
    - 2(o) The proposed built form presents a high standard of development that is consistent with the controls contained in SEPP – Housing envisioned for R2 Low Desnity Residential areas within low and mid rise housing areas. In turn, the character of the low density residential area is protected whilst providing a development that is compatible with the desired future character of the locality.

- The variation in height is consistent with the following objects of the Environmental Planning and Assessment Act, 1979 as follows:

    - 1.3(c) – The proposed multi dwelling housing development on the subject site is an orderly and economic use of the site. The development is largely

consistent with the height standard with a built form that is compatibility with the desired future character of the locality, and the variation will not result in unreasonable amenity impacts,

- 1.3(d) – The proposal provides 7 new dwellings that will undoubtedly assist with housing targets within the Loval Government Authority, and in turn assist with the provision of affordable housing through additional supply,
- 1.3(g) – The proposed residential flat building is a good design outcome for the subject site being consistent in form and scale of development within the visual catchment of the site noting the controls contained within SEPP – Housing for the provision of housing within the R2 Low Density Residential zone in a low and mid rise housing area.

Conclusion

The development proposal has a variation to the 9.5m height of buildings development standard pursuant to Clause 172(3)(e) of SEPP – Housing notwithstanding, the proposal has been designed with a built form that is consistent with the intent of the height standard and is suitable for the subject site.

The variation to the building height standard does not attempt to affect the planning outcome for the broader locality; rather the proposed variation and overall development is consistent with the scale and form of development planned for R2 – Low Density Residential zone and the locality, with the provision of low and mid rise housing within the vicinity of Gordon Town Centre and catchment of the Gordon Railway Station.

The variation being confined to the roof form eaves will not be visually dominant from Forsyth Street or Werona Avenue with the variation being contained to the eastern portion of the site. The proposal will not impact upon the public domain or adjoining properties and will not generate unreasonable overshadowing or amenity impacts.

The application to vary the 9.5m building height development standard pursuant to Clause 172(3)(e) of SEPP – Housing is well founded, as addressed above, the proposed height meets the objectives of the building height development standard. The proposal achieves an acceptable design that does not result in unreasonable visual impacts to the public domain, and amenity impacts upon surrounding properties and is a suitable built form for the site and locality.

In accordance with the environmental planning grounds addressed in this clause 4.6 variation, the building height can be supported.

Chapman Planning Pty Ltd

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	15 FRANCES STREET, LINDFIELD - DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A DUAL OCCUPANCY (DETACHED), ASSOCIATED CIVIL AND LANDSCAPING WORKS AND TORRENS TITLE SUBDIVISION
ITEM/AGENDA NO:	GB.3

APPLICATION NO:	eDA0442/25
ADDRESS:	15 Frances Street, Lindfield
WARD:	Roseville
DESCRIPTION OF PROPOSAL:	Demolition of existing structures and the construction of a dual occupancy (detached), associated civil and landscaping works and Torrens title subdivision
APPLICANT:	Fei Yu
OWNER:	Mrs M Younan, Mr W Younan, Mr J Younan, Mr R Younan, Mr A Younan
DATE LODGED:	15 August 2025
SUBMISSIONS:	18
ASSESSMENT OFFICER:	Rachel Moftah
RECOMMENDATION:	Refusal

KLPP REFERRAL CRITERION:	Contentious development that received 10 or more unique submissions by way of objection.

PURPOSE OF REPORT

To determine Development Application No eDA0442/25 for the demolition of the existing dwelling house and associated structures and the construction of a dual occupancy (detached) dwelling and associated civil and landscaping works.

This application is reported to the Ku-ring-gai Local Planning Panel in accordance with the Minister's S 9.1 Local Planning Panels Direction as it is considered contentious development that received 10 or more unique submissions by way of objection.

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, refuse development consent to eDA0442/25 for demolition of existing structures and the construction of a dual occupancy (detached) and associated civil and landscaping works at 15 Frances Street, Lindfield for the reasons provided in the Development Assessment Report **(Attachment A1).**

Rachel Moftah
Executive Assessment Officer

Brodee Gregory
Team Leader Development Assessment

Shaun Garland
Manager Development Assessment Services

Attachments:			
	A1⇩	Assessment Report	2025/313587
	A2⇩	Location Sketch	2026/003908
	A3⇩	Zoning Sketch	2026/003909
	A4⇩	Architectural Plans	2026/004202
	A5⇩	Landscape Plans	2026/004218
	A6⇩	Stormwater Plans	2026/004243
	A7⇩	BASIX Certificate	2026/004300
	A8⇩	Heritage Impact Statement	2026/004328
	A9⇩	Geotechnical Report	2026/004329
	A10⇩	Arborist Assessment Report	2026/004334

DEVELOPMENT APPLICATION

ASSESSMENT REPORT

REPORT TITLE	15 Frances Street, Lindfield – Demolition of existing structures and the construction of a dual occupancy (detached), associated civil and landscaping works and Torrens title subdivision

APPLICATION NO	eDA0442/25
PROPERTY DETAILS	15 Frances Street Lindfield Lot 4 in DP 17918 1,326.7m² R2 Low Density Residential
WARD	Roseville
PROPOSAL/PURPOSE	Demolition of existing structures and the construction of a dual occupancy (detached), associated civil and landscaping works and Torrens title subdivision.
TYPE OF DEVELOPMENT	Local
APPLICANT	Fei Yu
OWNER	Mrs M Younan, Mr W Younan, Mr J Younan, Mr R Younan, Mr A Younan
DATE LODGED	15 August 2025
RECOMMENDATION	Refusal

PURPOSE OF REPORT

To determine Development Application No. eDA0442/25 for demolition of the existing dwelling house and associated structures and the construction of a dual occupancy (detached) and associated civil and landscaping 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 is contentious development in respect of which 10 or more unique submissions, by way of objection, have been received.

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	Heritage Bulk and scale Uncharacteristic built form Setbacks Landscaping Failure to consider the Low-Rise Housing Diversity Design Guide for Development Applications BASIX inconsistency Insufficient information
Submissions	18
Land and Environment Court	N/A
Recommendation	Refusal

HISTORY

Site history

The site has a history of low density residential use.

Previous applications history

A Pre-DA consultation was not undertaken with Council prior to the lodgement of this Development Application.

Council's records do not show previous applications relating to the site.

Current Development Application History

Date	Action
15/08/2025	Application lodged.
4/09/2025 – 18/09/2025	The application was notified to neighbouring property owners for a period of 14 days.
29/09/2025 – 29/10/2025	To correct an error with the notification category, the application was renotified between 29 September 2025 and 29 October 2025. A total of 18 submissions were received.
17/12/2025	A letter was sent to the applicant advising that the proposed development was unsatisfactory for the following reasons: i. non-compliant Floor Space Ratio (FSR) ii. uncharacteristic built form and excessive bulk and scale iii. excessive built-upon area iv. adverse impacts upon heritage conservation area v. adverse impacts upon landscape character vi. insufficient information regarding driveway gradients and retaining walls vii. insufficient information regarding front fence viii. BASIX inconsistencies ix. lack of consideration for the Low-Rise Housing Diversity Design Guidelines for Development Applications

Land and Environment Court appeal history

Nil.

THE SITE



Figure 1: Aerial photograph of subject site and surrounding properties

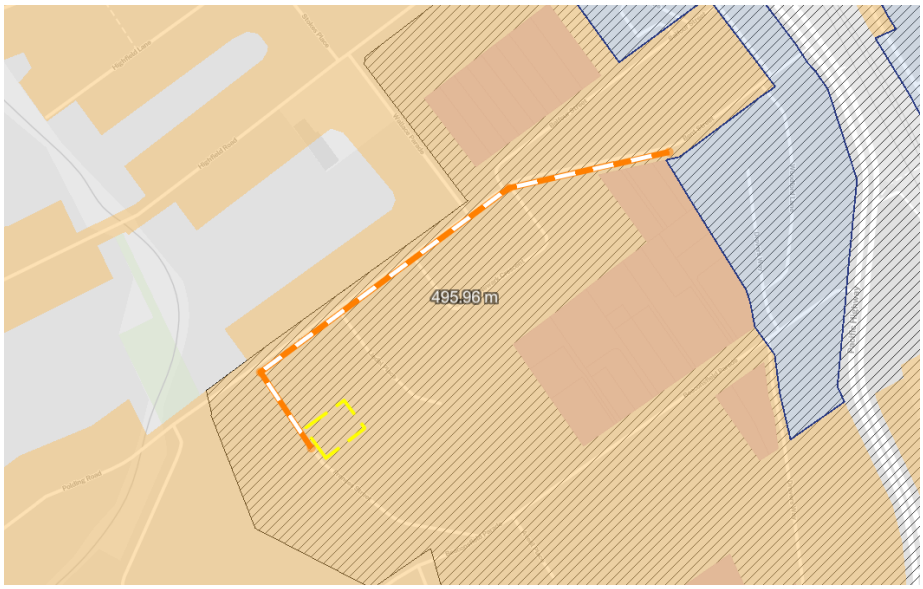


Figure 2: Mapping extract indicating that the site (marked in yellow) is within 800 metres of Lindfield Town Centre

Site description

The subject site is described as Lot 4 in DP 17918 and is known as No. 15 Frances Street Lindfield (**Figure 1**). The site is regular in shape with a frontage of approximately 31.47 metres to Frances Street. Having an average depth of 42.6 metres and a total area of 1,326.7m², the site falls from the rear boundary to the front street boundary. Located on the north-eastern side of Frances Street, the site is positioned on the high side of the street.

The site currently accommodates what predominantly presents as a single storey dwelling of brick construction with a pitched tile roof, that is set well back on the site leaving a large, landscaped front setback area. A flat roofed brick garage and a flat roofed metal framed carport are located at the front of the dwelling along the northern boundary.

The site is located within the Frances Street Heritage Conservation Area (C30). The existing dwelling house is a contributory dwelling as it dates from the late nineteenth or possibly very early twentieth century.

The site is located within 800 metres of Lindfield Town Centre. As such under the definitions in Chapter 6 (Section 163) of State Environmental Planning Policy (Housing) 2021 (SEPP Housing), the site is land within a Low and Mid Rise (LMR) housing area (**Figure 2**).

Constraint:	**Application:**
Visual character study category	1920-1945
Easements/rights of way	No
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	Yes – C30 – Frances Street Heritage Conservation Area
Within 100m of a heritage item	Yes – No. 3 Lindel Place, Lindfield; No. 4 Lindel Place, Lindfield; No. 31 Beaconsfield Parade, Lindfield; and Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, 21 Frances Street, Lindfield
Bush fire prone land	No
Natural Resources Biodiversity	No
Natural Resources Greenweb	No
Natural Resources Riparian	No
Within 25m of Urban Bushland	No
Contaminated land	No



Figure 3: Subject site as viewed from Frances Street



Figure 4: Subject site with well landscaped front setback



Figure 5: Existing garage and carport at the front of the dwelling on the north-western side



Figure 6: Existing landscaped frontage looking south-east.



Figure 7: View from the front of the dwelling to the neighbour to the south-east



Figure 8: View from the front of the dwelling looking towards Frances Street



Figure 9: Existing rear of the dwelling with rear boundary beyond



Figure 10: Existing rear eastern corner



Figure 11: Existing rear north-eastern corner of the lot



Figure 12: Existing rear eastern boundary



Figure 13: Existing north-western side boundary with adjoining dwelling beyond



Figure 14: Existing adjoining dwelling to the north-west

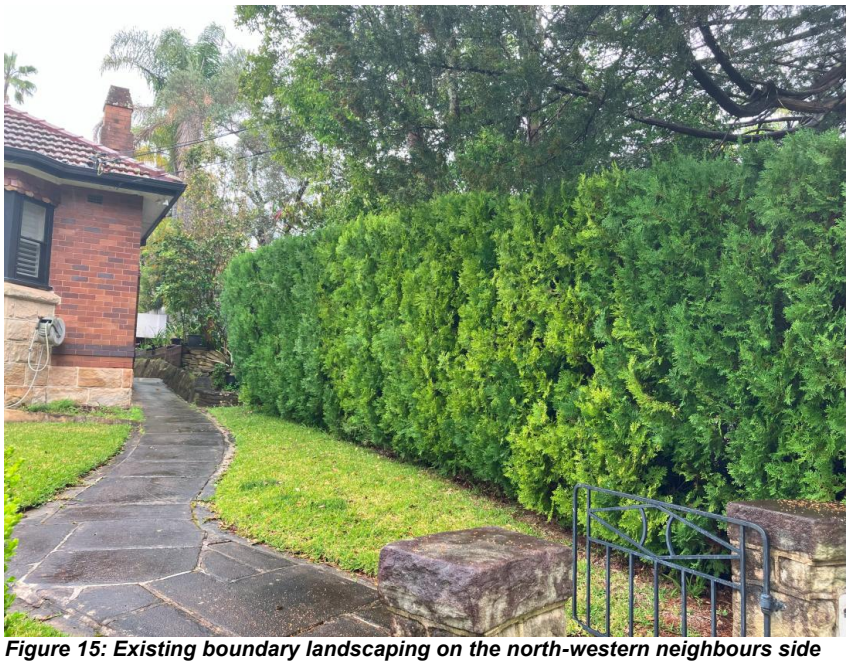


Figure 15: Existing boundary landscaping on the north-western neighbours side



Figure 16: Existing adjoining property to the south-east



Figure 17: View of dwellings on the south-western side of Frances Street

Surrounding development

The site is surrounded by low density residential development on properties zoned 'R2 – Low Density Residential' under the Ku-ring-gai Local Environment Plan 2015 (KLEP). These properties contain a mixture of single and two storey dwellings within well landscaped front setbacks.

The site is located within the Frances Street Heritage Conservation Area (HCA) which is described on Council's Inventory Sheet as follows:

> *"The Frances Street HCA forms part of the late nineteenth century subdivision of the Lindfield Park Estate (1894). The subdivision reflects improved transport connections due to the construction of the North Shore Rail Line. The HCA includes the early twentieth century subdivision overlays of Dellwood Estate (1911), and Dartmoor Estate (1927) evident through the existing housing. The HCA has aesthetic significance as an Interwar development. Frances Street has a large number of heritage items and the street consisting of predominantly single storey Inter-war Bungalows is of high aesthetic significance."*

The adjoining property to the north-western side, No. 17 Frances Street, Lindfield, contains a single storey brick and tile dwelling house with a two storey addition constructed at the rear.

The adjoining site the south-eastern side, No. 11 Frances Street, Lindfield, contains a two storey brick and tile dwelling house.

The dwelling houses on the opposite side of the street are of a traditional style with pitched roofs and heritage items are located at Nos. 1 – 14 Frances Street, Lindfield.

THE PROPOSAL

The application proposes demolition of existing structures and the construction of a dual occupancy (detached), associated civil and landscaping works and Torrens title subdivision including:

i. Construction of a dual occupancy. The proposed dwellings feature minor front façade differences including the roof form and window style, however the floor layouts are a mirror image and include:

   a. basement garage accessed from the north-western side of the lot from new driveway access; basement also contains a large bike storage area and storage/pump rooms with central staircase and lift to the floors above
   b. ground floor open plan living area with a front lounge and a kitchen, dining and living space at the rear which opens to a roofed alfresco area and pool beyond; two bedrooms each with ensuites; laundry and powder room
   c. first floor contains four bedrooms each with an ensuite and a multifunctional room that is accessed off the central staircase

ii. The proposed buildings are of a contemporary monolithic style with little articulation in their form and each dwelling also features a two storey entrance portico. The dwellings propose the use of unprofiled, black roof tiles, white painted bricks on the front facades, white render to the other walls and black aluminium doors and windows.

iii. Provision of a 4.9 metres wide landscaped area at the rear of each dwelling and a landscaped front setback.

iv. Removal of all existing trees except one; provision of new trees (four per lot) and associated landscaping works.

v. Torrens Title subdivision of the dual occupancy to form proposed Lots 15 and 15A both, with a proposed lot area of 663.33m² and a proposed lot width of 15.54 metres.

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 18 submissions from the following were received:

1. *S. J. A. Brown – No. 20 Frances Street, Lindfield*
2. *B. Duff – No. 6 Frances Street, Lindfield*
3. *R. Lauder – No. 1 Frances Street, Lindfield*
4. *C. Brown – No. 20 Frances Street, Lindfield*
5. *E. & R. Morano – No. 2 Frances Street, Lindfield*
6. *E. Choi – No. 11 Frances Street, Lindfield*
7. *M. & N. Zaarour – No. 17 Frances Street, Lindfield*
8. *S. Kaye – No. 14 Frances Street, Lindfield*
9. *D. Gordon & E. Baume – No. 22 Frances Street, Lindfield*
10. *M. Harbison – No. 23 Gladstone Parade*
11. *E. Ohanessian – No. 16 Frances Street, Lindfield*
12. *J. Plumridge – No. 5 Frances Street, Lindfield*
13. *P. Meyer – No. 10 Frances Street, Lindfield*

14. *M. Ginsburg – No. 16A Ivey Street, Lindfield*
15. *R. Brown – No. 20 Frances Street, Lindfield*
16. *B. Miller – 39/6-10 Beaconsfield Parade, Lindfield*
17. *M. Ryan – No. 18 Frances Street, Lindfield*
18. *Edwards & Smith – No. 7 Frances Street, Lindfield*

The submissions raised the following issues:

Floor Space Ratio
- ***Excessive FSR which contributes to the building bulk.***
- ***The buildings are misaligned with the local planning controls.***
- ***The dwellings are out of character with the surrounding dwellings due to the FSR.***

The submissions are noted, however the proposal complies with the maximum FSR in SEPP Housing.

Compatibility with the Heritage Conservation Area
- ***The design of the dwellings do not reflect the characteristics of the existing dwellings within Frances Street and the broader HCA.***
  Concern the development will set a precedence of permitting dwellings that erode the HCA of Ku-ring-gai.

The impacts summarised above and as outlined in the submissions are concurred with and form part of the recommended reasons for refusal.

Bulk, Scale and Massing
- ***The development has an overly bulky appearance which has little space for landscaping and tree planting.***
- ***The height and setbacks proposed will have an overbearing impact on the street and the neighbouring properties.***
- ***The proposed dwellings have a three storey appearance which is out of character with the rest of the dwellings within Frances Street.***
- ***The proposal is overdevelopment of the site.***

The impacts summarised above and as outlined in the submission are concurred with and form part of the recommended reasons for refusal.

Non-compliance with the minimum lot sizes
- ***The two proposed lots of 663m² are below the R2 minimum of 790m² and therefore are inconsistent with the neighbourhood and the modest homes that are evident within the streetscape.***
- ***The R2 zone is designated for low density residential homes to maintain a quiet suburban environment.***

The impacts summarised above are not agreed with. Section 168 of SEPP Housing allows lots zoned R2 Low Density Residential to be subdivided with a minimum lot size of 450m². Proposed Lot 15A is 663.33m² and proposed Lot 15 is 663.33m² and therefore both lots meet the minimum lot area requirements.

The site is located within LMR Area of SEPP Housing as originally gazetted on 13 May 2024.

On 11 June 2025, Ku-ring-gai Local Environmental Plan (Housing) (Map Amendment No. 1) was made. Map Amendment No. 1 (the Amendment) commenced when it was published on the NSW Legislation Website on 13 June 2025. This had the effect of pausing the

application of this policy within the Ku-ring-gai Local Government Area, except for those sites where a Development Application (DA) or State Significant Development Application (SSDA) had already been lodged or Secretary's Environmental Assessment Requirements (SEARS) issued.

The subject site is 'saved' under the Amendment by virtue of the DA being lodged prior to the Amendment being gazetted.

Council's 'Alternative TOD' plan, was gazetted and came into effect on 14 November 2025 via State Environmental Planning Policy Amendment (Ku-ring-gai Station Precincts) 2025 (SEPP Station Precincts). SEPP Station Precincts included LMR exclusion areas, which the subject site now falls into.

Clause 1.8A(2) of Ku-ring-gai Local Environmental Plan (KLEP) as amended states as follows:

A development application made, but not finally determined, before the commencement of State Environmental Planning Policy Amendment (Ku-ring-gai Station Precincts) 2025 must be determined as if the policy had not commenced.

Consequently, the application is assessed against the original LMR provisions as a result of the above 'Savings and Transitional' provision in the KLEP.

Demolition of a Contributory Item

- ***The existing dwelling is a Federation / Late Victorian property. Demolition of the dwelling is contrary to Part 19 of the Ku-ring-gai Development Control Plan (KDCP).***
- ***Demolition of a contributory building fails to conserve the sites environmental heritage and as such is contrary to the objectives under Clause 5.10(1)(a) of Kur-ring-gai Local Environmental Plan (KLEP).***
- ***The heritage items within Frances Street (Nos. 7 and 9) rely on intact settings and sympathetic neighbouring development. As such, the proposed development contravenes Clause 5.10(1)(b) of the KLEP.***

The impacts summarised above and as outlined in the submission are concurred with and form part of the recommended reasons for refusal.

Excavation and the basement

- ***The proposed mass excavation compromises the garden suburb aesthetic and results in large retaining walls which will have drainage and waterproofing issues.***
- ***The excavation will create significant disruption with the amount of drilling required to remove the rock.***
- ***No Archaeological due diligence report for the potential risks of uncovering any Aboriginal heritage items has been provided for the application which contravenes Clause 5.10(1)(c) and (d) of the KLEP.***
- ***The extensive excavation (and proposed basements) results in buildings that are not compatible with the residential character of the area, disrespect the established streetscape and are contrary to the KDCP provisions.***

The impacts summarised above and as outlined in the submission are concurred with and form part of the recommended reasons for refusal.

Colours and Materials

- ***The materials are out of context with the existing streetscape and make no attempt to integrate with surrounding dwelling houses. The finishes are***

inconsistent with the historical use of double brick and timber and are contrary to Part 19 of KDCP.

The impacts summarised above and as outlined in the submission are concurred with and form part of the recommended reasons for refusal.

Tree removal and impacts

- ***Loss of more than 20 trees over the site will compromise the streetscape and lacks consideration of the landscape site context.***
- ***The development leaves little room for any trees and shrubs that would help soften the impact of the development.***
- ***The excavation will potentially have an adverse impact on the existing native trees in the locality.***

The impacts summarised above and as outlined in the submission are concurred with and form part of the recommended reasons for refusal.

Impact on the Streetscape

- ***The dwellings are unsympathetic to the existing streetscape and will degrade the character and ambience of Frances Street.***
- ***The proposed dwellings are out of character and the existing inter-war California Bungalows which have a high aesthetic value.***
- ***The visual impact of the excavation and resultant three storey dwellings are incompatible with the existing streetscape.***
- ***The significant built area within the front setback is inconsistent with the established streetscape.***
- ***The proposed metal gates for vehicle and pedestrian access are not of a design which is consistent with the existing streetscape and the KDCP.***

The impacts summarised above and as outlined in the submission are concurred with and form part of the recommended reasons for refusal.

General amenity

- ***The introduction of the basement garages detracts from the amenity of Frances Street and undermines the landscaped, low density character in the HCA.***
- ***The proposed setbacks reduce amenity for the neighbours and do not allow for effective boundary plantings.***

The impacts summarised above and as outlined in the submission are concurred with and form part of the recommended reasons for refusal.

Overshadowing impacts

The shadowing impacts are noted, however an assessment of the overshadowing on the property to the south indicates that the proposal meets the KDCP requirements under Part 4C.5 and maintains at least 4 hours of sunlight between 9am and 3pm on 21 June to the north facing private open space area at the rear of the adjoining dwelling. As such, the solar access impacts are acceptable and compliant.

Construction impacts

The impacts associated with construction works are noted, however construction impacts could be managed through conditions of consent, if the application was recommended for approval.

Internal Referrals

Urban design

Council's Senior Urban Designer - Strategy & Environment commented on the proposal as follows:

> ***Ku-ring-gai Development Control Plan***
>
> *4A.1 Local Character and Streetscape*
>
> *The KDCP requires development to integrate with surrounding sites by presenting at an appropriate scale, retaining consistency with the surrounds, and not exceeding two storeys when viewed from the street or adjoining land.*
>
> *Although described as two storeys, the proposal incorporates a full-length basement. As a result, the building reads as three storeys from Frances Street. This outcome is inconsistent with the established streetscape, where all dwellings present a maximum two storey form.*
>
> *The perception of three storeys results in excessive bulk and scale when compared to neighbouring dwellings, disrupting the consistent rhythm of the street. The development therefore fails to meet the KDCP objectives as it does not conserve or enhance the visual character of the locality, nor does it integrate appropriately in terms of scale and streetscape presentation.*



Figure 18: Elevation of proposed dual occupancies along Frances Street

> *4A.2 Building Setbacks*
>
> *The KDCP requires a minimum front setback of 12 metres and an average of 14 metres for high-side sites, defined as lots where the land slopes upwards from the primary street. At least 75% of the front elevation must achieve the average setback, with no more than 25% permitted at the minimum.*
>
> *The proposed development provides a 10 metres front setback, which falls 2 metres short of the minimum and 4 metres short of the required average. As the entire façade sits at 10 metres, the 75% rule cannot be met.*
>
> *The Statement of Environmental Effects (SEE) asserts that the minimum front setback is 9 metres. It is unclear where this figure has been drawn from. The site clearly rises from the street level (RL 72.0) to the rear boundary (RL 76.5) and is therefore correctly classified as a high-side of the street lot. The 9 metres minimum applies only to low-side sites, where the land falls away from the primary street. In this case, the applicant*

has applied the wrong standard. The proposal must be assessed against the high-side setback requirements.

By adopting the incorrect 9 metre standard, the proposal has substantially underestimated its degree of non-compliance. The reduced setback compresses the landscape zone at the street frontage and limits opportunities for canopy tree planting and deep soil landscaping. It also increases the prominence of the built form within the setback area, contrary to the intent of maintaining generous front gardens and softened streetscape character.

4A.3 Built-upon area

The KDCP prescribes a maximum built-upon area (BUA) of 50% for two storey dwellings on lots between 1,200–1,500m^2. "Built-upon area" includes all site coverage by buildings and hard surfaces (both permeable and impermeable) but excludes only minor garden features.

The application has not addressed this control in the SEE. The submitted figures identify a BUA of 57.45%, however the basis of this calculation is unclear. It appears to account only for the building footprint, permeable paving, front stairs and front fence. The calculation omits several elements shown on the landscape plan, including:

- *the 600 millimetres wide side maintenance paths along both dwellings,*
- *stepping stone pathways to the front doors, and*
- *multiple sets of stairs in the rear yards.*

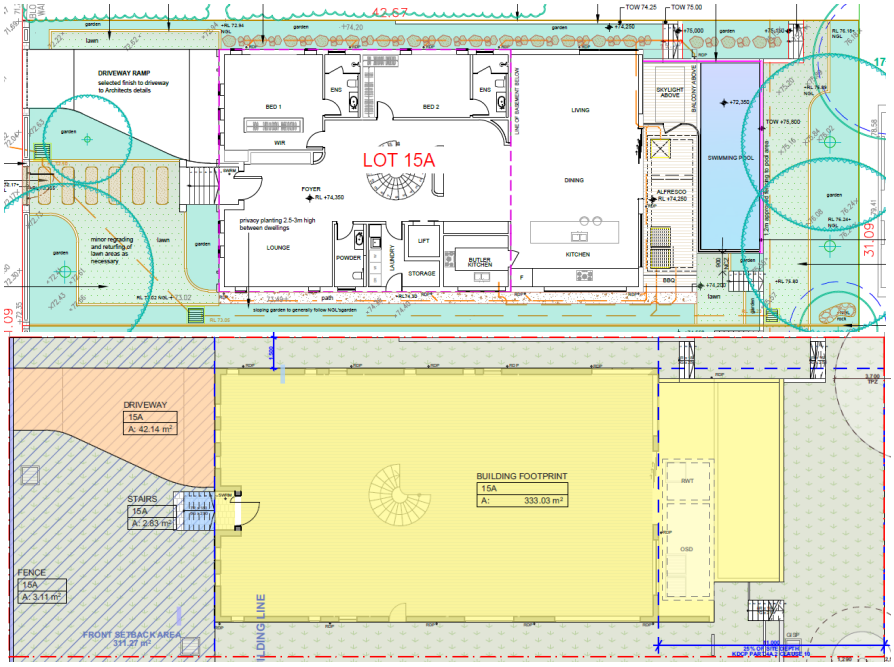


Figure 19: Comparison between the Landscape Plan and the BUA Plan showing areas not included in calculations.

When these additional elements are included, the built-upon area would further exceed

the maximum.

The applicant has also presented an alternative calculation excluding permeable paving and the driveway, yielding 51% — but this approach is not consistent with the KDCP definition, and is therefore not relevant.

The proposed built-upon area is in excess of the 50% maximum permitted by KDCP Part 4A.3. The non-compliance results in excessive site coverage, reduced opportunities for deep soil planting, and an overall hardening of the site. This outcome is inconsistent with the objectives of the control, which seek to maintain high visual quality, ensure landscaping opportunities, and prevent overdevelopment of residential lots.

In addition, the KDCP requires the front setback of any dwelling to contain a maximum built-upon area (BUA) of 30% in order to preserve the landscape character of the streetscape and ensure front gardens remain the dominant element.

The submitted plans indicate a front setback BUA of 30.89%, which is presented as compliant. However, this figure excludes elements clearly shown on the landscape plan, such as the stepping stone slab pathway to the front doors. When these additional works are accounted for, the built-upon area within the front setback would exceed the 30% maximum.

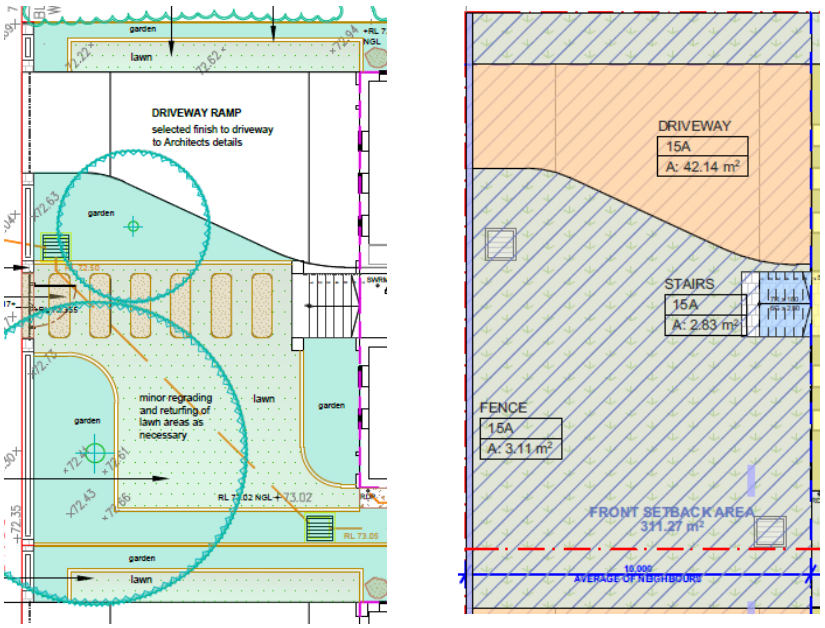


Figure 20: Comparison between the Landscape Plan and the BUA Plan within the front setback showing areas not included in calculations.

This non-compliance is compounded by the reduced front setback of 10 metres, which already limits the depth available for landscaping. Taken together, the combination of a shallower front setback and an overprovision of hard surfaces results in a frontage that appears visually dominated by building and paving, rather than by landscaped garden space.

The proposal does not satisfy the intent of KDCP Part 4A.3 in relation to built-upon area within the front setback. The outcome reduces opportunities for deep soil planting, diminishes the landscaped character of the street frontage, and contributes to the perception of an oversized built form.

4C.1 Building Envelopes

The KDCP requires dwellings to be limited to two storeys in presentation, with basements consolidated under the footprint, minimised in extent, non-habitable, and restricted to 50% of the footprint where rooms have no external access. Importantly, excavation for a basement garage or other rooms is not permitted on land that is not steeply sloping.

The subject site is approximately 43 metres deep, with levels rising from RL 72.0 at the street to RL 76.5 at the rear boundary, a total fall of 4.5 metres. This equates to a gradient of approximately 1:9.5 (10.5%). A "steep" site is generally understood to be one with a gradient greater than 20% (around 1:5). On this basis, the site cannot reasonably be described as steep, and excavation for a basement of the scale proposed is expressly prohibited under KDCP Part 4C.1.

In terms of height and presentation, the building does not read as a compliant two storey dwelling. Although described as two levels above ground, the scale and exposure of the basement results in a clear three storey presentation to the street. This is inconsistent with the control that requires dwellings to maintain a two storey streetscape character and avoid an overbearing building envelope.

The extent of basement development is also excessive. Each basement occupies approximately 127m^2, which equates to 51.6% of the ground floor footprint (246.22m^2). While this is close to the 50% numerical limit, the figure does not include lifts, stair cores and circulation spaces, meaning the true extent is larger again — likely in the order of 55–60% of the footprint. With large storage areas, bike storage, plant and pump rooms, and a pool heater room, the basements cannot reasonably be described as "minimised." Combined with a floor-to-floor height of 3.1 metres, resulting in ceiling heights closer to 2.7 metres, the basement reads as a substantive additional level rather than a recessive sub-floor.

The proposal is non-compliant with KDCP, Part 4C.1. Basement excavation is not permitted on this site as the land is not steeply sloping. The development presents as three storeys rather than two, and the basements significantly exceed the intent of the 50% footprint control. The outcome undermines the objectives of the control by producing a bulky, oversized building envelope that dominates the site and erodes the low-density residential scale envisaged by the DCP.

The above urban design referral comments have been considered and it is agreed that the proposed development is unsatisfactory in relation to urban design outcomes.

Heritage

Council's Heritage Advisor commented on the proposal as follows:

Statement of Significance

The Heritage NSW inventory has the following statement of significance for the Conservation Area:

Historically, the area represents the residential development of Lindfield to the western side of the North Shore rail line. The area provides evidence of the 1831 land grant to George Cadby and the subsequent subdivision of this grant in 1881. The area demonstrates the development of the late nineteenth century subdivision "Gordon Park Estate" (1881) and the "Lindfield Park Estate" (1894).

The subdivisions reflect the improved transport connections due to the construction of the North Shore rail line. The conservation area includes the early twentieth century subdivision overlays of the 1936 "Eurimbla Estate" as well as further subdivision on Beaconsfield Parade.

The area has aesthetic significance as an intact inter-war development. Frances Street contains an intact collection of California Bungalow style residences constructed in the 1920s.

The area is of local heritage significance in terms of its historical, aesthetic and representative value. This satisfies three of the Heritage Council criteria of local heritage significance for local listing.

Description
Likely the oldest house in the conservation area dating from the late nineteenth or very early twentieth century, the dwelling is sited on a large allotment with a frontage to Frances Street and adjoining a heritage item to the north (rear) boundary, which has a frontage to Lindel Place.

Controls
The following relevant objectives and controls of Ku-ring-gai Development Control Plan apply.

Development Controls	***Complies***
19A.1. Subdivision and site consolidation for new development within an HCA	
1 Applications for subdivision and site consolidation within an HCA is discouraged and will only be considered if the application: *i) will have no adverse effect the significance of the HCA.* *ii) retains the typical block width characteristics and historic subdivision pattern of the area, including rear lanes.* *iii) the setting and curtilage of Heritage Items or significant buildings in the vicinity, including important structures and landscape elements are retained.* *iv) vistas and views to and from Heritage Items and contributory buildings, especially the principal elevations of buildings, are not interrupted or obscured.* *v) the landscape quality of the streetscape is retained.* *vi) the contours and any natural features of the site have been retained and respected.* *vii) will not result in future development which will adversely affect the significance, character or appearance of the HCA*	***NO***
2 Subdivision or consolidation will not generally be permitted where the setting or curtilage of any Heritage Items and contributory buildings within or adjoining the site, would be compromised	***NO***
3 Applications for subdivision and site consolidation within an HCA will require a curtilage assessment	***NO***

An assessment of the variations to the controls identified in the compliance table is

provided below.

19A.1. Subdivision and site consolidation for new development within an HCA
Objectives
1.To retain the historic subdivision patterns within HCAs, that reflect the age and circumstances of the early and later subdivisions including the characteristic rhythm and built form spacing.
2.To ensure that new development respects the established streetscape, and the historical patterns of development.
3.To ensure new subdivisions and lot consolidations do not have an adverse impact upon the curtilage of Heritage Items, the streetscape setting of significant buildings and the identified character of the HCA as a whole
For the following reasons it is considered that the objectives and controls are not achieved despite the variation to the design control:

For the following reasons the objectives are not achieved:

- *The proposal involves subdivision of an allotment of land, which contains one of the earliest, if not the earliest dwelling in the conservation area, representing the late nineteenth century subdivision pattern.*
- *The lot is distinct in its configuration and representative of development prior to the significant Inter-War housing.*

19B.1 Demolition within HCAs	
Development Controls	***Complies***
1 The demolition of Heritage Items and contributory buildings within HCAs is not supported	***NO***
2 Whole demolition of buildings, structures and landscape features (including significant trees) is generally not supported unless shown to be neutral or uncharacteristic and the applicant can satisfactorily demonstrate: *i) demolition will not result in any adverse impacts on the streetscape or character of the HCA;* *ii) retention and stabilisation of the building or structure is unreasonable;* *iii) all alternatives to demolition have been considered with reasons provided why the alternatives are not acceptable;* *iv) the replacement building is compatible with the identified significance and character of the streetscape and the HCA as a whole.*	***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 ensure that Heritage Items and all significant elements of Heritage Items are retained and conserved

For the following reasons the objectives are not achieved:

- *The subject dwelling is contributory in that it dates from the late nineteenth or possibly very early twentieth century.*
- *The removal of this building will be detrimental to the conservation area and lead*

to incremental erosion of the character of the streetscape and area.

- *The removal of the existing contributory landscape and site features alone including sandstone flagging and fencing to the street will result in adverse heritage impacts.*

19D DEVELOPMENT WITHIN HCAS;NEW BUILDINGS	
Development Control	***Complies***
19D.1 Local Character and Streetscape	
Built Form	
1 Scale and massing of any new buildings is to be integrated into the established character of the HCA and respect the scale, form and character of adjacent or nearby development. They are to be incorporate design elements such as the roof forms, façade and parapet heights, door, window and verandah proportions of contributory buildings in the HCA, particularly neighbouring buildings from the same key development period.	***NO***
2 The design and character of any new buildings are to be informed by the: *i) date and style of contributory buildings;* *ii) scale and form of contributory buildings;* *iii) street and subdivision patterns of the HCA;* *iv) setbacks of neighbouring contributory buildings;* *v) materials, building techniques and details used in the HCA; and* *vi) views, vistas and skylines in the HCA.*	***NO***
3 Façades are to be modulated to break down the scale of new development.	***NO***
4 The height of new buildings is not to be higher than contributory buildings.	***NO***
5 New roofs visible from the street are reflect the size, shape, pitch, eaves and ridge heights, and bulk of contributory buildings and roofs. They are to respect the complexity and patterns of predominant roof shapes and skylines of the HCA	***NO***
6 New buildings may be contemporary in design, however, their scale, form and detail is not to detract from the scale, form, unity, cohesion and predominant character of streetscape elements around it.	***NO***
7 Where an HCA is characterised by single-storey dwellings, single storey development on infill sites is preferred. New two-storey houses will only be permitted where the upper floor is designed within the roof and where the new building is in keeping with the height, mass and proportions of contributory buildings in the vicinity.	***NO***

An assessment of the variations to the controls identified in the compliance table is provided below.

19D Development within HCAs; new buildings
19D.1 Local Character and Streetscape
Built Form

Objectives
1. To promote high-quality new design that complements the streetscape character and heritage significance of the HCA.

2. To ensure that new development retains the identified historic and aesthetic character of the HCA in which it is situated

For the following reasons the objectives are not achieved:

- *The proposal involves the construction of a dual occupancy development, which does not reflect or respond in any way to the existing character or the established pattern of development in the streetscape or conservation area.*
- *The presentation of two storeys coupled with a basement is uncharacteristic of the conservation area, which is primarily characterised by single storey development.*
- *The adjacent development at No. 11 Frances Street is uncharacteristic of the conservation area in terms of the presentation of a double garage door and first 'pop-top' addition. Whilst this should not be used as a benchmark for development in terms of bulk, scale and presentation to the street, the proposed development still exceeds the height of the upper storey of this dwelling.*
- *The proposed buildings are monolithic and lack articulation in their form and footprint.*
- *The arched windows and two storey entrance portico with triangulated entablature is uncharacteristic of the streetscape and conservation area.*
- *The proposed basement design is uncharacteristic of the conservation area and streetscape and the streetscape impacts are exacerbated through the duplication of the proposed dwellings.*
- *The proposed colours and materials do not respond to the contributory characteristics of the conservation area. This includes the use of unprofiled, black roof tiles, white painted bricks and black aluminium doors and windows.*

19D.2 Building setbacks	
Location and Setback of New Buildings	
1 The siting of new buildings is to be consistent with the established pattern of built elements in the HCA, including the main dwellings, garages, carports and garden structures.	***NO***
2 Where there is a uniform building setback from streets, 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.	***NO***
3 New buildings are not to be orientated across sites contrary to the established alignment pattern	***YES***
4 The location of new buildings is to ensure that significant views to and from places within the HCA are retained	***NO***

An assessment of the variations to the controls identified in the compliance table is provided below.

19D.2 Building setbacks
Location and Setback of New Buildings

Objectives
1. To ensure the location and siting of new development respects the established pattern of built elements in the streetscape and the HCA.
2. To ensure new development does not adversely impact on the immediate streetscape or significant views within the HCA.

For the following reasons the objectives are not achieved:

- *The proposal will be located forward of the existing dwelling that is proposed for demolition and all adjacent development including the contributory dwelling at No. 17 Frances Street.*
- *The rear setbacks to the heritage curtilage behind are minimal and the introduction of an unarticulated, two storey form in this location will adversely change the setting and views from the adjacent heritage item.*
- *The proposed side setbacks are minimal and show little variation at first-floor level, which contributes to an inappropriate form that lacks articulation.*

19D.3 Gardens and Landscaping	
1 New, traditionally designed gardens that enhance the historic and aesthetic character of the streetscape and the HCA as a whole are encouraged. *2 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***
3 The use of a variety of plant species to avoid mono-cultural plantings along street frontages and as screen planting is encouraged	***NO***
4 High solid hedges that screen the dwelling from the street are not permitted.	***YES***

An assessment of the variations to the controls identified in the compliance table is provided below.

19D.3 Gardens and Landscaping

Objectives
1. To preserve the garden and landscape character of the HCA.
2. To promote new front fences and gates that are consistent with the existing character of the streetscape.
3. To promote fences that do not detract from surrounding development.
4. To promote visual permeability between properties and the public domain.
5. To ensure that vehicular access gates are open and transparent, allowing sightlines to prop

For the following reasons the objectives are not achieved:

- *The proposed landscape design is inadequate both in terms of retaining existing vegetation and the existing garden layout, and in enhancing the character of the streetscape.*

19.4 Building Design	
1 Materials and details used for new buildings are to be similar to, or compatible with, the original buildings in the HCA	***NO***
2 Development applications are to provide a material board and details of the colour scheme and finishes.	***YES***
3 Contemporary materials are permitted where the detailing, proportions, texture and colour range blend with the existing character of the HCA	***NO***
4 New buildings are to incorporate architectural language such as massing, proportions, detailing, coursing lines, materials and finishes, which are sympathetic to and complement the predominant character of the HCA	***NO***

5 Colour schemes are not to detract from colour schemes in the streetscape and not to be in visual contrast with the colours of the contributory buildings in the HCA. Recessive colours and traditional materials are preferred.	***NO***

An assessment of the variations to the controls identified in the compliance table is provided below.

19D.4 Building Design

Objectives
1. To ensure new development respects the character of, and minimises the visual impact upon, the HCA and its streetscapes

For the following reasons the objectives are not achieved:

- *As noted above, the proposed colours and materials do not respond to the contributory characteristics of the conservation area. This includes the use of unprofiled, black roof tiles, white painted bricks and black aluminium doors and windows. No further details are provided in relation to the colours and materials.*

DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS OR HERITAGE CONSERVATION AREAS (HCAS)	
Development Controls	***Complies***
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.*	***YES***
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;* *ii) dominant architectural language such as horizontal lines and vertical segmentation;* *iii) proportions including door and window openings, bays, floor-to ceiling heights and coursing levels;* *iv) materials and colours;* *v) siting and orientation;* *vi) setting and context;* *vii) streetscape patterns.*	***NO***

19F.1 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 the HCA is in harmony with the streetscape and does not dominate, detract from or compete with the Heritage Item or HCA

For the following reasons the objectives are not achieved:

- *The proposal will be visible as part of the backdrop to the setting of the heritage item to the rear, which is of a similar era to the existing dwelling.*
- *Overall, the construction of two new dwellings, which do not respond to the established built heritage fabric including nearby heritage items and contributory buildings and are uncharacteristic of the conservation area, will result in adverse impacts to the adjacent item.*

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* *ii) retain the established landscape character of the Heritage Item or HCA.* *iii) include appropriate screen planting on side and rear boundaries.*	***NO***

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 are not achieved:

- *The proposed landscape design is inadequate both in terms of retaining existing vegetation and the existing garden layout, and in enhancing the character of the streetscape.*

19F.4 Fencing	
Fences on adjoining sites	
1 New front fences on adjacent sites are to be no higher than the front fences of the adjoining Heritage Item or HCA. Open and transparent front fences such as timber or metal picket are preferred.	***NO***
2 No metal panel fencing is to be constructed on any boundary of a Heritage Item.	***NO***

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 are not achieved:

- *There is no information on the material of the fence addressing the heritage item.*

Conclusion and Recommendations

The proposed demolition of the existing dwelling and associated site features such as the stone flagging and fencing will have an adverse impact on the heritage conservation area, removing one of the earlier dwellings from the streetscape and wider area.

The subdivision of the allotment will remove an historic element from, and lead to the fragmentation of, the early subdivision pattern.

The construction of two new dwellings as part of a dual occupancy development will have an adverse heritage impact on the streetscape and conservation area. The design-related issues that are outlined above are exacerbated through the duplication of the dwellings.

The proposal will form an unacceptable backdrop to the rear yard of the heritage item and as a result, adversely affect views from and the amenity of the adjacent, single storey heritage item.

The proposal is not supported on heritage grounds for the reasons outlined above.

The above heritage referral comments have been considered and it is agreed that the proposed development is unsatisfactory in relation to heritage outcomes.

Landscaping

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

Low Rise Housing Diversity Design Guide for development applications July 2020		
Objective / Control	***Proposed***	***Complies***
Section 2.1, 3C and 3D Dual Occupancy (side by side)		
Landscaped area 2.1C ***Landscaped area*** *(LEP definition - landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.)* ***Design Criteria***	*The landscape plan does not satisfy this control.* *Lot area – 1326m^2* *50% of lot area – 663m^2* *Less 100m^2 - 563m^2 required* *Landscape and Deep Soil Plan indicate 568.78m^2 landscape area, however the calculation includes the southern setback paths, stairs, areas less than 1.5 metres wide and the large stepping stones to the front path.* *The total landscape area is approximately 391.5m^2 and therefore insufficient landscape area has been provided.*	***NO***

<table>
<tr><td>(DC)
DC15. Where the LEP or DCP does not contain a minimum landscaped area the minimum landscaped area is: 50% of the parent lot area minus 100m².
DC16. The minimum dimension of any area included in the landscaped area calculation is 1.5m.</td><td></td><td></td></tr>
<tr><td>DC17. At least 25% of the area forward of the building line is to be landscaped area.</td><td>The landscape plan satisfies this control.

The area to front of the proposed building line is 311.27m^2. A minimum landscape area of 77.8m^2 is required.

The proposed landscape area is 151.7m^2.</td><td>YES</td></tr>
<tr><td>DC17. At least 50% of the required landscaped area must be behind the building line.</td><td>The landscape plan does not satisfy this control as less than the required landscape area is provided behind the building line.

Lot area – 1326m^2
50% of lot area – 663m^2
Less 100m^2 - 563m^2 required
50% to rear – 281.5m^2 required

Approximately 239.8m^2 landscape area is proposed, which is non-compliant.</td><td>NO</td></tr>
<tr><td>Objective 2.1C-2

DC18. An ongoing maintenance plan is to be provided as part of the landscape plan.</td><td>The landscape plan satisfies this control.</td><td>YES</td></tr>
<tr><td>DC19. Minimum soil standards for plant sizes are provided in accordance with the Table:</td><td>The landscape plan satisfies this control.

<table><tr><td>Tree Size</td><td>Height</td><td>Spread</td><td>Min Soil Area</td><td>Min Soil depth</td></tr><tr><td>Large trees</td><td>>12</td><td>>8 metres</td><td>10 x 10 metres</td><td>1.2 metres</td></tr><tr><td>Medium trees</td><td>8-12 metres</td><td>4-8 metres</td><td>6 x 6 metres</td><td>1 metres</td></tr><tr><td>Small trees</td><td>5-8 metres</td><td><4 metres</td><td>3.5 x 3.5 metres</td><td>0.8 metres</td></tr></table></td><td>YES</td></tr>
</table>

	<table><tr><td>*Shrubs*</td><td></td><td></td><td></td><td>*0.5-0.6 metres*</td></tr><tr><td>*Groundcover*</td><td></td><td></td><td></td><td>*0.3 -0.45 metres*</td></tr><tr><td>*Turf*</td><td></td><td></td><td></td><td>*0.2 metres*</td></tr></table>	
***DC20.** If the DCP does not specify tree planting of a particular size or species the following is to be provided:* ***Front:** 1 tree with mature height of 5m if primary road setback is greater than 3m.* *• **Rear:** 1 tree with mature height of 8m.*	*The landscape plan satisfies the tree replenishment requirements of the DCP.*	***YES***
Objective 2.1C-3 ***DC21.** Mature trees are to be retained, particularly those along the boundary, (except those where approval is granted by Council for their removal).*	*The landscape plan satisfies this control.* *Refer to comments below under Part 4A.4 and 13.*	***YES***
DC22. *Landscape features including trees and rock outcrops are to be retained where they contribute to the streetscape character or are located within the rear setback*	*The landscape plan satisfies this control.*	***YES***
Objective 2.1C-4	*The landscape plan satisfies this control.*	***YES***

Design Criteria 23. *The landscape plan proposes a combination of tree planting, for shade, mid height shrubs, lawn and ground covers.*		
Design Criteria 24. *The landscape plan indicates that at least 50% of the overall number of trees and shrubs are species native to the region*	*The landscape plan does not satisfy this control however as the site is within a HCA, the proposed plant species are acceptable.*	***NO (variation accepted)***
2.1E / 2.2E Public Domain Interface ***Objective 2.1E-2*** ***C31.*** *Retaining walls greater than 600mm within the front setback are softened by planting for a minimum depth of 600mm on the low side of the retaining wall.*	*The landscape plan satisfies this control.*	***YES***
2.1N / 2.2N Car and Bicycle parking ***Objective 2.1N-3 / 2.2N.3*** ***DC80.*** *Where a driveway is adjacent to an existing tree, it is either outside the drip line or complies with the recommendations in a report*	*The landscape plan satisfies this control.*	***YES***

prepared by a qualified arborist.		
***2.1T Pools DC 97**.* *Swimming pools and spas are to have a maximum height above ground level (existing):* • *At the water line – 1.2m,* • *At the top of the coping - 1.4m, and* • *Where the coping is more than 300-600mm wide.*	*The landscape plan satisfies this control.*	***YES***
***DC 98**.* *Swimming pools and spas are to be located in the rear yard with a minimum setback of 1m from any side or rear boundary.*	*The landscape plan satisfies this control.*	***YES***
3C Landscaped Area *Design Guidance 1. Existing trees for retention should be identified, particularly in rear setbacks.*	*The landscape plan satisfies this control.* *Refer to comments below under Part 13*	***YES***
Design Guidance 7 *To reinforce local character, a successful landscape design should blend local indigenous plants with the cultural planting of the area*	*The landscape plan satisfies this control.*	***YES***

<table>
<tr><td>Design Guidance 8
Landscaped areas should be located to retain existing significant trees and maintain the development of healthy root systems, providing anchorage and stability for mature trees.</td><td>The landscape plan satisfies this control.

Refer to comments below under Parts 4A.4 and 13.</td><td>YES</td></tr>
<tr><td>3D Local Character and Context
Design Guidance Landscape 8. The proposal should incorporate the patterns of landscaping in the neighbourhood, including landscaping in front and rear setbacks, and the public domain.</td><td>The proposal includes inadequate landscaped area behind the building line. Additionally, insufficient landscaped area is proposed within the side setbacks for amenity planting.</td><td>NO</td></tr>
<tr><td>3E Public Domain Interface
Design Guidance15. Existing trees should be retained with generous planting provided in the front setback to contribute positively to the streetscape.</td><td>The landscape plan satisfies this control.

Refer to comments below under Parts 4A.4 and 13.</td><td>YES</td></tr>
<tr><td colspan="3">Tree Canopy Guide for Low and Mid Rise Housing Feb 2025 (As referenced in SEPP (Housing) 2021 Chapter 6 Low and Mid Rise Housing)</td></tr>
<tr><td>Dual occupancies, Provide deep soil in line with Table 3.</td><td>Deep soil
Table 3<table><tr><td>Site Area</td><td>Deep Soil (min % site area)</td></tr><tr><td><300m^2</td><td>15%</td></tr></table></td><td>YES</td></tr>
</table>

<table>
<tr><td></td><td>
<table>
<tr><td>300-600m^2</td><td>20%</td></tr>
<tr><td>>600m^2</td><td>25%</td></tr>
</table>

Total Site Area is 1326m^2
The total deep soil required is 331.5m^2.

Total deep soil provided is 434.53m^2 (32.75%).

The proposal satisfies this Part.</td><td></td></tr>
<tr><td>Locate contiguous deep soil areas to maximise the number of trees that can be planted</td><td>The landscape plan satisfies this control.</td><td>YES</td></tr>
<tr><td>Provide tree planting in line with the tree canopy percentage targets or the tree planting rates for Dual Occupancies.
Small tree – 6m Spread (28m2 canopy spread)
Medium – 8m Spread (50m2 canopy Spread)
Large 12m Spread (113m2 canopy spread)</td><td>Tree planting requirement is as follows:
<table>
<tr><td>Site Area</td><td>Tree canopy (min % site area)</td><td>Tree planting rate</td></tr>
<tr><td><300m^2</td><td>15%</td><td>1 small tree per dwelling</td></tr>
<tr><td>300-600m^2</td><td>20%</td><td>One small tree per 200m^2 of site area within deep soil</td></tr>
<tr><td>>600m^2</td><td>25%</td><td>One medium tree per 225m^2 of site area within deep soil</td></tr>
</table>

The proposed deep soil area is 434.53m^2. The proposal is required to attain a total of 2 trees.
The landscape plan satisfies this control.</td><td>YES</td></tr>
</table>

SEPP (Sustainable Building: BASIX) 2022		
Part 3 Aims	***Proposed***	***Complies***
To encourage sustainable residential development	Certificate 1803859M_02 dated 11 July 2025 is submitted with the application. As stated in certificate: Lot 15 lawn and garden area – 286.39m^2 Indigenous/low water use -150m^2 Lot 15A lawn and garden area – 267.37m^2 Indigenous/low water use -150m^2	**NO**

	The proposal is inconsistent with the landscape outcomes within the BASIX certificate as indigenous/ low water areas are not indicated on the plans.	

KDCP COMPLIANCE TABLE		
Control		***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.*	***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	*The landscape plan does not satisfy this control as planting is not 3-4 metres in height.*	***NO***
Part 4A.4 Landscaping and Part 13 Tree and Vegetation Preservation		
C1. Landscape proposals are to retain existing trees where possible *Part 13 Objectives* *To manage Ku-ring-gai's tree and vegetation resources in a sustainable manner.* *To prohibit unnecessary injury to, or destruction of, trees and vegetation.*	***Tree removal*** *The proposal includes the removal of 21 trees. The removal of Trees 1-14, 16, 18-23 is acceptable due to the condition, species and footprint of the proposed dwellings.* *Tree 1 Schinus terbinthifolius (Pepper Tree) Notional Root Zone (NRZ) 2 metres. Exempt species* *Tree 2 Cupressus sempervirens (Cypress) NRZ 8.2 metres. Bifurcated trunks, heavy lean, damage to pathway, low voltage wires above.* *Tree 3 Syzygium smithii (Lilly Pilly) NRZ 3.6 metres. Codominant stems with cracking. Major (32%) encroachment from driveway at 1 metre setback. More than 2 metre setback is required to retain the tree.* *Tree 4 Schefflera actinophylla (Umbrella Tree) NRZ 4.9 metres. Poor condition.* *Tree 5, 6 and 7 Archontophoenix alexandrae (Alexander Palm) NRZ 2 metres. Within footprint.* *Tree 8 Olea europaea (olive) NRZ 2.6 metres. Poor condition.*	***YES***

To secure and maintain local character and amenity. *To sustain and enhance the tree canopy.*	*Tree 9 Cinnamomum camphora (Camphor laurel) NRZ 7.2 metres. Dead/dying.* *Tree 10 Cinnamomum camphora (Camphor laurel) NRZ 9.6 metres. Dead/dying.* *Tree 11 Olea europaea (Olive) NRZ 5.8 metres. Poor condition.* *Tree 12 Archontophoenix alexandrae (Alexander Palm) NRZ 2 metres. Within footprint.* *Tree 13 Dypsis lutescens (Golden Cane Palm) NRZ 2 metres. Exempt size.* *Tree 14 Celtis sinensis (Nettle tree) NRZ 2 metres. Exempt species if not in HCA* *Tree 16 Plumeria acutifolia (Frangipani) NRZ 3 metres. Within footprint.* *Tree 18 Syagrus romanzoffiana (Cocos Palm) NRZ 2 metres. Exempt species.* *Trees 19, 20, 21 and 23 Syagrus romanzoffiana (Cocos Palm) NRZ 2 metres. Exempt species.* *Tree 22 Schefflera actinophylla (Umbrella Tree) NRZ 2 metres. Exempt species.* *The removal of the Trees 2, 3, 8, 9, 10 and 11 is acceptable due to poor condition.* *The removal of Trees 1, 4, 14, 18, 19, 20, 21, 22 and 23 is acceptable due to condition and species.* *The removal of Tree 13 is acceptable due to it being of exempt size with a trunk of less than 150 millimetres diameter and a height of under 5 metres.* *The removal of Trees 5, 6, 7, 12 and 16 is acceptable as the trees are within the footprint of the proposed works.* ***Trees to be retained*** *The following trees are impacted by the proposal:* *Tree 15 Macadamia tetraphylla (Macadamia) NRZ 2.5 metres, located adjacent to rear boundary. Proposed fence is in close proximity and impacts are within acceptable thresholds.* *Tree 17 Syzygium floribunda (Lilly Pilly) NRZ 3.7 metres, located adjacent to rear boundary within neighbouring property. Impact is within acceptable thresholds.*	
C2. Tree replenishment and planting to be provided.	*The proposal satisfies this Part.* ***Lot size*** | ***Number of trees***	***YES***

	<table><tr><td>*Less than 850m²*</td><td>*3*</td></tr><tr><td>*850m² to 1,000m²*</td><td>*5*</td></tr><tr><td>*1,001m² to 1,500m²*</td><td>*7*</td></tr><tr><td>*Over 1,500m²*</td><td>*10 or as directed*</td></tr></table> *For a site area of 1,326m², the proposal is required to attain a total of 7 trees:* • *The proposal retains 1 tree/s capable of attaining a minimum height of 10 metres.* • *The proposal includes 6 trees capable of attaining a minimum height of 10 metres.*	
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 satisfies this control.* *Refer to comments at Part 21.2*	***YES***
C4. Landscape designs are to reflect the prevailing landscape character of the area.	*The landscape plan satisfies this control.* *Refer to comments at Part 21.2*	***YES***
C5. New trees are to be distributed across the site and are to be located to accommodate the mature growth of both new and existing trees.	*The landscape plan satisfies this control.* *Refer to comments above at Control 4.*	***YES***
C6. Hedges near boundaries are not to impact the amenity of adjoining properties by blocking sunlight, bushland or water views or unreasonably shading neighbours'	*The landscape plan satisfies this control.* *Refer to comments at Part 21.2.*	***YES***

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 19 Heritage Items and Heritage Conservation Areas		
19C.3 Gardens and Landscaping – Within HCAs: Alts and Adds and New Dwellings	*The landscape plan is not acceptable as the side setback landscape area is insufficient to provide adequate landscaping along the side boundaries.* *The narrow path and planting area (less than 1.1 metres minimum width) reduces available space for landscape screen planting.*	***NO***
19F.3 Gardens and Landscaping – in the vicinity of Heritage Items/HCAs	*The landscape plan is not acceptable as the side setback landscape area is insufficient to provide adequate landscaping along the side boundaries.* *The narrow path and planting area (less than 1.1 metres minimum width) reduces available space for landscape screen planting.*	***NO***
Part 21 General Site Design		
21.1 Earthworks and Slope *C3. Landscape cut or fill should not be more than 600mm above or below natural ground line.*	*Landscape cut is up to 1.2 metres to the south-east of Dwelling 15.* *The extent of cut is accepted on merit due to the slope of the site and existing cut.*	***NO***
C4. A minimum 0.6m width is required between retaining walls.	*The proposal is acceptable.*	***YES***
C5. Existing ground level is to be maintained for a distance of 2m from any boundary.	*Existing ground level has not been maintained for 2 metres from the boundary, with driveway excavation set back 1.5 metres from the northern boundaries and retaining walls proposed to the north-eastern boundary of Lot 15A and the south-eastern boundary to Lot 15.* *Side setbacks should be increased and retaining walls set a minimum of 1.1 metres from side*	***NO***

	boundaries to retain existing levels and provide planting to neighbouring properties.	
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 control as the driveway retaining wall impacts Tree 3. However, the proposed removal of Tree 3 is acceptable on merit as the tree is in poor condition.*	***NO (variation accepted)***
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.* *Proposed cut to driveways and associated retaining walls is not indicated on the landscape plans. Top of wall levels should be provided for clarity.* *The rear stairs to Lot 15 should be located against the side of the pool to allow for a landscaped area between the stairs and the boundary to Lot 15A and to allow for a change in level between the two lots from RL75.8 to RL76.5.*  *The preference from the rear neighbour is to substitute the proposed Camellia with faster growing Lilly Pilly. Either species is acceptable from a landscape viewpoint and it would therefore be at the descretion of the applicant to change the species.* *The proposed stormwater design is acceptable as the on-site detention (OSD) tank and rainwater tank are located under proposed paved areas.*	***NO***

Submissions:

The following landscape related concerns were raised:

- *Lack of space to northern boundary to plant tall trees to screen No. 17 Frances Street.*
- *Removal of trees and limited area to plant new trees due to insufficient setbacks.*
- *Removal of 23 substantial trees with limited room for replanting.*
- *Minimal landscape area provision; proposal is not in keeping with landscape character.*
- *Back hedges should be faster growing species of Lilly Pillies instead of Camellias*
- *Character loss within HCA*

Response:

- *The tree removal is acceptable due to the poor condition of the trees or the location of trees within the footprint and one exempt due to size. Nine trees are exempt species when not in a HCA. Six replacement trees are proposed.*
- *The proposed side setbacks are insufficient to provide adequate landscape screening plus access and are required to be amended for the provision of amenity planting.*
- *The proposed landscape area is deficient and is to be increased.*
- *The preference for different species to the rear boundary is noted, however as the proposed species are acceptable it is up to the applicant to determine.*

The above landscape referral comments have been considered and it is agreed that the proposed development is unsatisfactory in relation to landscape outcomes.

Engineering

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

Water Management

The development is a Type 4 'Dual Occupancy' in a Location 'A' (drains to the street).

The site has a fall from the rear boundary to the front boundary. The site is not burdened by easements or restrictions, nor is the site affected by overland flow.

Stormwater management plans prepared by JCO Consultants Pty Ltd have been submitted. The plans show the entire dwelling roof areas for both lots directed to a 5,670 litre belowground retention tank, with overflow connected to the attached OSD tanks of 11.04m³ located between the rear of the dwellings and the proposed swimming pools. The OSD storage volume satisfies the controls outlined in Part 24C.5 of KDCP.

The overflow from the detention system is conveyed by a 225 millimetre pipe of 1% grade to a 600x600 millimetre silt arrestor pit at the property boundary prior to discharging to the kerb and gutter with a rectangular hollow section (RHS) pipe, which is acceptable.

The design also incorporates rainwater tanks of 5,670 litres for both proposed Lot 15 and Lot 15A, capturing all roof areas prior to discharging into the OSD tank. A BASIX Certificate has been submitted requiring a minimum 2,000 litre rainwater tanks for

each dwelling and to capture 100m^2 of roof area. Connection is proposed for toilet flushing, laundry use and landscape irrigation. The provision of the 5,670 litre rainwater tanks meets the compliance requirements of the BASIX Certificate and Part 24C.4 of the KDCP.

A pump-out pit of 4.4m^3 within the basement of both dwellings has been shown to capture only the driveway area of 42.5m^2, with the rising main discharge to the OSD, which is acceptable. The pump-out tank has been designed based on the 100 year 2 hour storm as required under Part 24B.5 of the KDCP, which is acceptable.

Water quality measures have been addressed by directing the runoff from the entire roof area to the rainwater tanks, which is then conveyed to the OSD discharge control pit with a trash screen and silt arrestor pit at the property boundary prior to discharging into Council's public drainage system. Any uncontrolled surface runoff will be directed to rainscaping. The requirements of Part 24C.6 of the KDCP have been satisfied.

The site falls within a regulated catchment. The proposal includes appropriate stormwater measures to minimise any adverse impacts on the regulated catchment. The proposal is satisfactory in regard to Chapter 6 'Water Catchments' of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

The proposed development has been assessed against Clause 6.5 (Stormwater and Water Sensitive Urban Design) of KLEP. As the requirements of Part 24 (Water Management) of KDCP have been met, the proposed development satisfactorily meets the relevant provisions of Clause 6.5 of KLEP.

Site Access

Vehicular access to the dwellings is proposed from Frances Street by separate driveways leading to the basement of each dwelling. Each basement contains parking for two cars, as well as additional bicycle storage/parking.

The driveway widths at the property boundary are 3 metres. The proposal therefore complies with Control 5 of Part 4B.1 of KDCP.

The driveway levels have been checked to have an approximately 8.1% grade for Lot 15 and a maximum grade of 6.8% for Lot 15A from the property boundary to the garage entry. Whilst the driveway gradients comply with AS2890.1:2004 "Off-Street Car Parking", a driveway longitudinal section for both driveway access is to be provided from the centreline of the road to the garage entry given that the levels within the road reserve are steep and may require a non-standard layback crossing.

It is noted that the new driveway crossing is to be constructed in the same vicinity as the existing crossover. It is understood that the crossing is in close proximity to the telegraph pole and should be a minimum 300 millimetres to the face of the power pole. The applicant may need to seek advice from the utility provider as to the location of the existing power pole given its close proximity to the proposed driveway crossing. The response from the utility provider is to be provided to Council.

The proposal includes the provision of a double garage for each dwelling. The internal dimensions for the garages have been measured to be approximately 5.6 metres wide x 6.8 metres long for both lots respectively, which complies with AS 2890.1 (2004) - "Off-street car parking".

According to the 'Low Rise Housing Diversity Design Guide for Development Applications July 2020' Part 2.3N 'Car and Bicycle Parking', states that the on-site parking requirements refers to Council's DCP for on-site parking. In this instance, Part 22.1 'Car Parking Rates' of the KDCP stipulates the following:

- *Dual occupancy under 125m^2: 1 space per dwelling.*
- *Dual occupancy over 125m^2: 2 spaces per dwelling*

The on-site parking provisions have been met.

Plan of Subdivision

A preliminary Plan of Subdivision has been submitted, which is acceptable for DA purposes.

A Section 73 (Sydney Water) Compliance Certificate for subdivision would be required via condition, if consent was to be granted.

Geotechnical investigation

A geotechnical site assessment has also been carried out for this development which comprised drilling of a total of four boreholes (BH1 to BH4) within the footprint of the proposed development, using manual hand auger equipment taken to target depths of up to 1 metre. In addition, in-situ testing using a Dynamic Cone Penetrometer (DCP) was conducted next to each borehole. DCP tests were undertaken to refusal depths of up to 1.2-1.4 metres depth in order to determine the underlain soil density and depths of sandstone bedrock.

Based on the observations made from the geotechnical investigation, the subsurface profile within the footprint of the proposed redevelopment can be summarised as follows:

- *Topsoil and Fill Silty Clay with gravels, up to 0.2 metre thick, overlying,*
- *Residual Silty Clay, from 0.2-1 metre depth overlying;*
- *Weathered Hawkesbury Sandstone, fine to medium grained at termination depth 1 metre in all boreholes.*

Groundwater table or seepage was not observed in any of the boreholes during drilling to shallow depths and the surrounding site landform. However, the report does state that it is possible that minor localised seepage/inflow may occur within the interface of soils and rocks and fractures/defects of rock if intense and prolonged rainfall occurs during excavation.

Connection to services

Given the site topography falling to the street, all utility services including connection to the sewer connection for both lots can be provided without having to encroach / traverse over another allotment.

The above engineering referral comments have been considered and it is agreed that the proposed development is unsatisfactory as a driveway long-section has not been provided and the driveway crossing is not set back the minimum 300 millimetres from a telegraph pole. These issues form part of a recommended reason for refusal.

Environmental Health

Council's Co-ordinator Environmental Health has reviewed the proposed development and has advised that the proposal is acceptable subject to conditions to manage noise impacts from mechanical equipment including swimming pool pumps and heaters and air conditioning condensers. These conditions would be included in the recommendation if the application was recommended for approval.

STATUTORY PROVISIONS

State Environmental Planning Policy (Housing) 2021 – Chapter 6 Low and Mid Rise Housing

The provisions of Section 164 state that Chapter 6 applies to all land within the whole of the State other than the listed exemptions which the subject site does not fall into. Further, the provisions of Section 166 state that: "*Development for the purposes of dual occupancies or semi-detached dwellings is permitted with development consent on land to which this chapter applies in Zone R2 Low Density Residential*".

SEPP 2024 COMPLIANCE TABLE – Development standards		
Development standard	**Proposed**	**Complies**
167 (2) (b) before granting development consent to development to which this section applies, the consent authority must consider the *Tree Canopy Guide for Low and Mid Rise Housing*, published by the Department in February 2025	The proposal has been considered against the Tree Canopy Guide for Low and Mid Rise Housing and found to be satisfactory (refer Landscape comments above for detail)	**YES**
168 (2) **(a) Minimum lot side of 450m²**	Lot 15A – 663.33m² Lot 15 – 663.33m²	**YES** **YES**
(b) Minimum lot width at the front building line 12 metres	Lot 15A – 15.5 metres Lot 15 – 15.5 metres	**YES** **YES**
(c) Minimum of 1 car parking space per dwelling	Lot 15A – 2 spaces provided Lot 15 – 2 spaces provided	**YES** **YES**
(d) Maximum floor space ratio of 0.65:1 (431.16m²)	Lot 15A – 426.8m² (0.643:1) Lot 15 – 426.1m^2 (0.642:1)	**YES** **YES**
(e) Maximum building height of 9.5 metres	Maximum height of 8.6 metres	**YES**
169 (2) **(a) Development consent was granted for the dual occupancy on or after 28 February 2025 or** **(b) The development results from a development application made on or after 28 February 2025 for the subdivision of the land and the**	The development results from a DA made after 28 February 2025 as the application was formally lodged on 15 August 2025.	**YES**

SEPP 2024 COMPLIANCE TABLE – Development standards		
Development standard	**Proposed**	**Complies**
erection of a dual occupancy on the land		

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 2 Vegetation in non-rural areas

Chapter 2 of the SEPP applies to the issuing of permits for clearing of vegetation and is not relevant to the assessment of development applications which include tree removal. The merits of the proposed tree removal have been considered in the assessment of the application by Council's Senior Landscape and Tree Assessment Officer (see commentary under the heading 'Internal Referrals').

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

A valid BASIX certificate has been submitted and the proposal is inconsistent with commitments identified in the certificate. As per the requirements of Clause 2.1(5) the consent authority is not satisfied that the application includes information in regard to the landscape outcomes, photovoltaic and pool size within the BASIX certificate as this information is not indicated on the architectural plans. This issue forms a recommended reason for refusal.

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, as follows:

(a) to guide the future development of land and the management of environmental, social, economic, heritage and cultural resources within Ku-ring-gai,
(c) to maintain and improve water quality within the catchments of Ku-ring-gai,
(f) to recognize, protect and conserve Ku-ring-gai's indigenous and non-indigenous cultural heritage,
(i) to encourage a variety of housing types within Ku-ring-gai,
(l) to facilitate development that complements and enhances amenity for residential uses and public spaces,
(o) to protect the character of low density residential areas and the special aesthetic values of land in the Ku-ring-gai area.

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

Zoning and permissibility:

The site is zoned R2 Low Density Residential. The proposed development is defined as a '*dual occupancy (detached*)' as the proposal contains two detached dwellings on one lot of land. The use is prohibited under the *Ku-ring-gai Local Environment Plan 2015* (KLEP) but is

permissible in the zone under the provisions of Section 166 of *State Environmental Planning Policy (Housing) 2021* as the land is zoned R2 and within the LMR housing area. The provisions of the SEPP override the provisions in the KLEP.

Zone objectives:

The objectives of the R2 zone are:

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

The development will not provide housing that is compatible with the existing environmental and built character of the area for the following reasons:

- The proposal includes the demolition of a contributory item within a heritage conservation area.
- The development is not in keeping with the aesthetic of the heritage conservation area and will have an adverse impact on the amenity of the streetscape and adjoining properties.
- The development presents as three storeys to Frances Street which is inconsistent with the predominant character of the streetscape which consists of 1 and 2 storey dwelling houses.

Therefore, the proposed development is incompatible with the environmental and built form character, inconsistent with the third objective of the R2 Low Density Residential zone.

Development standards:

Ku-ring-gai Local Environmental Plan 2015

Development standard	Proposed	Complies
Cl 4.3 - Height of buildings: Maximum Building Height - 9.5 metres	8.6 metres	**YES**

Part 5 Miscellaneous provisions

Clause 5.10 – Heritage conservation

The subject site does not contain a heritage item but is located within 100 metres of items at Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14 and 21 Frances Street; Nos. 3 and 4 Lindel Place; No. 31 Beaconsfield Parade, Lindfield, and is within a heritage conservation area.

The application has been considered by Council's Heritage Advisor who does not support the proposal as it will have an adverse impact on the heritage conservation area and the streetscape, will lead to the fragmentation of the early subdivision pattern and will adversely affect views from and the amenity of the adjacent, single storey heritage item.

The objectives of Part 5.10 are as follows:

a) to conserve the environmental heritage of Ku-ring-gai,
b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

c) to conserve archaeological sites,
d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

For the reasons outlined within the Heritage Referral comments it is agreed that the proposal does not meet the objectives of clause 5.10. This issue forms a recommended reason for refusal.

The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance.

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

A geotechnical report has been provided. The proposal involves earthworks, including excavation up to a depth of approximately 3.9 metres for the basement. The perimeter of the site is to generally retain the existing ground levels.

The proposed excavation facilitates the provision of basement car parking. The proposed earthworks have been assessed against the relevant matters which are as follows:

(b) the effect of the development on the likely future use or redevelopment of the land,
(d) the effect of the development on the existing and likely amenity of adjoining properties,
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The proposal is not considered to be consistent with these provisions for the following reasons:

- The earthworks are to facilitate a basement car park and storage and resulting in a three storey presentation to Frances Street. This results in a redevelopment of the site which will adversely affect the existing streetscape and heritage conservation area.
- The proposed development will negatively impact on the amenity of the adjoining properties through the resultant massing of building and the lack of appreciation of the heritage significance of the locality.

This issue forms a recommended reason for refusal.

Clause 6.5- Stormwater and water sensitive urban design

Council's Team Leader Development Engineer's has given consideration to the objectives of this clause which seeks to minimise the adverse impacts of urban water on the site and within the catchment. Council is satisfied that the stormwater design adequately manages water quality and control discharge volumes and frequency.

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

Ku-ring-gai Development Control Plan

Part 1A.5 General aims of the DCP

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

Part 2: Site analysis

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

Part 3: Land consolidation and subdivision

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
Part 3 land Consolidation and Subdivision		
3A – General Controls for Consolidation and Subdivision		
3A.1 Lot Shape, Orientation and Design		
1. The lot shape, orientation and design of consolidated and subdivided lots is to demonstrate the following:		
i. Ability for the lot to support the land use permitted under the zoning.	Each proposed allotment is of a size and configuration that can support a dwelling as permitted by the Housing SEPP.	**YES**
ii. Protection of habitat and distinctive environmental features including: - Cliffs and rock outcrops - Remnant bushland and trees - Tree hollows - Natural watercourses	No distinct environmental features are located on the site.	**YES**
iii. Sharing of views.	No views of significance in the locality.	**N/A**
iv. Avoiding the location of development on steep lands.	The land is not considered to be steep.	**YES**
v. Protection and enhancement of the amenity, solar access, privacy, open space and views of the neighbouring lots.	The proposed lots are capable of accommodating development that protects the existing amenity of neighbouring lots however the proposal does not achieve this.	**YES**
vi. Minimisation of impacts of the development (including any asset protection zones required) on riparian or Greenweb lands.	The subject site is not mapped as riparian land or having biodiversity significance.	**YES**

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
Note: SEPP (Biodiversity & Conservation) 2021 - Chapter 6 Bushland in urban areas may also apply.		
vii. Incorporation of the principles of water sensitive urban design.	The proposal is acceptable from a water sensitive design perspective.	**YES**
viii. Easements and servicing requirements.	Conditions are ordinarily recommended to ensure services are provided however the application is recommended for refusal.	**YES**
ix. Vehicular, pedestrian and bicycle access.	The vehicle access requires a cross-section to determine whether the gradients are compliant.	**NO (reason for refusal 9)**
x. Respect for and conservation of cultural heritage including any Aboriginal place or site of heritage significance. Note: Refer to Part 20 for Subdivision and Consolidation for new development on a Heritage Item or a HCA.	The proposed design of the dwellings is not respectful to the HCA in which they are located.	**NO (reason for refusal 3)**
The block width, dimension, orientation and layout are to consider the existing subdivision pattern of the locality.	The block widths are not consistent with the existing subdivision pattern in the locality.	**NO (reason for refusal 3)**
New lot/s created are to be such that each lot with street frontage allows for the siting of a development which will address the street.	The new lots created each have a street frontage and allow development that can address the street.	**YES**
3A.3 Building Footprint		
Potential building footprints are to be identified on the site plan of all consolidations and subdivisions.	The building footprint is shown on the plans.	**YES**
Building footprints are to be located outside areas of ecological or heritage significance and to avoid the loss of trees.	The sites are located within a HCA and result in tree loss.	**NO (reason for refusal 3)**
The footprint is to be located in an accessible and practical location, preferably with relatively flat terrain, stable soil and geology. Note: A geotechnical report may be required for steeper sites.	The footprint is accessible and the land is generally stable and not significantly sloping.	**YES**
The building footprint must be located and designed so as to allow useable open space that satisfies the open space requirements of the particular development type.	Useable open space is provided.	**YES**
The footprint is to be applied in accordance with the minimum building setbacks.	Satisfactory	**YES**

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
Practical and suitable access is to be provided from a public road to the building footprint.	Satisfactory	**YES**
The building footprint must be located in accordance with the requirements in Part 24 of the KDCP.	Satisfactory	**YES**
3A.4 Trees and Vegetation		
Any subdivision or consolidation proposal must demonstrate that the location and design of: i. building footprints; ii. access ways; iii. roadways, including perimeter roads or trails; iv. services; v. inter-allotment drainage easements; and vi. asset protection zones maximises the retention of, and minimises impacts on existing significant trees and vegetation on or adjacent to the site.	Satisfactory	**YES**
For the purposes of control 1 above, significant trees and vegetation includes but is not limited to cultural plantings, large and visually prominent trees, bushland and endangered ecological communities.	Satisfactory	**YES**
Where a site is particularly constrained a more detailed layout of the potential development may be required	Satisfactory	**YES**
3A.6 INFRASTRUCTURE		
All lots shall be provided services such as electricity, gas, town water supply, sewerage and communications. Such services must be located underground where new road construction occurs, and in bush fire prone lands. Services are to be located in accordance with Figures 3A.6-1 & 3A.6-2 of the DCP. Note: In Bush fire Prone Lands, services are to be provided in accordance with the requirements of Planning for Bush Fire Protection (PBP).	Satisfactory	**YES**

Part 4: Dwelling Houses

The table below addresses the assessment criteria contained under Part 4 of the DCP.

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 are not consistent with the predominant visual character of the neighbourhood which has a high heritage aesthetic value. The proposed dwellings are out of character within the streetscape. The proposal to include basements is also out of character with the existing streetscape.	**NO (reasons for refusal 1, 2, 3, 6)**
The appearance of the dwelling is to maintain the local visual character by considering the following elements: i) visibility of on-site development when viewed from the street, public reserves and adjacent properties; and ii) relationship to the scale, layout and character of the tree dominated streetscape of Ku-ring-gai.	The design of the proposal is significantly different to the style of dwellings within the streetscape and the proposal does not maintain local visual character.	**NO (reasons for refusal 1, 2, 3, 6, 7)**
The prominent and high quality characteristics of the neighbourhood are to be identified and considered as part of the site analysis.	The site analysis has addressed these matters. However, it is not considered that the proposal includes characteristics of the neighbourhood.	**NO (reasons for refusal 1, 2, 3, 4)**
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	The proposal is not of an appropriate scale as no wall articulation is proposed, and proposed basements result in a visually dominating and tall building appearance from the street.	**NO (reasons for refusal 1, 2, 3, 7)**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
tree canopy that links the public and private domain throughout Ku-ring-gai.		
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 site is within a HCA and the proposal is not considered to be in harmony with the existing built elements – refer to Heritage referral comments.	**NO (reason for refusal 3)**
4A.2 Building Setbacks		
Building Line (Front Setback)		
Basement areas are to be consolidated under the building footprint and meet all building setbacks requirements.	The basement is consolidated under the building footprint and meets the setback requirements.	
The location of development on the site is to demonstrate its consideration of: i) The existing setback of adjoining properties; ii) The setback patterns of its street block; and iii) Council's minimum and average setback requirements.	The location of the development is forward of the properties either side and proposes to be forward of the minimum and average setback requirements.	
<u>Two storey</u> Low side – 9 metres (11 metres average) High side – 12 metres (14 metres average)	The two storey high side control of 12 metres (14 metres average) applies. The development does not comply with the requirement as the front setback provided to each of the dwellings is 10 metres.	
The proportion of the front elevation set back no less than the average setback is to be 75%.	0% of the front elevation is set back at or behind the average setback requirement of 14 metres	**NO (reasons for refusal 1, 2)**
The proportion of the front elevation with the minimum setback is to be a maximum of 25%.	0% of the front elevation has the minimum setback of 12 metres	**NO (reasons for refusal 1, 2)**
Dual occupancy dwellings are to meet the design controls 4A.2-1 to 4A.2-8:	Satisfactory.	**YES**
Building Line (Rear Setbacks)		
Where sites have a depth of less than 48m, a minimum rear setback of 25% of the average site depth is to be provided.	The rear setback is required to be 10.6 metres. The proposed setback is 8.4 metres	**NO (reasons for refusal 3, 4)**
Building Line (Side Setbacks)		
<20m width - 1.5m single storey elements - 2m two storey	Single storey: 15A – 1.5 metres 15 – 1.5 metres Two storey:	 **YES** **YES**

<table>
<tr><th colspan="3">DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses</th></tr>
<tr><th>Development control</th><th>Proposed</th><th>Complies</th></tr>
<tr><td></td><td>15A – 2.4 metres
15 – 2.4 metres</td><td>YES
YES</td></tr>
<tr><td>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.</td><td>The landscape plan does not satisfy this control.</td><td>NO (reasons for refusal 2, 6)</td></tr>
<tr><td>Side setbacks are to accommodate shrubs to a height of 3-4m for two storey houses, and 2-3m for single storey houses.</td><td>The side setbacks do not accommodate planting to a height of 3-4 metres.</td><td>NO (reasons for refusal 6, 7)</td></tr>
<tr><td colspan="3">4A.3 Built-Upon Area</td></tr>
<tr><td>Max BUA 40% (265.332m²)</td><td>15A – 407.2m² = 61.38%
15 – 407.2m² = 61.38%</td><td>NO (reasons for refusal 1, 7)</td></tr>
<tr><td>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</td><td>Reasonable provision for built elements is made.</td><td>YES</td></tr>
<tr><td>The BUA of the front setback is to be maximum 30% (44.22m²)</td><td>The BUA in the front setback is calculated at 37.3% (55m²).</td><td>NO (reasons for refusal 1, 7)</td></tr>
<tr><td colspan="3">4A.4 Landscaping</td></tr>
<tr><td>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.</td><td>Satisfactory as the trees being removed are poor condition or exempt species.</td><td>YES</td></tr>
<tr><td>Landscaping is to include tall trees, small trees, shrubs and ground covers.</td><td>Satisfactory.</td><td>YES</td></tr>
<tr><td>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.</td><td>The landscape designs are not acceptable.</td><td>NO (reasons for refusal 3, 6, 7, 10)</td></tr>
<tr><td>Tree replenishment<table><tr><td>Less than 850m^2</td><td>3 trees</td></tr><tr><td>850m^2 to 1,000m^2</td><td>5 trees</td></tr><tr><td>1,001m^2 to 1,500m^2</td><td>7 trees</td></tr><tr><td>Over 1,500m^2</td><td>10 trees or as directed</td></tr></table></td><td>For a site area of 1326m^2, the proposal is required to attain a total of 7 trees:

The proposal retains 1 tree and proposes 6 new trees.</td><td>YES</td></tr>
<tr><td colspan="3">4B – Access and Parking</td></tr>
<tr><td colspan="3">4B.1 Vehicle access</td></tr>
<tr><td>Vehicular Access</td><td></td><td></td></tr>
<tr><td>Wherever possible, driveways must be located so that driver and pedestrian sight lines are clear.</td><td>Satisfactory.</td><td>YES</td></tr>
</table>

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
Driveways		
Not more than one driveway is to be provided on any property with a street frontage width of less than 18m.	Satisfactory.	**YES**
A maximum of two driveways may be provided on any property with a street frontage more than 18m.	Satisfactory.	**YES**
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.	Satisfactory.	**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.	Satisfactory.	**YES**
Driveways designed in accordance with AS 2890.1 (2004) Off Street Car Parking	A longitudinal section for both driveways is to be provided from the centreline of the road to the garage entry given that the levels within the road reserve are steep and may require a non-standard layback crossing.	**NO (reason for refusal 9)**
Per design control 14 in Part 22.2 of the DCP; For driveways on sloping sites, where high retaining walls are required on both sides of the driveway, one wall is to be no higher than 1.2m. Where greater level change is required, the retaining wall should be stepped back and softened by landscaping. High solid walls should be relieved by i) change in colour or finish; ii) recessing; and/ or iii) exposed brick or block work.	Retaining walls to a height of 1.8 metres are proposed.	**NO (reason for refusal 9)**
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.	2 spaces provided per dwelling.	**YES**
The minimum dimensions of a residential parking space are to be:	Satisfactory.	**YES**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
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		
The area of garages in excess of $31m^2$ is included in floor space calculations.	The gross floor area of the garages exceeds $31m^2$ however the rooms in the basements are not included as gross floor area per the LEP definition as the annotations on the floor plan denote only non-habitable uses.	**YES**
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.	Satisfactory.	**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 garages result in three storey buildings which contributes to building dominance and is unsympathetic to the existing streetscape and adjoining buildings.	**NO (reasons for refusal 1, 2, 3)**
Width of any carport/garage visible from the street is not to be greater than 6m (measured to the outer face of the exterior walls/ columns/posts)	Satisfactory.	**YES**
Basement garages are only permitted on sloping land and where no more than 1m excavation is required for driveway access.	The proposal includes a basement garage and more than 1m excavation is proposed.	**NO (reasons for refusal 1, 2, 3)**
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 dwellings are within the 9.5 metre height limit however present as 3 storeys from the street.	**NO (reasons for refusal 1, 2, 3, 5, 8)**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
The following matters are to be considered with regard to the potential impact on neighbouring properties and local character: i) opportunities to minimise overshadowing of living and private open space areas and solar panels; ii) opportunities to minimise overlooking of living and private open space areas; iii) opportunities to minimise adverse impacts on any significant bushland, or distant views; iv) the relationship with the streetscape.	The proposed dwellings do not reflect the existing streetscape and HCA character.	**NO (reasons for refusal 1, 2, 3)**
Development is to avoid the creation of an overbearing effect upon adjoining development by: i) ensuring appropriate side setbacks and landscaping are incorporated in the design; ii) ensuring all built structures are within the building height plane as illustrated in Figure 4C.1-2 of the DCP (4m @ 45°); iii) the relationship with the streetscape.	The proposal will result in an overbearing effect as insufficient landscaping is provided to the side boundaries; the upper floor is not set back sufficiently to break up the bulk of the development; the proposal is out of character with the existing streetscape.	**NO (reasons for refusal 1, 2, 3)**
Basements are to be: i) consolidated under the building footprint. ii) minimised and no habitable spaces are permitted; iii) include a maximum ceiling height of 2.2m to all non-habitable rooms. iv) limited to a maximum 50% of the building footprint where rooms, excluding the garage, have no door to the building exterior.	The proposal includes a basement. The basement is consolidated under the building footprint. The proposal does not include any habitable spaces The ceiling height is 2.9 metres. The footprint is 54% of the building footprint above.	**NO (reasons for refusal 1, 2)**
Excavation for a basement garage or other rooms on land that is not steeply sloping is not permitted.	The site is not steeply sloping but a basement is proposed.	**NO (reasons for refusal 1, 2, 3)**
4C.2 Building facades		
Extensive blank or unarticulated walls to street frontages will not be permitted.	Satisfactory.	**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	All external facades are not adequately articulated, the ground floor and upper floor do not contain any	**NO (reasons for refusal 2, 3, 4)**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
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.	articulation and the dwellings have a box-like presentation.	
The maximum length for an unrelieved wall is 12m.	Ground Floor 15A (north-west) – 21.5 metres (south-east) – 24.5 metres 15 (south-east) – 24.5 metres (north-west) – 21.5 metres	**NO (reasons for refusal 1, 2, 3)**
Where walls exceed 4m in height, the maximum length for an unrelieved wall is 8m.	First floor 15A (north-west and south-east) – 20.7 metres 15 (north-west and south-east) – 20.7 metres	**NO (reason for refusal 1, 2, 3)**
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.	The side elevations are unrelieved, and no sections or bays are proposed to break up the visual bulk of the walls.	**NO (reason for refusal 1, 2, 3)**
Building design is to integrate soft landscaping and natural site features and make provision for tall shrub plantings.	Insufficient soft landscaping and tall shrub planting is proposed.	**NO (reason for refusal 3, 6, 7)**
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 upper floors are not stepped significantly and as such have a bulky appearance as viewed from the neighbouring properties and the streetscape.	**NO (reasons for refusal 1, 2, 3, 4)**
The placement of windows in first floor walls facing side boundaries are to respect the privacy of neighbouring properties.	There is likely to be some overlooking from the upper floor multifunctional/cinema room of Lot 15A to the neighbour to the north-east.	**NO (reasons for refusal 1)**
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;	The roof pitch is appropriate, however the use of the materials is not consistent with the HCA. No habitable rooms are located within the roof to	**NO (reason for refusal 3)**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
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.	reduce the appearance of the 3 storey development.	
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.	Satisfactory.	**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.	Satisfactory.	**YES**
Landscape areas are to provide functional outdoor areas that: i) are useable and relate well to indoor living areas; ii) have a character that is consistent with or enhances the landscape character of the area; iii) are located in consideration of noise, temperature, shade and screening; iv) are not dominated by adjoining development (in terms of overshadowing and overlooking);	Satisfactory.	**YES**
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;	Satisfactory.	**YES**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
iii) landscape design and location of vegetation including deciduous or tall trees; iv) consideration of window locations and size.		
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.	Satisfactory.	**YES**
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.	Less than 3 hours solar access will be received by the south-west (front) facing lounge room of each dwelling, however compliant solar access is provided to the north-east (rear) facing living rooms. The development receives a reasonable level of daylight and the objective of the requirement is satisfied.	**NO (variation accepted)**
Professionally prepared Shadow Diagrams must accompany all applications for new dwellings and alterations/additions exceeding one storey.	Satisfactory.	**YES**
4C.6 Natural Ventilation		
Building design is to incorporate measures for natural cross ventilation as specified in Control 1.	Satisfactory.	**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.	Satisfactory.	**YES**
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.	Satisfactory.	**YES**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
The swimming pool/spa coping is to be sited a minimum of 2m from a property boundary.	Satisfactory.	**YES**
The swimming pool/spa coping is to be not more than 0.5m above existing ground level at any point.	Satisfactory.	**YES**
Pool excavation should not be beneath the canopy of trees protected by Part 13 of the DCP.	Satisfactory.	**YES**
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.	Satisfactory.	**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.	Satisfactory.	**YES**
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	Satisfactory.	**YES**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
iii) provision of bin enclosures.		
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).	Satisfactory.	**YES**
Front fencing is to enable outlook from dwellings to the street for safety and surveillance and should be generally low and visually permeable.	Satisfactory.	**YES**
The footings of a fence within the structural root zone of a tree is not to adversely affect the health of the tree.	Satisfactory.	**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.	Satisfactory.	**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.	Satisfactory.	**YES**
An area is to be nominated for on-site composting.	Satisfactory.	**YES**
4C.10 MATERIALS AND FINISHES		
External walls must be constructed of high quality and durable materials and finishes.	High quality materials are proposed, however the materials and finishes proposed are not suitable for the HCA.	**NO (reasons for refusal 2, 3)**
Large, unbroken expanses of any single material and finish (rendered or not) to building facades must be avoided.	Large expanses of render are proposed that are not adequately broken up.	**NO (reasons for refusal 2, 3)**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
New development is to avoid extensive use of highly reflective or gloss materials on the exterior of buildings.	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 painted brick finish is integral to the building façade design.	**YES**
COLOURS		
The selection of a colour scheme for new development and in the restoration of existing facades is to comply with the guidelines in control 8.	The colours of white painted brick and render and the black roof and black aluminium doors and windows are not suitable for the conservation area.	**NO (reasons for refusal 3, 4)**

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 19 – Heritage and Conservation Areas

The site is within a heritage conservation area and is within 100 metres of other heritage item/s at Nos. 3 and 4 Lindel Place Lindfield, No. 31 Beaconsfield Parade and Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14 and 21 Frances Street but is not listed as a heritage item.

Council's Heritage Advisor is of the view the proposed development will have an adverse and unacceptable impact on the existing streetscape and the Frances Street Heritage Conservation Area. These issues form recommended reasons for refusal.

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 2m from any boundary	The proposal seeks basement parking for both dwellings which is not consistent with the topography of the site. The ground levels are not maintained within 2 metres of the site boundaries.	**NO (reasons for refusal 1, 2, 6)**

• 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		
Dwelling houses Excavation within building footprint must not exceed 1m • 0.9m maximum fill • 1.8 m maximum level difference across the building footprint • Retaining walls maximum 0.9m above NGL	Excavation for basements is proposed resulting in more than 1 metre of excavation.	**NO (reasons for refusal 1, 2)**
21.2 – Landscape Design		
Appropriate and sensitive site planning and design Existing appropriate screen planting is retained	Unsatisfactory landscape plan provided.	**NO (reasons for refusal 6, 10)**

Part 24 – Water management

Council's Team Leader Development Engineers is satisfied that the proposed development has been designed to manage urban stormwater as per the requirements of the DCP, subject to conditions. These conditions would be included in the recommendation if the application was recommended for approval.

Low Rise Housing Diversity Design Guide

Ku-ring-gai Council is yet to develop its own specific controls for dual occupancy development outside of those sites nominated under Schedule 1 of the KLEP. However, as detailed earlier in this report, the Part 4 controls in the KDCP are used as a guide to the merit assessment of dual occupancy developments.

To further assist Council, the NSW Government has developed the "Low Rise Housing Diversity Design Guide" (Guide) which contains best practice controls and design standards to assist with the assessment of development applications for low rise diverse housing development including dual occupancy (detached). Section 2.1 of the Guide contains Objectives and Design Criteria for development that contains two dwellings that are located side by side. The table below considers the proposed development against the relevant design criteria in Section 2.1 of the Guide.

Section 2.1A Building Envelopes		
Design Criteria	**Proposed**	**Complies**
The maximum building height as specified in the LEP.	The KLEP specifies a maximum building height of 9.5 metres.	**YES**

	The proposal has a maximum building height of 8.6 metres.	
2. The maximum number of storeys excluding basements is 2	The proposal are 2 storey dwellings above their basements.	**YES**
3. Refer to the DCP for front setback or envelope controls	The proposal does not comply with the front setback development controls in Part 4A.2 of the KDCP.	**NO (reasons for refusal 1, 2, 3, 5)**
9. Refer to the DCP for side setback or envelope controls.	Complies.	**YES**
11. Refer to DCP for rear setback or envelope controls.	DCP requires a 10.6 metre rear setback. The proposed dwellings are setback 8.4 meters from the rear boundary	**NO (reasons for refusal 1, 3, 4, 5)**
Section 2.1B Gross Floor Area/Floor Space Ratio		
14. The floor space ratio / gross floor area as specified in the LEP.	The relevant FSR control is in the SEPP and the FSR complies.	**YES**
Section 2.1C Landscaped Area		
15. Where the LEP or DCP does not contain a minimum landscaped area the minimum landscaped area is: 50% of the parent lot area minus 100m².	The minimum required landscaped area is 563m^2. The proposal has approximately 391.5m²..	**NO (reasons for refusal 5, 6, 7)**
16. The minimum dimension of any area included in the landscaped area calculation is 1.5 metres.	Satisfactory	**YES**
17. At least 25% of the area forward of the building line is to be landscaped area. At least 50% of the required landscaped area must be behind the building line.	Minimum landscape area required: 77.8m² Proposed: 151.7m² Minimum area behind building line required: 281.5m² Proposed: 239.8m² (42%)	**YES** **NO (reason for refusal 5, 6, 7)**
18. An ongoing maintenance plan is to be provided as part of the landscape plan.	Satisfactory.	**YES**
20. If the DCP does not specify tree planting of a particular size or species the following is to be provided: • Front: 1 tree with mature height of 5 metres if primary road setback is greater than 3 metres. • Rear: 1 tree with mature height of 8 metres.	Satisfactory	**YES**

21. Mature trees are to be retained, particularly those along the boundary, (except those where approval is granted by Council for their removal).	Satisfactory	**YES**
22. Landscape features including trees and rock outcrops are to be retained where they contribute to the streetscape character or are located within the rear setback	Satisfactory	**YES**
23. The landscape plan proposes a combination of tree planting, for shade, mid height shrubs, lawn and ground covers.	Satisfactory	**YES**
24. The landscape plan indicates that at least 50% of the overall number of trees and shrubs are species native to the region.	The proposal is within a HCA and therefore the plant species are acceptable on merit.	**NO (variation accepted)**
2.1D Local Character and Context		
25. Provide a description in the Design Verification Statement how the built form of the development contributes to the character of the local area, using the guidance in Section 3D Local Character and Context.	The application is not accompanied by a Design Verification Statement.	**NO (reason for refusal 5)**
2.1E Public Domain Interface		
26. The front door of each dwelling is to be directly visible from the public street.	The door to both dwellings is visible from Frances Street.	**YES**
27. Windows from habitable rooms are to overlook the public domain.	Dwellings 15A and 15 provide windows which have sightlines to Frances Street.	**YES**
29. Front fences: • Are visually permeable (no more than 50% of the allowable fence area will be solid masonry, timber or metal). • Average height no greater than 1.2 metres. • Have a consistent character with other front fences in the street. • Are not to be constructed of solid metal panels or unfinished timber palings.	The fence is visually permeable and does not exceed 1.2 metres in height. The proposed materials are not consistent with the character of the street.	**NO (reasons for refusal 3, 5)**
2.1F Pedestrian and Vehicle Circulation		
33. Vehicle circulation complies with AS2890.1.	Vehicle circulation complies with AS2890.1.	**YES**
2.1G Orientation, Siting and Subdivision		
42. The dwelling frontage is to be at least 5 metres.	Lot frontages exceed 5 metres.	**YES**
44. A window that is more than 3 metres from the boundary to a living room of an adjoining dwelling is to receive more than 3 hours of direct sunlight between 9am and 3pm on the winter solstice (June 21). If the	Satisfactory.	**YES**

window currently receives less than 3hrs - direct sunlight is not reduced. Note: Direct sunlight is measured consistent with Design Criteria 51 and is only required to one window serving the living room.		
49. All lots must have access to reticulated water, sewer, electricity, telecommunications and where available, gas.	If the subject application was recommended for approval, a condition of consent would be recommended to ensure adequate servicing for both dwellings.	**YES**
2.1H Solar and Daylight Access		
51. A living room or principal private open space in each dwelling is to receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the winter solstice (June 21).	Satisfactory.	**YES**
53. No part of a habitable room is more than 8 metres from a window.	Satisfactory.	**YES**
54. No part of a kitchen work surface is more than 6 metres from a window or skylight.	Kitchens from Dwellings 15A and 15 each contain a window.	**YES**
56. A window is visible from 75% of the floor area of a habitable room.	Habitable rooms for both Dwellings 15A and 15 provide visibility to a window.	**YES**
2.1I Natural Ventilation		
57. All habitable rooms are naturally ventilated.	All habitable rooms are naturally ventilated for Dwellings 15A and 15.	**YES**
58. Each dwelling is naturally cross ventilated.	Dwellings 15A and 15 contain measures for natural cross ventilation, including windows on opposite walls.	**YES**
2.1J Ceiling Height		
59. Minimum ceiling heights are: • 2.7m to ground floor habitable rooms. • 2.7m to upper level living rooms. • 2.4m to upper level habitable rooms (excluding living rooms). The ceiling height is measured from finished floor level to finished ceiling level.	Floor-to-ceiling heights equate to 3.4 metres for the ground floor and 3 metres for the first floor for Dwellings 15A and 15.	**YES**
2.1K Dwelling Size and Layout		
60. Dwellings are to have the following minimum internal floor areas: • 1 bed 65m² • 2 bed 90m² • 3+ bed 115m²	A minimum internal floor area of greater than 115m^2 is achieved for Dwellings 15 and 15A which propose 6	**YES**

	bedrooms for each dwelling.	
63. Kitchens are not part of a circulation space, such as a hallway	Kitchens are separate and do not form part of a hallway.	**YES**
64. One bedroom has a minimum area of 10m², excluding wardrobe space.	Bedroom 1 for each dwelling complies.	**YES**
65. Bedrooms have a minimum length and width of 3 metres, excluding wardrobe space.	Satisfactory.	**YES**
66. Combined living and dining rooms have a minimum area of: • 1 and 2 bed 24m² • 3+ bed 28m²	Open plan living areas provide more than 28m^2 of floor area.	**YES**
67. Living room or lounge rooms are to have a minimum length and width of 4 metres, excluding fixtures.	Compliant dimensions are provided to each living room for Dwellings 15A and 15.	**YES**
2.1L Principal Private Open Spaces		
68. The area of principal private open space provided for each dwelling is at least 16m² with a minimum length and width of 3 metres.	Satisfactory.	**YES**
69. The principal private open space (POS) is located behind the front building line.	Satisfactory.	**YES**
70. The principal private open space is located adjacent to the living room, dining room or kitchen to extend the living space.	Satisfactory.	**YES**
71. 25% of the private open space is to be covered to provide shade and protection from rain.	Satisfactory.	**YES**
2.1M Storage		
72. In addition to storage in kitchens and bedrooms, the following storage with a minimum dimension of 500 millimetres is provided: • 1 bed 6m³ • 2 bed 8m³ • 3+ bed 10m³	Satisfactory.	**YES**
2.1N Car and Bicycle Parking		
75. Car parking is to be provided at the rate required for a dual occupancy within the DCP that applies to the land. If there is no rate in the DCP - 1 space per dwelling is to be provided.	The minimum of 2 on-site carparking spaces is provided for Dwellings 15A and 15.	**YES**
76. Car parking spaces and circulation are to comply with AS 2890.1:2004.	Vehicle circulation complies with AS2890.1	**YES**
77. Covered space is to be provided for the secure storage of at least 1 bicycle per dwelling.	Satisfactory.	**YES**
2.1O Visual Privacy		
84. Orientate living room windows, primary private open space to the street front or rear.	Lounge room windows are orientated to provide sightlines to the public domain.	**YES**

85. At least one window for each habitable room is provided without the need for a privacy screen.	A window has been provided to each habitable room without privacy screens.	**YES**
89. Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* either within or at the boundaries of any property at any time of the day.	If the subject application were recommended for approval, a condition of consent would be recommended to ensure compliance with this Design Criteria.	**YES**
2.1R Architectural Form and Roof Design		
92. Provide in the Design Verification Statement a description as to how the architectural form reduces the visual bulk and provides a cohesive design response	A Design Verification Statement does not accompany the subject application, and the proposal is not considered to reduce visual bulk.	**NO (reason for refusal 5)**
93. Provide in the Design Verification Statement how the roof design integrates harmoniously with the overall building form	A Design Verification Statement did not accompany the application.	**NO (reason for refusal 5)**
2.1S Visual Appearance and Articulation		
95. Provide in the Design Verification Statement a description as to how the aesthetics and articulation contribute to the character of the local area.	A Design Verification Statement did not accompany the application.	**NO (reason for refusal 5)**
96. The development may have a primary road articulation zone that extends up to 1.5 metres forward of the minimum required setback from the primary road and a secondary road articulation zone that extends up to 1 metre forward of the minimum required setback from the secondary road.	For Dwellings 15A and 15, the incursion into the front setback is 2 metres.	**NO (reasons for refusal 1, 2, 3, 5, 7)**

2.1U Energy Efficiency		
106. An outdoor area for clothes drying that can accommodate at least 16 lineal metres of clothesline is provided for each dwelling	There is insufficient information to confirm the location of a clothesline per dwelling.	**NO (reason for refusal 5)**
2.1V Water Management and Conservation		
108. A stormwater system must: • Comply with requirements in the DCP that applies to the land. • Be approved (if required) under s.68 of the Local Government Act 1993.	Satisfactory.	**YES**
109. Detention tanks are to be located under paved areas, driveways or in basements.	OSD is proposed under the alfresco areas for Dwellings 15A and 15.	**YES**
2.1W Waste Management		
110. Provide storage space for the type and number of bins designated in Council's waste policy.	There is sufficient area within the basement for bin storage.	**YES**

Ku-ring-gai Contributions Plan 2023

The development attracts a section 7.12 contribution. If the Panel is of a mind to approve the application, it is recommended a condition requiring payment of the required contribution to be included in the determination.

Housing and Productivity Contribution

The development, if approved, would attract a contribution under the Housing and Productivity Contribution requirement.

REGULATION

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

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

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

PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by the Panel ensuring that any adverse effects on the surrounding area and the environment are minimised. The proposal has been assessed against the relevant environmental planning instruments and is deemed to be unacceptable as detailed throughout the report and recommended reasons for refusal.

CONCLUSION

Having regard to the provisions of section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory for the reasons advanced in the recommendations of this report.

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 eDA0442/25 for demolition of existing structures and the construction of a dual occupancy (detached), associated civil and landscaping works and Torrens title subdivision at 15 Frances Street, Lindfield for the following reasons:

1. Uncharacteristic Built Form

The proposed dual occupancies will result in uncharacteristic built form within Frances Street and will have an adverse impact on the local heritage streetscape character.

Particulars:

a) The proposed design of the dual occupancy is not compatible with the existing streetscape as it introduces an architectural style and theme that is not characteristic of the Frances Street Heritage Conservation Area. As such, the proposal is inconsistent with Objectives 1, 2 (i), 2(ii) and 3 of Part 4A.1 of the Ku-ring-gai Development Control Plan (KDCP).

b) The proposal does not integrate with the existing streetscape through the introduction of a three storey development that is out of scale with the adjoining development. This is contrary to Part 4A.1 objectives 1, 2(i) and 2 (ii).

c) The proposal seeks a front setback of 10 metres which is inconsistent with the setbacks within the existing streetscape and this will result in the development having an adverse impact on the existing heritage streetscape and landscaping provisions and is contrary to the objectives 1, 2 (i) and 2 (iii) under Part 4A.2 of the KDCP and objectives 1, 3 and 4 of Part 4A.3 of the KDCP.

d) The lack of articulation to the development and the uncharacteristic design will result in two bulky dwellings which will dominate the streetscape. This is exacerbated due to the fact the site is located on the high side of the street and the development includes basements which further elevates the dwellings. The proposal is inconsistent with

objectives 1, 2, and 3 of Part 4C.1 of the KDCP and objectives 1, 2 and 3 of Part 4C.2 of the KDCP.

e) The proposed dwellings each have 61.38% built upon area which exceeds the 40% requirement under the KDCP Part 4A.3. This results in excessive site coverage and a reduced opportunity for landscaping which is inconsistent with the existing built form in the locality and objectives 1, 2, 3, 4 and 6 of Part 4A.3 of the KDCP.

f) The proposal includes a basement which is not characteristic of the dwellings within the locality and is not consistent with objectives 1, 2, 8 and 9 of Part 4C.1 of the KDCP.

g) The inclusion of the basement parking is contrary to the provisions under Part 4B.3 of the KDCP and will result in excavation within the front setback area, a three storey appearance for the proposed dwellings and an adverse impact on the existing streetscape. The proposal does not meet objectives 1, 3, 5, 6 and 7 of Part 4B.3 of the KDCP.

2. Excessive bulk and scale

The proposed development presents as two dwellings with a three-storey street presentation to Frances Street and will create an overbearing effect on the streetscape.

Particulars:

a) The box-like presentation of the two dwellings facing Frances Street on the high side of the street will have a dominating effect over the existing streetscape and as such is not consistent with objectives 1, 2, 3 and 8 of Part 4C.1 of the KDCP.

b) The proposal includes significant excavation for the basement which contributes to the bulk and overbearing scale of development on the streetscape. The development is not consistent with objectives 2 and 9 of Part 4C.1 of the KDCP.

c) The proposal will result in two, three storey dwellings fronting Frances Street. The basements add significant bulk and scale to each dwelling when viewed from Frances Street. Frances Street is characterised by single and two storey dwellings. This is not consistent with objectives 1 and 2 of KDCP Part 4C.2.

d) The walls facing the side boundaries for both proposed dwellings are not adequately articulated and propose one consistent length of wall for the upper floors which will have an overbearing effect on the adjoining properties and is inconsistent with objectives 1, 2 and 3 of Part 4C.2 of KDCP and objectives 1 and 2 of Part 4C.3 of the KDCP.

e) The proposed white colour to the painted brickwork of the building façade does not minimise bulk and is inconsistent with objective 1, 2 and 3 of Part 4C.2 of the KDCP and objectives 1, 2 and 4 of Part 4C.10 of the KDCP.

f) The proposed setback to the upper floor of Lot 15A is likely to result in overlooking from the multi-functional room to the private open space of the dwelling to the north-east, No. 17 Frances Street, and is therefore contrary to objectives 1 and 2 of Part 23.8 of the KDCP.

3. Failure to have regard for the Heritage Conservation Area

The proposed development does not have regard for Part 19 of the KDCP which requires contributory dwellings to integrate into the established character of the area and respect the form, scale and character of adjacent or nearby dwellings.

Particulars:

a) The proposal involves subdivision of an allotment of land, which contains one of the earliest dwellings in the conservation area, representing the late nineteenth century subdivision pattern. Subdivision of the land is not considered to meet objectives 1, 2 and 3 of Part 19A.1 of the KDCP; objectives 2 and 4 of Part 3A.1 of the KDCP and objective 5 of Part 3A.3 of the KDCP.

b) The subject dwelling and its landscape setting is contributory and its removal will be detrimental to the conservation area and will lead to incremental erosion of the character of the streetscape and area; as such the proposal does not meet objective 1 of Part 19B.1 of the KDCP.

c) The proposed dwellings are monolithic and lack articulation in their form and footprint which is contrary to the provisions and objectives 1 and 2 of Part 19C.1 of the KDCP and will have an adverse impact on the Frances Street Heritage Conservation Area.

d) The arched windows and two-storey entrance portico with triangulated entablature is uncharacteristic of the streetscape and conservation area and contrary to the provisions and objectives 4, 5 and 6 under Part 19C.1 of the KDCP.

e) The proposal will be located forward of the existing dwelling that is proposed for demolition and all adjacent development and as such is contrary to the objectives 1, 3 and 4 under Part 19C.2 of the KDCP.

f) The rear setbacks to the heritage item at the rear of the site are minimal and the introduction of an unarticulated, two storey form in this location will adversely change the setting and views from the adjacent heritage item which is contrary to objective 2 of Part 19F.2 of the KDCP.

g) The proposed side setbacks are minimal and show little variation at first floor level, which contributes to an inappropriate form that lacks articulation and is contrary to objectives 1 and 3 of Part 19C.2 of the KDCP.

h) The proposal is inadequate in terms of landscaping both in terms of retaining existing vegetation and the garden layout and enhancing the character of the streetscape and is contrary to objectives 1, 2, 3 and 4 of Part 19C.3 of the KDCP.

i) The proposed basement design is uncharacteristic of the conservation area and streetscape and the presentation of the same is exacerbated through their duplication which is contrary to objectives 6, 7, 9 under Part 19C.4 and objectives 5, 9 and 10 under Part 19C.5 of the KDCP.

j) The proposed colours and materials do not respond to the contributory characteristics of the conservation area. The use of unprofiled, black roof tiles, white painted bricks and black aluminium doors and windows is not suitable for dwellings within the heritage conservation area, and such are contrary to the provisions and objectives 2, 3 and 5 of Part 19C.5 of the KDCP.

k) The design-related issues are exacerbated through the duplication of the dwellings.

4. Adverse Impacts on the adjacent heritage item

The proposed development will have an adverse impact on the heritage item, No. 3 Lindel Place Lindfield, located at the rear of the subject site.

Particulars:

a) The rear setbacks combined with the introduction of a rear two storey form that does not contain any articulation will adversely change the setting and views from the adjoining rear heritage item, No. 3 Lindel Place Lindfield. This fails to meet Part 19F.1 of the KDCP objectives 3, 4, 5, 6 and 7.

b) The side setback landscaped area is insufficient to provide adequate landscaping to the side boundaries and as such is contrary to objective 1 of Part 19F.3 of the KDCP.

5. Failure to consider the Low-Rise Housing Diversity Design Guide for Development Applications

The proposed development fails to demonstrate its consideration of the Low Rise Housing Diversity Design Guide for Development Applications and will have an adverse impact on the amenity of the surrounding low density residential development.

Particulars:

a) The development application was not accompanied by an assessment against the Low-Rise Housing Diversity Design Guide for Development Applications (Design Verification Statement).

b) The proposal fails to demonstrate compliance with and consideration for the following sections and associated Design Criteria within the Low-Rise Housing Diversity Design Guide for Development Applications.

i. Section 2.1A Building Envelopes. Design Criteria 3.
ii. Section 2.1C Landscaped Area. Design Criteria 15, 17
iii. Section 2.1D Local Character and Context. Design Criteria 25
iv. Section 2.1E Public Domain Interface. Design Criteria 29
v. Section 2.1R Architectural Form and Roof Design. Design Criteria 92, 92
vi. Section 2.1S Visual Appearance and Articulation. Design Criteria 95, 96
vii. Section 2.1U Energy Efficiency. Design Criteria 106

6. Adverse landscape character impacts

The proposal does not supply sufficient soft landscaping to the development and will adversely impact on the amenity of the locality and the existing streetscape.

Particulars:

a) The proposal does not provide sufficient tall landscaping between the proposed development and the side boundaries, which is contrary to Objectives 1 and 3 of Part 4A.4 of the KDCP.

b) The landscape design is insufficient to provide adequate landscaping to the side boundaries and provide landscaping screen planting. The proposal is therefore

contrary to objective 4 of Part 19C.3 of the KDCP, objective 2(iii) objective 1 of Part 19F.3 of the KDCP.

c) The ground level is not maintained within 2 metres of the side boundaries and retaining walls are proposed in the north-eastern boundary of Lot 15A and south-eastern boundary of Lot 15. These setbacks and retaining walls do not allow sufficient space for landscape planting and screen planting to the neighbouring properties. This is contrary to objectives 1 and 9 of Part 21.1 of the KDCP and objectives 2, 4, and 5 of Part 21.2 of the KDCP.

7. Excessive built upon area and insufficient landscaped area

The proposal results in excessive built upon area for Lot 15A and Lot 15 both over the entire sites and within the front setback area.

Particular:

a) The proposal has 61.38% BUA for Lot 15A and 61.38% BUA for Lot 15 which is non-compliant with Control 3 in Part 4A.3 of the KDCP which permits 40% BUA.

b) The proposal has 37.3% BUA within the front setback, the provisions of the KDCP Control 4 of Part 4A.3 allow for 30%.

c) The proposed development on this site is excessive and inconsistent with the local built and landscape character along Frances Street. Consequently, the proposal is inconsistent with Objectives 1, 2, 3, 4 and 8 of KDCP Part 4A.3.

d) Section 2.1C (DC 15) of the Low Rise Housing Diversity Design Guide for Development Applications specifies a minimum of 50% of the parent lot minus 100m² should be landscaped. For the subject application this equates to 563m² of required landscaping, the proposal has 391.5m². This is inconsistent with Objective 2.1C-1 of the Guide.

e) Section 2.1C (DC 17) of the Low Rise Housing Diversity Design Guide for Development Applications specifies 50% of the required landscaping must be behind the building line. The proposal has 42% landscaping behind the building line and is inconsistent with Objective 2.1C-1 of the Guide.

8. The proposal is not in the public interest

The development application is not considered to be in the public interest.

Particular

a) The Development Application was notified in accordance with the Ku-ring-gai Community Participation Plan. The Development Application should be refused having regard to the matters set out in the submissions, which Council has received to the extent that those matters are relevant to the reasons for refusal outlined above or the Ku ring gai Local Planning Panel finds determinative of the Development Application. The Development Application is not considered to be in the public interest.

9. Inadequate information to permit an assessment under the KDCP

There is insufficient information to conduct a comprehensive assessment against the KDCP.

Particulars:

a) There is no information on the material of the fence that addresses the heritage item (rear fence).

b) The proposal requires a driveway longitudinal section and any necessary cross-sections prepared by a suitably qualified civil/traffic engineer clearly demonstrating that the driveway for both site access complies with Australian Standards 2890.1 -2004 ‘’Off Street car parking”. The design is to include any retaining structures and battering proposed within the road reserve as well as design details for Council’s standard layback profile. This is to satisfy the relevant controls and objectives under Part 3A.5 of the KDCP.

c) The application fails to provide details on the setback between the telegraph pole and the driveway crossing. Advice from the utility provider as to the location of the existing power pole needs to be provided to Council to determine the setback is acceptable.

10. Insufficient information in the landscape design

The proposal fails to satisfy the relevant objectives and controls under Part 4A.2, and Part 19C.3 and 19F.3, 21.1 and 21.2 of the KDCP.

Particulars:

a) Insufficient side setbacks contrary to Control 12 and 13 of Part 4A.2 and Part 19 of the KDCP are proposed, as the setbacks are unable to provide 1.1 metres of landscaping with planting capable of achieving 3-4 metres in height plus an accessible path. Additionally, planting species within the north-eastern boundary setback are unable to achieve the required 3-4 metres in height.

b) Existing ground level has not been maintained for 2 metres from the side boundaries with driveway excavation as retaining walls proposed to the north-eastern boundary of Lot 15A and south-eastern boundary to Lot 15. Side setbacks are to be increased and retaining walls set a minimum of 1.1 metres from side boundaries to retain existing levels and planting to neighbouring properties, and allow for planting on site.

c) The proposed cut to driveways and associated retaining walls (top of wall levels) are not indicated on the landscape plans.

d) The location of the rear stairs of Lot 15 do not allow for landscaping between the stairs and the boundary which is contrary to Part 4A.2 of the KDCP.

11. BASIX inconsistencies

The proposal is inconsistent with the submitted BASIX certificate.

Particulars

a) BASIX Certificate 1803859M_02 dated 11/07/2025 is submitted with the application and requires a maximum pool volume of 50m² for each dwelling. The proposed architectural plans do not indicate a pool volume.

b) The aforementioned BASIX Certificate requires a photovoltaic system to be installed and connected to the dwellings electrical system. The architectural plans do not show the location of the required photovoltaic panels or system.

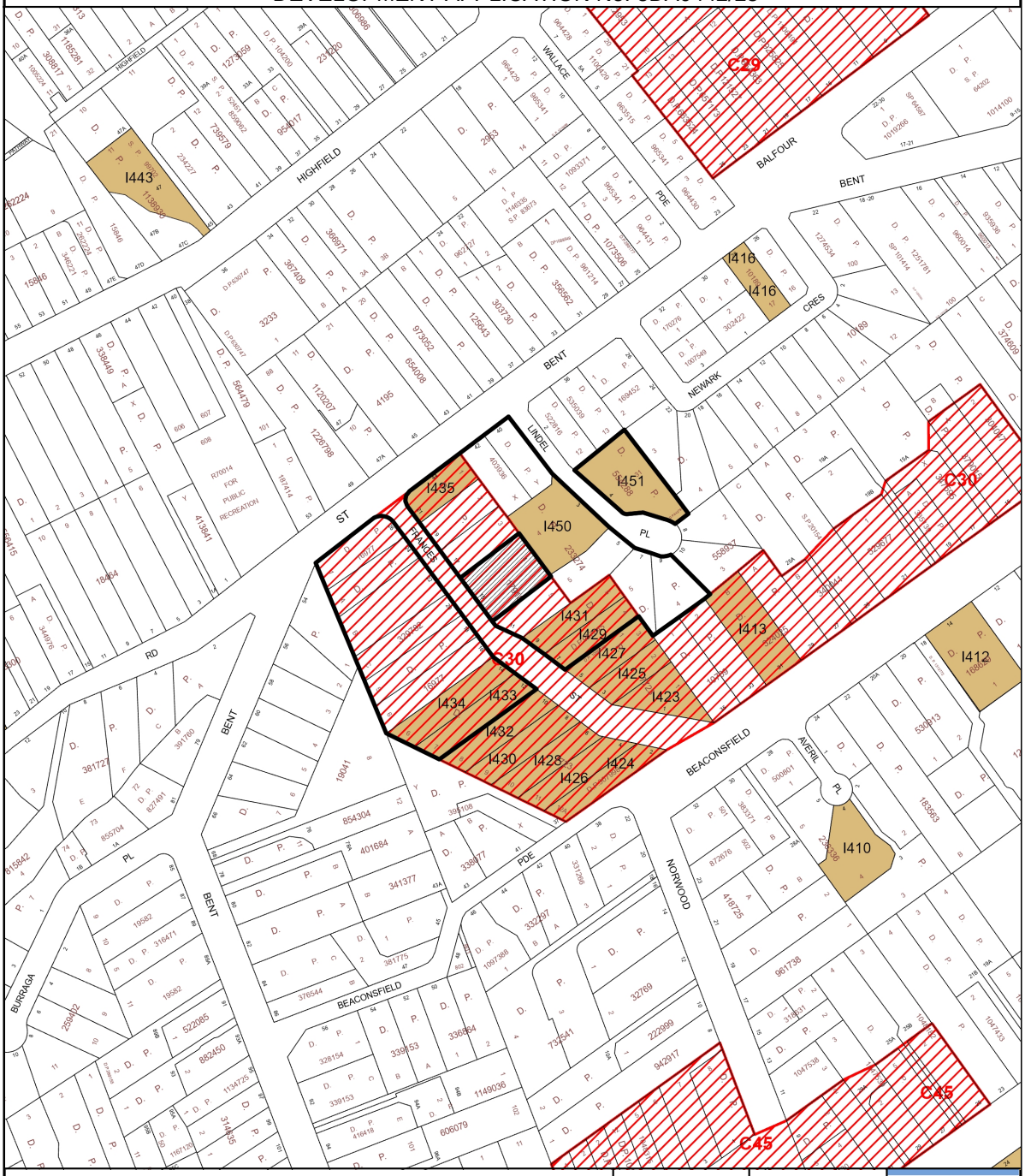
c) The proposal is inconsistent with the landscape outcomes within the BASIX Certificate as the indigenous/ low water areas are not indicated on the plans. Lot 15 and Lot 15A both require 150m² of indigenous/low water use planting per lot.

d) In the absence of an adequate BASIX certification, the proposal is inconsistent with Section 27 'BASIX Development' of the *Environmental Planning and Assessment Regulation 2021*.

LOCATION SKETCH

15 Frances Street LINDFIELD NSW 2070

DEVELOPMENT APPLICATION No. eDA0442/25



Legend

- SUBJECT LAND
- CIRCULATED AREA
- HERITAGE ITEM
- CONSERVATION AREA

Scale 1 : 3000

07/01/2026

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

60 0 30 60

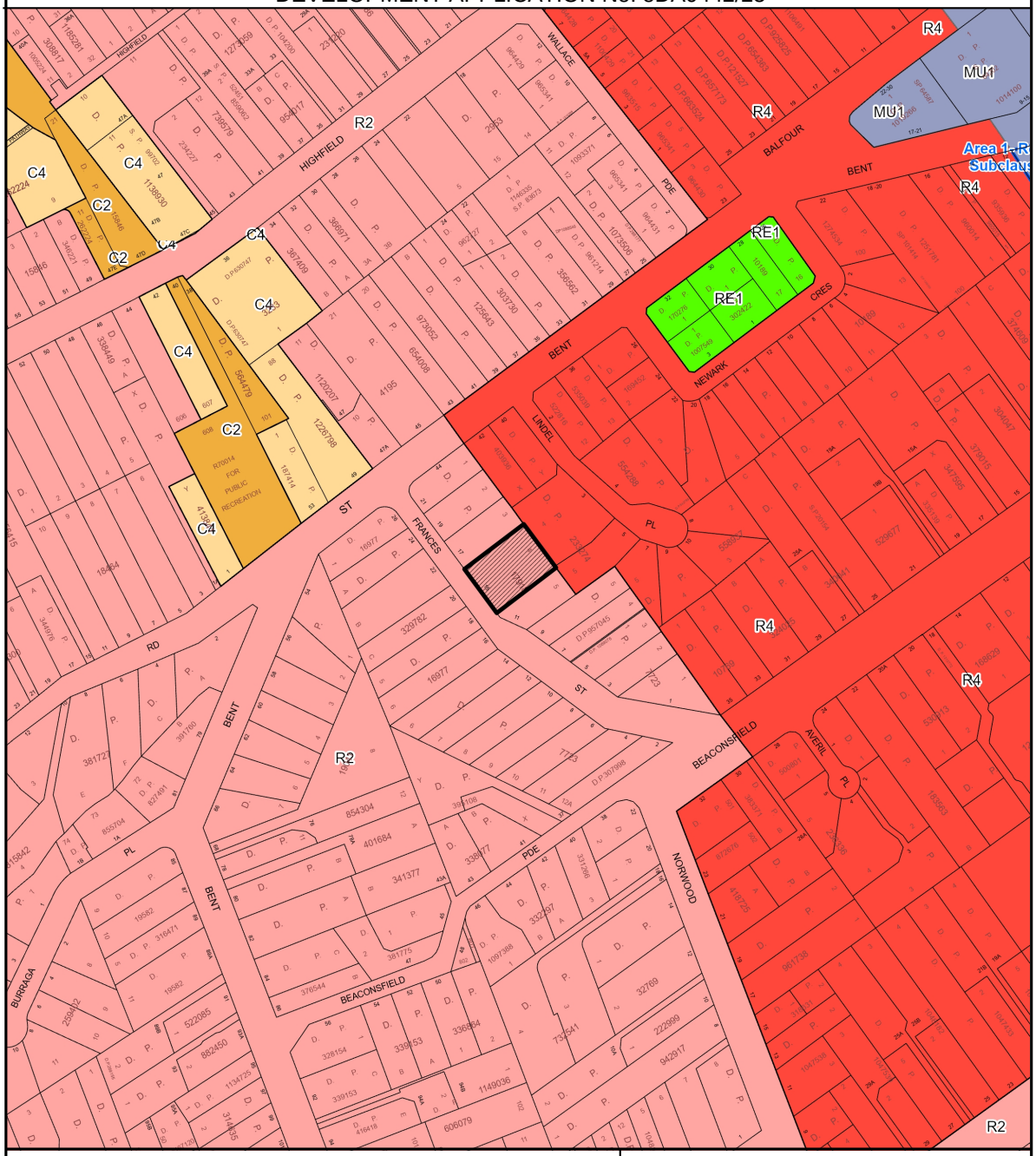
Meters

Ku·ring·gai Council

KU-RING-GAI LEP 2015 ZONING EXTRACT

15 Frances Street LINDFIELD NSW 2070

DEVELOPMENT APPLICATION No. eDA0442/25



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 : 3000

Date: 07/01/2026

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NORTH

0 60 120

Meters

Ku·ring·gai Council

SUBSET	DRAWING No.	DESCRIPTION
0 GENERAL	001	COVER PAGE
0 GENERAL	002	BASIX COMMITTMENTS
0 GENERAL	003	SITE ANALYSIS
0 GENERAL	004	SURVEY
0 GENERAL	005	DEMOLITION PLAN
0 GENERAL	006	TREE REMOVAL PLAN
0 GENERAL	007	TREE PROTECTION PLAN
0 GENERAL	008	SUBDIVISION PLAN
0 GENERAL	009	NEIGHBOURHOOD SETBACK ANALYSIS
0 GENERAL	010	STREETSCAPE ELEVATION
0 GENERAL	011	SITE PLAN - GROUND FLOOR
0 GENERAL	012	SITE PLAN - LEVEL 1
0 GENERAL	013	GFA CALCULATION
0 GENERAL	014	BUILT-UPON AREA DIAGRAM
0 GENERAL	015	LANDSCAPE & DEEP SOIL CALCULATION
0 GENERAL	016	P.O.S CALCULATION
0 GENERAL	017	SHADOW DIAGRAM
0 GENERAL	018	SUN EYE DIAGRAM - PROPOSED
0 GENERAL	019	9.5m HEIGHT LIMIT DIAGRAM
0 GENERAL	020	BASEMENT 1M BELOW NGL DIAGRAM
1 PLANS	101	BASEMENT PLAN
1 PLANS	102	GROUND FLOOR PLAN
1 PLANS	103	LEVEL 1 PLAN
1 PLANS	104	ROOF PLAN
2 ELEVATION	201	NORTH & SOUTH ELEVATIONS
2 ELEVATION	202	WEST & EAST ELEVATIONS
2 ELEVATION	203	FRONT FENCE ELEVATION
3 SECTION	301	SECTION A & B
3 SECTION	302	SECTION C
4 SCHEDULE	401	MATERIAL SCHEDULE
4 SCHEDULE	402	WINDOW SCHEDULE
4 SCHEDULE	403	DOOR SCHEDULE



15 FRANCES ST, LINDFIELD
TWO-STOREY DETACHED DUAL OCCUPANCY
DEVELOPMENT APPLICATION

SITE AREA: 1326.7m²
PROPOSED GFA: 858.54 m²
PROPOSED FSR: 0.64:1

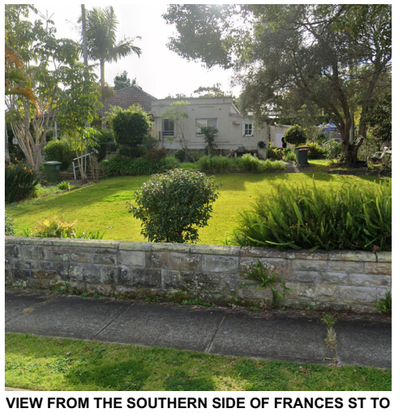




VIEW TO THE EXISITNG BUILDING ENTRY OF THE SITE



VIEW FROM THE NORTHERN SIDE OF FRANCES ST TO SITE



VIEW FROM THE SOUTHERN SIDE OF FRANCES ST TO SITE

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Project Partners

Refer to consultant documentation when directed

Heritage	WEIR PHILLIPS HERITAGE
Landscape Architect	ZENITH LANDSCAPE
Stormwater Engineer	JCO CONSULTANTS
Basix	ECO CERTIFICATES
Town Planner	GYDE
Geotechnical Engineer	ELITE GEOSCIENCES
Surveyor	ISA SURVEYORS

RevID	Transmittal Set Date	Approved by	Rev. Note
A	9/07/2025	TZ	ISSUE FOR DA

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Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

PAPER A3

1:500

DRAWING TITLE :

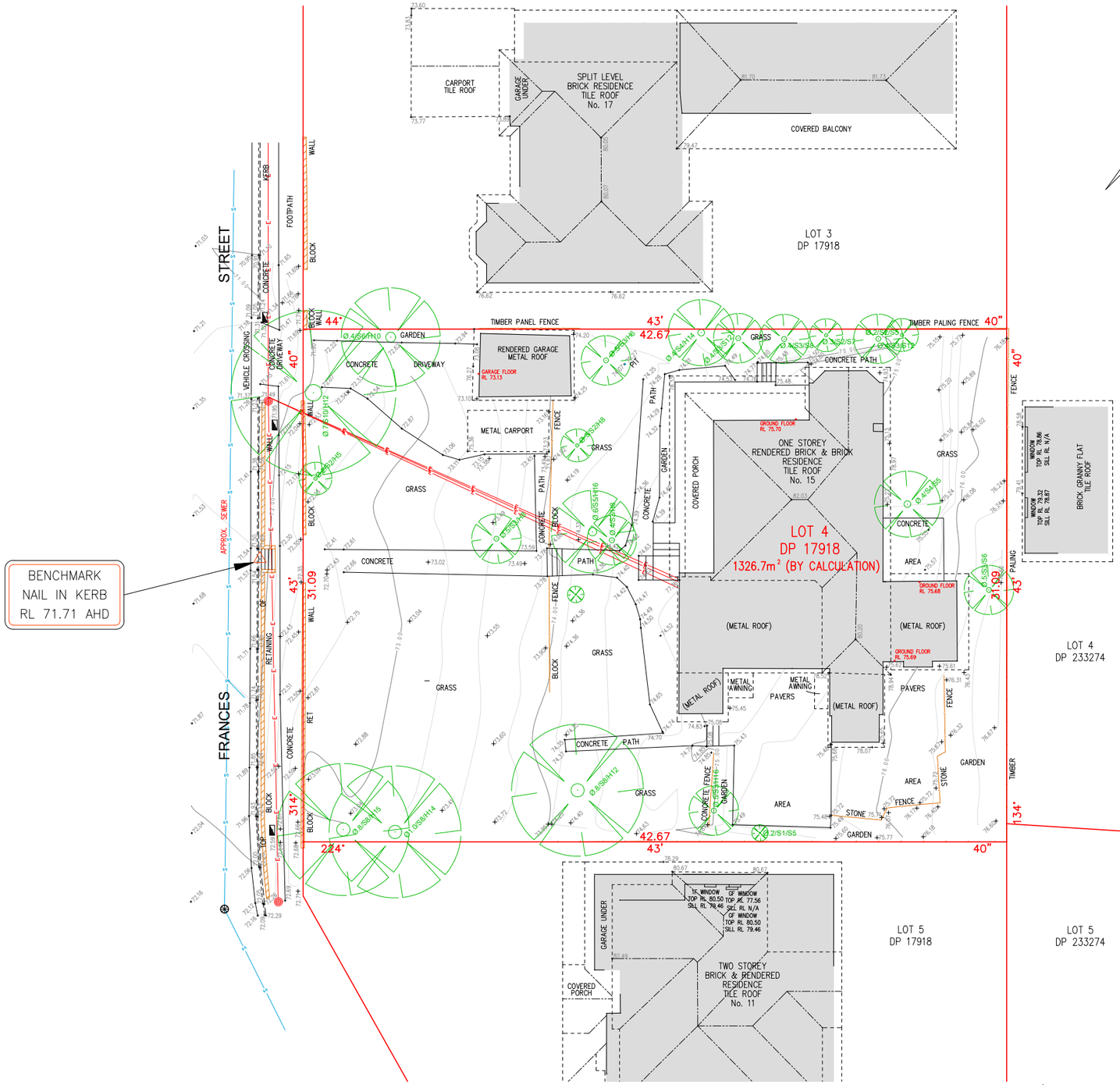
GENERAL
SITE ANALYSIS

PROJECT NAME :

15 FRANCES ST, LINDFIELD

REVISION NO. A

DRAWING NO. 003



NOTE:

DETAIL SURVEY HAS BEEN CARRIED ON 20/11/2024.

BOUNDARIES HAVE NOT BEEN LOCATED BY SURVEY AND ARE APPROXIMATE RELATIVE TO THE DETAIL SURVEY.

ALL DIMENSIONS AND AREAS HAVE BEEN COMPILED FROM DEPOSITED PLAN MADE AVAILABLE BY NSW LAND REGISTRY SERVICES. IT HAS BEEN PLOTTED AS REQUIRED UNDER *DIVISION 1, SECTION 9.(1)* OF THE "*SURVEYING AND SPATIAL INFORMATION REGULATION 2017*".

PRIOR TO ANY DESIGN OR CONSTRUCTION WORK, WHICH RELIES ON CRITICAL SETBACKS FROM THE STREET OR BOUNDARIES, SURVEY MARKS SHOULD BE PLACE TO DEFINE THE PROPERTY BOUNDARIES.

NO INVESTIGATION OF UNDERGROUND SERVICES HAVE BEEN CONDUCTED. SERVICES SHOWN HAVE BEEN PLOTTED FROM 'DIAL BEFORE YOU DIG' (DBYD) AND ARE INDICATIVE ONLY. OTHER SERVICES MAY EXIST WHICH ARE NOT SHOWN. CONFIRMATION OF THE EXACT POSITION SHOULD BE MADE PRIOR TO ANY EXCAVATION WORK.

ORIGIN OF LEVELS ON A.H.D. IS TAKEN FROM SSM 163254 WITH RL 72.63 (AHD).

RIDGE AND GUTTER HEIGHTS HAVE BEEN OBTAINED BY INDIRECT METHOD AND ARE ACCURATE TO ± 0.05m.

CONTOURS ARE INDICATIVE ONLY. EXCEPT AT SPOT LEVELS SHOWN THEY DO NOT REPRESENT THE EXACT LEVEL AT ANY PARTICULAR POINT. ONLY SPOT LEVELS SHOULD BE USED FOR ACCURATE CALCULATION.

FOR ANY POSITIVE COVENANTS AND RESTRICTIONS, NO FURTHER INVESTIGATIONS CARRIED OUT INTO CONTENT OF THE DEALING.

DP17918

DIAL BEFORE YOU DIG www.1100.com.au

ISA SURVEYORS

NOTE:
INFORMATION CONTAINED IN THIS PLAN IS THE COPYRIGHT OF ISA SURVEYORS PTY LTD. THE USE OR DUPLICATION WITHOUT THE WRITTEN CONSENT OF ISA SURVEYORS PTY LTD CONSTITUTES AN INFRINGEMENT OF COPYRIGHT.

ISA SURVEYORS PTY LTD
ABN: 23 671 421 408
Email: *info@isasurveyors.com.au*
Mobile Number: *0426 66 88 00*

PLAN SHOWING DETAIL & LEVELS OVER LOT 4 IN DP 17918

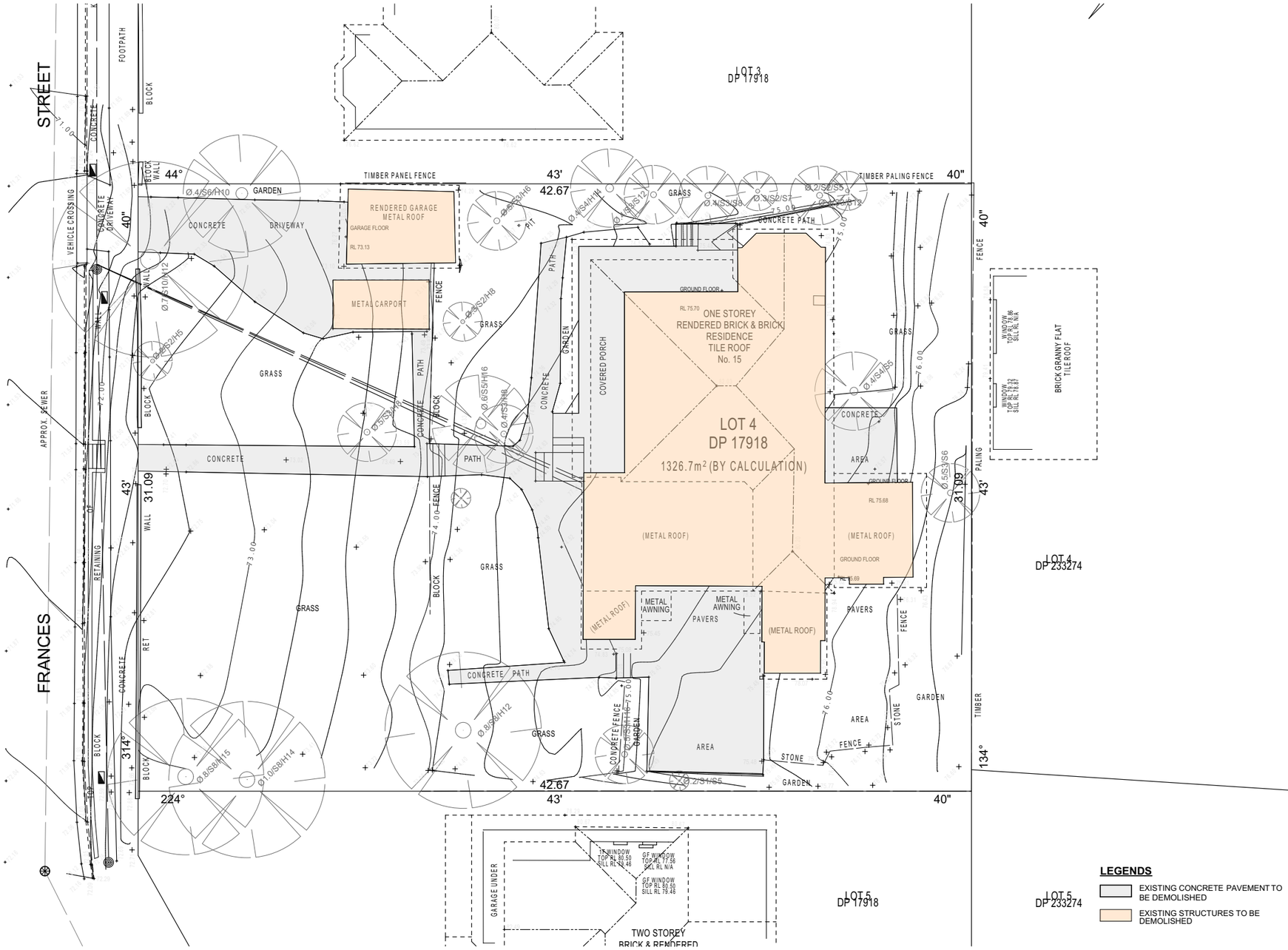
CLIENT:	RUDDER HOMES PTY LTD
PROJECT:	DETAIL SURVEY / LINDFIELD
ADDRESS:	15 FRANCES STREET, LINDFIELD

JOB No.:	6001311	LGA:	KU-RING-GAI
PLAN No.:	6001311_A	DATUM:	AHD
DATE:	22/11/2024	SCALE:	1:250@A3
DRAWN:	HL	CONT. INTERVAL:	0.25m
CHK:	LW	SHEET	1 OF 1

AMENDMENT:

△ BENCH MARK
☼ LIGHT POLE
◪ BOUNDARY TRAP
WATER HYDRANT
WATER METER
WATER TAP
COMMUNICATION PIT
POWER/PRIVATE POLE
SIGN POST
GAS METER
STOP VALVE
SEWER MAINTENANCE HOLE
SHRUB
TOP RL : TOP OF WINDOW
SILL RL : BOTTOM OF WINDOW
Φ: 0.3 (DIAMETER)
S: 3 (SPREAD)
H: 10 (HEIGHT)
E — ELECTRICITY LINE
G — GAS LINE
S — SEWER LINE
T — TELECOM LINE
W — WATER LINE
N — NBN LINE

20260216-KLPP-Crs-2026/030631/295



LEGENDS

- EXISTING CONCRETE PAVEMENT TO BE DEMOLISHED
- EXISTING STRUCTURES TO BE DEMOLISHED

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A	9/07/2025	TZ	ISSUE FOR DA

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Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

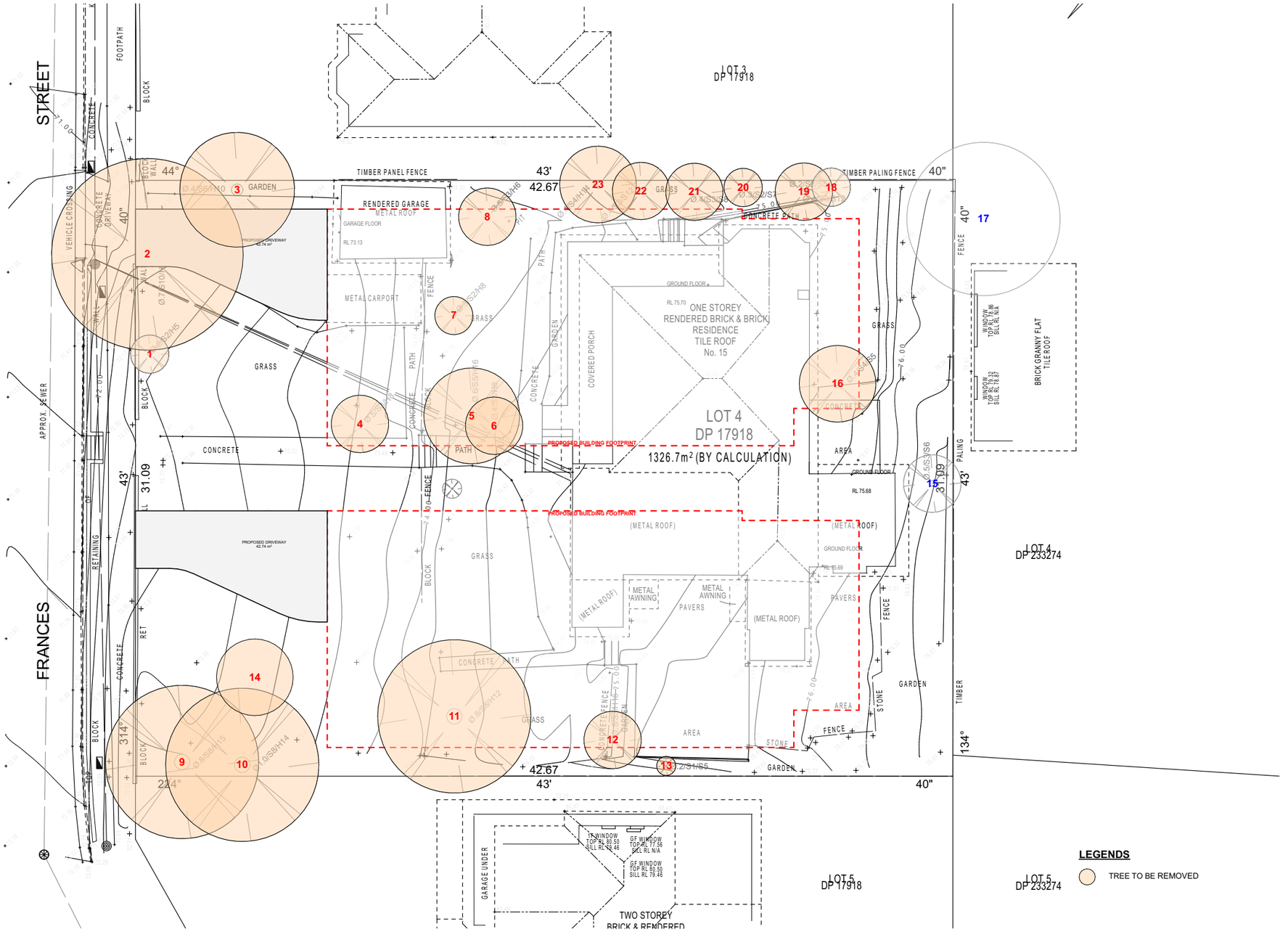
PAPER A3 1:200

DRAWING TITLE : GENERAL DEMOLITION PLAN

PROJECT NAME : 15 FRANCES ST, LINDFIELD

REVISION NO. A

DRAWING NO. 005



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Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

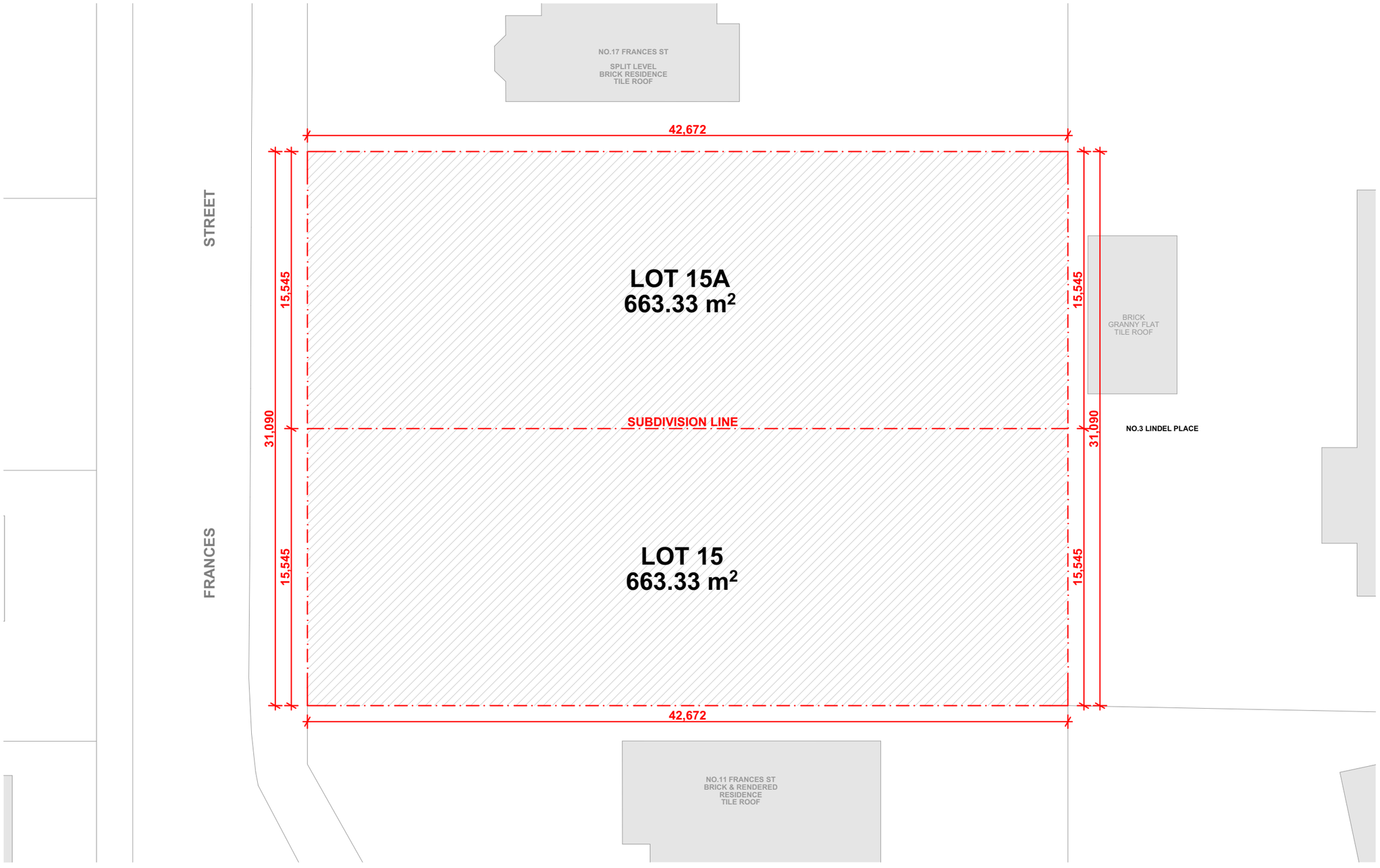
PAPER A3 1:200

DRAWING TITLE : GENERAL TREE REMOVAL PLAN

PROJECT NAME : 15 FRANCES ST, LINDFIELD

REVISION NO. A

DRAWING NO. 006



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A	9/07/2025	TZ	ISSUE FOR DA

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Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

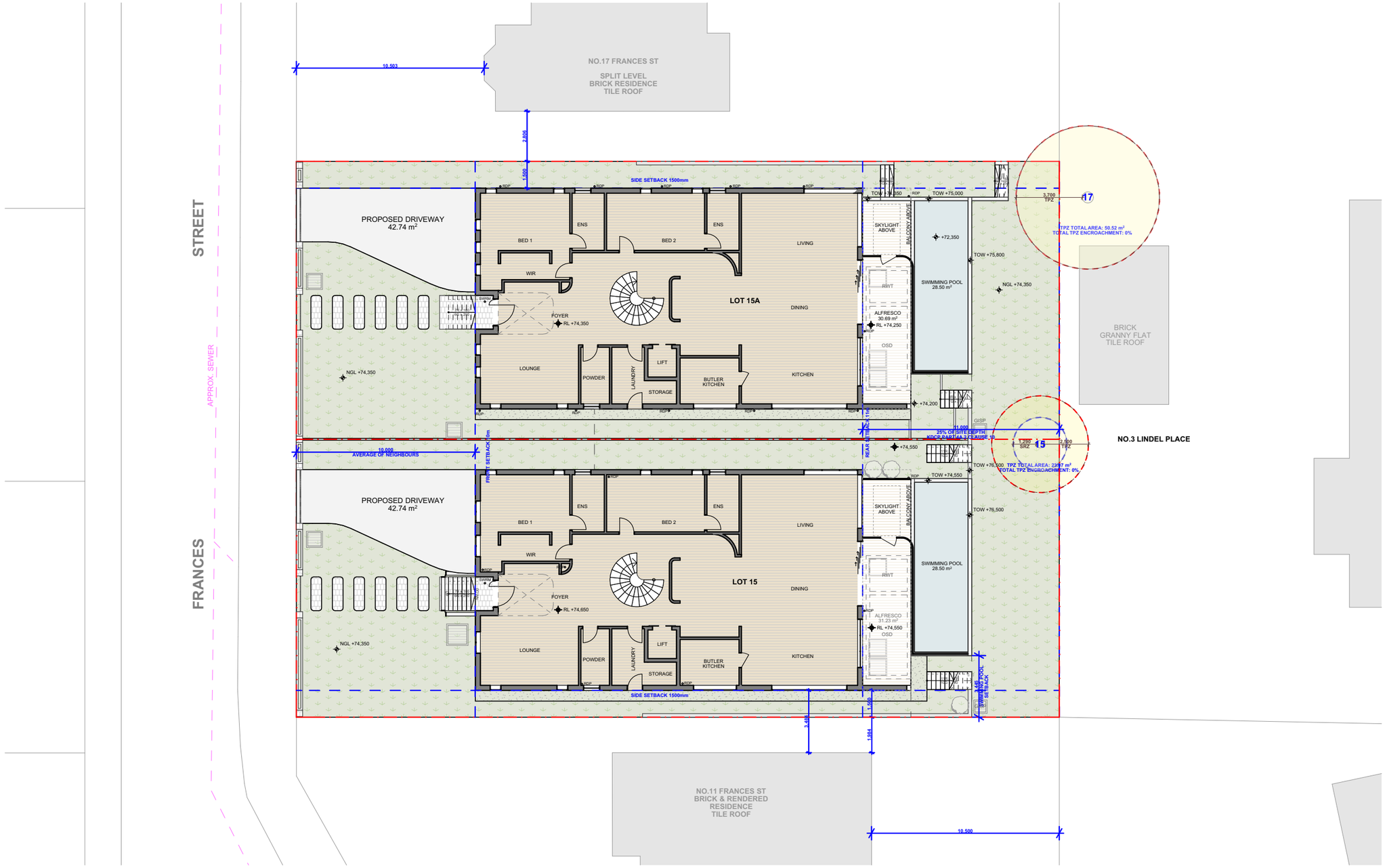
PAPER
A3
1:200

DRAWING TITLE :
GENERAL
SUBDIVISION PLAN

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO.
A

DRAWING NO.
008



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Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

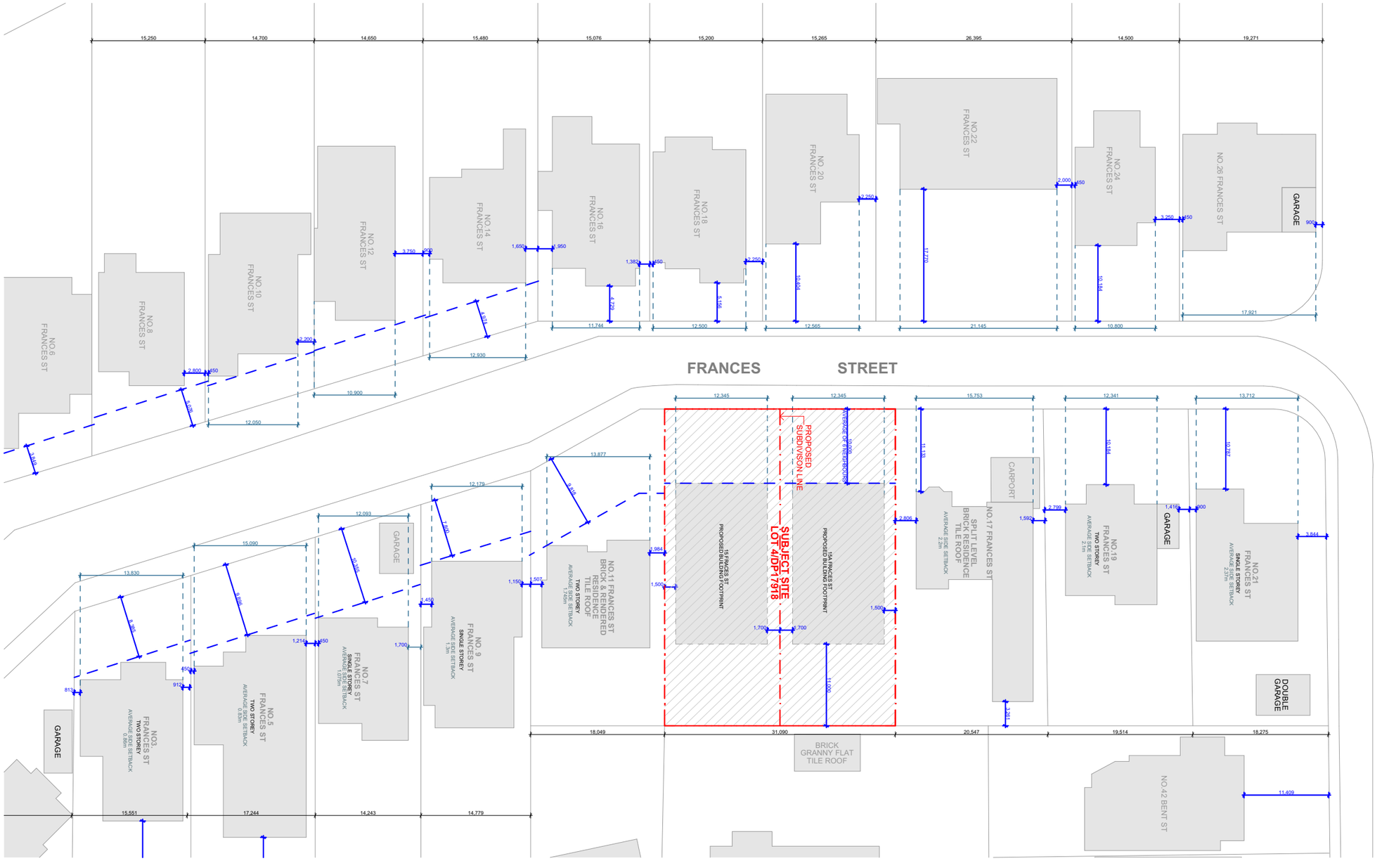
PAPER A3 1:200

DRAWING TITLE :
GENERAL
TREE PROTECTION PLAN

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO. A

DRAWING NO. 007



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Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

PAPER A3 1:500

DRAWING TITLE : GENERAL
NEIGHBOURHOOD SETBACK ANALYSIS

PROJECT NAME : 15 FRANCES ST, LINDFIELD

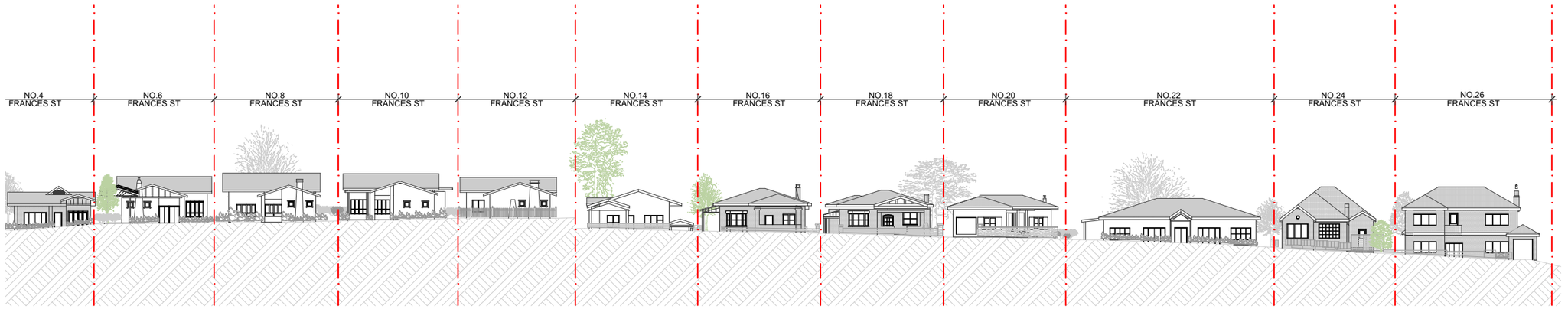
REVISION NO. A

DRAWING NO. 009



E-05
-

STREETSCAPE ELEVATION 01
1:500



E-06
-

STREETSCAPE ELEVATION 02
1:500

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Geotechnical Engineer	**ELITE GEOSCIENCES**
Surveyor	**ISA SURVEYORS**

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Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

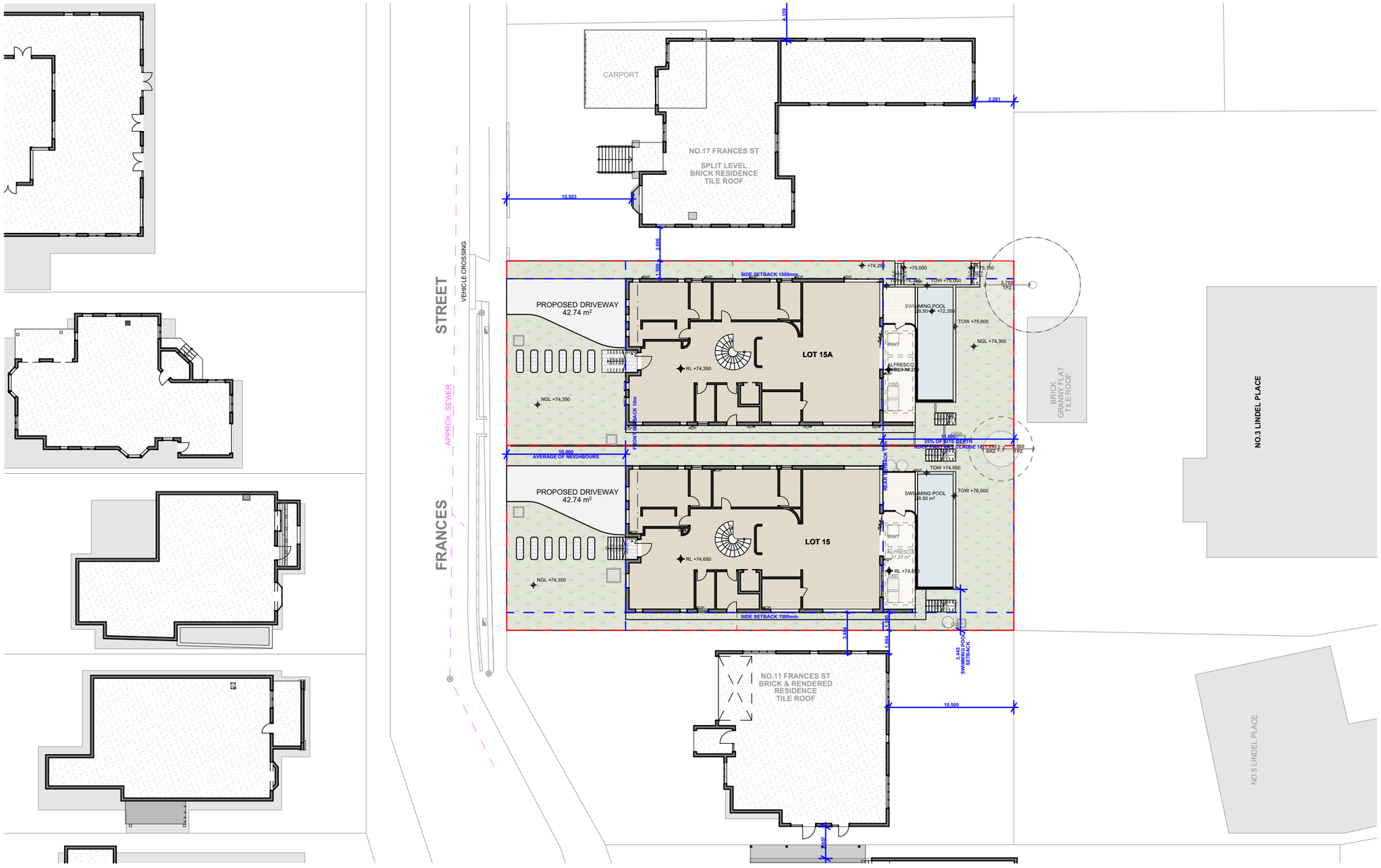
PAPER
A3
1:500

DRAWING TITLE :
GENERAL
STREETSCAPE ELEVATION

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO.
A

DRAWING NO.
010



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Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

PAPER A3

1:300

DRAWING TITLE :

GENERAL

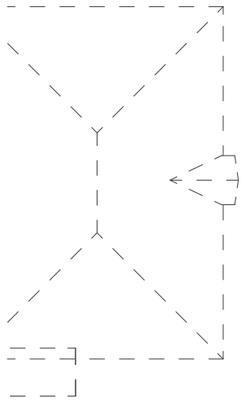
SITE PLAN - GROUND FLOOR

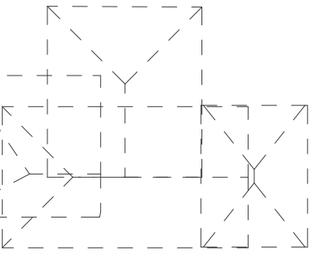
PROJECT NAME :

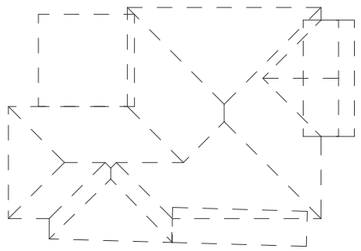
15 FRANCES ST, LINDFIELD

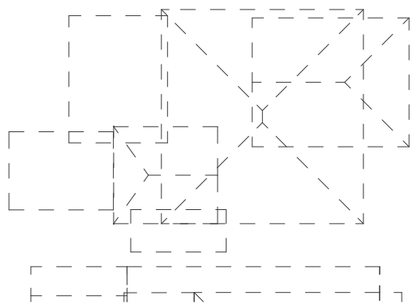
REVISION NO. **A**

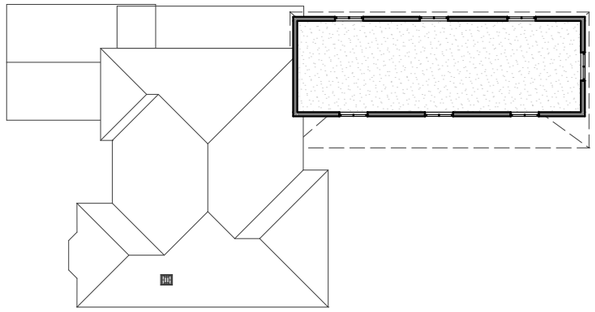
DRAWING NO. **011**

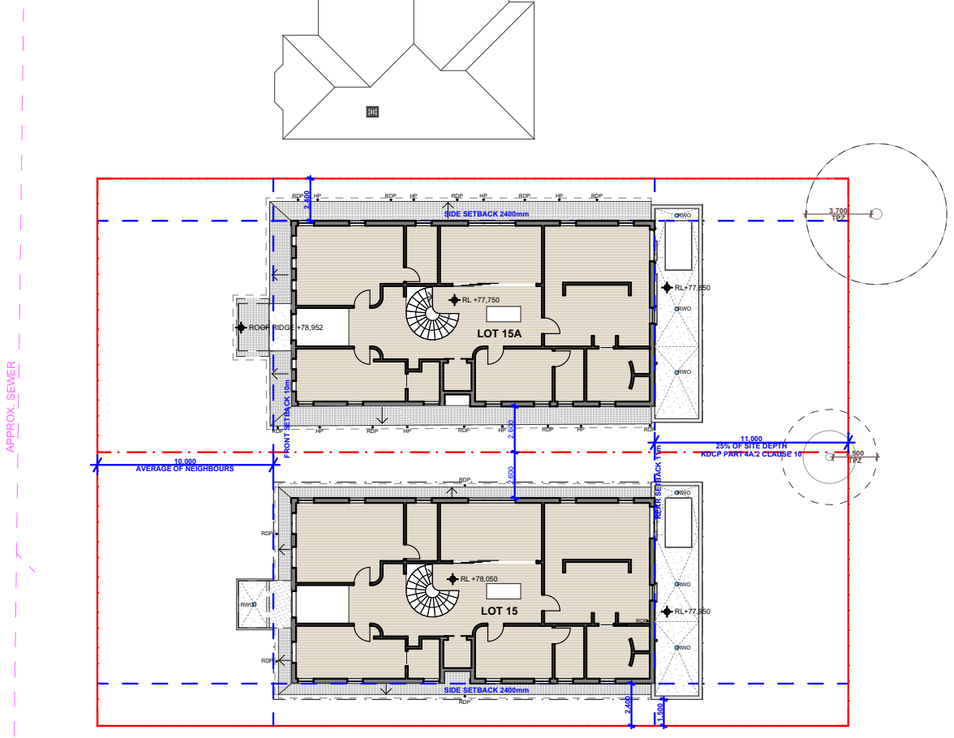


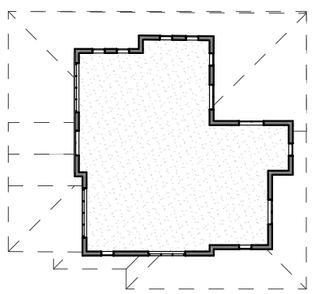












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Project Designer

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TRUE NORTH

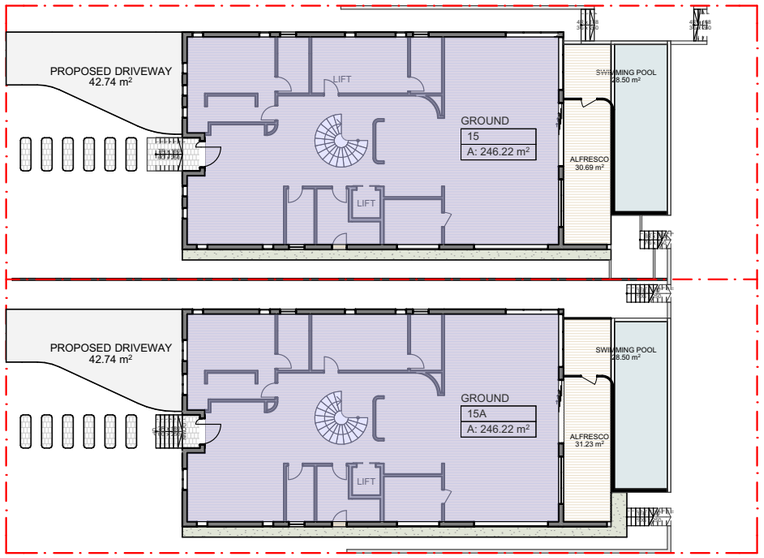
Drawn | Checked	LL | TZ
Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

PAPER A3
1:300

DRAWING TITLE :
GENERAL
SITE PLAN - LEVEL 1

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO. A
DRAWING NO. 012



0.
-

GROUND FLOOR
1:300



1.
-

LEVEL 1
1:300

GFA CALCULATION		
DWELLING	**LEVEL**	**MEASURED AREA**
15	GROUND	246.22
15	LEVEL 1	183.05
		429.27 m²
15A	GROUND	246.22
15A	LEVEL 1	183.05
		429.27 m²
		858.54 m²

SITE AREA: 1326.7m²

PERMISSIBLE FSR: 0.65:1
PERMISSIBLE GFA:
1326.7m² x 0.65 = 862.355m²

TOTAL PROPOSED FSR: 0.647:1
TOTAL PROPOSED GFA: 858.54 m²

GROSS FLOOR AREA

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Project Partners
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Heritage	WEIR PHILLIPS HERITAGE
Landscape Architect	ZENITH LANDSCAPE
Stormwater Engineer	JCO CONSULTANTS
Basix	ECO CERTIFICATES
Town Planner	GYDE
Geotechnical Engineer	ELITE GEOSCIENCES
Surveyor	ISA SURVEYORS

RevID	Transmittal Set Date	Approved by	Rev. Note
A	9/07/2025	TZ	ISSUE FOR DA

Project Designer
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TRUE NORTH

Drawn | Checked: LL | TZ
Revision Date: 9/07/2025
Project NO.: 2449
Project Status: DA

Client: RUDDER DEVELOPMENT PTY LTD
Site: 15 FRANCES ST, LINDFIELD
Climate Zone: 5
Wind Region: A

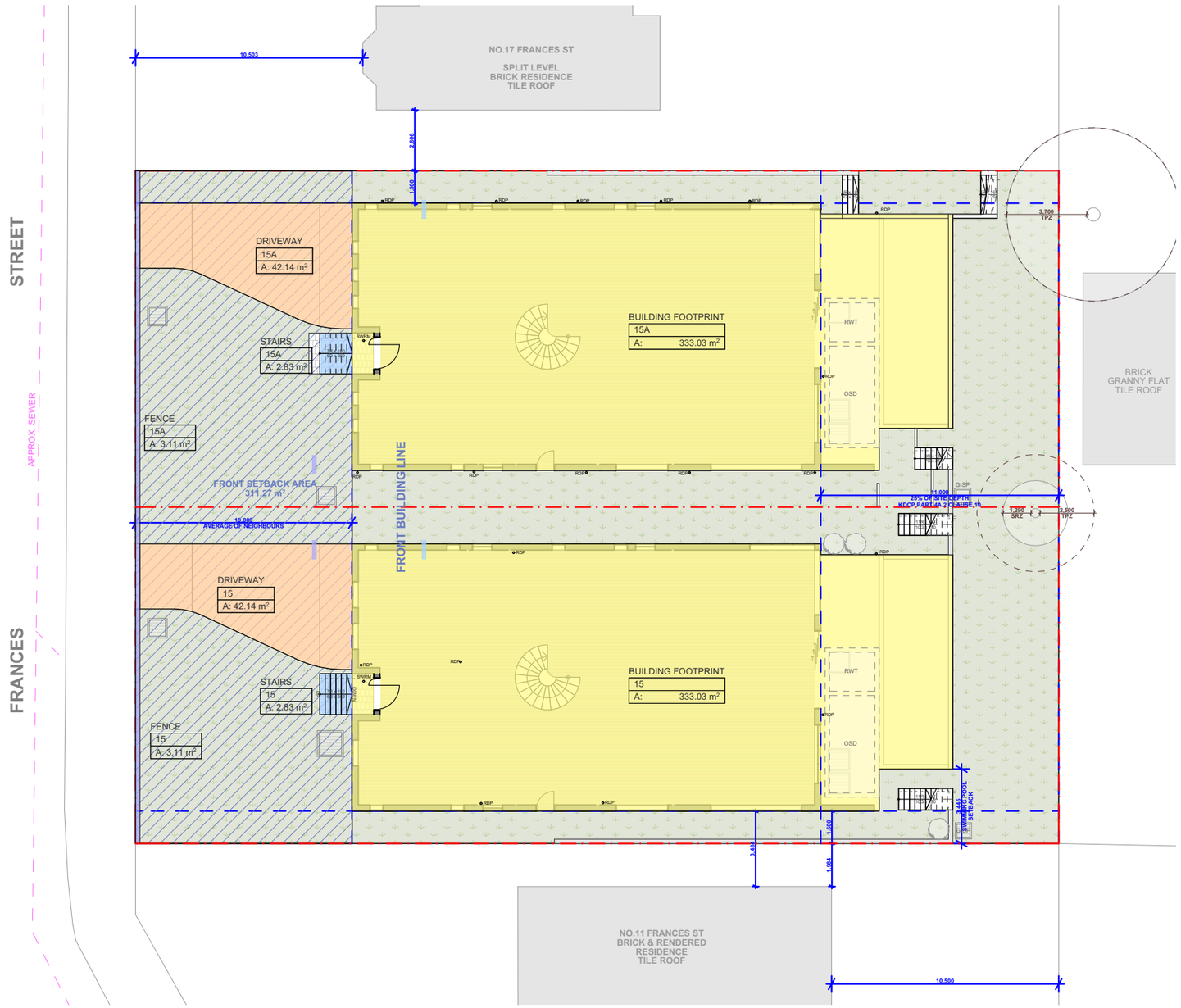
PAPER
A3
1:300, 1:1

DRAWING TITLE :
GENERAL
GFA CALCULATION

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO.
A

DRAWING NO.
013



TOTAL BUA CALCULATION		
UNIT	**LOCATION**	**MEASURED AREA**
15	BUILDING FOOTPRINT	333.03
15	DRIVEWAY	42.14
15	FENCE	3.11
15	STAIRS	2.83
		381.11 m²
15A	BUILDING FOOTPRINT	333.03
15A	DRIVEWAY	42.14
15A	FENCE	3.11
15A	STAIRS	2.83
		381.11 m²
		762.22 m²

SITE AREA: 1326.7m²

PERMISSIBLE BUA (50% OF SITE AREA):
1326.7m² x 0.5 = 663.35m²

PROPOSED BUA (TOTAL): 762.22 m² @ 57.45%

PROPOSED BUA (EXCLUDING PERMEABLE DRIVEWAY AND PATHWAY): 677.94m² @ 51%

MAXIMUM BUA OF 30% IN FRONT SETBACK AREA:
311.27m² X 30% = 93.381m²

PROPOSED BUA IN FRONT SETBACK AREA: 96.16m² @ 30.89%

LEGEND

- BUILT-UP AREA
- PERMEABLE DRIVEWAY AND PATHWAY
- FRONT FENCE
- STAIRS
- FRONT SETBACK AREA

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Basix	ECO CERTIFICATES
Town Planner	GYDE
Geotechnical Engineer	ELITE GEOSCIENCES
Surveyor	ISA SURVEYORS

RevID	Transmittal Set Date	Approved by	Rev. Note
A	9/07/2025	TZ	ISSUE FOR DA

Project Designer
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TRUE NORTH

Drawn | Checked: LL | TZ
Revision Date: 9/07/2025
Project NO.: 2449
Project Status: DA

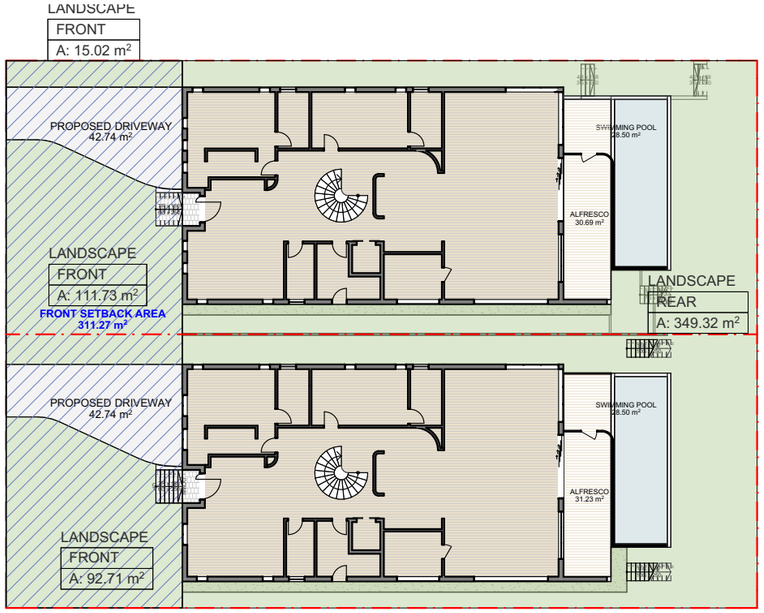
Client: RUDDER DEVELOPMENT PTY LTD
Site: 15 FRANCES ST, LINDFIELD
Climate Zone: 5
Wind Region: A

PAPER: A3
1:200

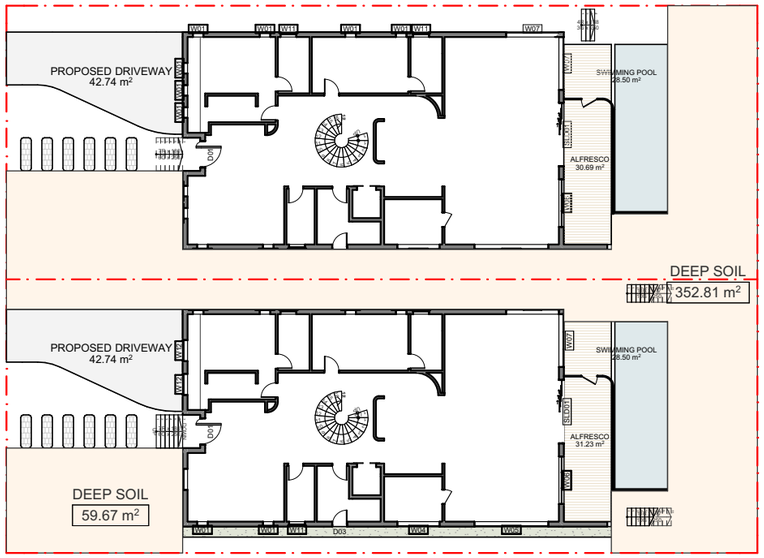
DRAWING TITLE :
GENERAL
BUILT-UPON AREA DIAGRAM

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO.: **A**
DRAWING NO.: **014**



0. GROUND FLOOR
- 1:300



1. DEEP SOIL
- 1:300

LANDSCAPE	
LOCATION	**AREA**
FRONT	219.46
REAR	349.32
	568.78 m²

SITE AREA: 1326.7 m²

REQUIRED LANDSCAPE AREA: N/A
PROPOSED LANDSCAPE: 568.78 m²

FRONT LANDSCAPE REQUIRED: 70% LANDSCAPED AREA OF FRONT GARDEN: 311.27m² x 70% = 217.889m²
PROPOSED: 219.46m²

FRONT GARDEN AREA

LANDSCAPE CALCULATION

DEEP SOIL CALCULATION	
	AREA
DEEP SOIL	**412.48**

SITE AREA: 1326.7 m²

REQUIRED DEEP SOIL AREA (MINIMUM 25% OF SITE AREA): 331.675m²
MIN 2m DIMENSION WIDTH

PROPOSED DEEPSOIL AREA: 412.48 m²

DEEP SOIL AREA

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Basix	**ECO CERTIFICATES**
Town Planner	**GYDE**
Geotechnical Engineer	**ELITE GEOSCIENCES**
Surveyor	**ISA SURVEYORS**

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Project Designer
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TRUE NORTH

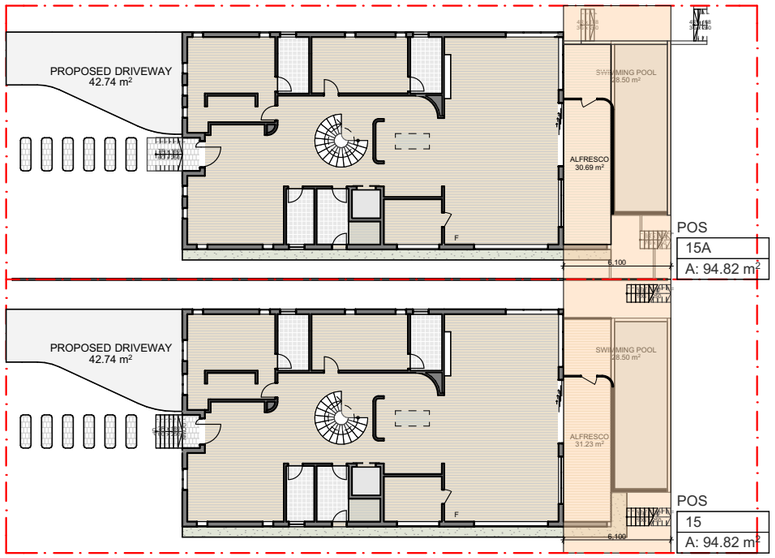
Drawn | Checked	LL | TZ
Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

PAPER A3
1:1, 1:300

DRAWING TITLE :
GENERAL
LANDSCAPE & DEEP SOIL CALCULATION

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO. A
DRAWING NO. 015



POS CALCULATION	
DWELLING	**AREA**
15	**94.82**
15A	**94.82**

SITE AREA: 1326.7 m²

MIN. PRIVATE OPEN SPACE: MINIMUM DEPTH OF 5M AND A MINIMUM AREA OF 50 SQM

PROPOSED PRIVATE OPEN SPACE FOR EACH DWELLING: **94.82 m²**

PRIVATE OPEN SPASE

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Drawn | Checked	LL | TZ
Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

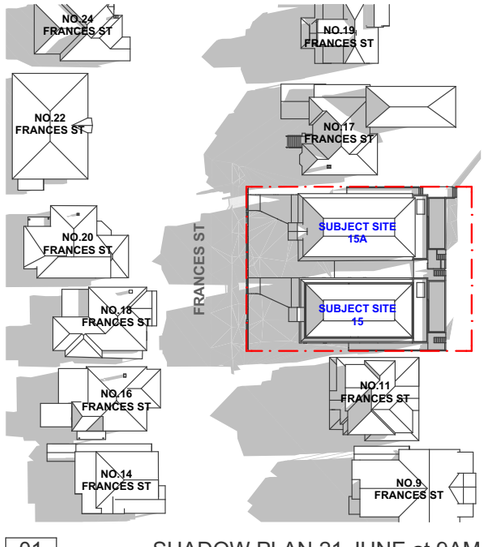
PAPER A3 **1:300**

DRAWING TITLE :
GENERAL
P.O.S CALCULATION

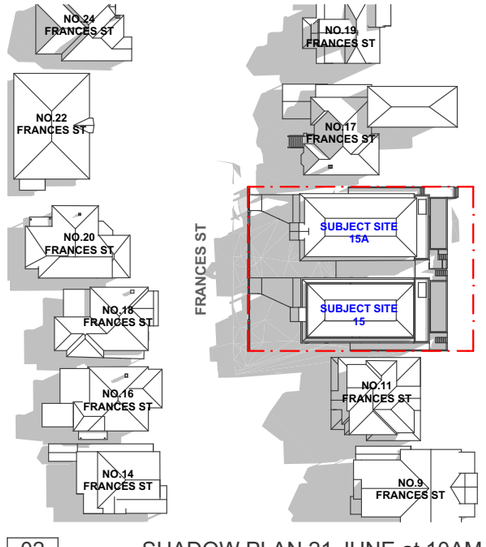
PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO. **A**

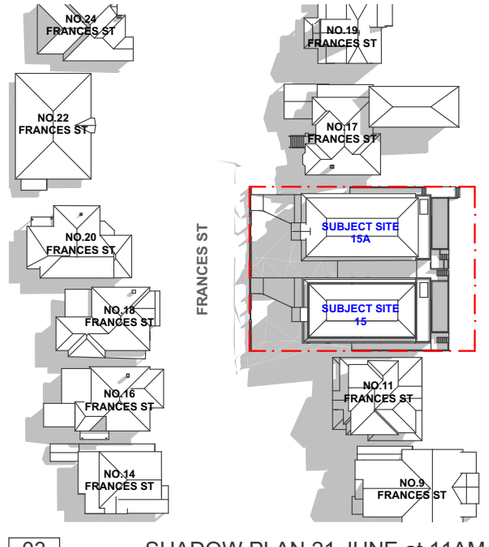
DRAWING NO. **016**



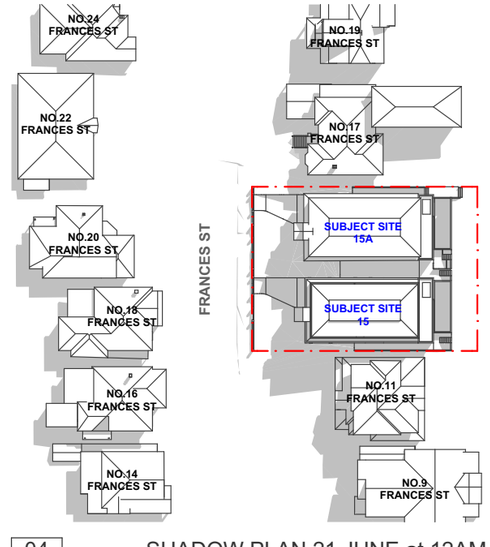
01 - SHADOW PLAN 21 JUNE at 9AM 1:1000



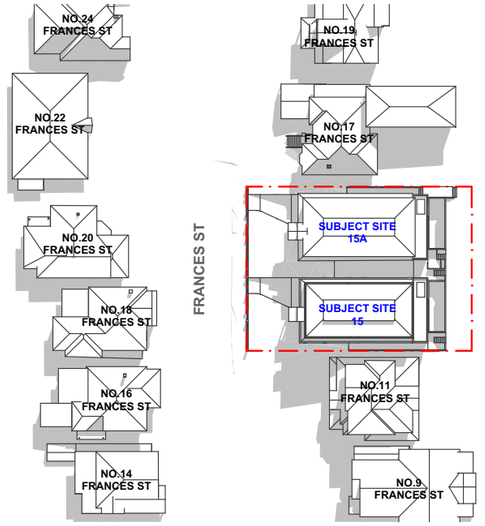
02 - SHADOW PLAN 21 JUNE at 10AM 1:1000



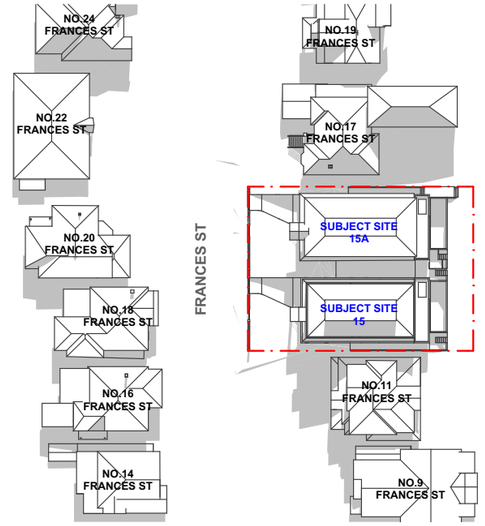
03 - SHADOW PLAN 21 JUNE at 11AM 1:1000



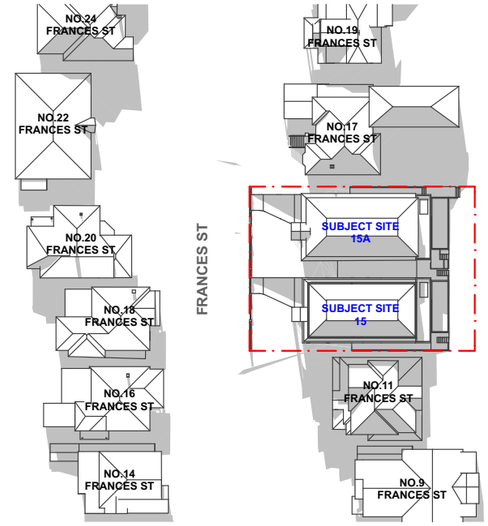
04 - SHADOW PLAN 21 JUNE at 12AM 1:1000



05 - SHADOW PLAN 21 JUNE at 1PM 1:1000



06 - SHADOW PLAN 21 JUNE at 2PM 1:1000



07 - SHADOW PLAN 21 JUNE at 3PM 1:1000

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Landscape Architect	ZENITH LANDSCAPE
Stormwater Engineer	JCO CONSULTANTS
Basix	ECO CERTIFICATES
Town Planner	GYDE
Geotechnical Engineer	ELITE GEOSCIENCES
Surveyor	ISA SURVEYORS

RevID	Transmittal Set Date	Approved by	Rev. Note
A	9/07/2025	TZ	ISSUE FOR DA

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Drawn | Checked	LL | TZ
Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

PAPER A3 1:1000

DRAWING TITLE : GENERAL SHADOW DIAGRAM

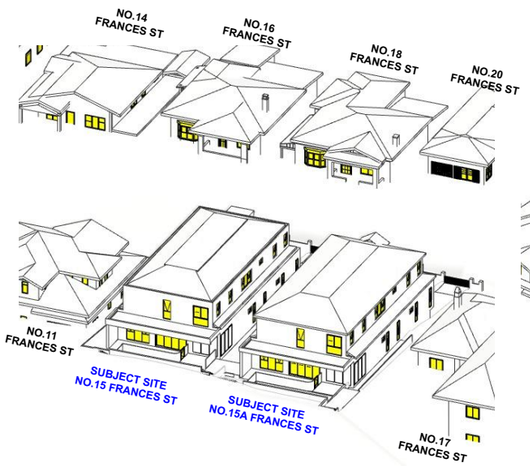
PROJECT NAME : 15 FRANCES ST, LINDFIELD

REVISION NO. A

DRAWING NO. 017



01	21 JUNE - 9AM
-	1:250



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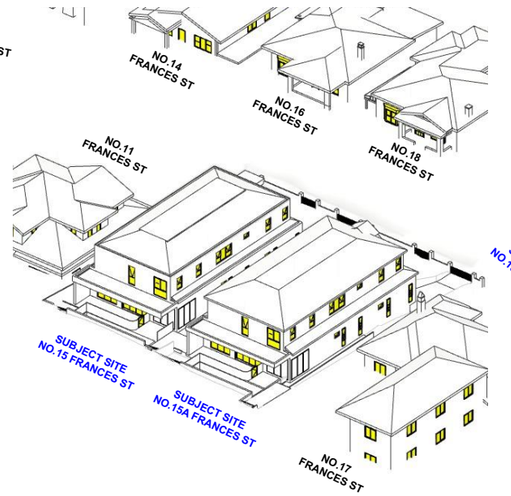
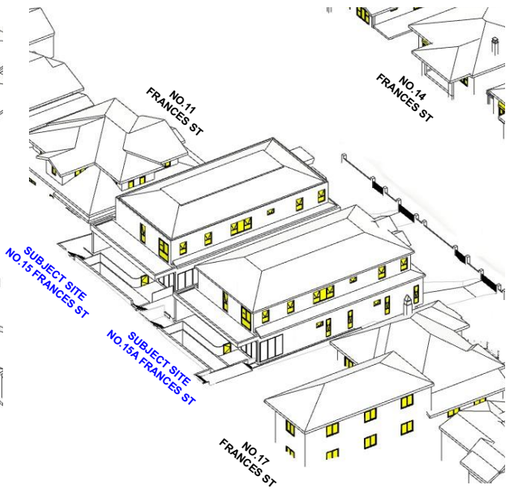
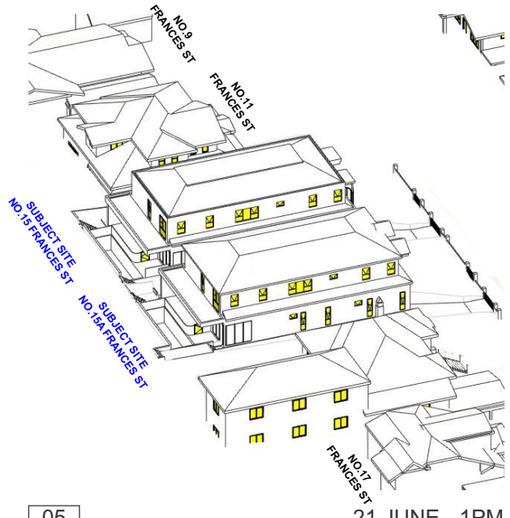


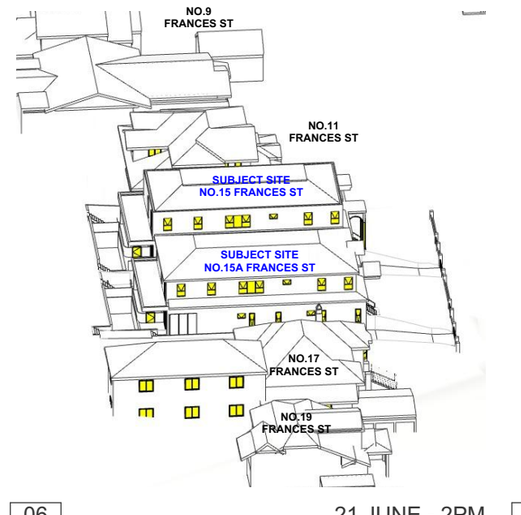
03	21 JUNE - 11AM
-	1:250



04	21 JUNE - 12PM
-	1:250



05	21 JUNE - 1PM
-	1:250



06	21 JUNE - 2PM
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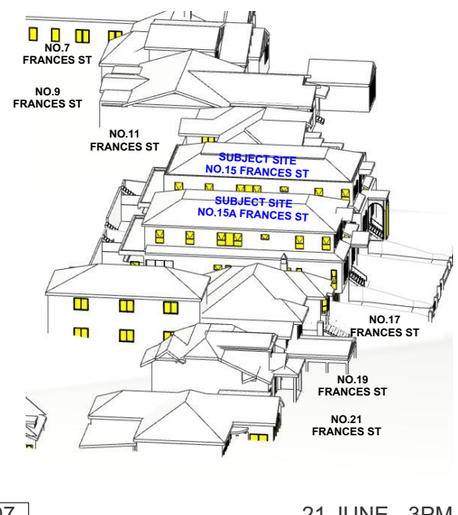

07	21 JUNE - 3PM
-	1:250

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Surveyor	ISA SURVEYORS

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A	9/07/2025	TZ	ISSUE FOR DA

Project Designer

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TRUE NORTH

Drawn | Checked	LL | TZ
Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

PAPER A3 1:250

DRAWING TITLE :

GENERAL

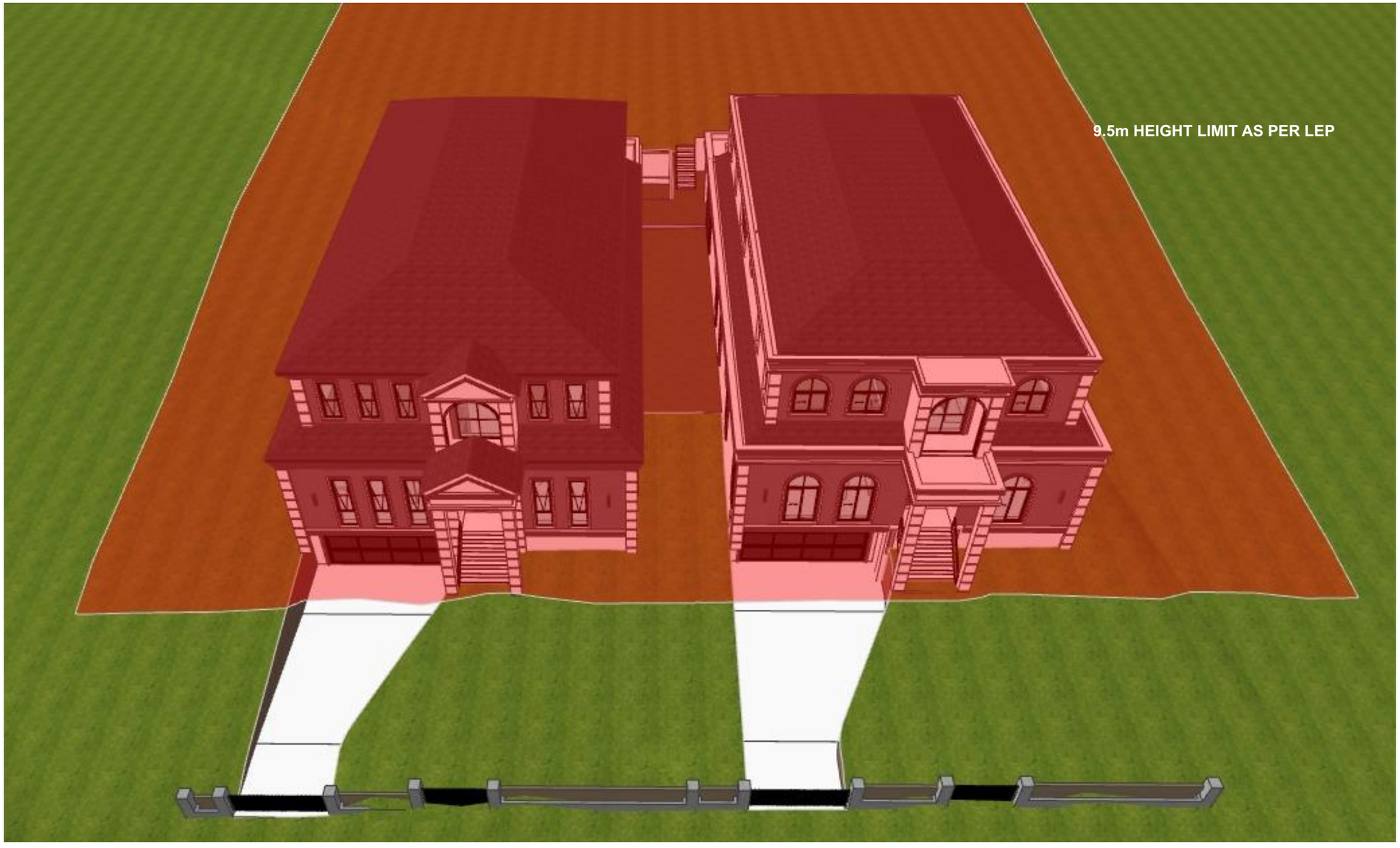
SUN EYE DIAGRAM - PROPOSED

PROJECT NAME :

15 FRANCES ST, LINDFIELD

REVISION NO. A

DRAWING NO. 018



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Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

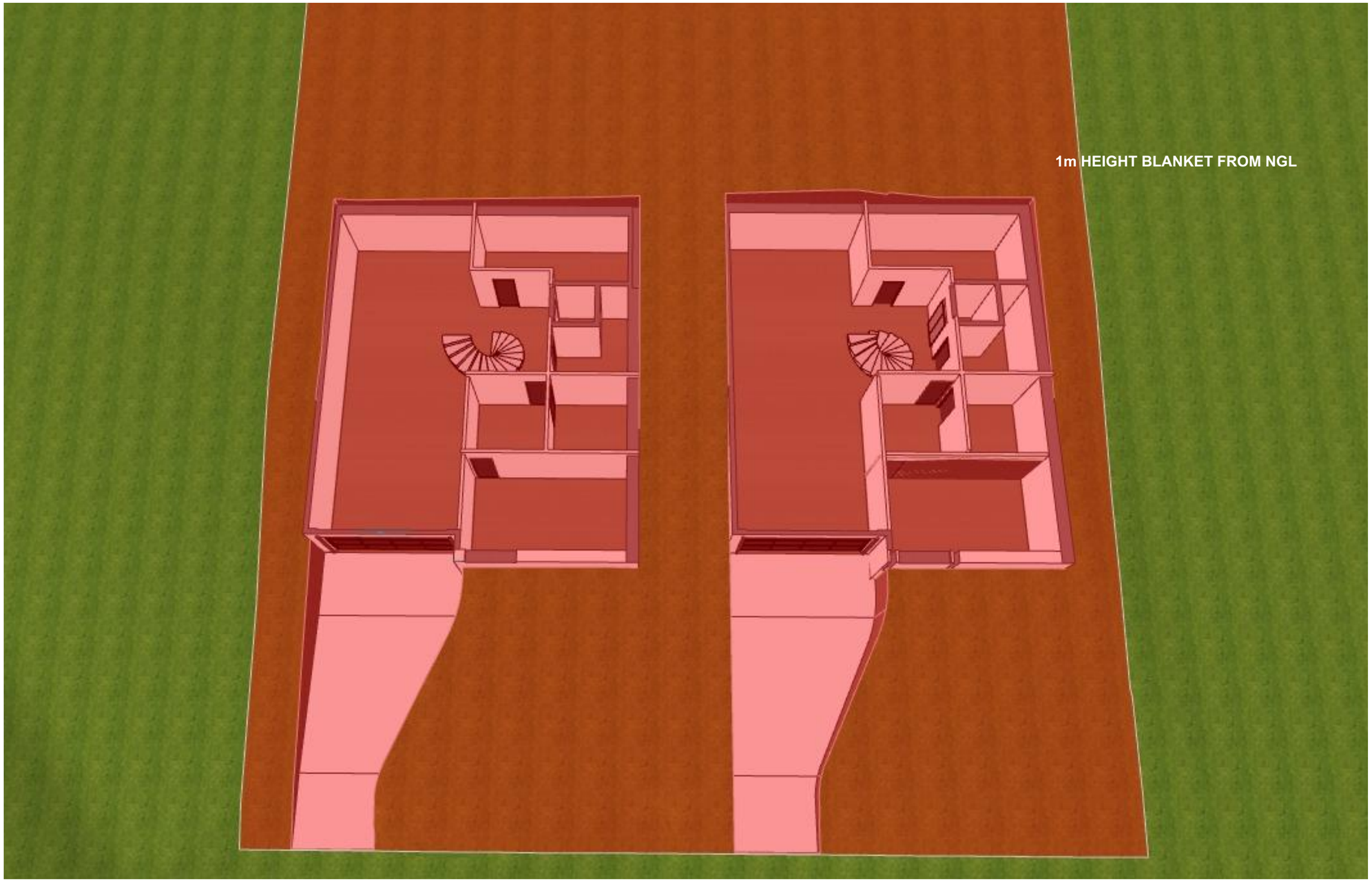
PAPER **A3** 1:100

DRAWING TITLE :
GENERAL
9.5m HEIGHT LIMIT DIAGRAM

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO. **A**

DRAWING NO. **019**



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Project Status	DA
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Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

PAPER A3 1:100

DRAWING TITLE :

GENERAL

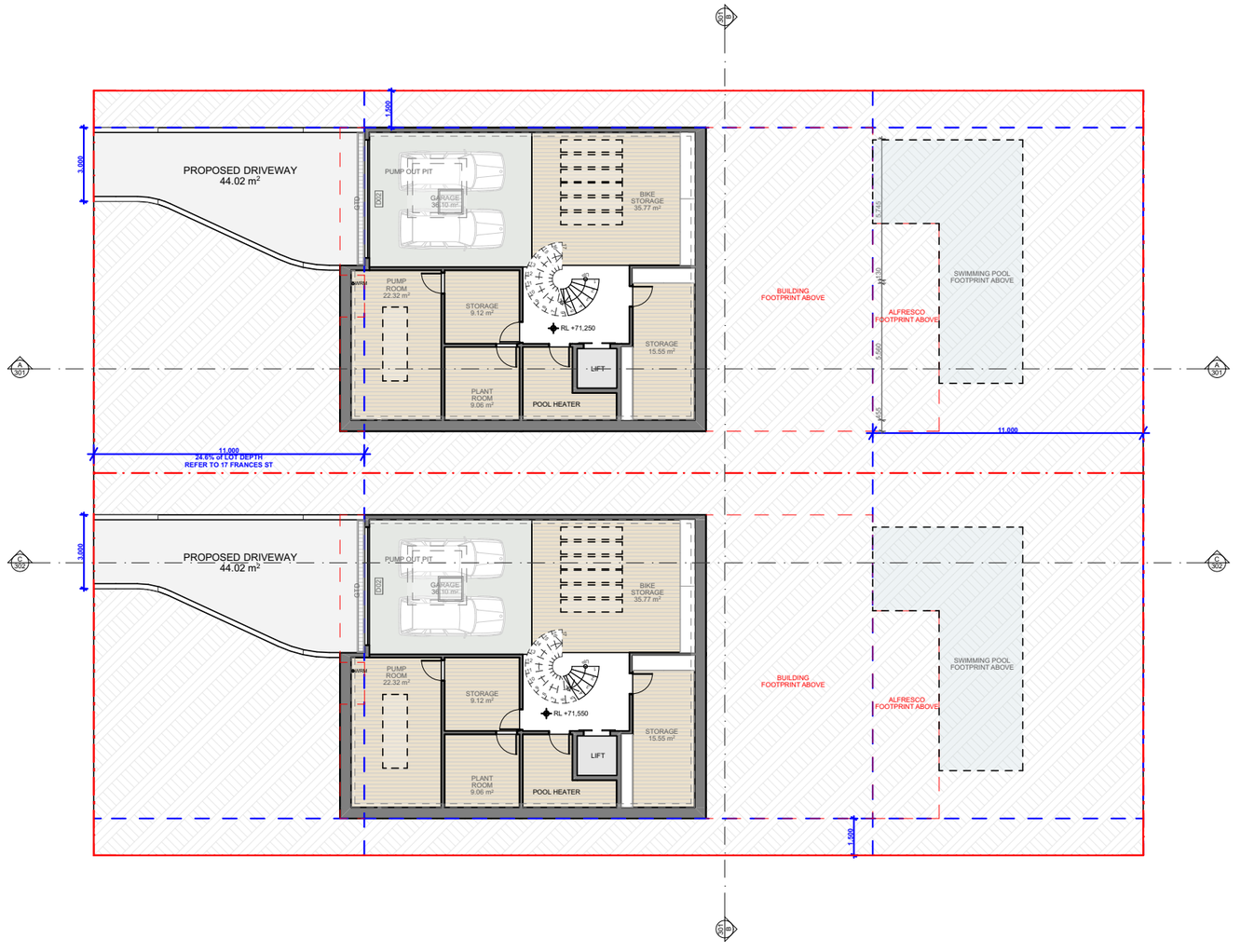
BASEMENT 1M BELOW NGL DIAGRAM

PROJECT NAME :

15 FRANCES ST, LINDFIELD

REVISION NO. **A**

DRAWING NO. **020**



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Project Partners

Refer to consultant documentation when directed

Heritage	WEIR PHILLIPS HERITAGE
Landscape Architect	ZENITH LANDSCAPE
Stormwater Engineer	JCO CONSULTANTS
Basix	ECO CERTIFICATES
Town Planner	GYDE
Geotechnical Engineer	ELITE GEOSCIENCES
Surveyor	ISA SURVEYORS

RevID	Transmittal Set Date	Approved by	Rev. Note
A	9/07/2025	TZ	ISSUE FOR DA

Project Designer

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TRUE NORTH

Drawn | Checked	LL | TZ
Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

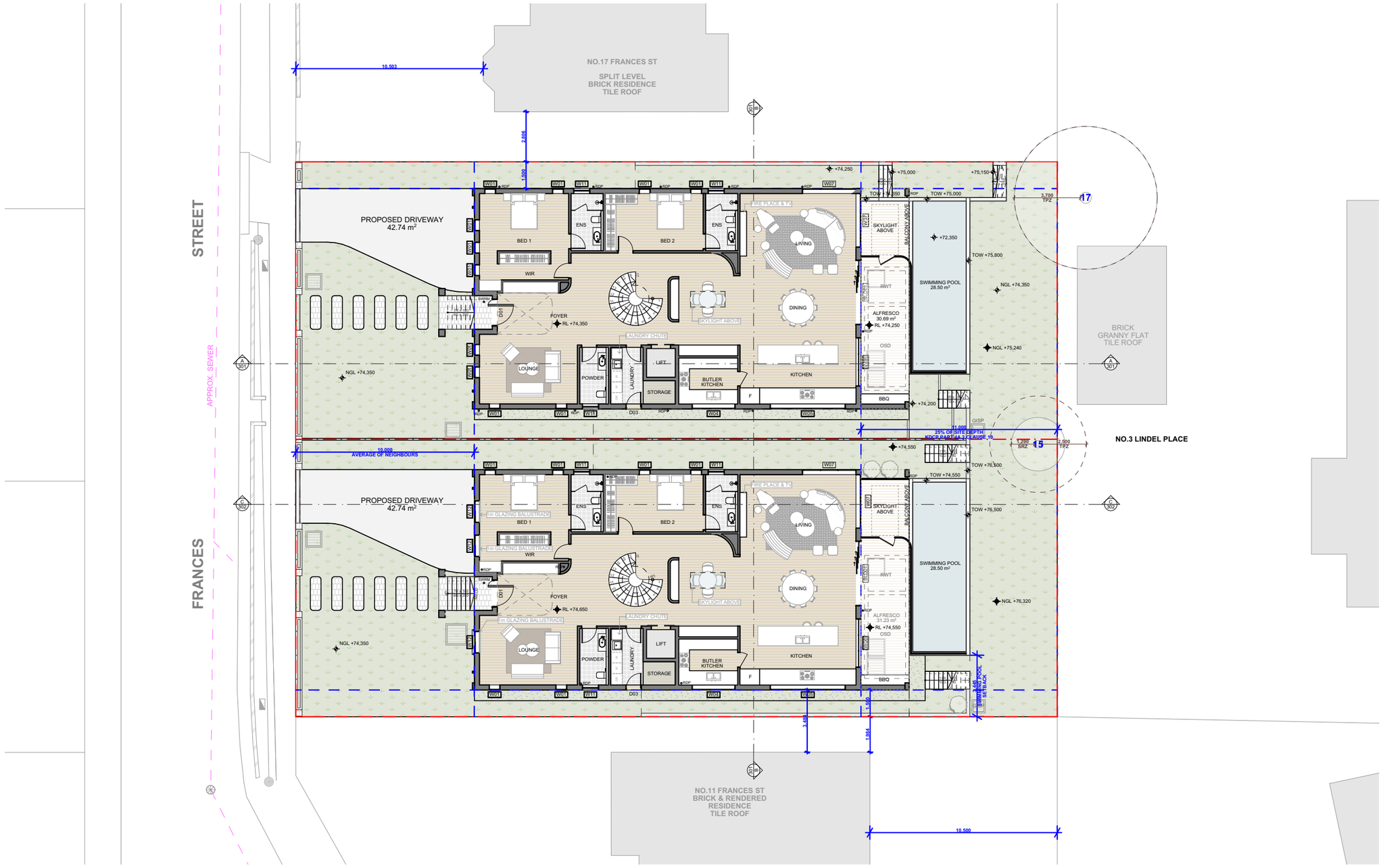
PAPER A3 1:200

DRAWING TITLE :
PLANS
BASEMENT PLAN

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO. **A**

DRAWING NO. **101**



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Geotechnical Engineer	ELITE GEOSCIENCES
Surveyor	ISA SURVEYORS

RevID	Transmittal Set Date	Approved by	Rev. Note
A	9/07/2025	TZ	ISSUE FOR DA

Project Designer

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Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

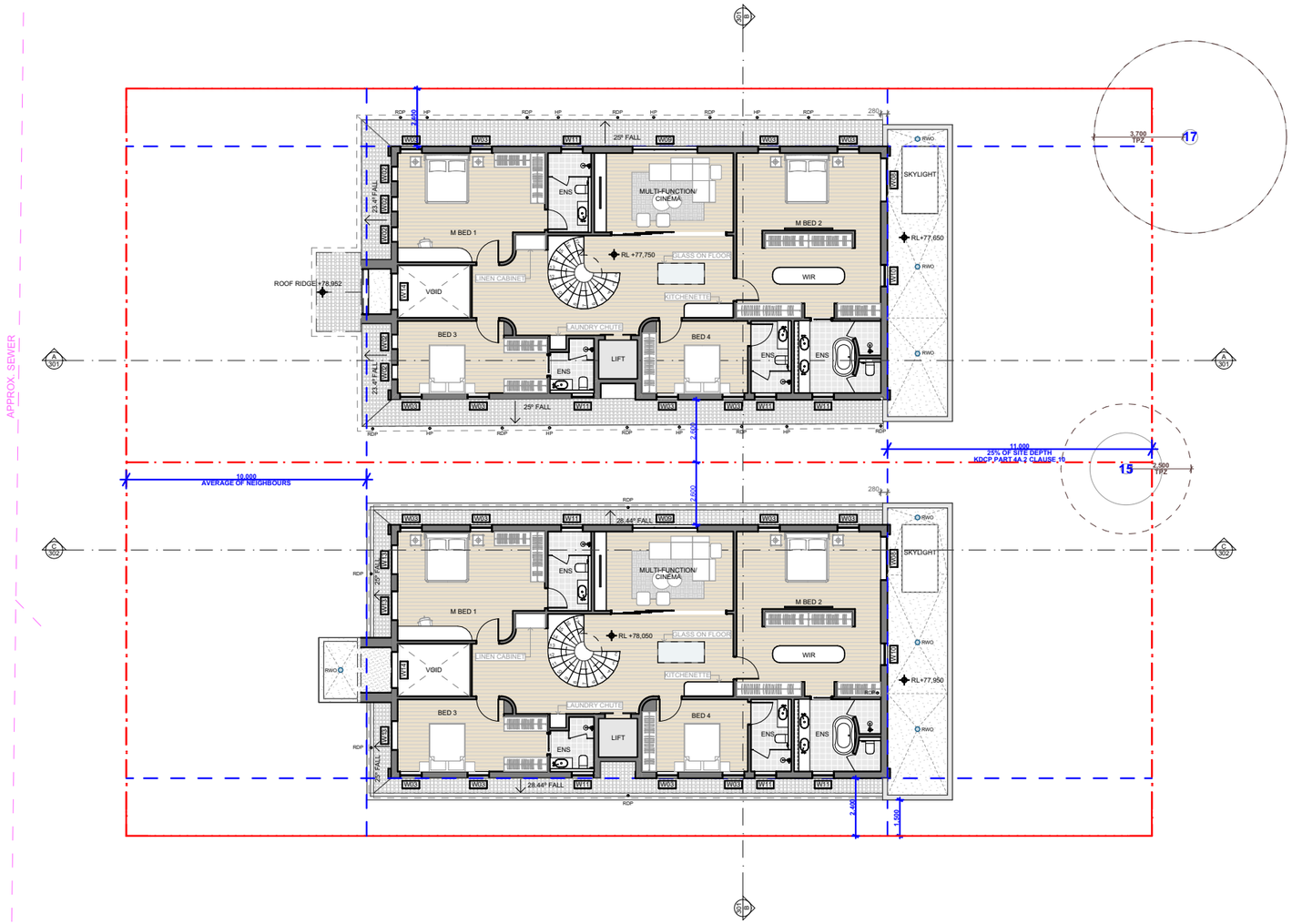
PAPER A3 1:200

DRAWING TITLE : PLANS GROUND FLOOR PLAN

PROJECT NAME : 15 FRANCES ST, LINDFIELD

REVISION NO. A

DRAWING NO. 102



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Surveyor	ISA SURVEYORS

RevID	Transmittal Set Date	Approved by	Rev. Note
A	9/07/2025	TZ	ISSUE FOR DA

Project Designer
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P: +61 449 984 889

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Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

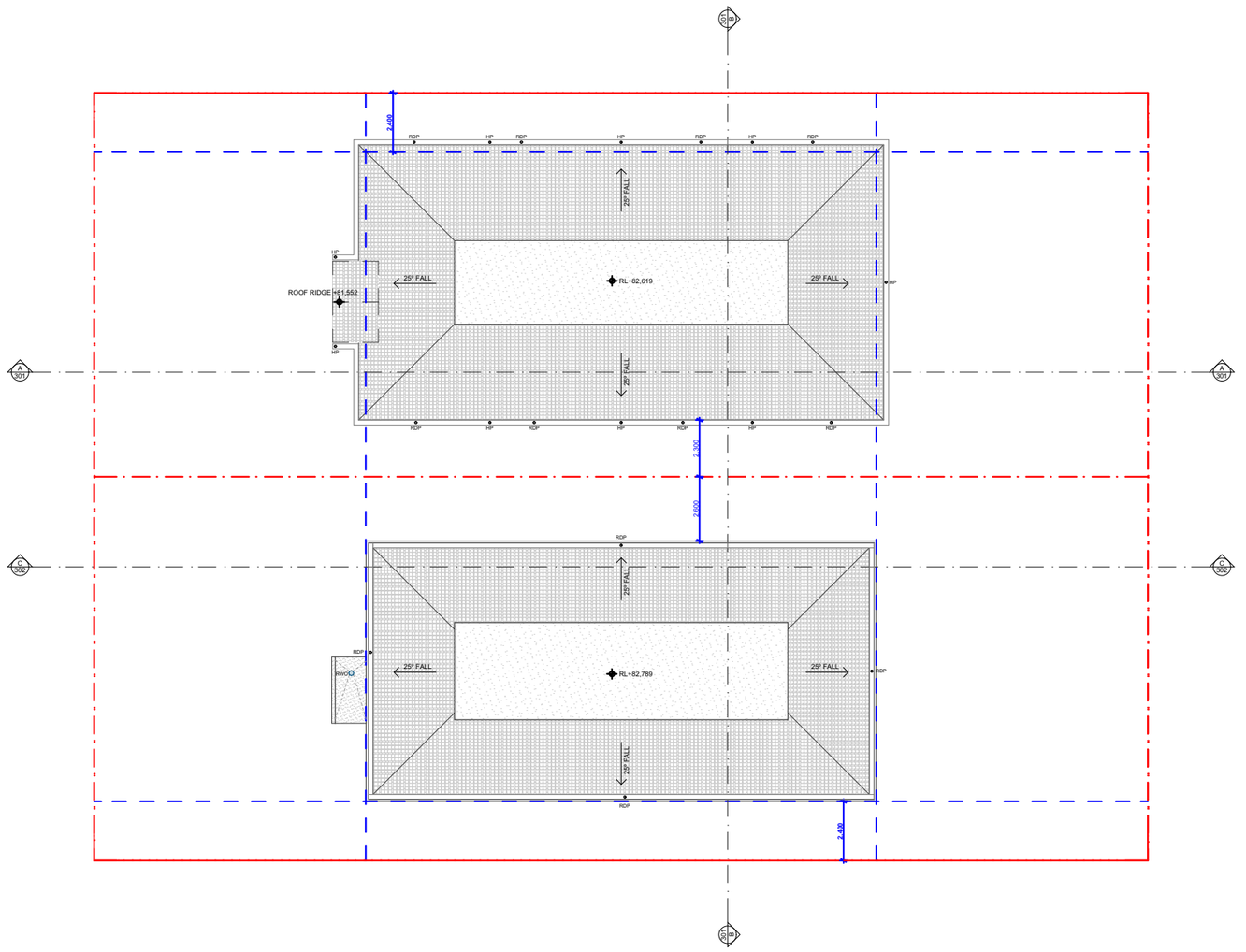
PAPER A3 1:200

DRAWING TITLE :
PLANS
LEVEL 1 PLAN

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO. A

DRAWING NO. 103



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Stormwater Engineer	**JCO CONSULTANTS**
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Town Planner	**GYDE**
Geotechnical Engineer	**ELITE GEOSCIENCES**
Surveyor	**ISA SURVEYORS**

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Project Designer
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Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

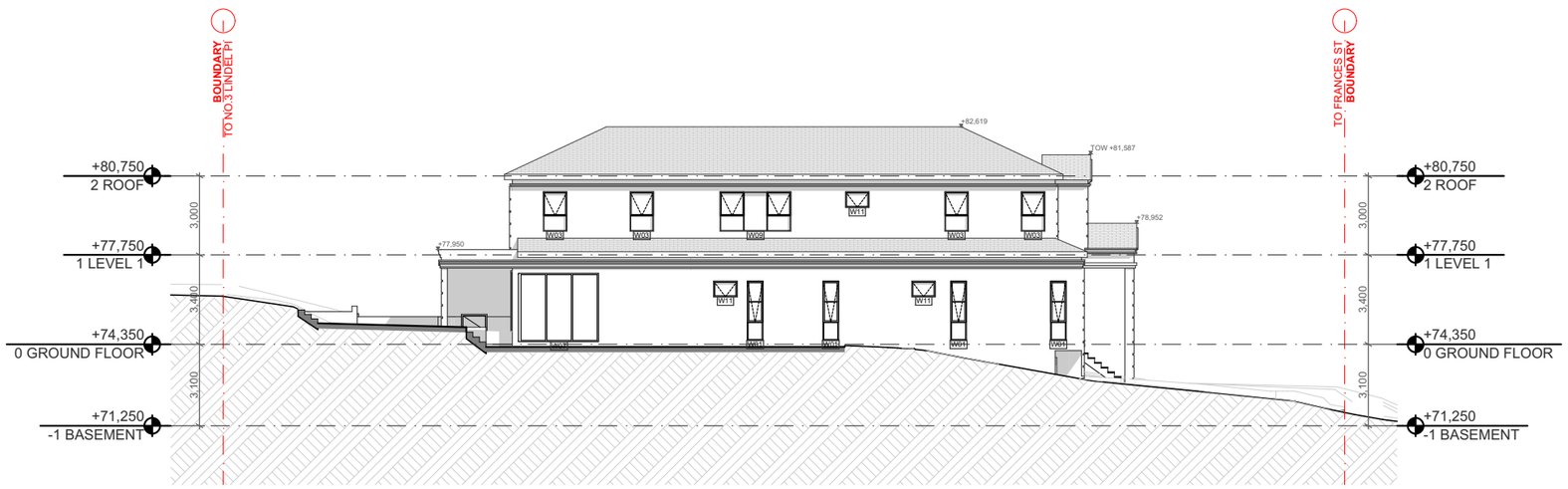
PAPER
A3
1:200

DRAWING TITLE :
PLANS
ROOF PLAN

PROJECT NAME :
15 FRANCES ST, LINDFIELD

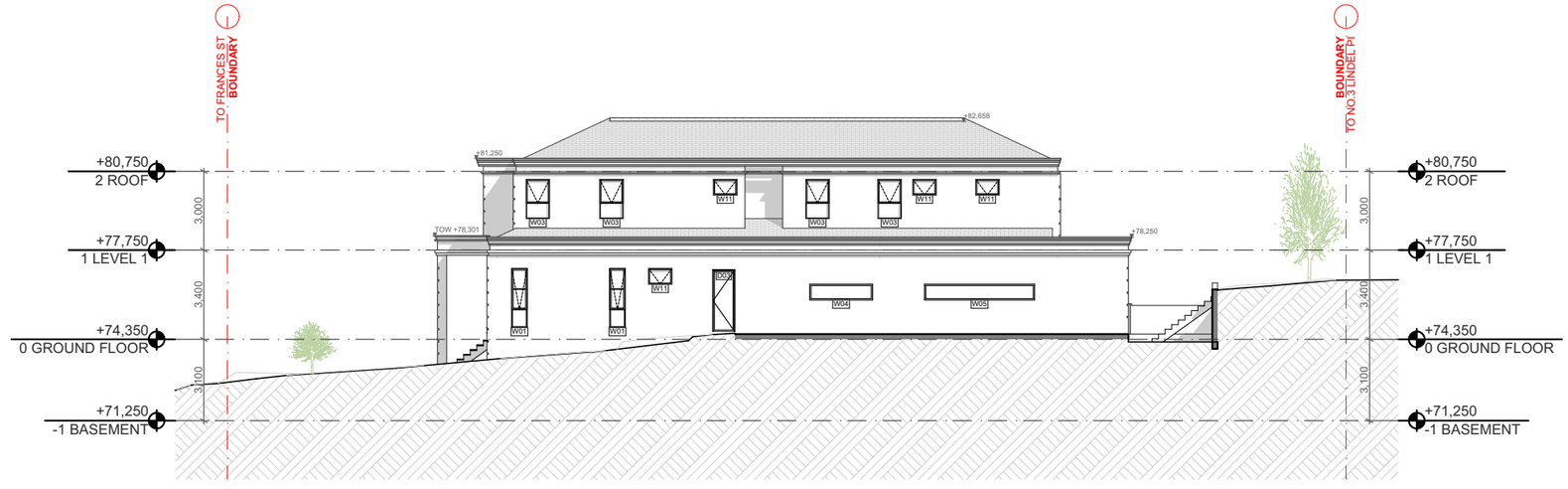
REVISION NO.
A

DRAWING NO.
104



E-01
-

NORTH ELEVATION
1:200



E-02
-

SOUTH ELEVATION
1:200

NOTE
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Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

PAPER
A3
1:200

DRAWING TITLE :
ELEVATION
NORTH & SOUTH ELEVATIONS

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO.
A

DRAWING NO.
201



E-03
-

WEST ELEVATION - FRANCE ST
1:200



E-04
-

EAST ELEVATION
1:200

NOTE

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Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

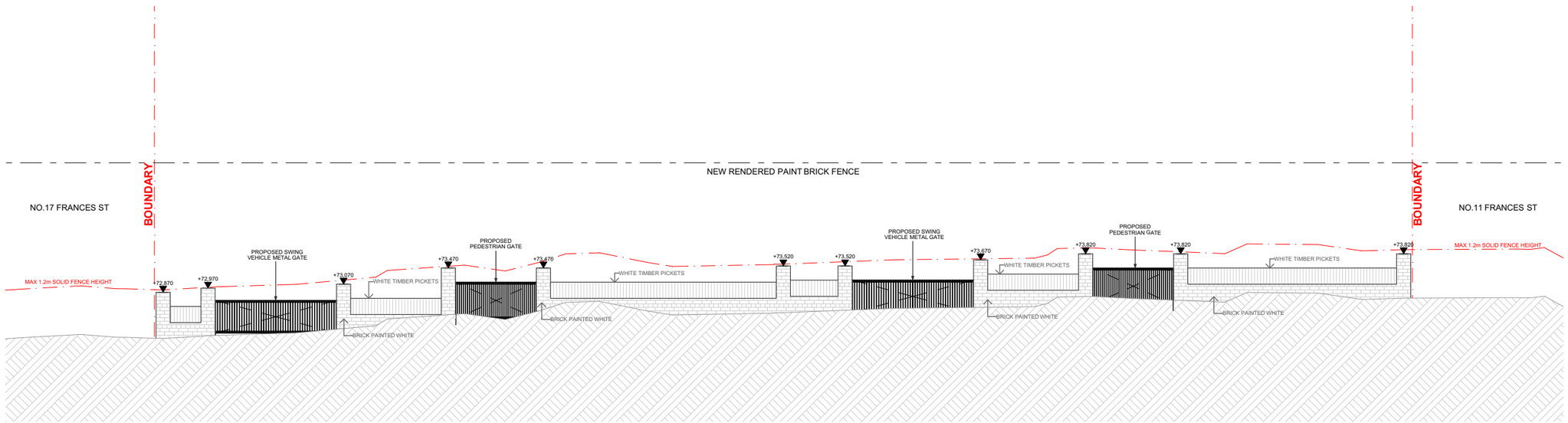
PAPER
A3
1:200

DRAWING TITLE :
ELEVATION
WEST & EAST ELEVATIONS

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO.
A

DRAWING NO.
202



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Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

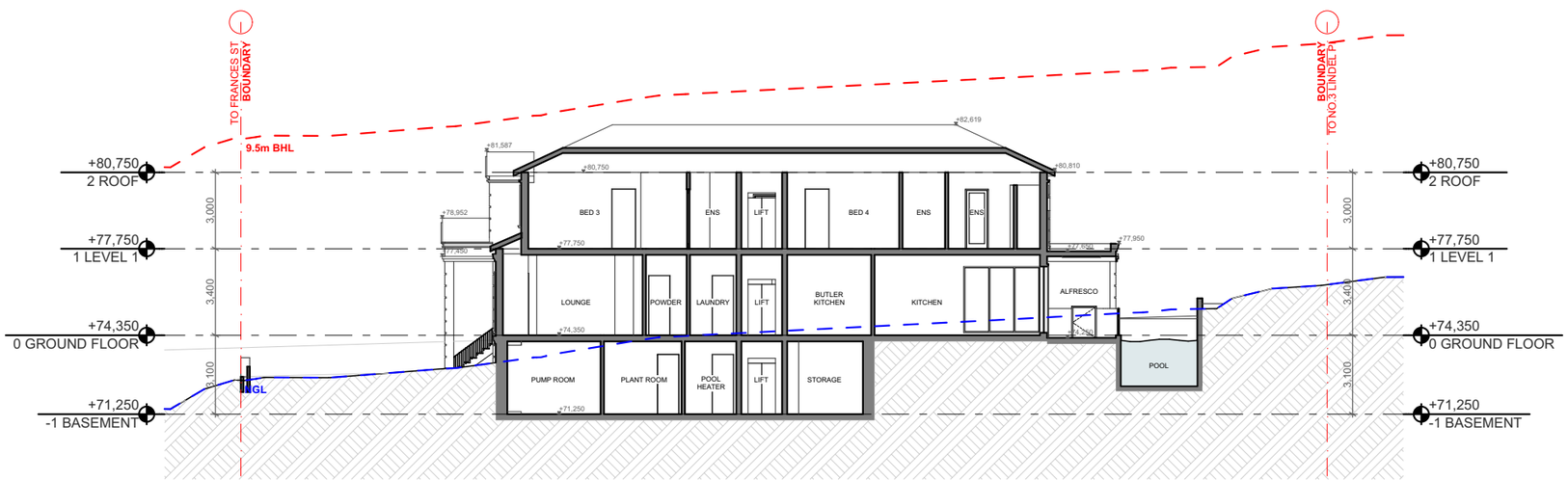
PAPER A3 **1:100**

DRAWING TITLE :
ELEVATION
FRONT FENCE ELEVATION

PROJECT NAME :
15 FRANCES ST, LINDFIELD

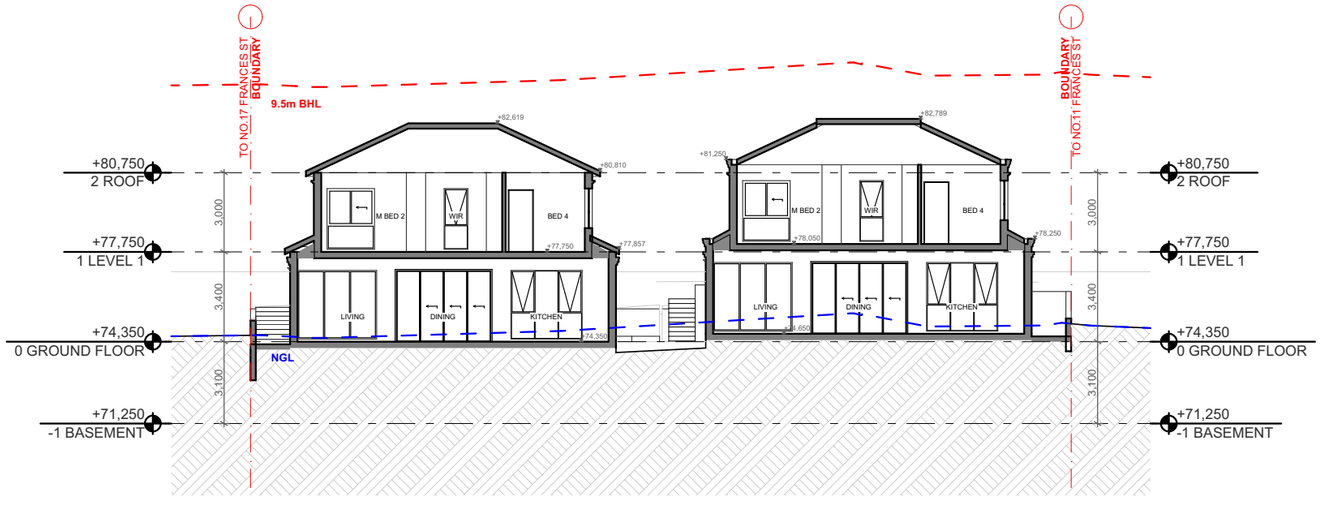
REVISION NO. **A**

DRAWING NO. **203**



A
-

SECTION A
1:200



B
-

SECTION B
1:200

NOTE
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Surveyor	**ISA SURVEYORS**

RevID	Transmittal Set Date	Approved by	Rev. Note
A	9/07/2025	TZ	ISSUE FOR DA

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Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

PAPER
A3
1:200

DRAWING TITLE :
SECTION
SECTION A & B

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO.
A

DRAWING NO.
301



C
-

SECTION C
1:200

NOTE
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Drawn | Checked	LL | TZ
Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

PAPER
A3
1:200

DRAWING TITLE :
SECTION
SECTION C

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO.
A

DRAWING NO.
302

1 PAINT/RENDER (DULUX - Lexicon Quarter B11) OR SIMILAR



2 ROOF TILE: MONIER ROOFING MADISON OR SIMILAR



3 GLAZING POOL FENCE REFERENCE ONLY



4 ALUMINIUM FRAMED WINDOWS AND DOORS POWDERCOATED BLACK OR SIMILAR

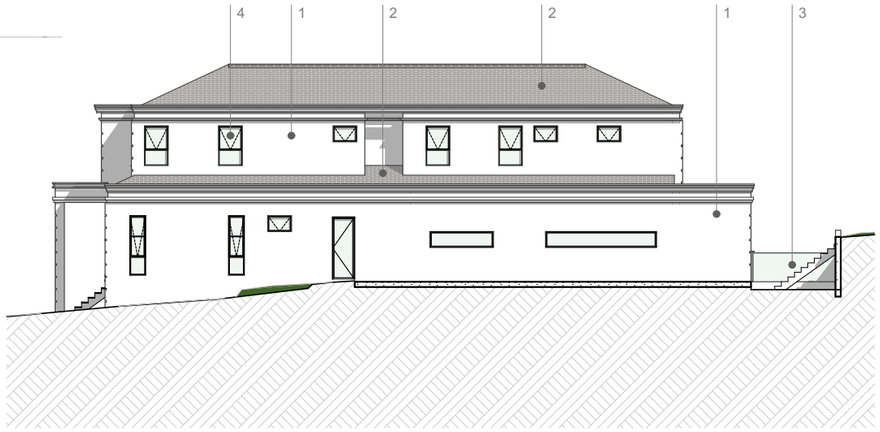
5 COMMON BRICK WITH PAINTED FINISH OR SIMILAR



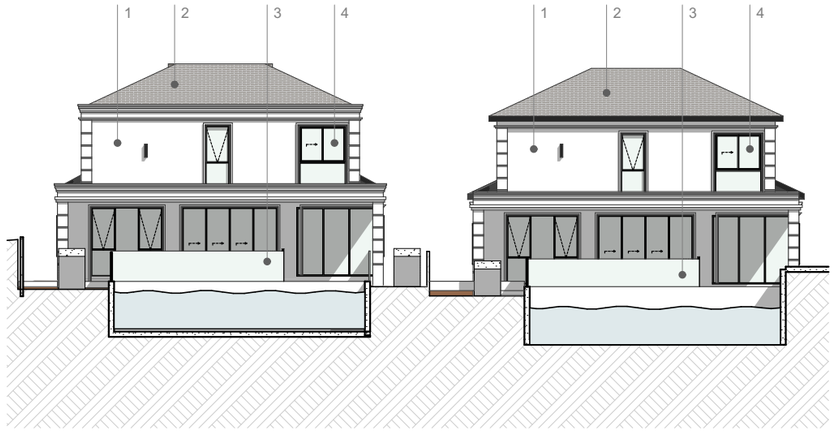
ME-01 NORTH ELEVATION
- 1:200



ME-03 WEST ELEVATION
- 1:200



ME-02 SOUTH ELEVATION
- 1:200



ME-04 EAST ELEVATION
- 1:200

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Surveyor	ISA SURVEYORS

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Project Designer

TEXCO DESIGN

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Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

PAPER A3 1:200

DRAWING TITLE : SCHEDULE MATERIAL SCHEDULE

PROJECT NAME : 15 FRANCES ST, LINDFIELD

REVISION NO. A

DRAWING NO. 401

WINDOW LIST								
ID	W01	W02	W03	W04	W05	W06	W07	
TYPE	AWNING WINDOW	AWNING WINDOW	AWNING WINDOW	FIXED WINDOW	FIXED WINDOW	AWNING WINDOW	<Undefined>	FIXED
NOMINAL W x H	600×2,250	600×1,500	900×1,500	2,400×600	4,200×600	2,700×2,600	3,000×2,600	3,
SILL HEIGHT	150	900	900	1,200	1,200	100	100	
PLAN								
ELEVATION								
QUANTITY	17	5	16	2	2	2	1	
FRAME COLOR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OI

WINDOW LIST							
ID	W07	W08	W09	W10	W11	W12	
TYPE	WINDOW	SLIDING WINDOW	AWNING WINDOW	AWNING WINDOW	AWNING WINDOW	SLIDING WINDOW	SLIDING
NOMINAL W x H	000×2,600	1,800×2,300	2,700×1,500	900×2,300	900×600	1,200×2,250	1,
SILL HEIGHT	100	100	900	100	1,800	150	
PLAN							
ELEVATION							
QUANTITY	3	2	2	2	14	3	
FRAME COLOR	R SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OI

REFER TO CORRESPONDING NATHERS CERTIFICATE(S) FOR CORRECT WINDOW SPECIFICATIONS / ALLOCATIONS (SEE AE.05 FORM FOR DETAIL)

BCA REQUIREMENT:
NOTE: ALL OPERABLE WINDOWS TO HAVE WINDOW RESTRICTORS THAT NOT PERMIT A 125MM SPHERE TO PASS THROUGH THE WINDOW OPENING IN ACCORDANCE TO PART 11.3.7OF ABCA 2022 VOLUME 2

NOTE: ANY WINDOWS SERVING POOL AREA TO BE RESTRICTED TO AN OPENING OF 100MM FOR THAT PORTION BELOW 1800MM FFL

ALL THE DOOR AND WINDOW OPENING DIRECTION REFER TO FLOOR PLAN FOR REFERENCE

NOTE
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Surveyor	**ISA SURVEYORS**

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Revision Date: 9/07/2025
Project NO.: 2449
Project Status: DA

Client: RUDDER DEVELOPMENT PTY LTD
Site: 15 FRANCES ST, LINDFIELD
Climate Zone: 5
Wind Region: A

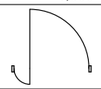
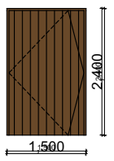
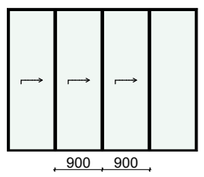
PAPER A3 1:1

DRAWING TITLE :
SCHEDULE
WINDOW SCHEDULE

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO. **A**

DRAWING NO. **402**

DOOR LIST				
ID	D01	D02	D03	SLD01
TYPE	ENTRANCE DOOR	GARAGE DOOR	EXTERNAL DOOR	SLIDING DOOR
NOMINAL W x H	1,500×2,400	4,800×2,400	820×2,340	3,600×2,700
PLAN				
ELEVATION				
QUANTITY	2	2	2	2
FRAME COLOR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR

REFER TO CORRESPONDING NATHERS CERTIFICATE(S) FOR CORRECT WINDOW SPECIFICATIONS / ALLOCATIONS (SEE AE.05 FORM FOR DETAIL)

BCA REQUIREMENT:
NOTE: ALL OPERABLE WINDOWS TO HAVE WINDOW RESTRICTORS THAT NOT PERMIT A 125MM SPHERE TO PASS THROUGH THE WINDOW OPENING IN ACCORDANCE TO PART 11.3.7OF ABCA 2022 VOLUME 2

NOTE: ANY WINDOWS SERVING POOL AREA TO BE RESTRICTED TO AN OPENING OF 100MM FOR THAT PORTION BELOW 1800MM FFL

ALL THE DOOR AND WINDOW OPENING DIRECTION REFER TO FLOOR PLAN FOR REFERENCE

NOTE
The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes until issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorised in writing by Texco Design Pty Ltd.

All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractors responsibility to confirm all measurements on site and locations of any services prior to work on site.

All documents here within are subject to Australian Copyright Laws.

Project Partners
Refer to consultant documentation when directed

Heritage	**WEIR PHILLIPS HERITAGE**
Landscape Architect	**ZENITH LANDSCAPE**
Stormwater Engineer	**JCO CONSULTANTS**
Basix	**ECO CERTIFICATES**
Town Planner	**GYDE**
Geotechnical Engineer	**ELITE GEOSCIENCES**
Surveyor	**ISA SURVEYORS**

RevID	Transmittal Set Date	Approved by	Rev. Note
A	9/07/2025	TZ	ISSUE FOR DA

Project Designer

TEXCO DESIGN
Nom Arch: NSW ARB 11348
E: office@texcodesign.com.au
P: +61 449 984 889

TRUE NORTH

Drawn | Checked	LL | TZ
Revision Date:	9/07/2025
Project NO.	2449
Project Status	DA
Client	RUDDER DEVELOPMENT PTY LTD
Site:	15 FRANCES ST, LINDFIELD
Climate Zone	5
Wind Region	A

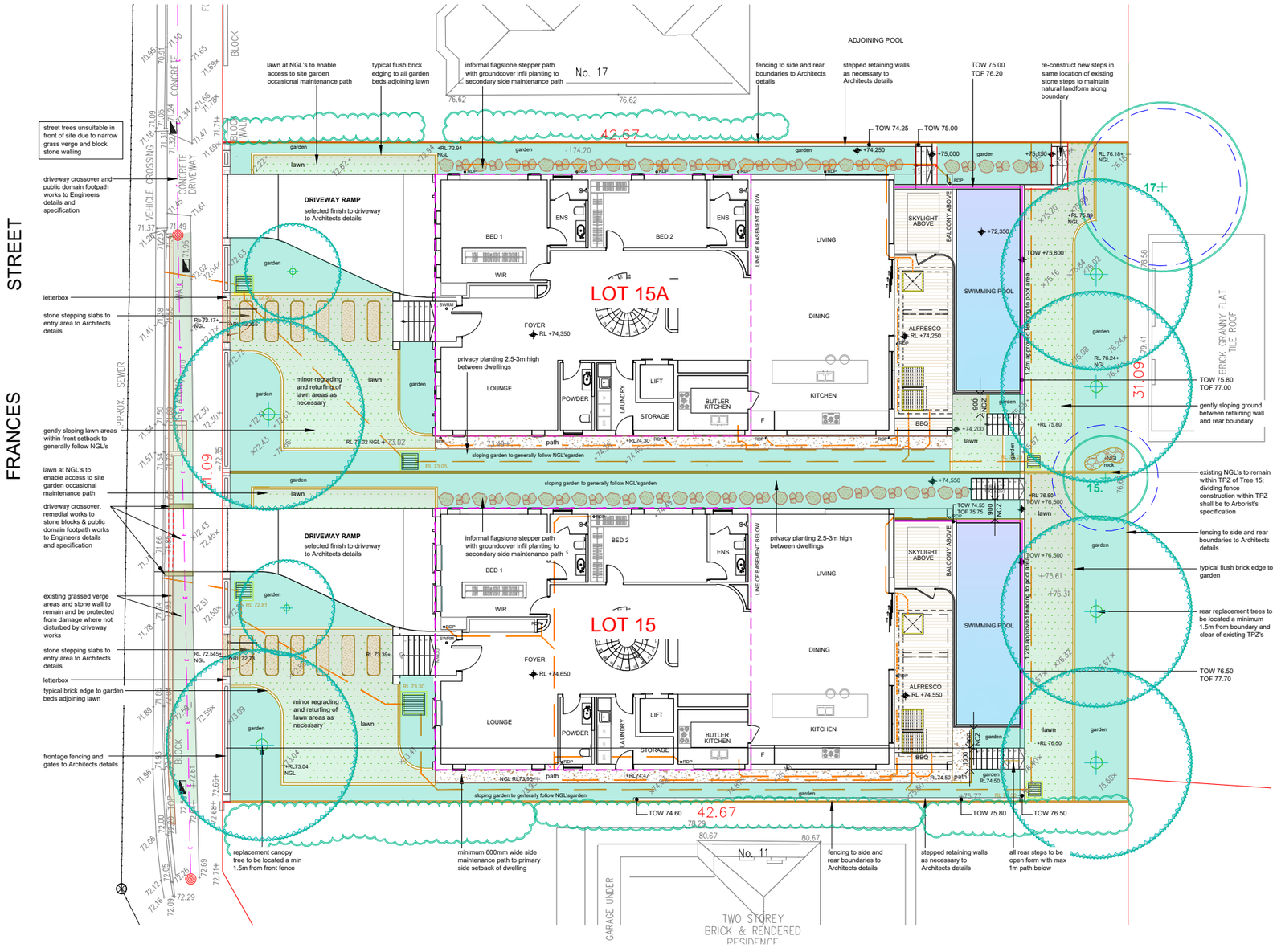
PAPER A3 1:1

DRAWING TITLE :
SCHEDULE
DOOR SCHEDULE

PROJECT NAME :
15 FRANCES ST, LINDFIELD

REVISION NO. **A**

DRAWING NO. **403**



LANDSCAPE SET OUT PLAN 1:100

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NOTES
1. Vehicular pavement, fencing and built structure details shall be to Architect's specification.
2. All surface and sub-surface drainage requirements shall be to Engineers details.
3. Numeric dimensions should be taken in preference to scaling.
4. All dimensions should be checked on-site prior to commencing construction.
5. Contractors shall verify the location of all site features prior to commencing works.
6. Soil testing has not been undertaken as part of the preparation of this design; Contractors shall determine the need for soil testing prior to any planting works.
7. A search of underground services has not been undertaken as part of the preparation of this design; it is recommended that Contractors contact DIAL BEFORE YOU DIG ON 1100 prior to commencing any works.
8. This plan is to be read in conjunction with the architectural and engineering plans
9. It is recommended that an approved root barrier be installed to manufacturers recommendations to all tree planting in the vicinity of structures, walls and hard pavement areas.

1:100 0 1 2 3 4 5 10m

NOT FOR CONSTRUCTION

ZENITH LANDSCAPE DESIGNS
Ph: 9545 5200 info@zenithlandscapes.com.au

Australian Institute of Landscape Architects
Landscape Design Institute Registered Member

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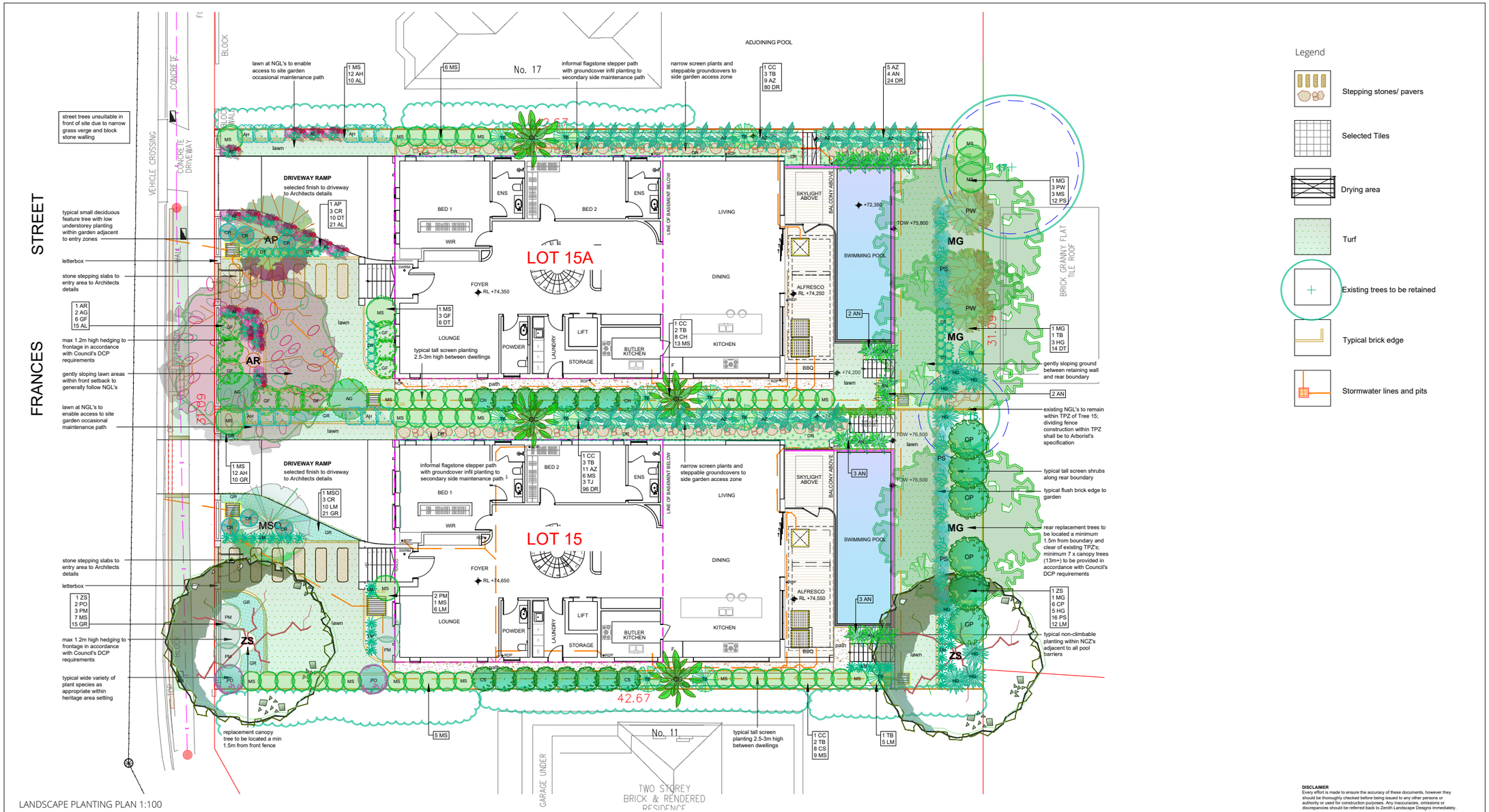
DIAL 1100 BEFORE YOU DIG www.1100.com.au

	Rev. no.	ISSUE:	Date:
ARCHITECT: TEXCO		DA APPLICATION	04.07.2025
ENGINEER: JCO CONSULTANTS P/L			
SURVEYOR: ISA SURVEYORS			
ARBORIST: EZIGROW			
CLIENT:			

LANDSCAPE PLAN
15 FRANCES STREET
LINDFIELD

SCALE: 1:100 A1

PROJECT No: 25-5226 L01
ISSUE: DA | SHEET: 1 OF 3
DRAWN: MG | REVISION:



LANDSCAPE PLANTING PLAN 1:100



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1:100 0 1 2 3 4 5 10m

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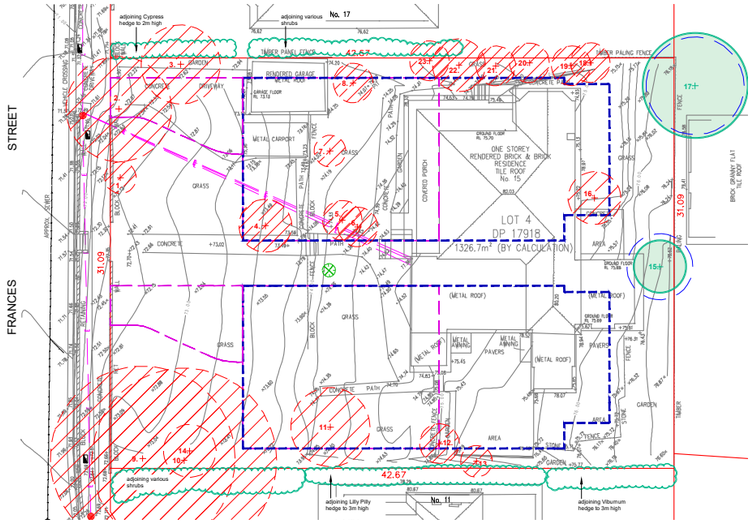
DIAL 1100 BEFORE YOU DIG www.1100.com.au

ARCHITECT: TEXCO	Rev. no.	ISSUE:	Date:
ENGINEER: JCO CONSULTANTS P/L		DA APPLICATION	04.07.2025
SURVEYOR: ISA SURVEYORS			
ARBORIST: EZIGROW			
CLIENT:			

LANDSCAPE PLAN
15 FRANCES STREET
LINDFIELD

SCALE: 1:100 A1

PROJECT No: 25-5226 L02
ISSUE: DA | SHEET: 2 OF 3
DRAWN: MG | REVISION:


STREET
FRANCES
adjoining Cypress hedge to 2m high
adjoining various shrubs
No. 17
TIMBER PANEL FENCE
42.67
METAL PALING FENCE
DRIVE
DRIVEWAY
DRIVE
DRIVE
DRIVE

GENERAL WORKS LEGEND

SITE BOUNDARY	
CONTOUR	100.00
RETAINING WALL	RW
VEHICULAR CROSSING	VC
BUILDING FINISHED FLOOR LEVEL	FFL 10.00
FINISHED LEVEL	F 10.00
INVERT LEVEL	IL10.00
INGROUND STORMWATER PIPE	
INGROUND STORMWATER PIPE (EXISTING)	SW
ROOF STORMWATER PIPE	RW
CHARGED STORMWATER PIPE	CSW
OVERFLOW STORMWATER PIPE	OF
SUBSOIL STORMWATER PIPE	SW
STORMWATER PIPE SUSPENDED TO SLAB UNDERSIDE	SSW
STORMWATER PIPE CAST-IN SLAB	CI
STORMWATER PUMP RISING MAIN	RM
AC UNIT TUNDISH	TD
STORMWATER BALCONY GRADE LINE	
STORMWATER CHANNEL / SWALE	
GRADE AND FLOW DIRECTION	3.0%
PIPE SIZE AND TYPE	Ø100mm uPVC @1%
OVERLAND FLOW DIRECTION	
KERB INLET PIT (ONGRADE / SAG)	
SURFACE INLET PIT / JUNCTION PIT	
STORMWATER PIT TAG	A/01
GRATED TRENCH DRAIN	
CONCRETE / STACKED ROCK HEADWALL	
DOWNPIPES COLLECTING ROOF WATER	Ø100mm RDP
DOWNPIPES	Ø100mm DP
DOWNPIPES WITH RAINWATER HEAD	Ø100mm RDP
DOWNPIPES TO LOWER FLOOR	
RAINWATER OUTLETS	RWO
BALCONY OUTLETS	BO
DISH DRAIN OUTLETS	DDO
FLOOR WASTE OUTLETS	FW
PLANTER BOX OUTLETS	PD
OVERFLOW SLOTS	O/F
FIRE COLLAR	FC
BASEMENT PENETRATION POINT	
PUMP-OUT RISING MAIN	SWRM
RAINWATER TANK FIRST FLUSH ABOVE GROUND	FF
RAINWATER TANK FIRST FLUSH BELOW GROUND	FF
PUMP-OUT CONTROL BOX	
PUMP-OUT WARNING FLASH LIGHT	
CLEAN OUT POINT	CO
SUBSOIL /PIPE INTERMEDIATE RISER	IR
RAINWATER TANK	RWT
TELECOMMUNICATION LINE	C
UNDERGROUND ELECTRICAL LINE	E
OVERHEAD ELECTRICAL LINE	OH
FIRE HYDRANT LINE	F
GAS LINE	G
WATER LINE	W
SEWER LINE	S

PROPOSED DUAL OCCUPANCY
15 FRANCES STREET, LINDFIELD
STORMWATER CONCEPT DESIGN



SOURCE: SIX MAPS 2025

DRAWING REGISTER

DRAWING NO.	TITLE	REVISION
DA-SW100	COVERSHEET	1
DA-SW101	GENERAL NOTES AND SPECIFICATIONS	1
DA-SW200	STORMWATER CONCEPT DESIGN - BASEMENT	1
DA-SW201	STORMWATER CONCEPT DESIGN - GROUND FLOOR	1
DA-SW202	STORMWATER CONCEPT DESIGN - LEVEL 1	1
DA-SW203	STORMWATER CONCEPT DESIGN - ROOF	1
DA-SW300	DETAILS SHEET 1 of 2	1
DA-SW301	DETAILS SHEET 2 of 2	1
DA-SW600	EROSION AND SEDIMENT CONTROL PLAN & DETAILS	1

REV.	DATE	AMENDMENT	INT.	APP.
1	8/07/2025	ISSUED FOR DA	P.O	J.H

Client: RUDDER GROUP PTY LTD.

Architect: TEXCO DESIGN

JCO CONSULTANTS PTY LTD
SUITE 801C, No.1 RIDER BOULEVARD, RHODES NSW 2138
EMAIL: Jason@jcoconsultants.com.au

Project: PROPOSED DUAL OCCUPANCY
15 FRANCES STREET, LINDFIELD
STORMWATER CONCEPT DESIGN

Drawing Title: COVERSHEET

Design: P.O | Drawn: P.O | Validate: J.H

Job Number: 20250055

Drawing Number: DA-SW100

Scale: NTS | Date: 8/07/2025 | Size: A1 | Datum: A.H.D

North Point: N

Status: DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

Scale

DATE PLOTTED: 9 July 2025 10:16 AM

CAD File: P:\2025\20250055-15 Frances Street, Lindfield\Civil\cad\DA Stormwater\DA-SW100.dwg

GENERAL

1. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH COUNCIL'S CONSTRUCTION SPECIFICATIONS (REFER BELOW), BUILDING CODE OF AUSTRALIA, NSW CODE OF PRACTICE AND THE TO THE RELEVANT SERVICE CODES.
2. ALL DIMENSIONS SHOWN ON THE DRAWINGS ARE IN MILLIMETERS AND ALL LEVELS ARE IN METERS (U.N.O.). DIMENSIONS SHALL NOT BE OBTAINED BY SCALING OF THESE DRAWINGS. USE FIGURED DIMENSIONS ONLY.
3. BENCHMARKS HAVE BEEN ESTABLISHED WHERE INDICATED ON THE DRAWINGS. ALL LEVELS ARE TO AUSTRALIAN HEIGHT DATUM (A.H.D.). THE CONTRACTOR SHALL UNDERTAKE ALL NECESSARY SURVEY WORK TO ENSURE THAT THE WORKS ARE CONSTRUCTED TO DESIGN LINE AND LEVEL.
4. SETTING OUT DIMENSIONS AND LEVELS SHOWN ON THE DRAWINGS SHALL BE VERIFIED BY THE CONTRACTOR.
5. ALL MATERIALS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE RELEVANT SAA CODES AND THE BY-LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITIES.
6. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE ALL SAFETY FENCES, WARNING SIGNS, TRAFFIC DIVERSIONS AND THE LIKE DURING CONSTRUCTION. ALL WORKS TO COMPLY WITH WORK HEALTH AND SAFETY REQUIREMENTS AND OTHER RELEVANT AUTHORITY SAFETY REQUIREMENTS.
7. NO TREES SHALL BE REMOVED, CUTBACK OR RELOCATED WITHOUT THE WRITTEN INSTRUCTION FROM THE SUPERINTENDENT.
8. DESIGN LEVELS GIVEN ARE TO FINISHED SURFACE LEVEL AND INCLUSIVE OF TOPSOIL. (TOPSOIL DEPTH VARIES)
9. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN FROM THE UTILITY SERVICES AUTHORITIES A CURRENT COPY OF UNDERGROUND SERVICES SEARCH FOR THE LOCATION OF ALL EXISTING SERVICES PRIOR TO COMMENCEMENT OF ANY WORK AND NOTIFY ANY CONFLICT WITH THE DRAWINGS IMMEDIATELY. CLEARANCE SHALL BE OBTAINED FROM THE RELEVANT REGULATORY AUTHORITY. CONTRACTOR TO KEEP COPY OF UNDERGROUND SERVICES SEARCH ON SITE AT ALL TIMES. ANY DAMAGES TO SERVICES OR SERVICES ADJUSTMENTS SHALL BE CARRIED OUT BY THE CONTRACTOR OR RELEVANT AUTHORITY AT THE DEVELOPERS EXPENSE.
10. VISIT THE SITE BEFORE SUBMITTING THE FINAL TENDER PRICE TO ASSESS 'ON SITE' CONDITIONS. FAILURE TO DO SO WILL FORFEIT ANY CLAIM FOR NOT BEING AWARE OF CONDITIONS AFFECTING THE TENDER.
11. THE CONTRACTOR SHALL PREPARE ACCURATE WORK-AS-EXECUTED DRAWINGS FOLLOWING THE COMPLETION OF ALL WORKS.
12. IT IS THE CONTRACTOR'S RESPONSIBILITY TO HAVE IN PLACE & MAINTAIN TRAFFIC FACILITIES AT ALL TIMES DURING CONSTRUCTION.
13. A ROAD OCCUPANCY APPLICATION SHALL BE APPROVED BY COUNCIL'S TRAFFIC SECTION PRIOR TO COMMENCEMENT OF WORKS.

SURVEY

1. THE EXISTING SITE CONDITIONS SHOWN ON THE FOLLOWING DRAWINGS HAVE BEEN SUPPLIED BY REGISTERED SURVEYORS TO PROVIDE A BASIS FOR DESIGN. THE USE OF THIS SURVEY BASE DOES NOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THE SURVEY BASE OR ITS SUITABILITY AS A BASIS FOR CONSTRUCTION DRAWINGS.
2. SHOULD DISCREPANCIES BE ENCOUNTERED DURING CONSTRUCTION BETWEEN THE SURVEY DATA AND ACTUAL FIELD DATA, CONTACT THE SUPERINTENDENT.
3. THE RELATIONSHIP OF IMPROVEMENTS TO BOUNDARIES ARE DIAGRAMMATIC ONLY. WHERE DISTANCES TO BOUNDARIES ARE CRITICAL THEY SHOULD BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION BY FURTHER SURVEY.
4. LEVELS ON SURVEY PLAN CALCULATED IN USING RELEVANT BENCHMARK. CONTRACTOR TO VERIFY BENCHMARK BEFORE WORK IS CARRIED OUT. DETAILS OF BENCHMARK FOUND IN SITEWORKS PLAN.

BEFORE YOU DIG byda.com.au

Zero damage – Zero harm – Zero disruption

BEFORE YOU DIG AUSTRALIA SHOULD BE CONTACTED PRIOR TO ANY EXCAVATION ON SITE

TM: TRADE MARK OF BEFORE YOU DIG AUSTRALIA LTD. USED UNDER LICENSE.

EROSION AND SEDIMENT CONTROL

1. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE CONTROL OF EROSION AND SEDIMENTATION TO THE SATISFACTION OF COUNCIL. NSW OFFICE OF WATER, OFFICE OF ENVIRONMENT AND HERITAGE. THE EROSION AND SEDIMENTATION CONTROLS SHOWN ON THE DRAWINGS SHALL ONLY BE USED AS A GUIDE BY THE CONTRACTOR, AND SHALL REPRESENT THE MINIMUM REQUIREMENT ONLY.
2. THE CONTRACTOR SHALL ENSURE THAT ALL SOIL AND WATER MANAGEMENT WORKS ARE LOCATED AS DOCUMENTED OR AS OTHERWISE DIRECTED BY THE SUPERINTENDENT.
   ALL WORK SHALL BE GENERALLY CARRIED OUT IN ACCORDANCE WITH
   (i) LOCAL AUTHORITY REQUIREMENTS.
   (ii) EPA REQUIREMENTS.
   (iii) LATEST REVISION OF LANDCOM MANUAL "MANAGING URBAN STORMWATER, SOILS AND CONSTRUCTION".
3. BEFORE EARTHWORKS CAN COMMENCE THE EROSION & SEDIMENT CONTROL MEASURES MUST BE IN PLACE. DURING THE CONSTRUCTION PERIOD, THESE CONTROL MEASURES WILL NEED TO BE INSPECTED & MAINTAINED REGULARLY, ESPECIALLY AFTER STORM EVENTS, BY THE CONTRACTOR, TO THE SATISFACTION OF THE SUPERINTENDENT AND THE LOCAL AUTHORITY.
4. WHEN STORMWATER PITS ARE CONSTRUCTED, PREVENT SITE RUNOFF ENTERING UNLESS SEDIMENT FENCES ARE ERECTED AROUND PITS. ISOLATE EXISTING STORMWATER PITS WITH STRAW BALES OR SILT TRAPS TO FILTER ALL INCOMING FLOWS.
5. WHERE PRACTICAL, THE SOIL EROSION HAZARD ON THE SITE WILL BE KEPT AS LOW AS POSSIBLE. TO THIS END, WORKS SHOULD BE UNDERTAKEN IN THE FOLLOWING SEQUENCE:
   (i) INSTALL A SEDIMENT FENCE ALONG THE BOUNDARIES AS SHOWN ON PLAN. PROVIDE SILT FENCE/STRAW BAIL BARRIERS TO THE LOW SIDE OF ALL EXPOSED EARTH EXCAVATIONS. TIE SEDIMENT FENCING MATERIAL TO CYCLONE WIRE SECURITY FENCE. SEDIMENT CONTROL FABRIC SHALL BE AN APPROVED MATERIAL (EG. HUMES PROPEX SILT STOP) STANDING 300mm ABOVE GROUND & EXTENDING 150mm BELOW GROUND.
   (ii) CONSTRUCT STABILISED CONSTRUCTION ENTRANCE TO LOCATION AS DETERMINED BY SUPERINTENDENT/ENGINEER. CONTRACTOR SHALL ENSURE ALL DROPPABLE SOIL & SEDIMENT IS REMOVED PRIOR TO CONSTRUCTION TRAFFIC EXITING SITE. CONTRACTOR SHALL ENSURE ALL CONSTRUCTION TRAFFIC ENTERING AND LEAVING THE SITE DO SO IN A FORWARD DIRECTION.
   (iii) INSTALL SEDIMENT BASIN AS SHOWN ON PLAN, INSTALL SEDIMENT TRAPS AS SHOWN ON PLAN.
   (iv) UNDERTAKE SITE DEVELOPMENT WORKS IN ACCORDANCE WITH THE ENGINEERING PLANS. WHERE POSSIBLE, PHASE DEVELOPMENT SO THAT LAND DISTURBANCE IS CONFINED TO AREAS OF WORKABLE SIZE.
6. TREAT THE STORMWATER RUNOFF WITH SUSPENDED SOLIDS SO THE DISCHARGE WATER QUALITY TO COUNCIL STORMWATER DRAINAGE SYSTEM HAS A MAXIMUM CONCENTRATION OF SUSPENDED SOLIDS THAT DOES NOT EXCEED 50 MILLIGRAMS PER LITRE IN ACCORDANCE WITH THE PROTECTION OF THE ENVIRONMENT OPERATION ACT (POEO 1997) AND SHALL BE APPROVED BY LOCAL COUNCIL.
7. DURING WINDY WEATHER, LARGE, UNPROTECTED AREAS WILL BE KEPT MOIST (NOT WET) BY SPRINKLING WITH WATER TO KEEP DUST UNDER CONTROL.
8. FINAL SITE LANDSCAPING WILL BE UNDERTAKEN AS SOON AS POSSIBLE AND WITHIN 20 WORKING DAYS FROM COMPLETION OF CONSTRUCTION ACTIVITIES.
9. STOCKPILES WILL NOT BE LOCATED WITHIN 2 METRES OF HAZARD AREAS, INCLUDING LIKELY AREAS OF CONCENTRATED OR HIGH VELOCITY FLOWS SUCH AS WATERWAYS. WHERE THEY ARE BETWEEN 2 AND 5 METRES FROM SUCH AREAS, SPECIAL SEDIMENT CONTROL MEASURES SHOULD BE TAKEN TO MINIMISE POSSIBLE POLLUTION TO DOWNSLOPE WATERS, E.G. THROUGH INSTALLATION OF SEDIMENT FENCING.
10. ANY SAND USED IN THE CONCRETE CURING PROCESS (SPREAD OVER THE SURFACE) WILL BE REMOVED AS SOON AS POSSIBLE AND WITHIN 10 WORKING DAYS FROM PLACEMENT.
11. WATER WILL BE PREVENTED FROM ENTERING THE PERMANENT DRAINAGE SYSTEM UNLESS IT IS RELATIVELY SEDIMENT FREE, I.E. THE CATCHMENT AREA HAS BEEN PERMANENTLY LANDSCAPED AND/OR ANY LIKELY SEDIMENT HAS BEEN FILTERED THROUGH AN APPROVED STRUCTURE.
12. TEMPORARY SOIL AND WATER MANAGEMENT STRUCTURES WILL BE REMOVED ONLY AFTER THE LANDS THEY ARE PROTECTING ARE REHABILITATED.
13. ACCEPTABLE RECEPTORS WILL BE PROVIDED FOR CONCRETE AND MORTAR SLURRIES, PAINTS, ACID WASHINGS, LIGHT-WEIGHT WASTE MATERIALS AND LITTER.
14. ANY EXISTING TREES WHICH FORM PART OF THE FINAL LANDSCAPING PLAN WILL BE PROTECTED FROM CONSTRUCTION ACTIVITIES BY:
   (i) PROTECTING THEM WITH BARRIER FENCING OR SIMILAR MATERIALS INSTALLED OUTSIDE THE DRIP LINE.
   (ii) ENSURING THAT NOTHING IS NAILED TO THEM.
   (iii) PROHIBITING PAVING, GRADING, SEDIMENT WASH OR PLACING OF STOCKPILES WITHIN THE DRIP LINE EXCEPT UNDER THE FOLLOWING CONDITIONS:
   - ENCROACHMENT ONLY OCCURS ON ONE SIDE AND NO CLOSER TO THE TRUNK THAN EITHER 1.5 METRES OR HALF THE DISTANCE BETWEEN THE OUTER EDGE OF THE DRIP LINE AND THE TRUNK, WHICH EVER IS THE GREATER.
   - A DRAINAGE SYSTEM THAT ALLOWS AIR AND WATER TO CIRCULATE THROUGH THE ROOT ZONE (E.G. A GRAVEL BED) IS PLACED UNDER ALL FILL LAYERS OF MORE THAN 300 MILLIMETRES DEPTH.
   - CARE IS TAKEN NOT TO CUT ROOTS UNNECESSARILY NOR TO COMPACT THE SOIL AROUND THEM.

STORMWATER DRAINAGE

1. ALL INTERNAL WORKS WITHIN PROPERTY BOUNDARIES ARE TO COMPLY WITH THE REQUIREMENTS OF THE LATEST REVISION OF AS3500.3-2003:'STORMWATER DRAINAGE'.
2. PIPES UP TO 300 DIA SHALL BE SEWER GRADE uPVC (CLASS SN4) WITH SOLVENT WELDED JOINTS.
3. PIPES 375 DIA. AND LARGER TO BE REINFORCED CONCRETE MIN CLASS '2' APPROVED SPIGOT AND SOCKET WITH RUBBER RING JOINTS. MANUFACTURED TO AS4058 U.N.O.
4. ALL PIPES ARE TO BE LAID AT MIN 1.0% GRADE (UNO). MIN SIZE 100mm DIAMETER (UNO). FOR STORMWATER DRAINAGE PIPES THAT EXCEED 1:5 GRADE, REINFORCED CONCRETE ANCHOR BLOCKS SHALL BE INSTALLED. ANCHOR BLOCKS TO BE CONSTRUCTED TO SPECIFICATIONS SET OUT IN AS3500.3-2018 SECTION 8.10.
5. MINIMUM PIPE COVER TO BE 600mm UNDER TRAFFICABLE AREAS AND 300mm ELSEWHERE (UNO).
6. EQUIVALENT STRENGTH FRC PIPES MAY BE USED TO DESIGN ENGINEER AND SUPERINTENDENTS APPROVAL.
7. ALL PIPES ARE TO BE UNIFORMLY SUPPORTED ALONG THE LENGTH OF THE BARREL BY SUITABLE FILL MATERIAL. REFER TO BEDDING SUPPORT TYPE.
8. PIPES WITH SOCKETS SHALL BE LAID IN BEDDING WHERE SUITABLE RECESSES HAVE BEEN PROVIDED TO ENSURE PIPES DO NOT BEAR ON THEIR SOCKETS.
9. ENLARGERS, CONNECTIONS AND JUNCTIONS TO BE PREFABRICATED FITTINGS WHERE PIPES ARE LESS THAN 300 DIA.
10. ALL STORMWATER DRAINAGE LINES UNDER PROPOSED BUILDING SLABS TO BE uPVC PRESSURE PIPE GRADE.
11. ENSURE ALL VERTICALS AND DOWNPIPES ARE uPVC PRESSURE PIPE, GRADE 6 FOR A MIN OF 3.0m IN HEIGHT.
12. PROVIDE CLEANING EYES TO ALL DOWNPIPES NOT DIRECTLY CONNECTED TO PITS.
13. WHERE WORKING METHODS REQUIRE HIGHER CLASS PIPE, THE CONTRACTOR SHALL REFER TO AS 3725 (2007) TO DETERMINE THE APPROPRIATE PIPE CLASS. PROPOSED PIPE CLASS SHALL BE REVIEWED BY THE DESIGN ENGINEER PRIOR TO INSTALLATION.
14. CARE IS TO BE TAKEN WITH LEVELS OF STORMWATER LINES. PIPES SHALL BE TRUE TO GRADES SHOWN AND ALIGNED SO THAT THE CENTRE OF THE INLET PIPE INTERSECTS WITH THE CENTRE OF THE OUTLET PIPE AT THE DOWNSTREAM FACE OF THE PIT.
15. BED ALL PIPES FIRMLY AND EVENLY WITH IMPORTED FILL ONLY. THICKNESS OF BEDDING LAYER SHALL BE 75mm IN SOIL AND 200mm IN ROCK.
16. LAY AND JOINT ALL PIPES IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND AS3725-2007:'DESIGN FOR INSTALLATION OF BURIED CONCRETE PIPES'.
17. EXCAVATE TRENCHES AND STOCKPILE ALL MATERIAL FOR INSPECTION WITH REGARD TO REUSE FOR TRENCH BACKFILL. REMAINING MATERIAL TO BE REMOVED FROM SITE. BACKFILL PIPES WITH IMPORTED FILL. PROVIDE 200mm SIDE SUPPORT AND 150mm OVERLAY ABOVE PIPE CROWN. TRENCH FILL ABOVE THE EMBEDMENT ZONE TO THE UNDERSIDE OF THE ROAD PAVEMENT OR THE FOOTWAY SHALL BE AS FOLLOW:
   - UNDER ROADWAY
     TRENCH FILL MATERIAL SHALL CONSIST OF IMPORTED FILL AS SPECIFIED HEREIN OF EITHER HIGH GRADE COMPACTION SAND OR APPROVED CRUSHED ROAD GRAVEL CONFORMING TO RMS QA SPECIFICATION 3051 OR SIMILAR.
   - OTHER THAN ROADWAY
     TRENCH MATERIAL EXCAVATED SHALL CONSIST OF SELECT FILL AS SPECIFIED HEREIN AND SHALL NOT CONTAIN MORE THAN 20% OF STONES OF SIZE BETWEEN 25mm AND 75mm AND NONE LARGER THAN 75mm. PRIOR TO USE OF THE EXCAVATED MATERIAL IT SHALL BE INSPECTED AND APPROVED BY THE ENGINEER.
18. COMPACT BEDDING. EMBEDMENT AND TRENCH FILL MATERIALS AS FOLLOW:
   - EMBEDMENT: FOR GRANULAR FILL MATERIAL (NON-COHESIVE SOIL) e.g. COARSE AGGREGATE FILL, THE DENSITY INDEX (ID) SHALL BE NOT LESS THAN 70%.
   - TRENCH FILL: FOR GRANULAR MATERIAL (NON COHESIVE SOILS). THE DENSITY INDEX (ID) SHALL BE NOT LESS THAN 70%. FOR NON-GRANULAR FILL MATERIAL (COHESIVE SOILS), THE DRY DENSITY RATIO (RD) SHALL BE NOT LESS THAN 95%.
19. PRECAST PITS MAY BE USED SUBJECT TO WRITTEN APPROVAL BY THE DESIGN ENGINEER.
20. ALL PIPE PENETRATIONS (EXISTING, IN-SITU AND PRECAST) ARE TO BE FINISHED FLUSH WITH THE INTERNAL PIT WALL AND PROPERLY SEALED WITH CEMENT RENDER. MASS CONCRETE BENCHING IS TO BE INSTALLED TO MATCH THE OUTLET PIPE INVERT LEVEL AND A LOCKABLE HINGED GRATE AND FRAME WITH CONCRETE SURROUND INSTALLED U.N.O.
21. ALL EXPOSED EDGES TO BE ROUNDED WITH 20mm RADIUS, OR CHAMFERED 20mm x 20mm.
22. ALL DRAINAGE AND SERVICE PIT LIDS THROUGHOUT THE PUBLIC DOMAIN SHALL BE INFILL PIT LID TYPE AND BICYCLE SAFE, FINISH FLUSH WITH THE ADJACENT PAVEMENT TO AVOID TRIP HAZARDS AND BE CLEAR OF OBSTRUCTIONS FOR EASY CLEANING AND OPENING.

STORMWATER DRAINAGE (CONT.)

23. COVERS
   (i) USE HOT DIPPED GALVANISED GRATES AND CONCRETE FILLED COVERS WITH HINGES AND HOLD DOWN BOLTS COMPLYING WITH AS3996 AND OTHER RELEVANT AUSTRALIAN AND COUNCIL STANDARDS.
   (ii) ALL COVERS AND GRATES TO BE POSITIONED IN A FRAME AND MANUFACTURED AS A UNIT.
   (iii) ALL COVERS AND GRATES TO BE FITTED WITH POSITIVE COVER LIFTING KEYS.
   (iv) OBTAIN SUPERINTENDENT'S APPROVAL FOR THE USE OF CAST IRON SOLID COVERS AND GRATES. CAST IRON SOLID COVERS (IF APPROVED) TO CONSIST OF CROSS-WEBBED, CELLULAR CONSTRUCTION WITH THE RIBS UPPERMOST TO ALLOW INFILLING WITH CONCRETE. INSTALL POSITIVE COVER LIFTING KEYS AND PLASTIC PLUGS.
   (v) UNLESS DETAILED OR SPECIFIED OTHERWISE COVERS AND GRATES TO BE CLASS "D" IN VEHICULAR PAVEMENTS AND CLASS "B" ELSEWHERE.
   (vi) GRATES TO PITS IN FOOTPATH AREAS SHALL BE HEEL SAFE COMPLYING WITH THE DISABLED ACCESS CODE.
24. NOTE THAT THE PIT COVER LEVEL NOMINATED IN GUTTERS ARE TO THE INVERT OF THE GUTTER WHICH ARE 40mm LOWER THAN THE PAVEMENT LEVEL AT LIP OF GUTTER.
25. Ø100mm SUB-SOIL DRAINAGE LINES SHALL BE CONNECTED TO A STORMWATER DRAINAGE PIT (AT min. 0.5% LONGITUDINAL GRADE) AND PROVIDED IN THE FOLLOWING LOCATIONS:
   (i) ADJACENT ALL TRAFFICKED AND CARPARK PAVEMENT AREAS (BEHIND KERB);
   (ii) ALL PLANTER AND TREE BEDS PROPOSED ADJACENT TO PAVEMENT AREAS;
   (iii) BEHIND RETAINING WALLS (IN ACCORDANCE WITH DRAWINGS);
   (iv) BELOW ALL TRAFFICABLE DISH DRAINS;
   (v) ALL OTHER AREAS SHOWN ON THE DRAWINGS.
26. THE CONTRACTOR SHALL INSTALL FLUSHING POINTS TO ALL SUBSOIL DRAINAGE LINES AND DOWNPIPE LINES AS SPECIFIED ON DRAWINGS, AT MAXIMUM 60m CENTRES AND AT ALL UPSTREAM ENDPOINTS.
27. PROVIDE 3.0m LENGTH OF Ø100 SUBSOIL DRAINAGE PIPE WRAPPED IN A NON-WOVEN GEOTEXTILE FABRIC, TO THE UPSTREAM SIDE OF STORMWATER PITS, LAID IN STORMWATER PIPE TRENCHES AND CONNECTED TO THE DRAINAGE PIT.
28. WHERE SUBSOIL DRAINS PASS UNDER FLOOR SLABS AND VEHICULAR PAVEMENTS, UNSLOTTED uPVC SEWER GRADE PIPE IS TO BE USED.
29. SUBSOIL DRAINAGE SHALL CONSIST OF A SLOTTED 100mm DIAMETER PLASTIC PIPE WRAPPED IN GEOTEXTILE AND PLACED A MINIMUM OF 600mm BELOW THE SUBGRADE LEVEL AND COVERED WITH 500mm OF 20mm GRAVEL. PROVIDE A MINIMUM OF 150mm GRAVEL AROUND SUBSOIL PIPE. TRENCH TO BE LINED WITH GEOTEXTILE FABRIC TYPE BIDIM A24.
30. ALL RECTANGULAR HOLLOW SECTIONS (RHS) SPECIFIED AS STORMWATER CONDUITS TO BE HOT DIPPED GALVANISED AND HAVE (MINIMUM) 5mm WALL THICKNESS.
31. ALL BOX CULVERTS SHALL BE STRUCTURALLY DESIGNED BY THE MANUFACTURER AND DELIVERED TO SITE AS FIT FOR PURPOSE.
32. ELECTRICAL PITS ARE TO DRAIN TO THE NEAREST STORMWATER PIT WITH VERMIN PROOF NON-RETURN FLAP VALVES AS REQUIRED. THE CONTRACTOR IS TO CONFIRM WITH THE ELECTRICAL DESIGNER AS PART OF THE TENDER.
33. THE CONTRACTOR SHALL ENSURE AND PROTECT THE INTEGRITY OF ALL STORMWATER PIPES DURING CONSTRUCTION. ANY AND ALL DAMAGE TO THESE PIPES AS A RESULT OF THESE WORKS SHALL BE REPAIRED BY THE CONTRACTOR UNDER THE DIRECTION OF THE SUPERINTENDENT, AND AT NO EXTRA COST.
34. AT ALL TIMES DURING CONSTRUCTION OF STORMWATER PITS, ADEQUATE SAFETY PROCEDURES SHALL BE TAKEN TO ENSURE AGAINST THE POSSIBILITY OF PERSONNEL FALLING DOWN PITS.
35. ALL EXISTING STORMWATER DRAINAGE LINES AND PITS THAT ARE TO REMAIN ARE TO BE INSPECTED AND CLEANED. DURING THIS PROCESS ANY PART OF THE STORMWATER DRAINAGE SYSTEM THAT WARRANTS REPAIR SHALL BE REPORTED TO THE SUPERINTENDENT/ENGINEER FOR FURTHER DIRECTIONS.
36. EXISTING PIPES WHICH FORM NO PART OF THE DRAINAGE SYSTEM SHALL BE REMOVED OR SEALED AS INDICATED ON THE PLANS. PIPES UP TO 300mm DIAMETER SHALL BE SEWER GRADE uPVC WITH SOLVENT WELDED JOINTS (U.N.O.). ALL PIPE JUNCTIONS AND TAPERS SHALL BE VIA PURPOSE MADE FITTINGS. THE CONTRACTOR SHALL ALLOW FOR THE CAPPING OFF, EXCAVATION AND REMOVAL (IF REQUIRED) OF ALL EXISTING SERVICES IN AREAS AFFECTED BY THE WORKS.
37. CONTRACTOR TO PROVIDE WORKSHOP COORDINATED DRAWINGS PRIOR TO COMMENCING WORKS ON SITE. WORKSHOP DRAWINGS TO BE REVIEWED AND APPROVED BY DESIGN ENGINEER.
38. ALL EXTERNAL AREA TO HAVE A MINIMUM 1% FALL TO OUTLETS PROVIDED.
39. PROVIDE OVERFLOWS TO ALL AREAS TO ARCHITECT'S SPECIFICATIONS.
40. ALL RAINWATER OUTLETS TO OPEN AREAS SHALL BE SPS TRUFLO TYPE TIA100F UNLESS NOTED OTHERWISE. DO NOT INSTALL BALCONY OUTLETS OR SIMILAR IN AREAS SUBJECT TO DIRECT RAINFALL.
41. ANY VARIATION TO SPECIFIED PRODUCTS OR DETAILS SHALL BE REFERRED TO THE DESIGN ENGINEER FOR APPROVAL. DOWN PITS.

EXISTING SERVICES

1. THE LOCATIONS OF UNDERGROUND SERVICES SHOWN ON THE DRAWING HAVE BEEN PLOTTED FROM DIAGRAMS PROVIDED BY SERVICE AUTHORITIES. THIS INFORMATION HAS BEEN PREPARED SOLELY FOR THE AUTHORITIES OWN USE AND MAY NOT NECESSARILY BE UPDATED OR ACCURATE. THE POSITION OF SERVICES AS RECORDED BY THE AUTHORITY AT THE TIME OF INSTALLATION MAY NOT REFLECT CHANGES IN THE PHYSICAL ENVIRONMENT SUBSEQUENT TO INSTALLATION. JCO CONSULTANTS DOES NOT GUARANTEE THAT THE SERVICES INFORMATION SHOWN ON THE DRAWING SHOWS MORE THAN THE PRESENCE OR ABSENCE OF SERVICES, AND WILL ACCEPT NO LIABILITY FOR INACCURACIES IN THE SERVICES INFORMATION SHOWN FROM ANY CAUSE WHATSOEVER.
2. CARE TO BE TAKEN WHEN EXCAVATING NEAR EXISTING SERVICES. NO MECHANICAL EXCAVATIONS ARE TO BE UNDERTAKEN OVER ALL LIVE SERVICES. HAND EXCAVATION ONLY IN THESE AREAS.
3. THE CONTRACTOR SHALL PROTECT AND MAINTAIN ALL EXISTING SERVICES THAT ARE TO BE RETAINED IN THE VICINITY OF THE PROPOSED WORKS. ANY AND ALL DAMAGE TO THESE SERVICES AS A RESULT OF THESE WORKS SHALL BE REPAIRED BY THE CONTRACTOR UNDER THE DIRECTION OF THE SUPERINTENDENT, AND AT NO EXTRA COST.
4. THE CONTRACTOR SHALL ALLOW IN THE PROGRAM FOR ADJUSTMENT (IF REQUIRED) OF EXISTING SERVICES IN AREAS AFFECTED BY WORKS.
5. THE CONTRACTOR SHALL ALLOW IN THE PROGRAM FOR THE CAPPING OFF, EXCAVATION AND REMOVAL (IF REQUIRED) OF EXISTING SERVICES IN AREA AFFECTED BY WORKS UNLESS DIRECTED OTHERWISE ON THE DRAWINGS OR BY THE SUPERINTENDENT.
6. THE CONTRACTOR SHALL ENSURE THAT AT ALL TIMES SERVICES TO ALL BUILDINGS NOT AFFECTED BY THE WORKS ARE NOT DISRUPTED.
7. PRIOR TO COMMENCEMENT OF ANY WORKS THE CONTRACTOR SHALL GAIN APPROVAL OF THE PROGRAM FOR THE RELOCATION AND/OR CONSTRUCTION OF TEMPORARY SERVICES AND FOR ANY ASSOCIATED INTERRUPTION OF SUPPLY.
8. THE CONTRACTOR SHALL CONSTRUCT TEMPORARY SERVICES TO MAINTAIN EXISTING SUPPLY TO BUILDINGS REMAINING IN OPERATION DURING WORKS TO THE SATISFACTION AND APPROVAL OF THE SUPERINTENDENT. ONCE DIVERSION IS COMPLETE AND COMMISSIONED THE CONTRACTOR SHALL REMOVE ALL SUCH TEMPORARY SERVICES AND MAKE GOOD TO THE SATISFACTION OF THE SUPERINTENDENT.
9. PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION A THOROUGH SEARCH OF ALL SERVICE AUTHORITIES SHOULD BE MADE TO DETERMINE THE POSSIBLE LOCATION OF ANY FURTHER UNDERGROUND SERVICES.
10. SERVICES SHOWN ON PLAN ARE INDICATIVE, EXACT DEPTH AND LOCATION TO BE CONFIRMED ONSITE. CONTRACTOR TO CARRY OUT DIAL BEFORE YOU DIG APPLICATION AND ENGAGE A REGISTERED SURVEYOR TO PEG OUT ALL EXISTING SERVICES PRIOR TO ANY WORK COMMENCING ONSITE.
11. THE CONTRACTOR IS TO UNDERTAKE A DIAL-BEFORE-YOU-DIG SEARCH PRIOR TO ANY EXCAVATION AND MAINTAIN A CURRENT SET ON-SITE DURING EXCAVATION WORKS.
12. CONTRACTORS SHALL TAKE DUE CARE WHEN EXCAVATING ONSITE INCLUDING HAND EXCAVATION WHERE NECESSARY. CONTRACTORS ARE TO CONTACT THE RELEVANT SERVICE AUTHORITY PRIOR TO COMMENCEMENT OF EXCAVATION WORKS. CONTRACTORS ARE TO UNDERTAKE A SERVICES SEARCH, PRIOR TO COMMENCEMENT OF WORKS ON SITE. SEARCH RESULTS ARE TO BE KEPT ON SITE AT ALL TIMES.
13. UNDERGROUNDING OF TELECOMMUNICATIONS & UTILITY SERVICES BY OTHERS ARE TO BE SUBMITTED TO COUNCIL & TO BE READ IN CONJUNCTION WITH PUBLIC DOMAIN PLANS.

RAINWATER RE-USE

1. PROVIDE RAINWATER RE-USE SYSTEM TO SUPPLY WATER AS SPECIFIED.
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. ALL RAINWATER SERVICES SHALL BE CLEARLY LABELED "NON POTABLE WATER" WITH APPROPRIATE HAZARD IDENTIFICATION.
5. PIPEWORK USED FOR RAINWATER SERVICES SHALL BE COLOURED LILAC IN ACCORDANCE WITH AS1345.
7. ALL VALVES AND APERTURES SHALL BE CLEARLY AND PERMANENTLY LABELED WITH SAFETY SIGNS TO COMPLY WITH AS1319.
8. AN AIR GAP OR A RPZD TO BE INSTALLED TO ENSURE BACKFLOW PREVENTION.
9. RAINWATER TANK RETICULATION SYSTEM AND MAINS TOP ARRANGEMENT TO BE INSTALLED IN ACCORDANCE WITH AS/NZS 3500.1.2-2003 AND THE NSW CODE OF PRACTICE: PLUMBING AND DRAINING AND HB230-2008 RAINWATER TANK DESIGN AND INSTALLATION HANDBOOK.
10. A FIRST FLUSH DEVICE IS TO BE PROVIDED AT RAINWATER TANK INLET OR DOWNPIPES.

REV.	DATE	AMENDMENT	INT.	APP.
1	8/07/2025	ISSUED FOR DA	P.O	J.H

Client: RUDDER GROUP PTY LTD.

Architect: TEXCO DESIGN

JCO CONSULTANTS PTY LTD
SUITE 801C, No.1 RIDER BOULEVARD, RHODES NSW 2138
EMAIL: Jason@jcoconsultants.com.au

Project: PROPOSED DUAL OCCUPANCY
15 FRANCES STREET, LINDFIELD
STORMWATER CONCEPT DESIGN

Drawing Title: GENERAL NOTES AND SPECIFICATIONS

Design: P.O | Drawn: P.O | Validate: J.H

Job Number: 20250055

Drawing Number: DA-SW101

Scale: Date 8/07/2025 | Size A1 | Datum A.H.D

North Point

Status: DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

Scale

DATE PLOTTED: 9 July 2025 10:16 AM

CAD File: P:\2025\20250055-15 Frances Street, Lindfield\Civil\cad\DA Stormwater\DA-SW101.dwg

SEEPAGE NOTE

BASED ON THE GEOTECHNICAL REPORT, THE SEEPAGE WATER FOR THE DEVELOPMENT SITE IS MINOR. IF LARGE AMOUNT OF SEEPAGE WATER IS ENCOUNTERED DURING EXCAVATION, PLEASE IMMEDIATELY ENGAGE A GEOTECHNICAL ENGINEER ON SITE AND DO A SEEPAGE FLOW RATE TEST AND REPORT BACK TO STORMWATER ENGINEER TO UPSIZE THE SUBSOIL PUMP OUT PIT FOR CATERING THE SEEPAGE WATER.

PUMP OUT PIT NOTE

INSTALL WITH THE FOLLOWING ITEMS:
-900SQ HEAVY DUTY STEEL GRATED LID FOR ACCESS AND MAINTENANCE PURPOSES.
-CONFINED SPACE SIGN ABOVE PUMP OUT PIT FOR PUBLIC AWARENESS AND WARNING.
-STEP IRONS. REFER TO DETAILS.
-PUMP OUT PIT CONTROL BOX (CTRL) TO MANUFACTURERS SPECIFICATIONS. LOCATIONS TO BE CONFIRMED WITH ARCHITECT.
-PUMPS TO OPERATE IN ALTERNATE MODE TO INCREASE LIFESPAN.
-INSTALL VISIBLE FLASHING LIGHT SYSTEM IN CASE OF PUMP FAILURE.
-2 x SUBMERSIBLE PUMP TO OPERATE AT 10L/s OUTFLOW EACH FOR 6.0m HEAD MINIMUM.
-USE MODEL ZENIT DRN250/2/65 A1DM(T)S OR EQUIVALANT

PUMP OUT PIT DESIGN CALCS

100yr 2hr ARI STORM = 47.2mm/hr
ARI x 2 = 94.4mm

AREA OF DRAINS INTO SUBSOIL PUMP OUT PIT = 42.5m2
V = A x D = 42.5 x (94.4 / 1000) = 4.01m^3

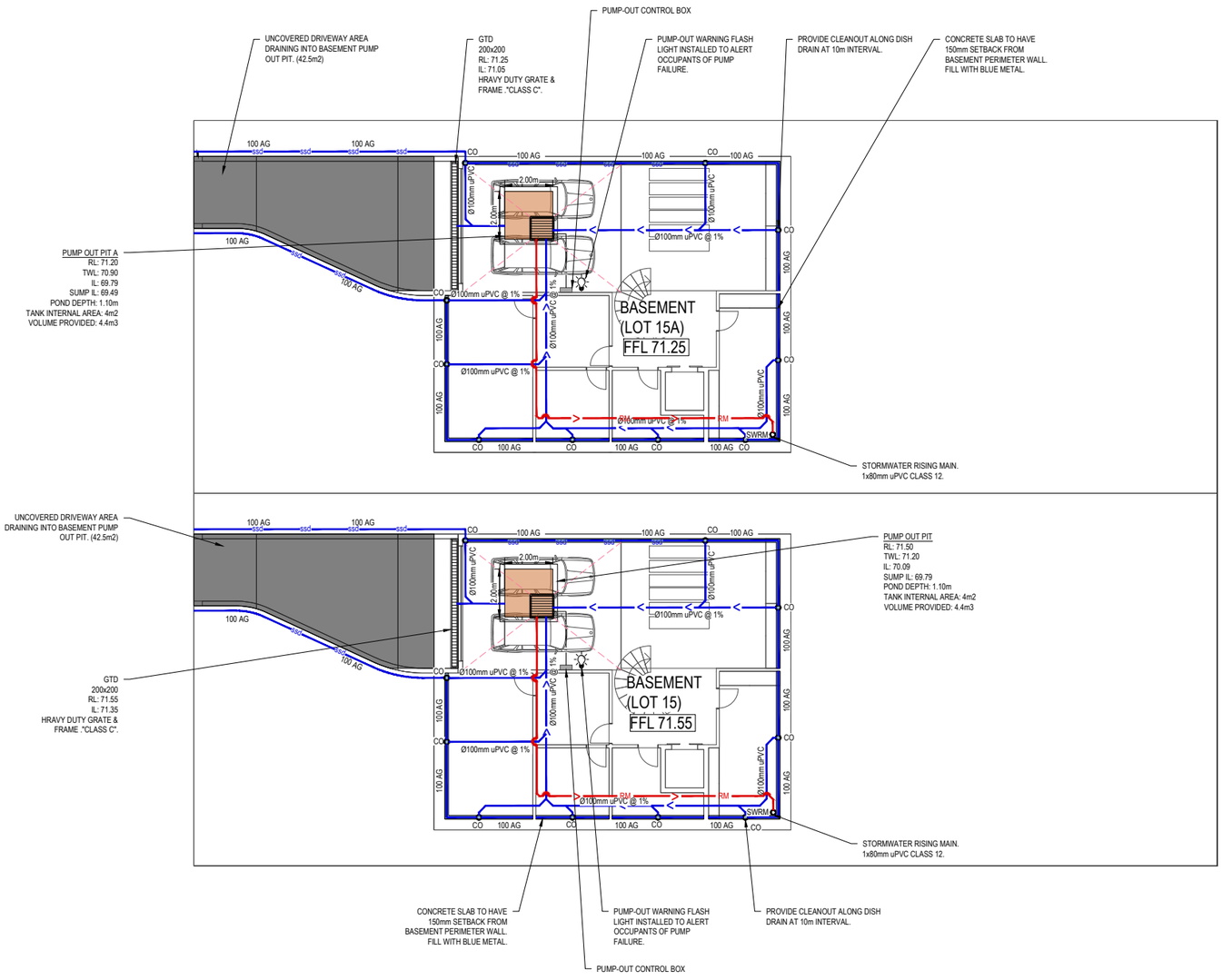
THEREFORE, A MINIMUM VOLUME OF 4.4m^3 SUBSOIL PUMP OUT PIT WILL BE APPLIED TO CATER FOR THE UNCOVERED DRIVEWAY RAMP TO KU-RING-GAI COUNCIL SPECIFICATIONS.

PUMP OUT DESIGN CALCS

EACH PUMP IS TO CATER TO A MINIMUM OF 110% OF THE DESIGN FLOW.

DESIGN FLOW: Q = 47.2mm/hr x 42.5m2 / 3600 = 0.56 L/s

REQUIRED PUMP CAPACITY = 1.1 x 0.56 L/s = 0.62 L/s



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1	8/07/2025	ISSUED FOR DA	P.O	J.H

Client: RUDDER GROUP PTY LTD.
Architect: TEXCO DESIGN

JCO CONSULTANTS PTY LTD
SUITE 801C, No.1 RIDER BOULEVARD, RHODES NSW 2138
EMAIL: Jason@jcoconsultants.com.au

Project: PROPOSED DUAL OCCUPANCY
15 FRANCES STREET, LINDFIELD
STORMWATER CONCEPT DESIGN

Drawing Title: STORMWATER CONCEPT DESIGN - BASEMENT
Design: P.O | Drawn: P.O | Validate: J.H

Job Number: 20250055
Drawing Number: DA-SW200

Scale: 1:100
Date: 8/07/2025
Size: A1
Datum: A.H.D

North Point

Status: DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

Scale: 0 1 2 4 6 8 10m
SCALE 1:100 @A1

DATE PLOTTED: 9 July 2025 10:16 AM

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DESIGN NOTES

THE SITE IS LOCATED IN KU-RING-GAI COUNCIL.

RELEVANT CODE: KU-RING-GAI COUNCIL DCP PART 24 & 24R

SITE AREA: 663.3M2

THE PROPOSED DUPLEX IS A TYPE 4 DEVELOPMENT AT LOCATION A.

ON-SITE DETENTION (OSD) AND RAINWATER TANK (RWT) ARE REQUIRED BY PART 24C.5. MINIMUM RWT VOLUME FOR EACH LOT IS 5,000L.

THE SITE FALLS WITHIN LG1 CATCHMENT, THE FINAL SSR IS DEDUCTED 10% GIVEN THE RWT IS PLUMBED TO TOILET AND GARDEN IRRIGATION.

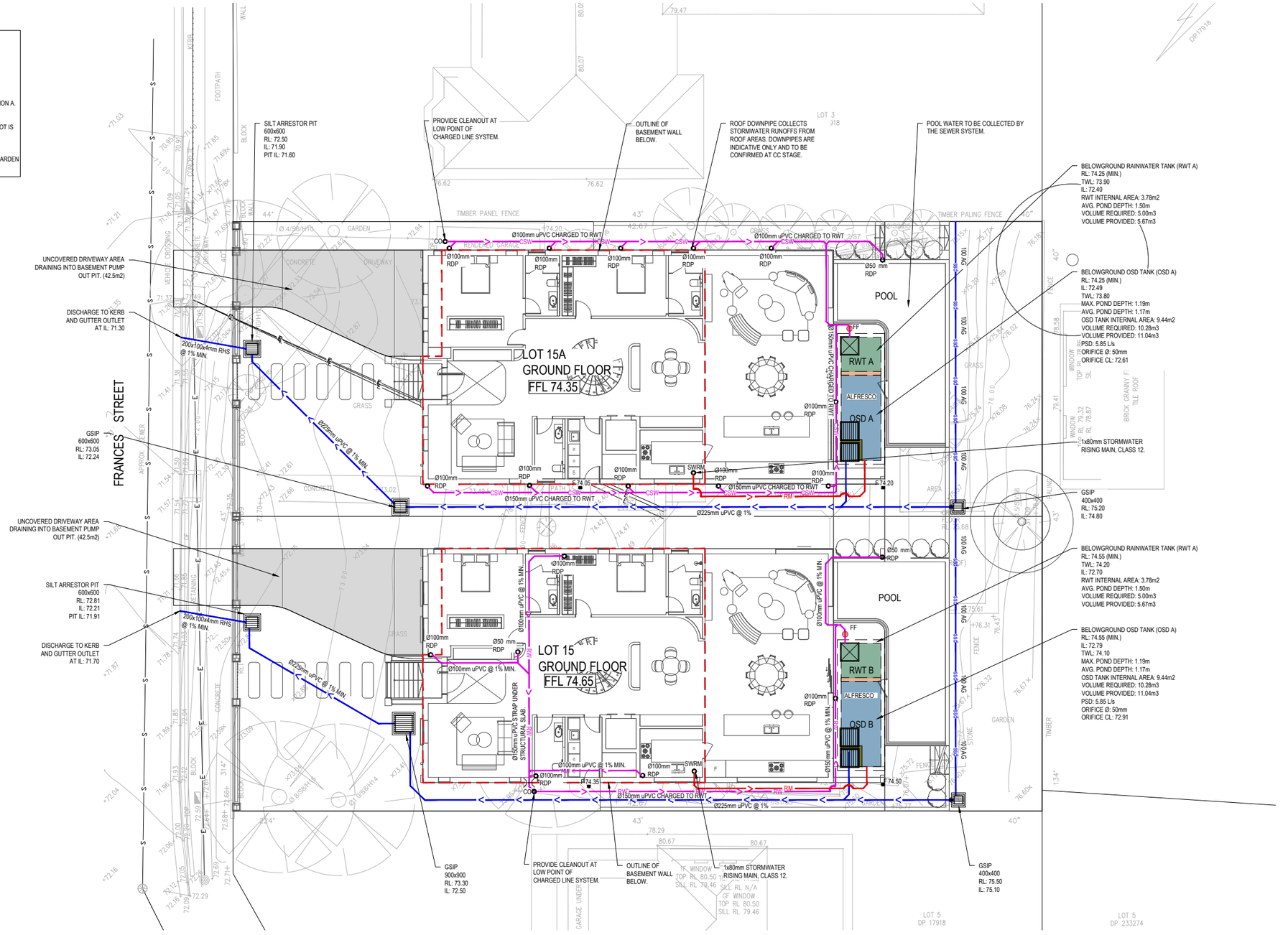
OSD CALC

[A]	PSD: 147 L/s/HA
[B]	SSR: 287 m3/HA
[C]	60% SITE AREA: 398M2
[D]	TOTAL IMPERVIOUS AREA: 391.5m2
[E]	IMPERVIOUS AREA BYPASS: 0m2
[F]	E/D: 0

FLOW 1: 147 x 398 / 10000 = 5.85 L/s
FLOW 2: 0

PSD: 5.85 L/s
SSR1: 287 x 398 / 10000 = 11.42 m3

FINAL SSR AFTER 10% DEDUCTION = 10.28 m3



REV.	DATE	AMENDMENT	INT.	APP.
1	8/07/2025	ISSUED FOR DA	P.O	J.H

Client: RUDDER GROUP PTY LTD.

Architect: TEXCO DESIGN

JCO CONSULTANTS PTY LTD
SUITE 801C, No.1 RIDER BOULEVARD, RHODES NSW 2138
EMAIL: Jason@jcoconsultants.com.au

Project: PROPOSED DUAL OCCUPANCY
15 FRANCES STREET, LINDFIELD
STORMWATER CONCEPT DESIGN

Drawing Title: STORMWATER CONCEPT DESIGN - GROUND FLOOR

Design	Drawn	Validate
P.O	P.O	J.H

Job Number: 20250055

Drawing Number: DA-SW201

Scale: 1:100
Date: 8/07/2025
Size: A1
Datum: A.H.D

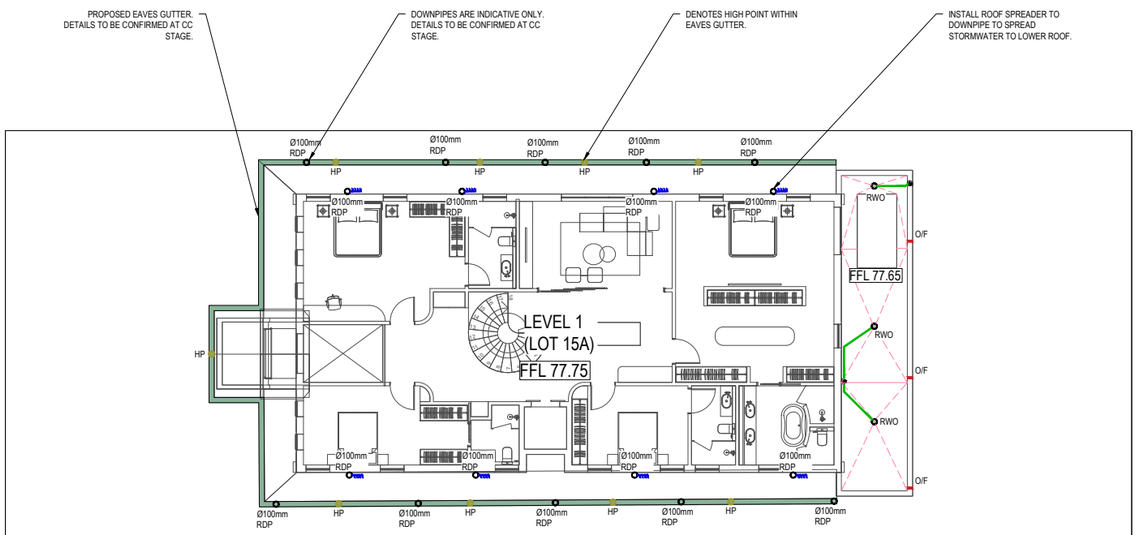
North Point

Status: DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

Scale: 0 1 2 4 6 8 10m
SCALE 1:100 @A1

DATE PLOTTED: 9 July 2025 10:16 AM

CAD File: P:\2025\20250055-15 Frances Street, Lindfield\Civilcad\DA Stormwater\DA-SW201.dwg



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Client: RUDDER GROUP PTY LTD.

Architect: TEXCO DESIGN

JCO CONSULTANTS PTY LTD
SUITE 801C, No.1 RIDER BOULEVARD, RHODES NSW 2138
EMAIL: Jason@jcoconsultants.com.au

Project: PROPOSED DUAL OCCUPANCY
15 FRANCES STREET, LINDFIELD
STORMWATER CONCEPT DESIGN

Drawing Title: STORMWATER CONCEPT DESIGN - LEVEL 1

Design: P.O | Drawn: P.O | Validate: J.H

Job Number: 20250055

Drawing Number: DA-SW202

Scale: 1:100

Date: 8/07/2025

Size: A1

Datum: A.H.D

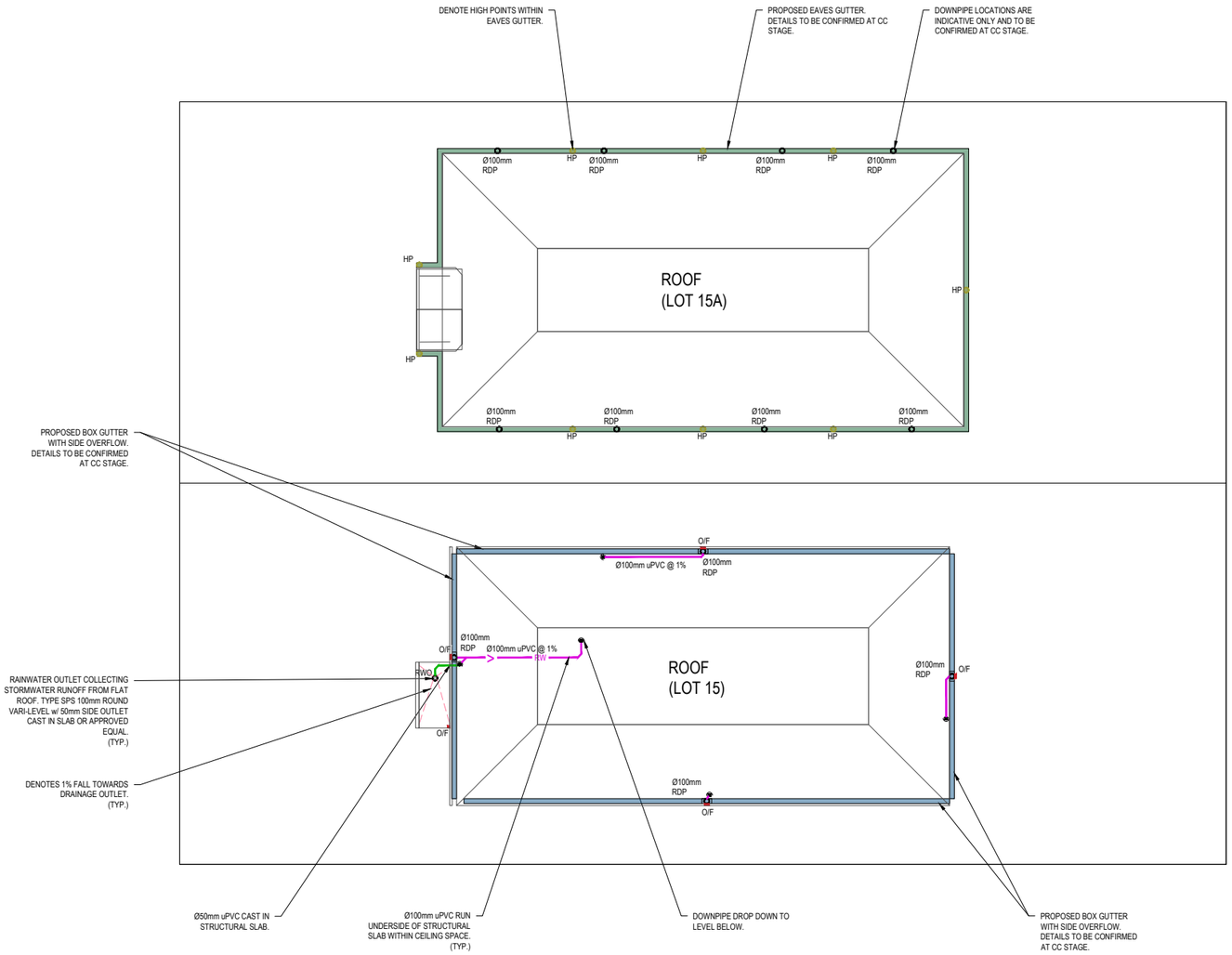
North Point: N

Status: DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

Scale: 0 1 2 4 6 8 10m
SCALE 1:100 @A1

DATE PLOTTED: 9 July 2025 10:16 AM

CAD File: P:\2025\20250055-15 Frances Street, Lindfield\Civil\cad\DA Stormwater\DA-SW202.dwg



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1	8/07/2025	ISSUED FOR DA	P.O	J.H

Client: RUDDER GROUP PTY LTD.

Architect: TEXCO DESIGN

JCO CONSULTANTS PTY LTD
SUITE 801C, No.1 RIDER BOULEVARD, RHODES NSW 2138
EMAIL: Jason@jcoconsultants.com.au

Project: PROPOSED DUAL OCCUPANCY
15 FRANCES STREET, LINDFIELD
STORMWATER CONCEPT DESIGN

Drawing Title: STORMWATER CONCEPT DESIGN - ROOF

Design: P.O | Drawn: P.O | Validate: J.H

Job Number: 20250055

Drawing Number: DA-SW203

Scale: 1:100

Date: 8/07/2025

Size: A1

Datum: A.H.D

North Point: N

Status: DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

Scale: 0 1 2 4 6 8 10m
SCALE 1:100 @A1

DATE PLOTTED: 9 July 2025 10:16 AM

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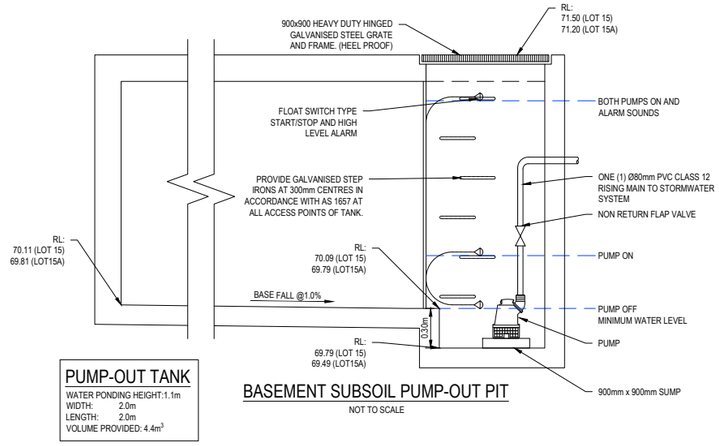
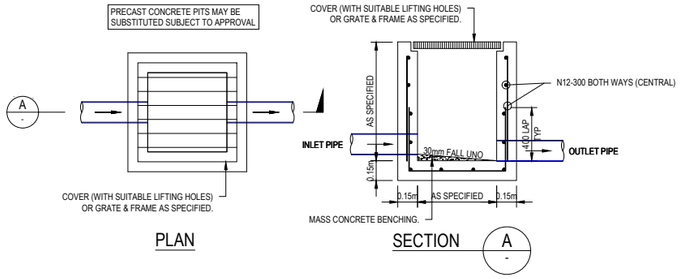


PUMP-OUT TANK
WATER PONDING HEIGHT:1.1m
WIDTH: 2.0m
LENGTH: 2.0m
VOLUME PROVIDED: 4.4m³

BASEMENT SUBSOIL PUMP-OUT PIT
NOT TO SCALE



PLAN

SECTION A -

TYPICAL SURFACE INLET PIT (GSIP)
SCALE 1:20

ON-SITE DETENTION CALCULATIONS
KU-RING-GAI COUNCIL

Project: Proposed Dual Occupancy
Our Job No: 20250055
Location: 15 FRANCES STREET, LINDFIELD (LOT 15A)

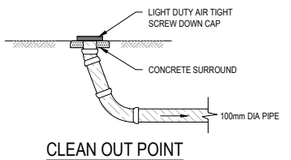
CATCHMENT CODE	**LG1**		
CATCHMENT DISCHARGE RATE	**147.0**	**l/s/ha**	**[A]**
CATCHMENT STORAGE RATE	**287.0**	**m^3 / ha**	**[B]**
SITE DETAILS			
SITE AREA	663.3	m^2	
60% OF SITE AREA	397.98	m^2	[C]
AREAS NOT DRAINING TO OSD	150	m^2	
TOTAL IMPERVIOUS AREA	391.5	m^2	[D]
IMPERVIOUS AREA BYPASSING OSD	0	m^2	[E]
PERMITTED SITE DISCHARGE			
C x A	5.85	l/s	[FLOW 1]
ADJUSTMENT FOR ANY UNCONTROLLED IMPERVIOUS FLOW			
E / D (<0.25)	0.00		[F]
FLOW 1 x F	0.00	l/s	[FLOW 2]
FLOW 1 - FLOW 2	**5.85**	l/s	PSD
SITE STORAGE REQUIREMENT			
C x B	**11.42**	m^3	[SSR 1]
IF THE STORAGE IS IN A LANDSCAPED BASIN			
SSR 1 x 1.2	**N/A**	m^3	[SSR 2]
ORIFICE CALCULATIONS			
HEIGHT DIFFERENCE BETWEEN TOP WATER SURFACE LEVEL AND THE CENTRE OF ORIFICE		**1.19** m	[G]
ORIFICE DIAMETER	21.85 x SQRT(PSD/(SQRT(G)) =	**50.6** mm	

ON-SITE DETENTION CALCULATIONS
KU-RING-GAI COUNCIL

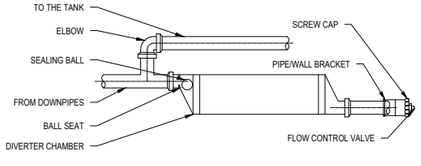
Project: Proposed Dual Occupancy
Our Job N 20250055
Location: 15 FRANCES STREET, LINDFIELD (LOT 15)

CATCHMENT CODE	**LG1**		
CATCHMENT DISCHARGE RATE	**147.0**	**l/s/ha**	**[A]**
CATCHMENT STORAGE RATE	**287.0**	**m^3 / ha**	**[B]**
SITE DETAILS			
SITE AREA	663.3	m^2	
60% OF SITE AREA	397.98	m^2	[C]
AREAS NOT DRAINING TO OSD	150	m^2	
TOTAL IMPERVIOUS AREA	382	m^2	[D]
IMPERVIOUS AREA BYPASSING OSD	0	m^2	[E]
PERMITTED SITE DISCHARGE			
C x A	5.85	l/s	[FLOW 1]
ADJUSTMENT FOR ANY UNCONTROLLED IMPERVIOUS FLOW			
E / D (<0.25)	0.00		[F]
FLOW 1 x F	0.00	l/s	[FLOW 2]
FLOW 1 - FLOW 2	**5.85**	l/s	PSD
SITE STORAGE REQUIREMENT			
C x B	**11.42**	m^3	[SSR 1]
IF THE STORAGE IS IN A LANDSCAPED BASIN			
SSR 1 x 1.2	**N/A**	m^3	[SSR 2]
ORIFICE CALCULATIONS			
HEIGHT DIFFERENCE BETWEEN TOP WATER SURFACE LEVEL AND THE CENTRE OF ORIFICE		**1.19** m	[G]
ORIFICE DIAMETER	21.85 x SQRT(PSD/(SQRT(G)) =	**50.6** mm	

KRG COUNCIL OSD CALCULATIONS SHEET



CLEAN OUT POINT
SCALE 1:20

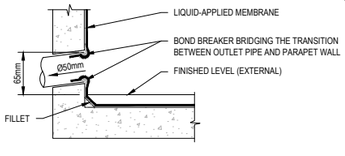


IN-GROUND FIRST FLUSH DIVERTER
NOT TO SCALE

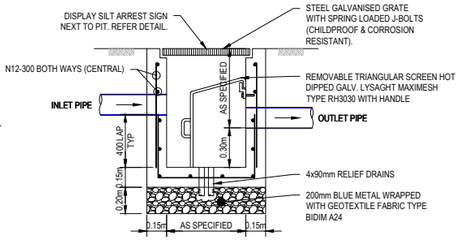


TYPICAL WARNING SIGN
NOT TO SCALE

EVERY EXTERNAL SUPPLY OUTLET FROM RAINWATER RE-USE TANK TO BE LABELED WITH METALLIC WARNING SIGN



PARAPET/HOB OVERFLOW DETAIL (AS4654.2)
NOT TO SCALE



SILT ARREST PIT
SCALE 1:20

REV.	DATE	AMENDMENT	INT.	APP.
1	8/07/2025	ISSUED FOR DA	P.O	J.H

Client: RUDDER GROUP PTY LTD.
Architect: TEXCO DESIGN

JCO CONSULTANTS PTY LTD
SUITE 801C, No.1 RIDER BOULEVARD, RHODES NSW 2138
EMAIL: Jason@jcoconsultants.com.au

Project: PROPOSED DUAL OCCUPANCY
15 FRANCES STREET, LINDFIELD
STORMWATER CONCEPT DESIGN

Drawing Title: DETAILS SHEET 1 of 2
Design: P.O | Drawn: P.O | Validate: J.H

Job Number: 20250055
Drawing Number: DA-SW300

Scale: AS INDICATED
Date: 8/07/2025
Size: A1
Datum: A.H.D

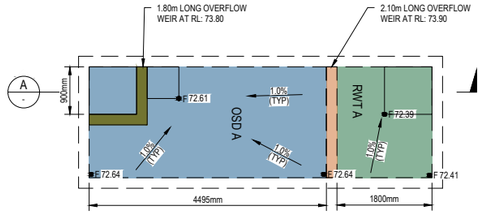
North Point

Status: DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

Scale: 0 0.5 1 1.5 2m
SCALE 1:20 @A1

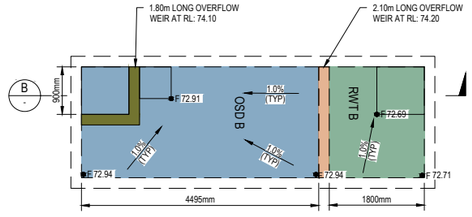
DATE PLOTTED: 9 July 2025 10:16 AM

CAD File: P:\2025\20250055-15 Frances Street, Lindfield\Civil\cad\DA Stormwater\DA-SW300-SW301.dwg



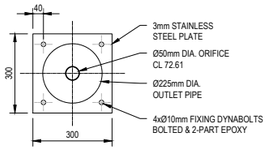
OSD A PLAN VIEW

SCALE 1:50



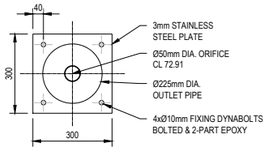
OSD B PLAN VIEW

SCALE 1:50



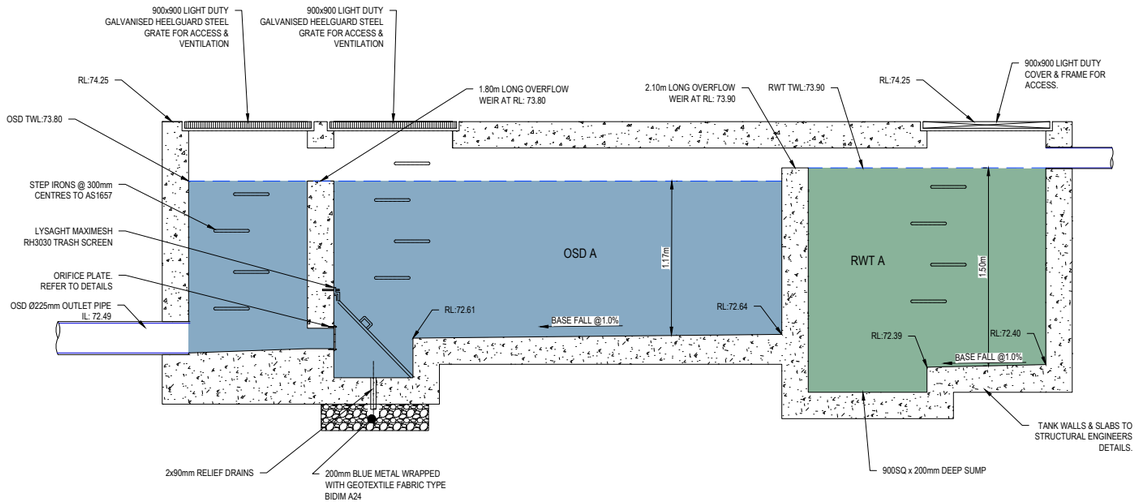
ORIFICE PLATE (OSD A)

SCALE 1:10

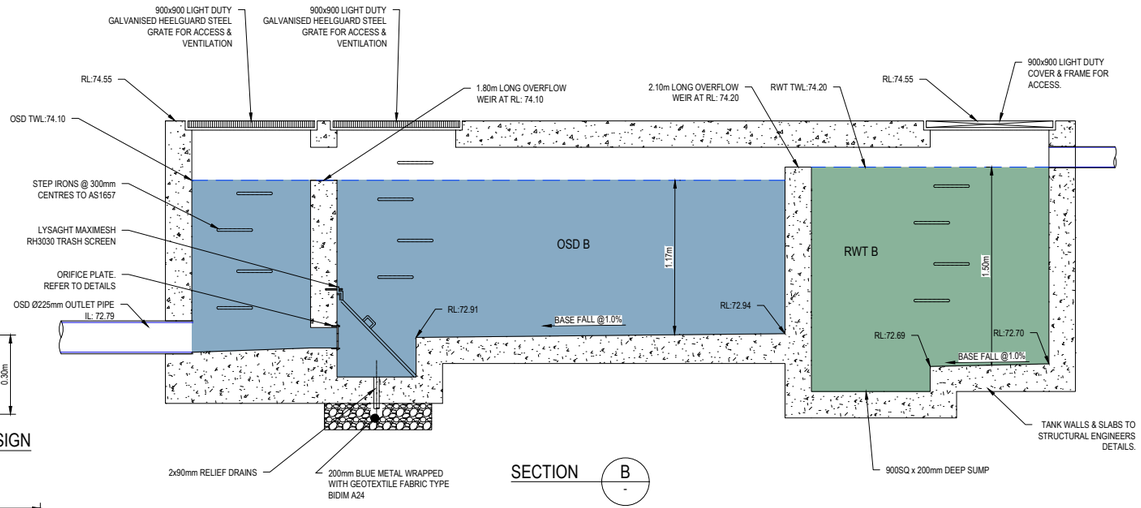


ORIFICE PLATE (OSD B)

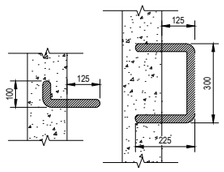
SCALE 1:10



SECTION A

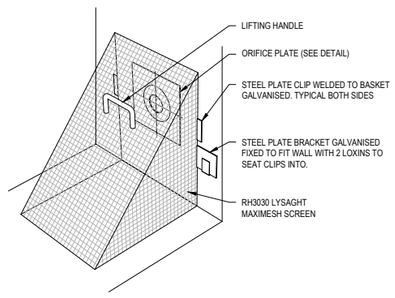


SECTION B



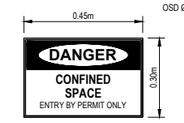
STEP IRONS

SCALE 1:10



DEBRIS SCREEN

NOT TO SCALE



CONFINED SPACE SIGN

SCALE 1:10



OSD SIGN

NOT TO SCALE

REV.	DATE	AMENDMENT	INT.	APP.
1	8/07/2025	ISSUED FOR DA	P.O	J.H

Client: RUDDER GROUP PTY LTD.

Architect: TEXCO DESIGN

JCO CONSULTANTS PTY LTD
SUITE 801C, No.1 RIDER BOULEVARD, RHODES NSW 2138
EMAIL: Jason@jcoconsultants.com.au

Project: PROPOSED DUAL OCCUPANCY
15 FRANCES STREET, LINDFIELD
STORMWATER CONCEPT DESIGN

Drawing Title: DETAILS SHEET 2 of 2

Design: P.O | Drawn: P.O | Validate: J.H

Job Number: 20250055

Drawing Number: DA-SW301

Scale: AS INDICATED
Date: 8/07/2025
Size: A1
Datum: A.H.D

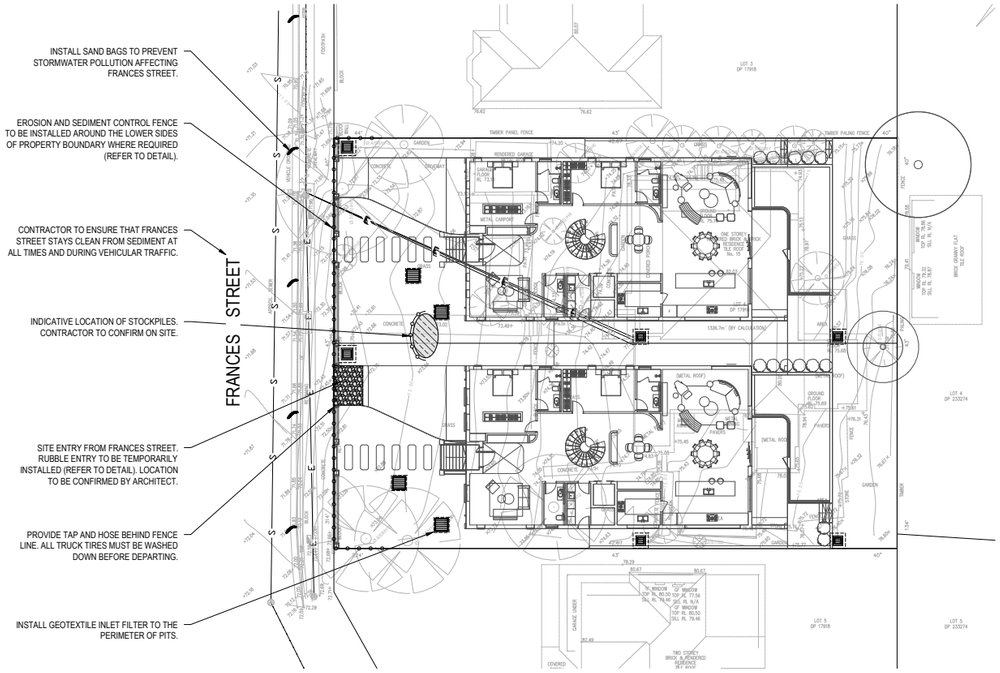
North Point

Status: DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

Scale: 0 0.5 1 1.5 2m
SCALE 1:20 @A1

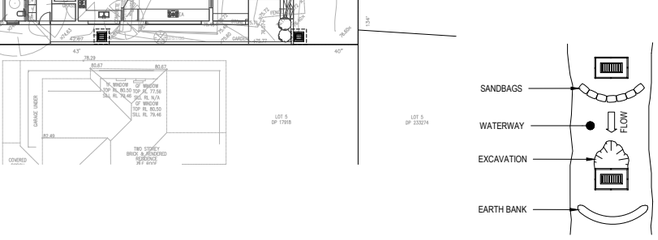
DATE PLOTTED: 9 July 2025 10:16 AM

CAD File: P:\2025\20250055-15 Frances Street, Lindfield\Civil\cad\DA Stormwater\DA-SW300-SW301.dwg



SANDBAG SEDIMENT TRAP





CONSTRUCTION NOTES

1. FABRICATE A SEDIMENT BARRIER MADE FROM GEOTEXTILE OR STRAW BALES.
2. FOLLOW STANDARD DRAWING 6-7 AND STANDARD DRAWING 6-8 FOR INSTALLATION PROCEDURES FOR THE STRAW BALES OR GEOFABRIC. REDUCE THE PICKET SPACING TO 1 METRE CENTRES.
3. IN WATERWAYS, ARTIFICIAL SAG POINTS CAN BE CREATED WITH SANDBAGS OR EARTH BANKS AS SHOWN IN THE DRAWING.
4. DO NOT COVER THE INLET WITH GEOTEXTILE UNLESS THE DESIGN IS ADEQUATE TO ALLOW FOR ALL WATERS TO BYPASS IT.

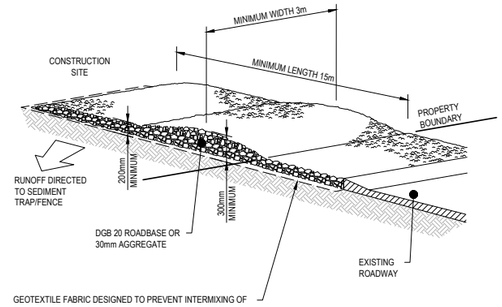
GEOTEXTILE INLET FILTER (SD 6-12)

CONSTRUCTION NOTES

1. PLACE STOCKPILES MORE THAN 2m (PREFERABLY 5m) FROM EXISTING VEGETATION, CONCENTRATED WATER FLOW, ROADS AND HAZARD AREAS.
2. CONSTRUCT ON THE CONTOUR AS LOW, FLAT, ELONGATED MOUNDS.
3. WHERE THERE IS SUFFICIENT AREA, TOPSOIL STOCKPILES SHALL BE LESS THAN 2m IN HEIGHT.
4. WHERE THEY ARE TO BE IN PLACE FOR MORE THAN 10 DAYS, STABILISE FOLLOWING THE APPROVED ESCP OR SWMP TO REDUCE THE C-FACTOR TO LESS THAN 0.10.
5. CONSTRUCT EARTH BANKS (STANDARD DRAWING 5-5) ON THE UPSLOPE SIDE TO DIVERT WATER AROUND STOCKPILES AND SEDIMENT FENCES (STANDARD DRAWING 6-8) 1 TO 2m DOWNSLOPE.

STOCKPILES (SD 4-1)



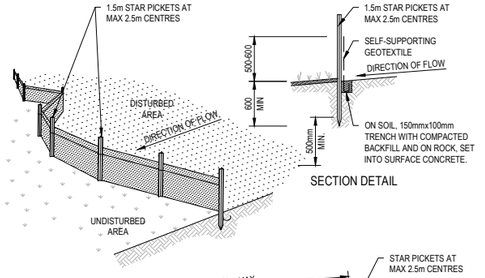


GEOTEXTILE FABRIC DESIGNED TO PREVENT INTERMIXING OF SUBGRADE AND BASE MATERIALS AND TO MAINTAIN GOOD PROPERTIES OF THE SUB-BASE LAYERS. GEOFABRIC MAY BE A WOVEN OR NEEDLE-PUNCHED PRODUCT WITH A MINIMUM CBR BURST STRENGTH (AS3706.4-90) OF 2500 N

CONSTRUCTION NOTES

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

STABILISED SITE ACCESS (SD 6-14)



CONSTRUCTION NOTES

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

SEDIMENT FENCE (SD 6-8)

REV.	DATE	AMENDMENT	INT.	APP.
1	8/07/2025	ISSUED FOR DA	P.O	J.H

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Architect: TEXCO DESIGN

JCO CONSULTANTS PTY LTD
SUITE 801C, No.1 RIDER BOULEVARD, RHODES NSW 2138
EMAIL: Jason@jcoconsultants.com.au

Project: PROPOSED DUAL OCCUPANCY
15 FRANCES STREET, LINDFIELD
STORMWATER CONCEPT DESIGN

Drawing Title: EROSION AND SEDIMENT CONTROL PLAN & DETAILS

Design: P.O | Drawn: P.O | Validate: J.H

Job Number: 20250055

Drawing Number: DA-SW600

Scale: 1:200

Date: 8/07/2025

Size: A1

Datum: A.H.D

North Point

Status: DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

Scale: 0 5 10 15 20m
SCALE 1:200 @A1

CAD File: P:\2025\20250055-15 Frances Street, Lindfield\Civil\cad\DA Stormwater\DA-SW600.dwg

DATE PLOTTED: 9 July 2025 10:16 AM

BASIX™ Certificate

Building Sustainability Index
www.planningportal.nsw.gov.au/development-and-assessment/basix

Multi Dwelling

Certificate number: 1803859M_02

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

Secretary
Date of issue: Friday, 11 July 2025
To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.

When submitting this BASIX certificate with a development application or complying development certificate application, it must be accompanied by NatHERS certificate HR-VDW8HJ-01.

Project summary	
Project name	EC - 5480 - 15 Frances Street, Lindfield NSW 2070_02
Street address	15 FRANCES STREET LINDFIELD 2070
Local Government Area	KU-RING-GAI
Plan type and plan number	Deposited Plan 17918
Lot No.	4
Section no.	-
No. of residential flat buildings	0
Residential flat buildings: no. of dwellings	0
Multi-dwelling housing: no. of dwellings	2
No. of single dwelling houses	0

Project score			
Water	✔	41	Target 40
Thermal Performance	✔	Pass	Target Pass
Energy	✔	73	Target 72
Materials	✔	-100	Target n/a

Certificate Prepared by
Name / Company Name: ECO CERTIFICATES PTY LTD
ABN (if applicable):

Description of project

Project address	
Project name	EC - 5480 - 15 Frances Street, Lindfield NSW 2070_02
Street address	15 FRANCES STREET LINDFIELD 2070
Local Government Area	KU-RING-GAI
Plan type and plan number	Deposited Plan 17918
Lot No.	4
Section no.	-

Project type	
No. of residential flat buildings	0
Residential flat buildings: no. of dwellings	0
Multi-dwelling housing: no. of dwellings	2
No. of single dwelling houses	0

Site details	
Site area (m²)	1326.7
Roof area (m²)	481
Non-residential floor area (m²)	0
Residential car spaces	4
Non-residential car spaces	0

Common area landscape	
Common area lawn (m²)	0
Common area garden (m²)	0
Area of indigenous or low water use species (m²)	0

Assessor details and thermal loads	
Assessor number	DMN/12/1462
Certificate number	HR-VDW8HJ-01
Climate zone	56

Project score		
Water	✔ 41	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 73	Target 72
Materials	✔ -100	Target n/a

Description of project

The tables below describe the dwellings and common areas within the project

Multi-dwelling houses

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
15	4+	395	10.8	286.39	150

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
15A	4+	395	10.8	267.37	150

No common areas specified.

Schedule of BASIX commitments

1. Commitments for multi-dwelling housing

(a) Dwellings

(i) Water

(ii) Energy

(iii) Thermal Performance and Materials

2. Commitments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

(i) Water

(ii) Energy

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carriedout. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

1. Commitments for multi-dwelling housing

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✔	✔	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✔	✔
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✔	✔
(e) The applicant must install: (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✔ ✔	✔ ✔
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✔	✔	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✔	
(g) The pool or spa must be located as specified in the table.	✔	✔	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✔	✔	✔

20260216-KLPP-Crs-2026/030631/341

	Fixtures					Appliances		Individual pool				Individual spa		
Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	4 star (> 4.5 but <= 6 L/min)	4 star	4 star	4 star	-	-	-	50	yes	outdoors	no	-	-	-

	Alternative water source						
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
15	Individual water tank (No. 1)	Tank size (min) 2000.00 liters	To collect run-off from at least: 100 square metres of roof area; 0 square metres of impervious area; 120 square metres of garden and lawn area; and 0 square metres of planter box area.	yes	yes	no	yes	no
All other dwellings	Individual water tank (No. 2)	Tank size (min) 2000 liters	To collect run-off from at least: 100 square metres of roof area; 0 square metres of impervious area; 120 square metres of garden and lawn area; and 0 square metres of planter box area.	yes	yes	no	yes	no

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✔	✔	✔
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✔	✔

20260216-KLPP-Crs-2026/030631/342

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✔	✔
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✔	✔
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✔	✔	✔
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must: (aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and (bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✔ ✔	
(h) The applicant must install in the dwelling: (aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below; (bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and (cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✔ ✔ ✔	✔
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✔	
(j) The applicant must install the photovoltaic system specified for the dwelling under the "Photovoltaic system" heading of the "Alternative energy" column of the table below, and connect the system to that dwelling's electrical system.	✔	✔	✔

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	gas instantaneous - 5.5 star	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

20260216-KLPP-Crs-2026/030631/343

	Cooling		Heating		Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bathrooms or toilets	Main kitchen
All dwellings	1-phase airconditioning - ducted / 5.5 star (average zone)	1-phase airconditioning - ducted / 5.5 star (average zone)	1-phase airconditioning - ducted / 5.5 star (average zone)	1-phase airconditioning - ducted / 5.5 star (average zone)	7	yes

	Individual pool			Individual spa		Appliances other efficiency measures				
Dwelling no.	Pool heating system	Pool Pump	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Dishwasher	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	solar (gas boosted)	dual speed-6 stars	yes	-	-	gas cooktop & electric oven	-	-	no	yes

	Alternative energy		
Dwelling no.	Photovoltaic system (min rated electrical output in peak kW)	Photovoltaic collector installation	Orientation inputs
All dwellings	between >0° to <=10° degree to the horizontal	2	NE

(iii) Thermal Performance and Materials	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✔		

(iii) Thermal Performance and Materials	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✔	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✔	✔
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✔	✔	✔
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✔	✔	✔
(i) The applicant must show on The plans accompanying The development application for The proposed development, The locations of ceiling fans set out in The Assessor Certificate.	✔		
(j) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), the locations of ceiling fans set out in the Assessor Certificate.		✔	

	Thermal loads		
Dwelling no.	Area adjusted heating load (in MJ/m²/yr)	Area adjusted cooling load (in MJ/m²/yr)	Area adjusted total load (in MJ/m²/yr)
15	11	11.6	22.600

	Thermal loads		
Dwelling no.	Area adjusted heating load (in MJ/m²/yr)	Area adjusted cooling load (in MJ/m²/yr)	Area adjusted total load (in MJ/m²/yr)
All other dwellings	14.7	10.8	25.500

	Construction of floors and walls				
Dwelling no.	Concrete slab on ground (m²)	Suspended floor with open subfloor (m²)	Suspended floor with enclosed subfloor (m²)	Suspended floor above garage (m²)	Primarily rammed earth or mudbrick walls
All dwellings	258.2	3.6	-	144	no

	Floor types									
	Concrete slab on ground				Suspended floor above enclosed subfloor			Suspended floor above open subfloor		
Dwelling no.	Area (m²)	Insulation	Low emissions option	Dematerialisation	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation
All dwellings	258.2	-	-	conventional slab	-	-	-	concrete - suspended, frame: timber - untreated softwood	3.6	-

	Floor types										
	First floor above habitable rooms or mezzanine			Suspended floor above garage			Garage floor				
Dwelling no.	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation	Low emissions option	Dematerialisation
All dwellings	-	-	-	concrete - suspended, frame: timber - untreated softwood	144	-	concrete slab on ground, frame: timber - untreated softwood	153.8	-	-	conventional slab

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	External walls							
	External wall type 1				External wall type 2			
Dwelling no.	Wall type	Area (m²)	Insulation	Low emissions option	Wall type	Area (m²)	Insulation	Low emissions option
All dwellings	cavity brick, frame : timber - untreated softwood	528.4	fibreglass batts or roll	-	-	-	-	-

	External walls							
	External wall type 3				External wall type 4			
Dwelling no.	Wall type	Area (m²)	Insulation	Low emissions option	Wall type	Area (m²)	Insulation	Low emissions option
All dwellings	-	-	-	-	-	-	-	-

	Internal walls								
	Internal walls shared with garage			Internal wall type 1			Internal wall type 2		
Dwelling no.	Wall type	Area (m²)	Insulation	Wall type	Area (m²)	Insulation	Wall type	Area (m²)	Insulation
All dwellings	-	-	-	plasterboard, frame: timber - untreated softwood	528.4	fibreglass batts or roll	-	-	-

	Ceiling and roof								
	Flat ceiling / pitched roof			Raked ceiling / pitched or skillion roof			Flat ceiling / flat roof		
Dwelling no.	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation
All dwellings	framed - metal roof, frame: timber - untreated softwood	120.25	Ceiling:fibreglass batts or roll,Roof: foil/ sarking	-	-	Ceiling:,Roof:	framed - metal roof, frame: timber - untreated softwood	120.25	Ceiling:,Roof: foil/sarking

	Glazing type			Frame types				
Dwelling no.	Single glazing (m²)	Double glazing (m²)	Triple glazing (m²)	Aluminium frames (m²)	Timber frames (m²)	uPVC frames (m²)	Steel frames (m²)	Composite frames (m²)
All dwellings	86.95	-	-	86.95	-	-	-	-

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2. Commitments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔	✔	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✔	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✔	✔
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✔	✔

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	no common facility	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✔	✔
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✔	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

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Central energy systems	Type	Specification
Other	-	-

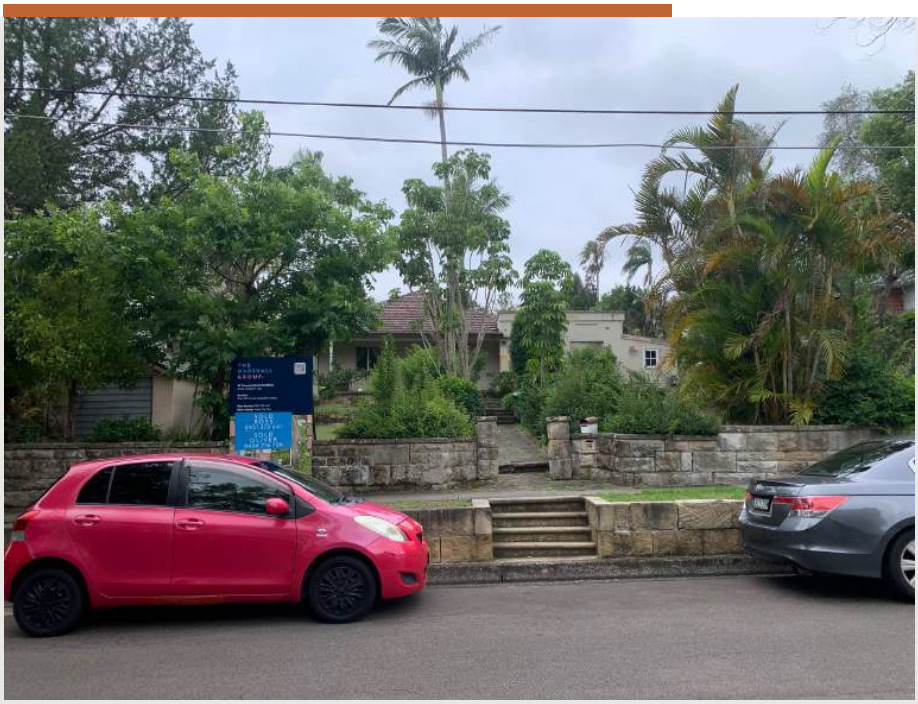
Notes

1. In these commitments, "applicant" means the person carrying out the development.
2. The applicant must identify each dwelling, building and common area listed in this certificate, on the plans accompanying any development application, and on the plans and specifications accompanying the application for a construction certificate / complying development certificate, for the proposed development, using the same identifying letter or reference as is given to that dwelling, building or common area in this certificate.
3. This note applies if the proposed development involves the erection of a building for both residential and non-residential purposes (or the change of use of a building for both residential and non-residential purposes). Commitments in this certificate which are specified to apply to a "common area" of a building or the development, apply only to that part of the building or development to be used for residential purposes.
4. If this certificate lists a central system as a commitment for a dwelling or building, and that system will also service any other dwelling or building within the development, then that system need only be installed once (even if it is separately listed as a commitment for that other dwelling or building).
5. If a star or other rating is specified in a commitment, this is a minimum rating.
6. All alternative water systems to be installed under these commitments (if any), must be installed in accordance with the requirements of all applicable regulatory authorities. NOTE: NSW Health does not recommend that stormwater, recycled water or private dam water be used to irrigate edible plants which are consumed raw, or that rainwater be used for human consumption in areas with potable water supply.

Legend

1. Commitments identified with a "✔" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
2. Commitments identified with a "✔" in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
3. Commitments identified with a "✔" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled. (Note: a certifying authority must not issue an occupation certificate (either interim or final) for a building listed in this certificate, or for any part of such a building, unless it is satisfied that each of the commitments whose fulfilment it is required to monitor in relation to the building or part, has been fulfilled).

STATEMENT OF HERITAGE IMPACT



Development Application

No. 15 Frances Street, Lindfield

July 2025 | J7267

Weir Phillips Heritage

Level 19, 100 William Street, Sydney, NSW 2011
Phone: (02) 8076 5317

Report Preparation	
Principal	**James Phillips** B.Sc.(Arch), B.Arch, M.Herit.Cons.(Hons)
Heritage Consultant	**Alice Fuller** B.A.Sc. (CCM), M.Hert.Cons.(Hons.)
Report Details	
Statement of Heritage Impact for:	Removal of the existing structures, construction of a detached dual occupancy, construction of new swimming pools and associated landscaping.

We acknowledge that the land on which we live, learn and work as the traditional country of the Gadigal people of the Eora Nation. We acknowledge these traditional owners of this land and acknowledge their living cultures and the unique roles they have played in maintaining life, language, and culture in this region. We pay respect to their Elders past, present and emerging and all aboriginal people.

Cover photo: No. 15 Frances Street, Lindfield in 2005.

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1 INTRODUCTION

1.1 Preamble

This Statement of Heritage Impact (SoHI) has been prepared to accompany a Development Application for the removal of the existing structures, construction of a detached dual occupancy, construction of new swimming pools and associated landscaping.

The site is located within the Ku-ring-gai Council. The principal planning instrument for the site is the *Ku-ring-gai Local Environmental Plan 2015* (*LEP 2015*). The site is located within the Frances Street Heritage Conservation Area (CA30) as it is defined by Schedule 5 Part 2 of the *LEP 2015*. It also lies in the vicinity of heritage items listed by Schedule 5 Part 1 of this plan. Under Part 5.10 of this plan:

> (5) Heritage assessment
>
> The consent authority may, before granting consent to any development:
>
> (a) on land on which a heritage item is located, or
>
> (b) on land that is within a heritage conservation area, or
>
> (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The appropriate heritage management document, in this instance, is a Statement of Heritage Impact (SoHI).

This SoHI has been prepared at the request of the owner of the site and accompanies plans prepared by Texco Design (architecture) and Zenith Landscape Designs (landscape).

1.2 Statutory Heritage Listings for the Site

Table 1 summaries the statutory heritage listings that apply to No. 15 Frances Street, Lindfield.

Listing Type	***Item Name and Details***	***Listing Number***
Listed by the State Heritage Register under the *Heritage Act 1977* (NSW).	No	N/A
Listed as an item of local heritage significance by Schedule 5 Part 1 of the *Ku-ring-gai LEP 2015.*	No	N/A
Located within a heritage conservation area identified by Schedule 5 Part 2 of *Ku-ring-gai LEP 2015.*	Frances Street Conservation Area.	C30

Table 1: Statutory Heritage Listings.

1.3 Methodology

A site inspection was undertaken in January 2025. Unless otherwise stated, all the photographs in this statement were taken at this time.

This SoHI has been prepared with reference to the Heritage NSW publications *Assessing Heritage Significance* (2023 update) and *Guidelines for preparing statements of heritage impact* (2023 update) and with reference to the planning documents listed under Section 8.

1.4 Limitations

An assessment of archaeological potential and archaeological significance is outside the scope of this SoHI.

Site inspection was done from ground level only and was non-invasive. Underfloor areas and roof spaces were not inspected.

Surrounding site were viewed from the public domain only.

Community consultation was not part of the brief for this statement.

A GIPA application was lodged for building records. No relevant information resulted from this application.

2 SITE ASSESSMENT

2.1 Site Location

No. 15 Frances Street, Lindfield is located on the eastern side of Frances Street. The site is identified as Lot 4 D.P. 17918. Refer to Figure 1.

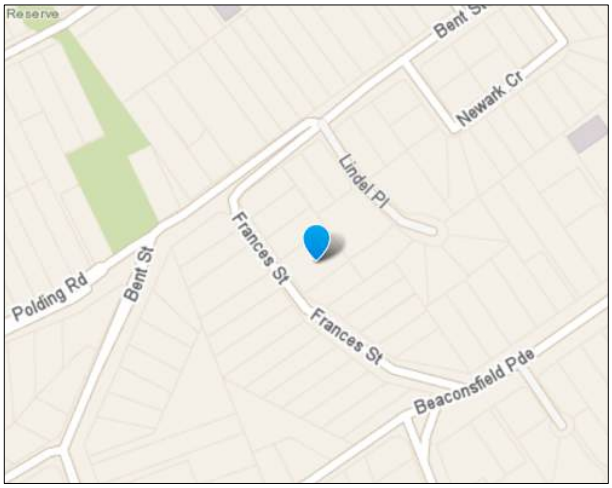

Figure 1:
Site Location.
Whereis.com.au.

2.2 The Setting

For the purposes of the following, Frances Street is designated the western boundary of the subject site.

2.2.1 General Setting

For the following, refer to Figure 2, an aerial photograph over the site, outlined in blue, and the surrounding area.

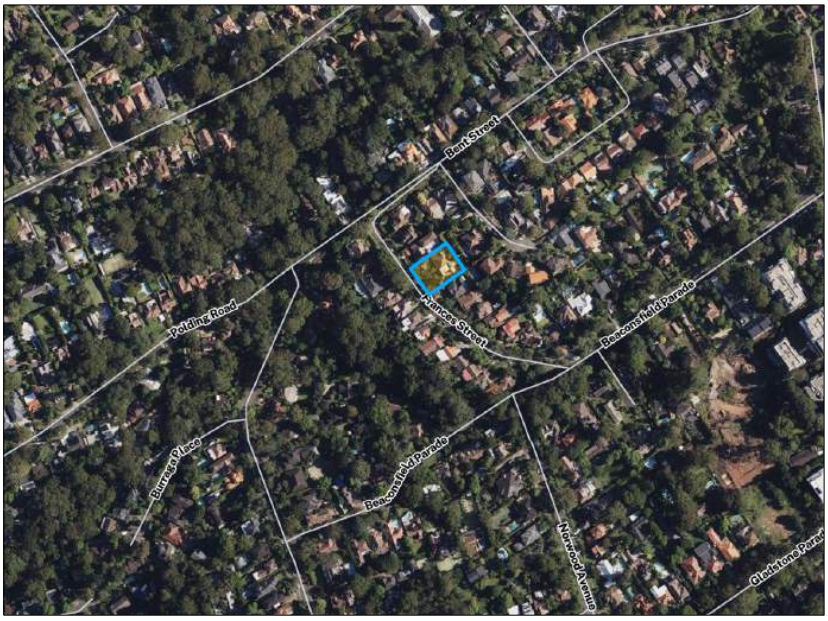

Figure 2: Aerial photograph over the site and surrounding area. The site is coloured yellow and outlined in blue.
SIX Maps; annotation by WP Heritage.

The site is located within a residential area characterised by free standing dwellings set in garden surrounds dating from the Federation period to the present day.

2.2.2 Frances Street

Frances Street runs from Polding Road/Bent Street in the north west through to Beaconsfield Parade in the south east. The section of the street in which the site is located rises gently to the south west. This part of the street is narrow and carries traffic in either direction. The street is kerbed and guttered. There are narrow nature strips to either side; there is a footpath on the eastern side only. There are no street trees. The gardens of private properties, however, provide for a well vegetated streetscape.

Lots sizes vary. The subject site is larger than other lots fronting the northern end of Frances Street. The street is characterised by free standing one and two storey dwellings dating from the Federation period through to the current day. Walls are predominately constructed of brick or rendered masonry with hipped and gabled roofs clad in tile. There is variation in the front setbacks of dwellings; side setbacks are generally narrow. Most properties have low front fences, providing views into front gardens.

The dwellings on the eastern side of the northern end of the street are set on gently rising ground. Those on the western side are located at street level. The nature strip directly outside of the site lies above a low stone block wall, set above the kerb. Google Streetview reveals that the existing wall dates from after 2018. There is an inset set of stairs of the same date providing access from the street to the footpath.

To the north of the subject site lies No. 17 Frances Street. The dwelling on this site is a single storey (to the street), late Interwar period bungalow set on a high stone base. It is set well forward of the subject dwelling and has a double carport set forward of it. This dwelling is constructed of face brick with a hipped tiled roof and is set forward of the building line of the dwelling on the subject site. There is a large two storey addition (set on the northern boundary) and swimming pool to the rear of the original dwelling. There is a stone retaining wall with low hedge above along the front boundary. There is a high fence and/or hedge along the common boundary with the site.

Continuing north, the dwelling at No. 19 Frances Street is a face brick originally single storey Interwar period bungalow. The roof form has been altered to accommodate a later first floor addition. No. 21 Frances Street, located at the point where the street turns towards, is an intact (to the street) single storey Interwar period dwelling with rendered walls and hipped and gabled roof form.

To the south of the subject site lies No. 11 Frances Street. The dwelling on this site is a c.2000s two storey dwelling constructed of brick and rendered masonry with a hipped and gabled tiled roof. It is set forward of the dwelling on the subject site and lies close to its common boundary with the site from which it is screened by fencing and vegetation. There is a double garage integrated into the dwelling and a low brick and timber fence across the front boundary.

Continuing south, No. 9 Frances Street is a substantially intact (to the street) single storey brick and render Interwar period bungalow. No. 7 Frances Street is an originally single storey Interwar period bungalow with a later first floor addition set to the rear. Nos. 7 and 9 Frances Street are listed as heritage items by Schedule 5 Part 1 of the *LEP 2015* and are discussed in Section 4.7 below.

Opposite the site, on the western side of Frances Street, are one and two storey Interwar period dwellings demonstrating mixed integrity. The once face brick No. 20 Frances Street, opposite the site, has been painted; No. 18 Frances Street, also opposite the site, is substantially intact to the street.

Figures 3 to 9 illustrate Frances Street in the vicinity of the site. Refer also to the photographs in the sections below.



Figure 3:
No. 17 Frances Street, north of the subject site, as it presents to the street.



Figure 4:
No. 17 Frances Street from within the subject site, showing its proximity to the common boundary.



Figure 5:
Continuing north along Frances Street, No. 19 Frances Street, an originally single storey Interwar period dwelling with later first floor addition.



Figure 6:
No. 11 Frances Street, adjoining the subject site to the south, with No. 9 Frances Street visible beyond. Photographs showing the proximity of this dwelling to its common boundary with the site, from within the site, are included in the following section.



Figure 7:
No. 18 Frances Street, opposite the site.



Figure 8:
No. 20 Frances Street opposite the site.



Figure 9:
Stone retaining wall to the nature strip outside of the subject site. Google street view show that the existing stone wall replaced an earlier wall in c.2018. The stairs were widened at this time.

Note: to the rear of the site lies No. 3 Lindel Place, which is listed as a heritage item by Schedule 5 Part 1 of the *LEP 2015.* This item is described in Section 4.7 below.

2.3 No. 15 Frances Street

2.3.1 The Site

For the purposes of this description, the Frances Street boundary is designated the western boundary.

The site is rectangular in shape, with front and rear (east and west) boundaries of 31.09m and side (north and south) boundaries of 42.67m. The site area is 1,236.7sqm (by calculation). The site falls approximately 4.4m south eastern corner to the north western corner.

The site lies above street level. There is a low capped stone retaining wall across the front boundary. Pillars mark the pedestrian entrance and the driveway entrance, which lies close to the northern boundary. The driveway- part stone, part concrete- provides access to the garage (described below) and carport that lie forward of the dwelling on the northern side of the site. There are timber paling fences on the remaining boundaries.

The dwelling on the site, described below, has a deeper set back from the street than the neighbouring dwellings, providing for a larger front yard. A crazy paved stone path runs across the front lawn to the dwelling. There are other concrete paths in this area. There is a small, paved area forward of the southern side of the dwelling. There are remnant garden beds. Trees within the front setback identified by the project arborist include a *Schinus terbinthifolius*, a *Cupressus sempervirens*, a *Syzygium smithii*, a *Schefflera actinophylla*, three *Archontophoneix alexandrae* and an *Olea europaea* on the northern side; and, on the southern side, two *Cinnamomum camphora*, an *Olea europaea*, a *Archontophoneix alexandrae* and a *Celtis sinensis*.

The northern setback is narrow. The strip of land adjacent to the fence is higher than the remainder of the site and is supported by a retaining wall, part constructed of stone. There are five trees in this area, identified as *Syagrus romanzoffiana* and *Syagrus actinophylla*.

The southern set back is wider. No trees are identified by the project arborist adjacent to the dwelling on this side.

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There is a narrower rear yard with areas of modern pavers and stone walled garden beds, now largely devoid of planting. Two trees are identified in this area by the arborist: a *Macadamia tetraphylla* and a *Plumeria acutifolia*.

Figures 10 to 20 illustrate the general character of the site. Refer also to the photographs in the following sections.



Figure 10:
Aerial photograph over the site.
Portial.spatial.nsw.gov.au.



Figure 11:
Stone wall across the front boundary.



Figure 12:
Pillars at the entrance to the front pathway.



Figure 13:
Part concrete part stone driveway. Remnants of a stripped driveway.



Figure 14:
Looking south across the front yard.



Figure 15:
Looking along the front path towards Frances Street.



Figure 16:
Path and remnant gardens on the southern side of the dwelling and forward of it.





Figure 17 and Figure 18: Within the northern setback. The brick building beyond the fence lies within the ground of the heritage item at No. 3 Lindel Place.



Figure 19:
Looking towards the north eastern corner, within the rear yard. The fence and hedge separate the site from the item at No. 3 Lindel Street to the rear.



Figure 20:
Looking towards the southern boundary within the rear yard. Also showing the proximity of the adjoining dwelling to its common boundary with the site.

2.3.2 The Dwelling: Exterior

The dwelling on the site is a free standing, single storey, painted brick building. It comprises a principal building form and rear wings and skillions. It is currently divided into two residential flats.

Principal Building Form

The principal building form has painted brick walls on a sandstone block base. The roof is hipped and gabled and clad in terracotta tile. There is a tall, narrow, face brick chimney on the northern side with a rendered top and chimney pot. The eaves are wide and lined with timber boards or f/c sheet.

The principal elevation is the **northern elevation**, addressing the side boundary. This elevation is asymmetrical and has a rectangular, gabled roofed, bay at the eastern end. The gable has timber barge boards. The viewing angle is too acute to see if there is any detailing to the gable. A three sided, flat roofed, bay projects forward beneath the gable. The two sides of this bay each have a narrow timber framed window with toplight. There are two, wider, windows, in the front face of the bay. The windows share a common sill that runs around the bay. There are the remnants of a once continuous ledge line above.

Note the glazing pattern to the windows and the dentiliated detail to the top of the bay in the following photographs.

The remainder of the northern elevation lies under a concrete topped verandah on a sandstone block base. The principal roof breaks in pitch over the verandah, where it is supported by turned timber posts and, on the north western corner, a stone pillar. There is an unpainted wrought iron balustrade. The underside of the verandah roof is lined, possibly in asbestos cement sheet. The front door is set near the projecting bay. It is a timber door with part original stained glass and part later glass. There is a stained glass toplight. Note how the ceiling lining cuts across the latter, indicating that the height has been lowered. There is also a large opening fitted with an aluminum framed sliding window in this part of the elevation. Stone stairs lead up to the verandah.

Refer to Figures 21 to 25.





Figure 21 and Figure 22: The bay on the northern side.





Figure 23: Stairs on to the northern verandah.
Figure 24: Front door.



Figure 25:
Looking east along the northern elevation.

The verandah returns along the **western elevation**, addressing Frances Street. There is a large aluminum framed sliding window in this elevation and a timber framed glazed door set with large side windows and narrow toplights. The end wall of the verandah has a large blind arch finished with coloured stone set in a crazy pattern. Stone stairs lead up to the verandah towards its southern end. Refer to Figures 26 to 28.



Figure 26:
Western elevation.





Figure 27: Stone pillar in the north western corner of the verandah.
Figure 28: Crazy stone paving in the arch of the end wall.

The **eastern elevation** is predominately constructed of face brick. There is an external chimney breast. There is a timber framed double hung window with masonry sill and rubbed red brick header and a door opening, with similarly detailed header with a multi-paned timber framed door with multi paned toplight and timber surround. Refer to Figure 29 to 31.





Figure 29: Exterior chimney breast on the eastern side.
Figure 30: Window in the eastern elevation.



Figure 31:
Door in the eastern elevation.

Rear Wings and Skillions

The rear wing and skillions are constructed of face and painted brickwork. They completely conceal the original rear wall of the principal building form and all the elevations of the original hipped roofed wing on the eastern side. This wing has a hipped roof clad in tile; the various skillion roofs are clad in corrugated metal sheet. There is a combination of timber framed windows and aluminum sliding windows.

The wing and skillions are best understood with reference to Figures 32 to 40 below, which travel in an anticlockwise direction from the western elevation of the western most skillions, addressing Frances Street.



Figure 32:
Western elevations of the two western most skillions. Note the stone base to the northern most skillion. The roof of this skillion is concealed by a parapet and the windows are aluminium framed. The lower skillion has a now fixed timber framed window.



Figure 33:
Continuing from Figure 32 in an anticlockwise direction showing the southern and eastern elevations of the above skillions.



Figure 34:
Southern elevation of the skillion that runs across the rear of the principal building form.



Figure 35:
Western elevation of the skillion attached to the rear of the original rear wing.



Figure 36: Southern elevation of the above skillion.



Figure 37: Eastern elevation of the above skillion.



Figure 38: Southern elevation of a later addition attached to the eastern side of the original rear wing.



Figure 39:
East facing elevation of the above addition.



Figure 40:
North facing elevation of the above addition.

2.3.3 The Dwelling: Interior

Given that this dwelling is not heritage listed and that it is its contribution to the Conservation Area that is the consideration, the interior is not described in detail for the purposes of this statement. Figure 41 illustrates the floor plan. The dwelling is split into two residential flats.



Figure 41:
Floor plan.
Property.com.au.

Finishes are mixed and date from the Federation period through to the Post World War II period. Many of the original ceilings have been replaced or are concealed. Some rooms retain original skirting boards and architraves to doors; most of the original window architraves have been replaced. Fireplaces have been removed or are heavily modified. Figures 42 to 45 illustrate a selection of interiors and finishes.



Figure 42:
Main living room fireplace with the opening into the main hallway beyond.



Figure 43:
The same rooms with later door set in the western wall.



Figure 44:
A later fireplace within the rear skillions (secondary living room).



Figure 45:
Dining room, being a later addition between two earlier sections.

2.3.4 The Garage

The garage is a small free standing rendered masonry building with a gabled roof clad in terracotta tile. There is a tilting metal door in the western elevation and a four panel timber door in the southern elevation. There is a flat roofed single metal carport on the southern side. Refer to Figures 46 and 47.



Figure 46:
Western elevation.



Figure 47:
Southern elevation.

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3 HISTORICAL ANALYSIS

3.1 Always Was, Always Will Be

While an Aboriginal history is not provided for, it is acknowledged that the traditional owners of the Ku-ring-gai area are the Darramuragal or Darug people.

3.2 Early European Land Use Patterns

The British Colony of NSW was officially established in January 1788. Ignoring the rights of the Aboriginal people, all land was declared to be Crown Land.

On 15 April, 1788, Governor Phillip lead a small exploratory party from Manly Cove into what is now the Ku-ring-gai Municipality. The area was described as being 'covered with an endless wood.'[1] The Lane Cove Sawing Establishment was set up on the Lane Cove River to take advantage of this natural resource. Early land access into the area was via a track later known as the Lane Cove Road (now Pacific Highway), which may have followed an Aboriginal pathway.

The first official land grant in the present-day Ku-ring-gai area was a 400 acre grant made to Daniel Derring Matthew in present-day Roseville/Lindfield in 1819. The subject site stands on a land grant of 100 acres made to Henry Robson Robley and Timothy Surr on 19 July, 1838. What, if anything, they did with their land grant has not been determined for the purposes of this assessment.

The Upper North Shore remained sparsely populated during the first part of the nineteenth century. Timber getting was the most dominant early land use. The *Geographic Dictionary of Gazetteer of the Australian Colonies of 1848* notes that within the whole of the Parish of Gordon, which included present-day Ku-ring-gai, there was only 107 houses and 443 inhabitants. Agricultural pursuits and orcharding followed the timber getters. Progress was, however, being made. A post office (originally Lane Cove) was opened on the Lane Cove Road (now Pacific Highway) at Gordon in 1860, joining the earlier schoolhouse and graveyard; a Roman Catholic Church and schoolhouse were constructed on Pymble Hill in 1863; the foundation stone of St. John's Anglican Church was laid in 1872; and a public school was opened in 1873.

By the 1870s, the early land grants and holdings were beginning to be broken into smaller holdings, typically of four to ten acres. Further Crown land was released for sale. The suburban development of present-day Gordon was set in motion by the planning and later construction of the North Shore Railway Line in the 1880s and 1890s.

The railway was completed between Hornsby and St. Leonards in 1889 and to Milsons Point in 1893. The journey from Hornsby to St. Leonards took around 35 minutes. Lindfield Station opened on 1 January, 1890. The name 'Lindfield' was derived from a cottage built in 1884 in the area by Sussex-born Francis John List. It is believed to originate from the village of Lindfield in Sussex. List's cottage stood between Bent and Balfour streets.

The opening of the North Shore Railway in 1890 created a wave of subdivision in the Ku-ring-gai area. Additional railway stations were gradually added along the North Shore line. By 1900, the railway line from St. Leonards to Lindfield would be duplicated; nine years later, in 1909, duplication to Hornsby would be carried out. Another barrier to

[1] W. Cresswell O'Reilly, *The History of Ku-ring-gai*, Pymble, The Author, 1948, p. 3.

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suburbanisation was overcome when the colonial government constructed water tanks at Wahroonga and Pymble in the early part of the twentieth century.

The railway opened at a time when urban reformers were loudly advocating the benefits of the outer-suburban lifestyle. Echoing the concerns of the Garden City Movement, reformers focused on the advantages to health and moral welfare to be found outside the crowded inner city suburbs. The founders of the Municipality of Ku-ring-gai, among them the prominent town planning advocate, John Sulman, were heavily influenced by these theories:

> 'The ideal lifestyle was in individual homes, not terraces close to employment. Private gardens and vegetable patches and later, tennis courts, became much valued. The "suburban sprawl" began.'[2]

Ku-ring-gai was the ideal location for those in search of the suburban ideal and it was foretold:

> 'The North Shore was peculiarly adapted for the establishment of fresh suburbs as the climate was exceptional favourable, and if only means of communication were afforded, a large population would spring up there.'[3]

A move was made to ring the area with reserves. Roseville Chase, Killara Park and Ku-ring-gai Chase National Park were dedicated as reserves in 1894. Lindfield Park was created in 1906 and a further extension made to Roseville Chase in 1909.[4]

Residents were also active in ensuring the production of a 'high quality' area. Many progress associations were formed, including Lindfield Progress Association in 1897. Ultimately, a Shire Council was formed in 1905, to be followed, in 1928, by the formation of a Municipality.

3.3 Lindfield Park Estate

Robley and Timothy Surr's grant remained intact for some time. In 1865 the original 100-acre grant was purchased by Charles Heather Long, a Sydney broker, and resold to Henry Deane one year later, 1866. The original grant began to be subdivided in 1884. By 1888, the subject site was part of a larger land holding of 67 acres, owned by stockbrokers John Rider Jones and Reginald James Black.[5] Black was also banker, politician and president/director of several prominent companies.[6]

Jones and Black's land was further subdivided and put up for sale in April 1894 as the Lindfield Park Estate. The lots varied in size and were listed for sale between £100 and £150. The subject site lies on part of Lot 14 of this subdivision. Lot 14 was 1 acre and 20 ½ perches in size. Refer to Figure 48, a plan of the Lindfield Park Estate. Lot 14 fronted Bent Street. Frances Street had not yet been created.

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[2] *Focus on Ku-ring-gai: The Storey of Ku ring gai's Growth and Development*, NSW, Ku-ring-gai Historical Society, 1996, p. 14.

[3] Bruce Smith, Minister for Public Works, cited in W. Creswell O'Reilly, *op. cit.*, n.d., p.11.

[4] Godden Mackay Logan, *Ku-ring-gai Heritage and Neighbourhood Character Study*. Unpublished report dated June 2000, p.26. Ku-ring-gai Library.

[5] Certificates of Title (C.T.) Volume 898 Folios 108 and 109. *NSW* LPI.

[6] A. W. Martin, 'Black, Reginald James (1845–1928)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, https://adb.anu.edu.au/biography/black-reginald-james-5253/text8851, published first in hardcopy 1979, accessed online 9 January 2025

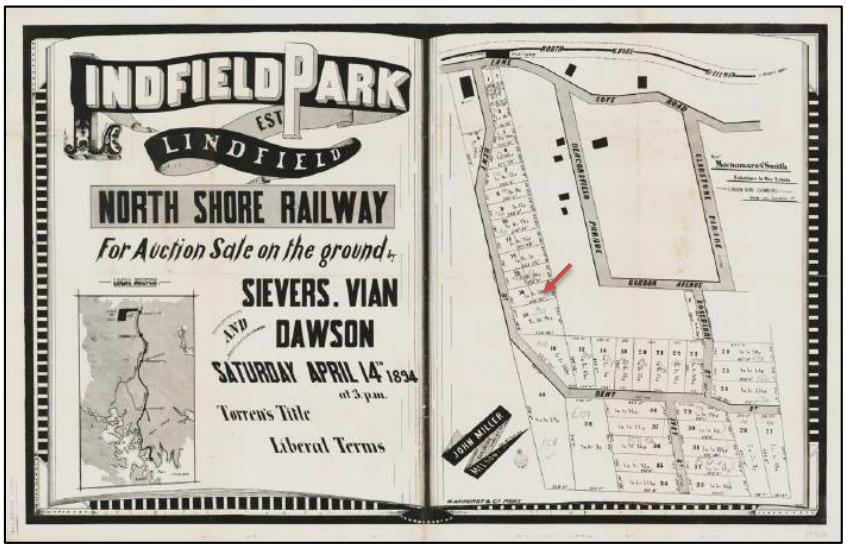

Figure 48: The subdivision of The Lindfield Park Estate in 1894. Lot 14 is marked by the arrow.
State Library of NSW.

The Lindfield Park Estate was marketed as being:

> '…cleared out throughout, has been laid out….with due regard to the natural features of the land, and as opportunity is now presented, the first since the opening of the Railway, of securing ONE ACRE blocks at LINDFIELD.
>
> Unequalled views can be obtained from all parts of the Estate, and the land has been so laid out that every block has a suitable site for building.'[8]

3.4 A Dwelling is Constructed

Lot 14 (including the subject site) was transferred to Warren Charles Mayor, a Sydney accountant, on 4 June, 1895.[9] According to a newspaper article, the lot sold for £170.[10]

Less than a month later, the lot was transferred to Warren Charles Mayor an accountant.[11] It is possible that the subject site is the property listed in *John Sands' Sydney and Suburban Directories* in 1906 under the name *Hiawatha*, occupant Warren Mayor. This suggests a construction date of c.1905 or the immediately preceding years. The listing is from Bent Street, which is the street that the subject dwelling originally faced. *Hiawatha* was listed advertised for sale in early 1905, where it was described as a 'charming cottage residence, built of brick, on stone foundations, roof of slate, containing 6 rooms and all offices.' The land size was described as about 1 1/8 acres, with 'tastefully laid out in lawn, flower and fruit gardens, poultry runs etc.'[12]

[8] 'Advertising (North Shore Railway),' *The Sydney Morning Herald,* 4 April, 1894, p.8.
[9] Transfer cited C.T. Volume 898 Folios 108 and 109. NSW LPI.
[10] 'Property Sales,' *The Sydney Morning Herald*, 14 September, 1895,p11.
[11] Transfer cited C.T. Volume 1166 Folio 73. NSW LPI.
[12] 'Advertising (At Lindfield, 7 Minutes from the Station,' *The Daily Telegraph*, 4 March, 1905, p.6.

Lot 14 was transferred to Alexander Henry Rouke, from Pymble, on 21 September, 1905. As is the case with Mayor's residence, it is not clear if Rouke, who is also listed in Bent Street by *Sands' Directories*, lived on the subject site.

Four years later, on 26 April, 1909, Lot 14 was transferred to James Kirk Small, a retired overseer of the Government Printing Office, where he had worked for 'half a century.[13]' J.K. Small can be clearly identified in *John Sands' Sydney and Suburban Directories* as occupying the subject site in 1910, at which time the property was known as *Elouera*. It was one of six dwellings on the southern side of Bent Street in this year. After 1920, the property was tenanted.

The above information suggests that the dwelling on the site had been constructed by 1909 and possibly as early as 1905. A construction date of the early 1900s is consistent with what survives of the original dwelling.

The earliest confirmed description of the subject dwelling is provided by the 1916-1927 Valuation Record, which describes it as a double fronted brick cottage or 6 rooms with offices. The roof was described as being clad in slate.[15]

Following Jame Small's death in 1920, ownership passed to Elizabeth Esther Small.[16]

The earliest photograph showing the subject site is an aerial photograph dated 1930. Refer to Figure 49. The boundaries of the subject site are outlined in red. Frances Street had not been formed through to Bent Street, though there may have been a rough track.

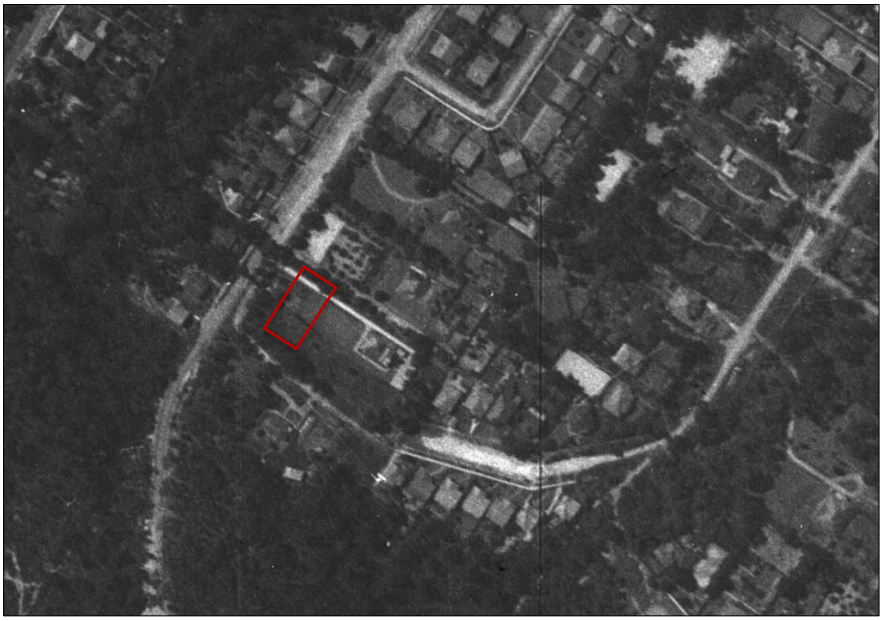

Figure 49: Aerial photograph over the site, 1930. The site outlined in red.
www.spatial.nsw.gov.au.

[13] 'Personal,' *The Daily Telegraph*, 5 June, 1905. P.5.

[15] C Riding, 1916-1927. Ku ring gai Library.

[16] Transfer cited C.T. Volume 1166 Folio 73. NSW LPI; quote from 'Personal,' *The Daily Telegraph*, 5 June, 1905, p.5.

3.5 Extension of Frances Street, Subdivision and Conversion into Flats

The Interwar period was one of growth in the Council area. Ku-ring-gai Council embraced a clause in the *Local Government Act 1919* which provided for the establishment of 'pure' residential areas, as opposed to mixed areas of commercial and residential development. During the 1920s, Council proclaimed numerous residential districts. Flat building was particularly closely controlled. This movement was reinforced by the dedication of further extensive parklands and reserves. Suburban development in Ku-ring-gai to the 1920s 'clung closely to the railway; no house was more than half a mile from open bushland.'[18] The Northern Suburbs of Sydney grew in popularity with the building and then opening of the Harbour Bridge between 1925 and 1932. Trains were electrified in 1928, further improving connection with the city centre. These improvements and growth in private car ownership during the 1920s, encouraged suburban development in areas away from the railway line.

Part of the grounds of *Elouera* was resumed by Ku ring gai Council in 1930, presumably to extend Frances Street.[19] *Elouera* was subdivided soon after. As a result, *Elouera* lost its frontage to Bent Street and the existing boundaries of the subject site were created.

The Great Depression hit the Australian economy hard in the early 1930s. Along with Vaucluse, Mosman and Strathfield, however, Ku-ring-gai, had some of the lowest depression unemployment rates. The sharp divisions across society at this time are highlighted by Ku-ring-gai Council provision of relief work, in conjunction with the Main Roads Board and the Unemployment Relief Committee, to build roads to ensure that

> 'Good traffic facilities shall be available for those who are erecting commodious residences.' [20]

Ku-ring-gai continued to grow when the economy began to recover during the mid 1930s:

> 'With improved employment and availability of housing funds, home building began to revive in 1933 and the pace quickened in the following years. The outward movement of young families seeking their own home and garden, a characteristic of the twenties, was resumed.' [21]

The effects of the Great Depression are evident in Figure 50, a Water Board plan dated 1937. Seven years after the subdivision of *Elouera*, the subdivided lots had yet to be built upon. This plan shows a footprint of the subject dwelling at this time, and suggests that the existing laundry, now part of the western flat, was built after this date.

[18] Peter Spearritt, *Sydney Since the Twenties*, Sydney, Hale & Iremonger, 1978, p. 44.

[19] Cited C.T. 1166 Folio 73. NSW LPI.

[20] *Ibid,* p. 61.

[21] *Ibid,* p. 68.

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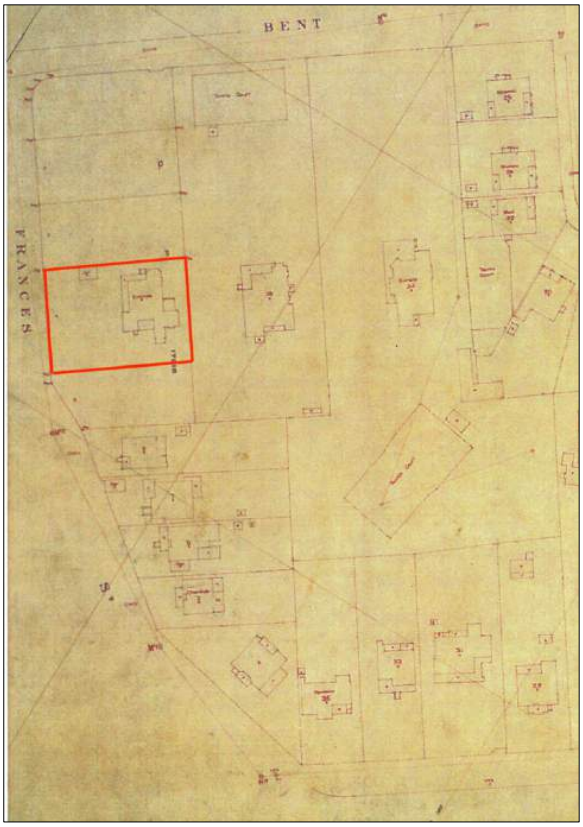

Figure 50:
MBWS & DB, *District Survey Series Detail Series Ku-ring-gai 113*, 1937. Detail only.
Ku-ring-gai Library.

By the time of the next available aerial photograph, dated 1943, Frances Street had been formed through to Bent Street . The lots of the 1930 subdivision had been built upon, as had most of the Frances Street blocks. By this time, the subject dwelling had been converted into two flats. The earliest evidence for these flats is provided by the 1940 Valuation Record.[22]

[22] *Roseville Ward Valuation Record*, 1940. Ku ring gai Library.

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Figure 51: Aerial photograph over the site, 1943. The site outlined in red.
www.spatial.nsw.gov.au; annotation by WP Heritage.

Having just only recovered from the Great Depression, domestic building once again slowed and then ceased following the introduction of building restrictions during World War II.

3.6 Later Owners

Small retained ownership of the subject site until 17 June, 1955, when it was transferred to Ehafic (?) Younan, a Killara stone mason. Anthony Younan and Sadola (later John) Younan, stone masons, were registered as the owners in August 1966. The land title was computerised sometime after this point and has not been further investigated. It appears, however, to have remained in the ownership of the Younan family until its recent sale.[23] The profession of the owners and style of the stonework on the site suggests that most of the stonework dates from after 1955.

Figure 52 provides a further aerial photograph over the site and the surrounding area in 1965. The laundry had been constructed by this time.

[23] From the fragment of a letter left in the dwelling.



Figure 52: Aerial photograph over the site, 1955. The site outlined in red.
www.spatial.nsw.gov.au.; annotation by WP Heritage.

The population of Ku-ring-gai continued to expand rapidly in the immediate Post World War II period. In 1947 there were 39,874 people in 10,406 occupied dwellings; by 1954, this had increased to 52,615 people in 14,691 occupied dwellings. In response to similar population increases occurring across Sydney, a new *Local Government (Town and Country Planning) Amendment Act* was passed in 1945, providing for the preparation of local planning schemes. By 1951, the County of Cumberland Plan had been produced. When the Ku-ring-gai planning scheme was submitted in 1958, it was based on the principal that the preservation of amenities in the area was vital.[24]

Conservation Areas were created in Ku ring gai from 2013; there have been several reviews since this time. The most recent publicly available review for the Frances Street Conservation Area recommended its retention (October 2024).[25]

Council hold no BA/DA records for this site.[26]

[24] Godden Mackay Logan, *op.cit.*, June 2000, pp. 27-8.

[25] TKD Architects, *Ku-ring-gai Heritage Conservation Review*. Prepared for Ku ring gai Council, October 2024.

[26] GIPA Application made to Council.

4 ASSESSMENT OF SIGNIFICANCE

4.1 Preamble

The purpose of this section is to determine the contribution that the site makes to the Conservation Area and to identify heritage items/conservation areas that lie within the vicinity of site.

4.2 Integrity

4.2.1 The Site

The site demonstrates low integrity. The following is noted:

The existing lot boundaries date from the 1930s subdivision. This subdivision had a profound impact on the dwelling, which was clearly designed to address Bent Street. The northern boundary now lies close to the front of the dwelling, concealing the original front elevation from the public domain and making it difficult to appreciate when standing within the site. When the dwelling was first constructed, Frances Street did not exist. The side elevation does not appear to have been designed with the intention that it would be visible from the public domain.

The garage is likely to be the garage in the 1930 Water Board Plan. It has been modified. The car port is later in date.

Some of the planting beds and pathways on the site may date from at least as early as 1943. The level of vegetation on the site has, however, clearly changed over time.

It is difficult to date the stone walls on the site. Given the style of the stone work and the fact that the owners from the 1950s onwards were stone masons, it is possible that the stonework, dates from this period. Stylistically, the stone wall across the front boundary may date from the Post World War II period. The stone retaining wall and stairs to the edge of the nature strip on Frances Street dates from c.2018 and replaced earlier stonework.

4.2.2 The Dwelling

The dwelling on the site demonstrates low integrity. The following is noted:

- The footprint of the dwelling has been altered to the rear with later skillions obscuring the original rear wing.
- The dwelling was likely originally face brick, which is an important characteristic of a Federation period dwelling. The brickwork has been painted.
- The roof was likely originally clad in slate, as described by the Valuation Records. It has been reclad.
- The verandah and stairs up to it have been rebuilt and/or capped in cement. The turned timber posts may be later replacements.
- The verandah balustrade is not original. It is typical of the Post World War II period.
- The ceiling of the verandah roof has been lowered; the existing ceiling cuts through the toplight of the front door. It is assumed that the roof originally broke in pitch over the verandah in the current manner. This may, however, have been modified when roof was reclad and the verandah modified.

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- Many of the original doors and windows have been removed and the openings modified. This is particularly true of the western elevation, addressing Frances Street. The surviving original windows and doors are on the northern and eastern sides and are concealed from the public domain.
- One chimneys has been removed. The removed chimney was in the western roof plane and was visible from Frances Street. The surviving chimney, on the eastern side, is not visible from the public domain.
- Internally, the dwelling has been divided into two. Whilst the front five rooms within the principal building form remain identifiable, finishes have been altered, notably fireplaces removed or modified and openings altered. The remainder of the dwelling has been more extensively modified.

4.3 View Corridors

4.3.1 To/From the Public Domain

Historically, the most important view corridors towards the subject dwelling were obtained from Bent Street. These view corridors were lost when the site was subdivided and the new lots built upon in the 1930s. No part of the subject site or dwelling is visible from Bent Street.

The principal view corridors towards the site are now obtained from Frances Street. Frances Street did not exist when the dwelling was first constructed; the western elevation was not designed to address the public domain. The view from Frances Street is of the much altered side elevation of the dwelling, the garage and the stone walls. Given the extent of alteration (identified above), the dwelling no longer readily reads as being of the Federation period and style. Whilst on a large site, it does not read as being located within a well-established garden setting. Critically, no part of the northern elevation of the original dwelling, being the front elevation, is visible from Frances Street.

The dwelling is concealed on approach along Frances Street from either direction until close by the site because it is more deeply setback from Frances Street than the neighbouring dwellings and because of the bends in the street.

The principal views out of the dwelling are to Frances Street.

Figures 53 to 56 illustrate view corridors towards the site from the public domain. Refer also to the photographs in the sections above.

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Figure 53: View towards the site on approach from the south. The subject dwelling is marked by the arrow. Its deep setback and planting conceal it on approach in this direction. The bend in the street conceals the stone wall until close by the site.



Figure 54: View towards the site on approach from the south and when close to the site and at a wider angle. The stone walls are visible. The dwelling is concealed by its setback and by vegetation.



Figure 55:
The dwelling becomes more visible closer to the site. The rear skillion dominates.



Figure 56:
View towards the site on approach from the north. The site is marked by the arrow. The dwelling is concealed by its deep setback and planting.

4.3.2 Within the Site

The principal view corridors within the site are views towards the much altered Frances Street elevation. Views towards the original front elevation (the northern) elevation are acute and limited because it is located very close to the northern boundary.

4.4 Brief Comparative Analysis

The dwelling on the site was constructed during the Federation period or the very Late Victorian period, one of the principal periods of development within the Ku-ring-gai area. There are many examples of Federation period and style dwellings of a similar type within the Ku-ring-gai area, the best of which are listed as heritage items or located within Conservation Areas. Table 2 identifies a selection of heritage listed Federation period dwellings in Ku-ring-gai. Whilst some have been modified (for example, enclosing verandahs or additional of attics), they each demonstrate a far higher degree of integrity than the subject dwelling. These examples illustrate the level of integrity that could be expected of individually listed heritage items (Schedule 5 Part 1 of the *LEP 2015*) and/or contributory items within Conservation Areas (Schedule 5 Part 2 of the *LEP 2015*).

Image	Address and Heritage Status
	No. 39 Burns Road, Wahroonga. Listed as a heritage item and located within a Conservation Area identified by *LEP 2015*.
	No. 24 Bancroft Avenue, Roseville. Listed as a heritage item and located within a Conservation Area identified by *LEP 2015*.
	*Poitiers*, No. 66 Springdale Road, Killara. Listed as a heritage item and located within a Conservation Area identified by *LEP 2015*.
	No. 24 Nelson Street, Gordon. Listed as a heritage item and located within a Conservation Area identified by *LEP 2015*.

Image	Address and Heritage Status
	No. 6 Highfield Road, Lindfield. Listed as a heritage item and located within a Conservation Area identified by *LEP 2015*.
	No. 19 Burns Road Wahroonga. Not listed a heritage item but contributory in a Conservation Area listed by the *LEP 2015*.
	No. 9 Roseville Avenue, Roseville. Not listed a heritage item but contributory in a Conservation Area listed by the *LEP 2015*
	No. 33 Middle Harbour Road, Lindfield. Not listed and not located within a Conservation Area by the *LEP 2015*.

Table 2: Federation period dwellings in Ku-ring-gai.

4.5 Statement of Significance for the Frances Street Conservation Area

Council provide the following statement of significance for the Frances Street Conservation Area:

> 'The Frances Street HCA forms part of the late nineteenth century subdivision of the Lindfield Park Estate (1894). The subdivision reflects improved transport connections due to the construction of the North Shore Rail Line. The HCA includes the early twentieth century subdivision overlays of Dellwood Estate (1911), and Dartmoor Estate (1927) evident through the existing housing. The HCA has aesthetic significance as an Interwar development. Frances Street has a large number of heritage items and the street consisting of predominantly single storey Inter-war Bungalows is of high aesthetic significance.'[27]

This statement is adopted for the purposes of this statement.

4.6 Contribution of No. 15 Frances Street to Frances Street Conservation Area

4.6.1 Defining Contributory

Part 19 of the *Ku-ring-gai DCP* identifies contributory properties as those that are deemed to exhibit one or more of the following characteristics:

> 'i) buildings and sites that make an important contribution to the character and significance of the HCA. They can be from a key historical layer, true to an architectural type, style or period, or highly or substantially intact including their garden setting. Where subdivision has occurred, the subdivision is within the key historical period or the area.
>
> ii) buildings and sites which are altered from their original form but are recognisable and could be reasonably reinstated to that condition or the alterations are not considered to be detrimental to the integrity of the building; for example, a building that has been rendered or painted or where the roof cladding has been replaced but the form is otherwise legible.
>
> iii) buildings and sites with new layers/additions sensitive to the style, form, bulk, scale and materials of the original building.'[28]

4.6.2 Assessment Under Heritage NSW Criteria

Contribution is assessed under the Heritage NSW criteria.

Criteria	WP Heritage Comment
(a) Historic significance An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural	The site was once an example of a Federation period dwelling set in large gardens, typical of the type and standard of medium-large scale dwelling erected in Lindfield in the late nineteenth/early twentieth centuries. The dwelling has, however, been so altered and impacted by later subdivision that is no longer a good example of this period of the area's history. There are far better examples of this type and style of

[27] Frances Street Conservation Area (CA30).

[28] Ku-ring-gai DCP, p.19-3.

Criteria	WP Heritage Comment
history of the local area).	dwelling. The dwelling is atypical in a Conservation Area primarily noted for its Interwar period estate subdivisions and dwellings. The site boundaries are not those of a lot of the Lindfield Park Estate or one of the significant early twentieth century subdivisions that characterise the area. The site does not meet the threshold for listing under this criterion as a heritage item or on the basis of its contribution to the Frances Street Conservation Area.
(b) Historical association An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).	The site is not associated with any person or group of persons of more than ordinary significance. The site does not meet the threshold for listing under this criterion as a heritage item or on the basis of its contribution to the Frances Street Conservation Area.
(c) Aesthetic/creative/ technical achievement An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).	Neither the dwelling or its garden setting demonstrate aesthetic, creative or technical achievement. The dwelling has been so altered and impacted upon by subdivision that it is no longer a good example of a large Federation period and style dwelling. The statement of significance above clearly notes that the aesthetic significance of the Conservation Area lies in its interwar period dwellings. The subject dwelling is not of this period. The site does not meet the threshold for listing under this criterion as a heritage item or on the basis of its contribution to the Frances Street Conservation Area.
(d) Social, cultural, and spiritual An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.	Community consultation has not been undertaken as part of this assessment. The site is unlikely to meet the threshold for listing under this criterion as a heritage item or on the basis of its contribution to the Frances Street Conservation Area.
(e) Research potential An item has potential to yield information that	An archaeological assessment has not been provided for. Neither the dwelling or the garden provides evidence of common construction/landscape methods or any other information not provided

Criteria	WP Heritage Comment
will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).	by more intact examples. It does not further understanding of the significant subdivision patterns or principal period of development identified by the Statement of Significance for the Conservation Area. The site is unlikely to be meet the threshold for listing under this criterion as a heritage item or on the basis of its contribution to the Frances Street Conservation Area. It does not date from the key period of development for which the Conservation Area is listed and is not a good example of any other period of development.
(f) Rare An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).	Neither the site nor the dwelling is rare. The Federation period was one of growth in the Ku-ring-gai area. The site is not unusually large. The site does not meet the threshold for listing under this criterion as a heritage item or on the basis of its contribution to the Frances Street Conservation Area. It is neither an intact Federation period dwelling nor dates from the primary period of significance.
(g) Representative An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).	The dwelling on the site has been so altered that that it is no longer a representative example of a dwelling of the Federation style and period. There are many, far better, examples of this style of dwelling within Linfield and the wider Ku-ring-gai area. The site boundaries are not representative of the Lindfield Park Estate or one of the early twentieth century re-subdivisions that underlie the area. The dwelling on the site is not representative of the Interwar period developments that are the basis of the aesthetic significance of the Conservation Area. The site does not meet the threshold for listing under this criterion as a heritage item or on the basis of its contribution to the Frances Street Conservation Area.

4.6.3 Summary of Contribution

In summary, the dwelling at No. 15 Frances Street has been so altered that it is no longer contributory within the Frances Conservation Area for the following reasons:

- The lot boundaries are not associated with one of the early twentieth century period re-subdivisions that underlie the area. Nor are they those of a lot from the Lindfield Park Estate subdivision.
- The dwelling does not date from the primary period of significance of the Conservation Area, which is the Interwar period and is not a good example of a Federation period and style dwelling.
- The front elevation is no longer visible from the public domain and only limited appreciation of it is available from within the site because of the proximity of the northern boundary.

- All evidence of the pattern of original openings in the Frances Street (side) elevation has been lost and the existing large aluminum framed windows and doors are intrusive. There is no evidence of the original pattern of openings.
- The existing verandah is highly modified or has been completely rebuilt with concrete floor, lowered ceiling and metal balustrade. There is no evidence of the original detailing; the existing posts may be latter additions.
- A prominent chimney has been removed. The existing chimney is not visible from the public domain.
- In its current condition, the garden makes no contribution to the streetscape and is does not demonstrate a historically significant layout or planting.

Any restoration works would be conjectural only and would still limit the contribution of the site to the street, given that it is the side elevation (and not the principal elevation) that is visible.

4.7 Heritage Items in the Vicinity of the Site

There is no statutory definition for 'in the vicinity.' For the following, 'in the vicinity' has been determined with reference to physical proximity, existing and potential view corridors and the nature of the proposed works.

There are no heritage items listed by the State Heritage Register, under the *NSW Heritage Act 1977*, in the vicinity of the site.

For the following, refer to Figure 57, a detail of the NSW Planning Portal. In this plan, the site is outlined in black. Heritage items listed by Schedule 5 Part 1 of the *LEP 2015* are coloured brown and numbered. Conservation Areas listed by Schedule 5 Part 2 of the *LEP 2015* are hatched in red and numbered.



Figure 57: Detail from NSW Planning Portal identifying the site and heritage items/conservations areas within the vicinity of it.
NSW Planning Portal; annotation in black by WP Heritage.

The following item adjoins the site:

- *Dwelling house*, No. 3 Lindel Place (I450)

This item adjoins the site to the north east.

The State Heritage Inventory (SHI) listing sheet describes this item as follows:

> 'The property contains an early Federation era bungalow with a hipped and gabled slate roof of multiple, varied planes. It is constructed of face brick with brickwork detailing over windows and entryways, timber trim and fenestrations. A large verandah faces the north and western sides of the dwelling. Due to the later allotment subdivision, a new entry and front door has been located to the eastern/Lindel Place elevation. The entry has with a gable roof featuring circular ventilator over a smaller awning-like roof and projecting bay. There are face brick chimneys with terracotta detailing. There is a small pergola-like roof over the pedestrian entry gate.
>
> The residential dwelling is set within 1631sqm of extensively landscaped grounds. There is a boundary hedge to the footpath with metal or wrought iron gates.
>
> There is a hipped and gabled, terracotta tiled double carport facing Lindel Place. The layout and garden elements include an extensive hedge to all boundaries of the property, a terraced pool area at rear, and a gravel drive extending from the carport to what appears to be a garage on the western boundary. The rear garden incorporates a terraced walkway that includes a fountain, at rear near the water tank and pool area.'[29]

The principal view corridors towards this item are obtained from Lindel Place. The dwelling is largely screened from the street by vegetation. There do not appear to be any significant view corridors out of this item towards the subject site. A high fence and hedge screen it from the site. There is a workshop on its common boundary with the site. Refer back to Figures 17- 19 above. There are no significant view corridors from the public domain across the subject site towards this item. It is noted that, as in the case of the subject dwelling, this dwelling was built to addresses Bent Street. Unlike the subject site, however, it retains a front garden.

The SHI provides the following statement of significance for this item:

> 'The property is significant as part of the residential development of the suburb of Lindfield at the turn of the twentieth century when the construction of large houses on large, landscaped allotments was at its peak. Although having undergone some modifications to the original building, the house remains largely intact externally. The building is an important component in the understanding of the late nineteenth century subdivision of Lindfield.
>
> The house is significant contribution to the variety of Federation style residences within the immediate area and to the mix of houses of Federation and inter-war styles which are important to the character of Lindfield.
>
> The item is of local heritage significance in terms of its historical, aesthetic and representative value. This satisfies three of the Heritage Council criteria of local heritage significance for local listing.

[29] *Dwelling house*, No. 3 Lindel Place, Lindfield. State Heritage Inventory, Heritage Item ID: 1880585.

This item has a lot boundary curtilage.'[30]



Figure 58:
No. 3 Lindel Place from Lindel Place. Refer back to Figures 17-19 for photographs of this item from the subject site.

The following items lie in the immediate vicinity of the site:

- *Frances Street Bungalow Group*, Nos 1, 2, 3, 4, 5, 6, 7, 8, 9 10, 12 and 14 Frances Street (I423-I434)

The State Heritage Inventory listing sheets for these items does not contain any information. As the listing name suggests, they are a group of Interwar period bungalows. The bungalows are single storey to the street and constructed of brick with a hipped and/or gabled tiled roofs. The have low front fences and read as lying within garden settings. Refer to Figure 59.

The principal view corridors to/from these items obtained from directly in front of them, with oblique angled views obtained on approach. The principal views out of these items are directly across Frances Street. The subject site is only visible from the north western most end of the group. Refer to Figure 60.

The group likely has local historic and aesthetic significance as a reasonable intact group of Interwar period bungalows.

Each property has a lot boundary curtilage.

The subject site is separated from No. 9 Frances Street by the two storey form of No.11 Frances Street and from most of the group of even numbered properties by the bend in the street. The recent study done by TKD Architects places the site outside of the critical setting of these items. Refer to Figure 61.

[30] *Dwelling house*, No. 3 Lindel Place, Lindfield. State Heritage Inventory, Heritage Item ID: 1880585.



Figure 59:
No.11 Frances Street, one of the heritage listed group of bungalows.



Figure 60:
View from the corner of No. 14 Frances Street, the southern most of the listed bungalows (i.e. closest to the site) towards the site. The subject site is concealed from all the other properties on this side of the street part of the listed group.

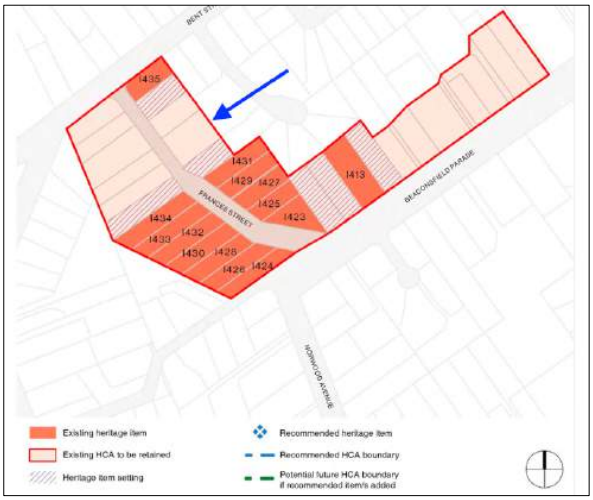

Figure 61:
TKD Architects, Ku ring gai Heritage Conservation Area Review, October, 2024.

- *Dwelling house*, No. 21 Frances Street (I435) and Dwelling house, No. 4 Lindel Place (I451)

These items are considered sufficiently removed from the subject site and separated by intervening dwellings for works of the proposed nature to have no impact upon them.

5 HERITAGE IMPACT ASSESSMENT

5.1 Scope of Works

The following should be read in conjunction with the plans prepared to Texco Design (architecture) and Zenith Landscape Designs (landscape) that accompany this application.

It is proposed to remove the existing structures, construction of a two storey detached dual occupancy, construction of new swimming pools and associated landscaping. Basement parking is proposed.

The proposed dwellings will be constructed of painted brick with rendered detailing. The roofs will be hipped and clad in tile. The doors and windows will be metal framed.

The proposal includes the removal of trees and new planting, a new painted brick fence with timber pickets across the front boundary and swimming pools within the rear yards.

5.2 Method of Assessment

The following is a merit-based assessment. It does not consider compliance or otherwise with numerical controls unless non-compliance will result in an adverse heritage impact. Refer to the planning documents that accompany this application.

The proposal is assessed under the objectives and controls for new works in a Conservation Area and within the vicinity of heritage items as set out in Part 19 of the *Ku-ring-gai DCP 2024* and with an understanding of the requirements for Statements of Heritage Impact provided by the Heritage NSW publication *Guidelines for statements of heritage impact* (2023 update).

6 EFFECT OF WORK

The proposal is assessed under the objectives and controls for new works in a Conservation Area and within the vicinity of heritage items as set out in Part 19 of the *Ku-ring-gai DCP 2024*.

19A SUBDIVISION AND SITE CONSOLIDATION	
19A.1 Subdivision and Site Consolidation for New Development within the HCA	
Controls	**Response**
1 Applications for subdivision and site consolidation within an HCA is discouraged and will only be considered if the application:	The proposed subdivision will have a minimal and acceptable impact on the Frances Street Conservation Area for the following reasons:

Controls	Response
i) will have no adverse affect the significance of the HCA; (ii) retains the typical block width characteristics and historic subdivision pattern of the area, including rear lanes; iii) the setting and curtilage of Heritage Items or significant buildings in the vicinity, including important structures and landscape elements, are retained; iv) vistas and views to and from Heritage Items and contributory properties, especially the principal elevations of buildings, are not interrupted or obscured; v) the landscape quality of the streetscape is retained; vi) the contours and any natural features of the site have been retained and respected; vii) will not result in future development which will adversely affect the significance, character or appearance of the HCA.	• The existing lot boundaries are not original lot boundaries from the late nineteenth century Lindfield Park Estate subdivision, but are the result of a later, 1930, subdivision. This subdivision was not one of the larger re-subdivisions of the early twentieth century subdivisions, for example, Dartmoor Estate, which underlies the Conservation Area and which is specifically mentioned in the statement of significance. • The existing lot size is unusual within the Conservation Area. The proposed lots will sit comfortably within the existing pattern characteristic of this part of Frances Street. • Subdivision and the proposed construction on the two lots will not block significant view corridors to/from contributory properties or heritage items. • As set out in detail below, the proposed new dwellings will have an acceptable impact on the Conservation Area.
2 Subdivision or consolidation will not generally be permitted where the setting or curtilage of any Heritage Items and contributory properties within or adjoining the site, would be compromised.	The assessment contained in this statement has established that the existing dwelling on the site is not contributory to the Conservation Area because of the impacts of past subdivision on the way it is read within the public domain and the extent of alteration and addition that has occurred.
3 Applications for subdivision and site consolidation within an HCA will require a curtilage assessment.	See under (2) above.

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Objectives	Response
1 To retain the historic subdivision patterns within HCAs, that reflect the age and circumstances of the early and later subdivisions including the characteristic rhythm and built form spacing.	The existing lot is the result of a later, non-significant, subdivision. The proposed lot sizes, orientations and widths will sit comfortably within the existing pattern of this part of Frances Street. As set out below, the proposed building spacing is consistent with the established pattern.
2 To ensure that new development respects the established streetscape, and the historical patterns of development.	The proposed lot pattern is consistent with the established pattern.
3 To ensure new subdivisions and lot consolidations do not have an adverse impact upon the curtilage of Heritage Items, the streetscape setting of significant buildings and the identified character of the HCA as a whole.	The proposed subdivision will not impact on the curtilage of a heritage item and will not, in and of itself, impact on the streetscape setting of significant buildings in the HCA. As illustrated by Figure 61 above, the subject site is located outside of the immediate setting of the nearest heritage items. The impact of the proposed new dwellings on the site are considered in detail below.
19A.2 Subdivision and Site Consolidation of a Heritage Item	
Not applicable to this site.	
19B DEMOLITION	
19B.1 Demolition within HCAs	
Controls	**Response**
Demolition with HCAs	
1 In accordance with the Ku-ring-gai LEP, development consent is required for demolishing or moving a building, work, relic or tree within a conservation area.	This DA fulfils this requirements.
2 The demolition of Heritage Items and contributory properties within HCAs is not supported.	This SoHI contends that the existing dwelling and garage are not contributory within the Conservation Area for the reasons set out under Section 4.6 above. Accordingly, the demolition of the dwelling and garage will have an acceptable impact on the Conservation Area.

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Controls	**Response**
3 Whole demolition of buildings, structures and landscape features (including significant trees) is generally not supported unless the applicant can satisfactorily demonstrate: i) demolition will not result in any adverse impacts on the streetscape or character of the HCA; ii) retention and stabilisation of the building or structure is unreasonable; iii) all alternatives to demolition have been considered with reasons provided why the alternatives are not acceptable; iv) the replacement building is compatible with the identified significance and character of the streetscape and the HCA as a whole.	As set out above, the proposed subdivision will result in lots that are compatible with the underlying subdivision pattern of this Conservation Area. The removal of the existing dwelling will have an acceptable impact given that it is no longer contributory within the conservation area for the reasons set out under Section 4.6 above. It is not proposed to remove this building because of structural instability but because it is no longer contributory to the Conservation Area as a result of the extent of change that has occurred. Not only is there a lack of evidence of the original detailing, even if 'restored', the front elevation will not be visible from the public domain. It is the Interwar dwellings of the Conservation Area that are the primary reason for its significance. The ways in which the replacement dwellings are compatible with the Conservation Area is set out in detail below.
4 In considering applications for partial demolition of buildings….	N/A. Complete demolition is proposed.
5 Council may require reconstruction following any unauthorised removal of detail or important elements that contribute to the significance and character of the property and the HCA.	N/A.
Objectives	**Response**
1 To ensure that sites, buildings and landscape features that contribute to the significance of an HCA are retained.	The existing building does not contribute to the Conservation Area.
2 To provide a photographic record before and during major works within an HCA, including demolition.	Council can so condition as part of the DA consent.

19B.2 Demolition Related to a Heritage Item	
Not applicable to this site.	
19C DEVELOPMENT WITHIN HCAs-ALTERATIONS AND ADDITIONS AND NEW BUILDING	
19C.1 Local Character and Streetscape	
Controls	**Response**
Built form	
1 Where an HCA is characterised by single-storey development: 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, subject to an assessment of the impact on the original building and buildings in the vicinity; iv) additions to be kept at or below the existing roof ridge height. Refer to Figure 19C.1-1.	There are one and two storey elements within the Frances Street Conservation Area, including the immediately adjoining property at No. 13 Frances Street.
2 Where an HCA is characterised by a mix of one and two storey i) Skillion or lean-to ii) Linked pavilion iii) Integrated wing 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.	N/A. This control is for alterations and additions to an existing dwelling. The proposal is for removal of the existing dwelling. See under '4' to '10' below.
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	N/A. This control is for alterations and additions to an existing dwelling. The proposal is for removal of the existing dwelling. See under '4' to '10' below.

Controls	Response
contributory properties in the streetscape.	
Additional requirements for new buildings	
4. The scale and massing of new buildings is to be integrated into the established character of the HCA and respect the scale, form and character of adjacent or nearby development. They are to incorporate design elements such as the roof forms, façade and parapet heights, door, window and verandah proportions of contributory properties in the HCA, particularly neighbouring buildings from the same key development period.	The northern end of Frances Street is mixed in character. It is notable that all the heritage items are located further south along the street. There are one and two storey dwellings within the immediate streetscape. Massing and scale is managed in the proposal by: • Providing a greater setbacks for the first floor level. • Use of hipped roof forms, a form that is common in the street. • Provision of an asymmetrical front elevation, typical in the streetscape, with a porch detail that breaks up the massing of the front elevation. • Use of an appropriate void to solid ratio in the front elevation. • Attention to how the openings are grouped, with groups of two and three windows being common in the streetscape. • Use of vertically proportioned openings.
5 The design and character of any new buildings are to be informed by the: (i) date and style of contributory properties; (ii) scale and form of contributory properties; (iii) street and subdivision patterns of the HCA; (iv) setbacks of neighbouring contributory properties; (v) materials, building techniques and details used in the HCA; and (vi) views, vistas and skylines in the HCA.	The proposal responds to this control in the following ways: • The proposed subdivision fits with the prevailing orientation and size of lots within the area. • Appropriate front and side setbacks are proposed, noting the variations that exist in the street. Refer to the setback analysis part of the architectural drawing set (Dwg 009). • No significant views and vistas will be blocked. • The dwellings are of a 'traditional' style and form. • There are one and two storey dwelling within the street.

Controls	Response
6 Facades of new buildings are to be modulated to break down the scale of new development.	The front elevations are modulated by the use of a central porch, the setting back of the first floor level and articulation, including quoining and strong cornice lines.
7 The height of new buildings is not to be higher than contributory properties	There is no consistent ridge height within the Conservation Area.
8 New building roofs visible from the street are to reflect the size, shape, pitch, eaves and ridge heights, and bulk of contributory properties and roofs. They are to respect the complexity and patterns of predominant roof shapes and skylines of the HCA.	Roof forms in the Conservation Area are simple hipped and/or gabled roofs. The proposed roofs are simple hipped roof forms of an appropriate pitch.
9 New buildings may be contemporary in design, however, their scale, form and detail is not to detract from the scale, form, unity, cohesion and predominant character of streetscape elements around it.	The character of this side and end of Frances Street varies. The style of the proposed dwelling is 'traditional.' Massing and scale is managed as set out under '5' above.
10 Where an HCA is characterised by single-storey development, single-storey development on infill sites is preferred. New two-storey houses will only be permitted where the upper floor is designed within the roof and where the new building is in keeping with the height, mass and proportions of contributory properties in the vicinity.	There is a two storey infill development immediately adjoining the site. Massing and scale is managed by increasing the setback of the first floor.
Corner Sites and Secondary Street Frontages	
N/A to this site.	
Development on Rear Lanes in Residential Areas	
N/A to this site.	

Objectives	Response
1 To ensure that sites, buildings and landscape features that contribute to the significance of an HCA are retained.	This SoHI establishes that the existing dwelling on the site has been so altered that it no longer contributes to the significance of a Conservation Area that is listed primarily for its Interwar period dwellings and the early twentieth century re-subdivisions that underlie it.
2 To conserve and enhance the character and significant elements of the HCA.	The existing dwelling no longer contributes to the significance of the Conservation Area. As set out above and below, the proposed dwellings have been designed to sit within the existing streetscape.
3 To ensure that additions or changes to contributory properties within HCAs respect their original, built form, architectural style and character.	Not applicable to this proposal, which is for demolition.
4 To ensure the visual impact of new work is minimised through appropriate design, detail, proportion, scale and massing.	See under '4' and '5' above.
5 To promote high quality new design that complements the streetscape character and heritage significance of the HCA.	The design is of a high quality that has been informed by the existing streetscape. See under '4' and '5' above.
6 To ensure that new development retains the identified historic character of the HCA in which it is situated.	The proposed dwellings will not conceal or confuse the identified historic character of the conservation area. The dwellings will be clearly understood as infill dwellings.
7 To ensure that the impact of new work on the character of the HCA is considered from both street frontages.	N/A to this site.
8 To retain the significance and valuable contribution to the historic and landscape character Ku-ring-gai's rear lanes of an HCA.	N/A to this site.
9 To retain the significance and character of rear lanes which form an important factor and rare element of early subdivisions in Ku-ring-gai.	N/A to this site.

19C.2 Setbacks and Building Separation	
Controls	**Response**
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.	Appropriate front and side setbacks are proposed. See Dwg 009 in the architectural drawing pack. There are no parking or garden structures set forward of the front building line.
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.	Appropriate front and side setbacks are proposed. See DWG 009 in the architectural drawing pack.
3 Where variations in setbacks exist within the immediate vicinity and the streetscape, the larger setback will apply.	See under '2' above.
Additional Requirements for New Buildings	
4 New buildings are not to be orientated across sites contrary to the established alignment pattern.	The proposed dwellings follow the prevailing orientation of the street.
5 The location of new buildings is to ensure that significant views to and from places within the HCA are retained.	No significant views into/out of/within the Conservation Area will be blocked.
Additional Requirements for New Buildings	
4 New buildings are not to be orientated across sites contrary to the established alignment pattern.	The proposed dwellings are orientated on the site in accordance with the established pattern.
5 The location of new buildings is to ensure that significant views to and from places within the HCA are retained.	No significant view corridors to/from/within the conservation area will be blocked because appropriate setbacks are provided for.

Objectives	Response
1 To conserve and maintain the character and significance of individual properties and streetscapes in the HCA by maintaining the established pattern of front and side boundary setbacks.	Appropriate front and side setbacks are proposed.
2. To ensure the siting of new alterations and additions respect and contribute to the established streetscape patterns	N/A. The proposal is not for alterations and additions.
3. To ensure that the location and siting of new development respects the established pattern of built elements and the HCA.	The proposed dwellings follow the prevailing pattern of setbacks and locations on the lots in this part of the street.
4 To ensure new development does not adversely impact on the immediate streetscape or significant views within the HCA.	No significant view corridors into/out of/within the Conservation Areas will be blocked.
19C.3 Gardens and Landscaping	
Controls	**Response**
General	
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 as a whole are to be retained and conserved in any new development. The reinstatement of original planting, where known, is encouraged.	As stated in the accompanying arborist report, no high category trees will be removed. The existing garden layout is not significant. The proposed new landscaping will contribute to the Conservation Area as it matures. Six new canopy trees are proposed.
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.	There are no original garden elements. Most of the existing stone work on the site appears to date from the Post World War II period, notably the front retaining wall. The retaining wall to the nature strip dates from c.2018.
3 New paving and hard surfacing, particularly to front setbacks is to be limited.	Hard paving in the front setback is limited and is less than the proposed soft landscape area.

Controls	Response
4 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 proposed dwellings will not be screened by the landscaping. The landscape area control is met. The proposed plans include a substantial tree and shrub planting on the street frontage. Council can condition that hedges are kept to 1.2m.
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.	The driveway will be finished in a permeable paver, similar to the adjoining site.
6 New driveways are to provide landscaping on side boundaries.	The proposal complies with this control.
7 New, traditionally designed gardens that enhance historic and aesthetic character of the streetscape and the HCA as a whole are encouraged.	The proposed garden will fit comfortably within the existing pattern.
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.	The proposed gardens will fit comfortably within the existing pattern.
9 The use of a variety of plant species to avoid mono-cultural plantings along street frontages and as screen planting is encouraged.	A variety of plant species is proposed.
Objectives	**Response**
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 such as fences, walls and paving. The street tree planting and pattern of soft and hard road verges also contribute to the landscape character.	The existing garden layout is not significant. No high value trees will be removed. The proposed new landscaping includes six new canopy trees and other new planting that will contribute to the Conservation Area as it matures. The area of soft landscaping within the front setback is maximized with, for example, use of stepping stones as opposed to a solid pathway.

Objectives	Response
2 To conserve, retain and enhance the significance of the garden and landscape character within individual properties, streetscapes and the HCA as a whole.	The proposed new planting, including canopy trees, will contribute to the Conservation Area as it matures.
3 To ensure streetscapes within the HCAs are characterised by front gardens with substantial landscaped area and minimum hard surfaces.	The majority of the front setbacks will be soft landscaping, including gardens, with hard landscaping limited to new driveways and stepping stones to the front doors.
4 To provide landscape screening to neighbouring properties.	Planting is provided along the side boundaries with neighhours.
19C.4 Access and Parking	
Controls	**Response**
Equitable Access	
Additional Requirements for Alterations and Additions	
1. Modifications and alterations to provide access….	N/A to this proposal.
Driveways	
2 Original and existing rear lane or side entry vehicle access is to be retained…	N/A to this site.
3 Where original concrete wheel strips exist, they are to be retained with grass in between.	Given that it is proposed to remove the existing buildings on the site, it is also proposed to remove the driveway, which is part twin strip, but modified.
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.	The proposed driveways are located in the appropriate location on the lots, i.e. to one side. They are of an appropriate width. The majority of the front setback will be soft landscaping. When the gates are closed, the driveway will be partially screened. The proposed basement garages are integrated into the design of the new dwellings. Their insertion into the streetscape is aided by the topography of the lots, by the proposal gates (which will largely conceal the driveway where closed) and by the proposed landscaping.

Controls	Response
5 The siting of new driveways are to be consistent with the established pattern in the immediate streetscape and the HCA as a whole.	The proposed driveways are sited to one side of the proposed lots as is consistent with the street pattern.
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.	Single driveways are proposed for both lots. The driveway will be finished in a permeable paver, similar to the adjoining site.
7 Swing gates are preferred to sliding gates. Sliding gates may only be acceptable where the driveway is steeply sloping upward from the street.	Swinging gates are proposed.
8 No excavation for a driveway is permitted in any front setback.	Excavation is proposed for the driveways within the front setback. The impact is mitigated by appropriate landscaping within the front setback and by gating the driveway. There are examples of basement driveways with excavation forward of the building line in Ku ring gai.
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 DCP are met; iv) only if a side gate is provided to hide the commencement of the excavated driveway slope.	N/A to this proposal.

Controls	Response
Battle-axe driveways	
10 Battle-axe Driveways….	N/A to this proposal.
New Garage and Carports	
11 Where it is physically possible, new car parking is to be consistent with the historic placement of parking structures on the site.	The existing garage on the site is located forward of the building line. Basements car parks are proposed. This maximises the landscape area within the front setback.
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.	The proposal complies with this control.
13 New carport and structures….	N/A to this proposal.
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….	No such hardstand is proposed.
15 New double garage doors are to be divided by a central mullion or constructed as two doors separated by a pier.	Single doors are proposed to mimimise the width of the opening.
16 New double garages are to be located behind the rear building line to avoid being a visually dominant element within the streetscape.	N/A to this proposal. A basement garage is proposed.
17 Original existing building fabric, including verandahs and balconies, are not to be altered to provide a carparking structure or hard stand area.	N/A to this proposal.
Original Coach Houses, Stables and Garages	
N/A to this site.	

Objectives	Response
1 To ensure that modifications…. whole.	N/A to this proposal.
2 To allow for on-site car parking where possible while retaining the character of the property, the streetscape and significance of the HCA	The proposed basement garage will not impact on the character of the HCA. Basement garages have been successfully constructed in Ku-ring-gai and allow for the maximum area of landscaping within the front setback.
3 To ensure that driveways do not have any adverse visual impact on the immediate streetscape and historic patterns in the HCA.	The proposed driveways are located in an appropriate location on the lots, are of an appropriate width and will be finished in an appropriate finish. The gates, when closed, will conceal the descent of the driveway when closed. Basement garages maximise the landscape area available.
4 To minimise the visual impact of new car parking by locating it at the side or rear of properties, where possible.	N/A to this proposal.
5 To ensure battle-axe driveways….	Not applicable to this site.
6 To conserve the HCA streetscape by preventing level changes to the street presentation of buildings and their gardens.	The garden and dwellings will read as being at an appropriate level to the street.
7 To avoid uncharacteristic driveway excavation and new basements to street frontages.	The basement garage is mitigated by the proper location of the driveways of each lot and by the use of gates, which will screen them when closed. They maximise the landscape area within the front setback.
8 To allow for on-site car parking where possible while retaining the character of the property, the streetscape and significance of the HCA.	On site parking is provided in a way that will not impact upon the character of the street. The driveways are appropriately located on the lot and soft landscaping within the front setback is maximized. The driveway will be screened by fencing, gates and planting along the front boundary.
9 To ensure that new garages and carports do not have any adverse visual impact on the immediate streetscape and historic patterns in the HCA.	See under '8' above.

Objectives	Response
10 To minimise the visual impact of new car parking by locating garages and carports at the side or rear of properties, where possible.	N/A to this proposal.
11 To ensure that car parking structures do not challenge the mass or bulk or mimic the architectural detailing of original buildings and the wider streetscape.	N/A to this proposal.
12 To retain and conserve original and early coach houses, stables and motor garage….	N/A to this site.
11 Development applications for corner sites and those with secondary street frontages….	N/A to this site.
19C.5 BUILDING DESIGN	
Controls	**Response**
Materials, Colours and Details	
1 Significant unpainted brickwork, sandstone and blockwork is not to be rendered, coated or painted.	N/A to this proposal.
2 The removal of later layers of paint from original face brickwork and stonework is encouraged. Chemical stripping of paint from face brickwork is encouraged.	N/A to this proposal.
3 Natural and recessive colour schemes are encouraged for rendered and painted finishes, especially on sites rated as neutral or uncharacteristic.	The proposed colour will not have undue prominence in the streetscape, particularly as the landscaping within the front setback matures.
4 Contemporary materials are permitted for new work where the detailing, proportions, texture and colour range blend with the existing character of the HCA.	Painted brick and tile will be the proposed dominant finishes.

Controls	Response
Additional Requirements for Alterations and Additions	
5 Development applications for alterations and additions….	N/A to this proposal.
6 Significant materials and finishes …	N/A to this proposal.
7 Significant materials, finishes….	N/A to this proposal.
Additional Requirements for New Buildings	
8 Materials used for new buildings are to be similar to, or compatible with, the original buildings in the HCA.	Painted brick and tile are appropriate materials.
9 Development applications for new buildings are to provide a material board and details of colour scheme and finishes.	Refer to the materials provided by the architect.
10 New buildings are to incorporate architectural language such as massing, proportions, coursing lines, materials and finishes, which are sympathetic to and complement the predominant character of the HCA.	As set out above, the proposed massing is mitigated through use of a smaller first floor plate, through the asymmetry of the front elevation, provision of an appropriate void to solid ratio to the front elevation and by careful reference to the grouping of openings in the front elevation.
11 New building colour schemes are not to detract from colour schemes in the streetscape and not to be in visual contrast with the colours of the contributory properties in the HCA. Recessive colours and traditional materials are preferred.	The proposed colour scheme will not have undue prominence within the streetscape, particularly as the landscaping within the front setback matures.
Repairs, Maintenance and Restoration	
12 The repair and maintenance….	N/A to this proposal.
14 The reconstruction….	N/A to this proposal.
14 In repairing….	N/A to this proposal.
15 The removal of later intrusive….	N/A to this proposal.

Controls	Response
Verandahs	
16 In altering existing buildings….	N/A to this proposal.
17 Reinstatement of open….	N/A to this proposal.
18 New verandahs are not to compete with the importance of the original built form…	N/A to this proposal.
19 Infilling or enclosure of verandahs …	N/A to this proposal.
Doors and Windows	
20 Original doors and windows…	N/A to this proposal.
21 The repair and restoration of original doors and windows….	N/A to this proposal.
22 New doors and windows in additions and alterations….	N/A to this proposal.
23 New windows to front and side elevations of contributory properties….	N/A to this proposal.
24 The retention, repair….	N/A to this proposal.
25 If sound attenuation is required…	N/A to this proposal.
26 Original sunhoods, blinds, awnings…	N/A to this proposal.
Basements	
27 Excavation in the front setback is not permitted.	As set out above, the excavation for the driveways in the front setback is mitigated by the proper location of these driveways, their comparatively narrow width compared to the street frontage and by screening with fencing, gates and vegetation.
28 No basement is to be located under or within 1m of the original building fabric.	N/A to this proposal.
29 A Structural Management Plan is to be submitted for all basements to demonstrate it will be structurally sound and have no impact to the existing	Refer to reports prepared by others.

Controls	Response
building or neighbouring buildings and to any structure or tree in the vicinity.	
Objectives	**Response**
1 To retain significant materials and details within HCAs.	N/A to this proposal.
2 To ensure that the materials and colours of new work complements the identified character of the HCA	The proposed dwellings will not have undue prominence within the streetscape, particularly as the landscaping within the front setback matures.
3 To ensure that the selection of materials and colours for new work is based on an understanding of the materials, finishes and colours predominant within the HCA.	See above.
4 To encourage the removal of paint from originally unpainted surfaces.	N/A to this proposal.
5 To ensure new development respects the character of, and minimises the visual impact upon, the HCA and its streetscapes.	See responses above.
19C.6 ROOF FORMS AND STRUCTURES ATTACHED TO ROOFS	
Controls	**Response**
Roofs, Chimneys and Dormers	
1 Fireplaces and chimneys …	N/A to this proposal.
2 Roof forms and details vary widely according to building type…are to be retained.	N/A to this proposal.
3 The original principal roof form is to be retained to the extent….New roof forms for new work will be considered where they are complementary in design, not visible from the public domain (see Figure 19C.6-1) and follow historic practices, such as rear skillion roofs (see Figure 19C.1-1).	The proposed roofs are of an appropriate form and pitch.

Controls	**Response**
4 Dormer windows…	N/A to this proposal.
5 Slate roofs…	N/A to this proposal.
6 Where inappropriate retiling…	N/A to this proposal.
7 Appropriate roofing materials are profiled terracotta tiles, slate and other original roofing materials. Replica flat slate and concrete roof tiles are not permitted.	The proposed roofing material is similar to the roofing material on the adjoining infill development. It will not have undue prominence within the Conservation Area.
8 On original buildings….	N/A to this proposal.
Objective	**Response**
1 To retain significant materials and details within HCAs.	N/A to this proposal.
2 To ensure that the materials and colours of new work complements the identified character of the HCA	The proposed roofing material is similar to the roofing material on the adjoining infill development. It will not have undue prominence within the Conservation Area.
3 To ensure that the selection of materials and colours for new work is based on an understanding of the materials, finishes and colours predominant within the HCA.	N/A to this proposal.
4 To encourage the removal of paint from originally unpainted surfaces.	N/A to this proposal.
5 To ensure new development respects the character of, and minimises the visual impact upon, the HCA and its streetscapes.	See responses above.
6 To encourage the recovery of the original character ….	N/A to this proposal.
7 To ensure the retention…	N/A to this proposal.
8 To protect the original fabric	N/A to this proposal.

19C.7 OUTBUILDINGS AND GARDEN STRUCTURES (EXCLUDING GARAGES AND CARPORTS)	
Controls	**Comments**
Outbuildings and Garden Structures (excluding garages and carports)	
1 Original and early outbuildings and garden structures are to be retained.	It is proposed to remove the existing garage which may or may not be the building visible in the 1943 aerial photograph. Its removal will have an acceptable impact because, if this building, it has been modified and no longer reads as being of this period. It is not contemporary with the dwelling and not part of a pattern of similar structures in the streetscape. It is located forward of the building line which is not a characteristic of this Conservation Area.
2 No new garden structures or outbuildings including pools, water tanks, gazebos, sheds, stores, cabanas are to be located within the front setback.	The proposal complies with this control.
3 In considering any application for permission to erect an outbuilding or structure…	No such structure is proposed.
Objectives	**Response**
1 To ensure that new garden structures and of outbuildings…	No such structure is proposed.
19C.8 FENCING	
Controls	**Response**
Original and Eary Fences, Gates and Retaining Walls	
1 Original and early fences, piers, gates and retaining walls are to be retained and conserved.	N/A to this site. The retaining wall across the front boundary appears to be Post World War II in date. The retaining wall to the nature strip is recent in date.
2 Original face brick or sandstone fences are not to be rendered, coated or painted.	N/A to this site. The retaining wall across the front boundary appears to be Post World War II in date.

Controls	Response
3 The configuration, finishes and details of original sandstone retaining walls that are located at the street front boundaries (whether identified as contributory properties or not) are to be retained and conserved.	N/A to this site. The retaining wall across the front boundary appears to be Post World War II in date.
Missing or Absent Fences	
4 New front fencing and gates including vehicular access gates are not encouraged in areas where it does not form part of the streetscape. In such areas, the front boundary can be defined by low hob walls, by garden beds or planting to allow private gardens to merge with their neighbours and support the landscape character of the area.	Fences and gates are characteristic of this side of Frances Street, particularly south of the site in association with the heritage items that lie on this side of the street.
Missing or Absent 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.	The proposed new fencing complements the style of the proposed dwellings and is consistent with the fences south of the site and on the same side of the street.
6 Replacement of unsympathetic fences…	N/A to this proposal.
7 Where historic records and physical evidence exists…	N/A to this proposal.
8 Where no evidence is available to guide reconstruction of missing….	N/A to this proposal.
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.	Refer to the architectural plans.
10 No metal panel fencing is to be constructed on any boundary within an HCA.	The proposal complies with this control.
11 New vehicular access gates are to promote views to all properties, especially to battle-axe allotments with reduced visual permeability.	The proposed gates will not block views into the site.

Objectives	Response
1 To retain early and original fences….	N/A to this site.
2 To retain those streetscapes where front and side fencing do not form part of the original streetscape.	There are front and side fences in the immediate streetscape.
3 To encourage the reinstatement….	N/A to this proposal.
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.	The proposed new fencing complements the style of the proposed dwellings and is consistent with the fences south of the site and on the same side of the street.
Controls	**Comments**
5 To promote visual permeability with sightlines and visibility between the property and the public domain.	The proposed fences and gates will not block views towards the dwellings.
19C.9 Secondary Dwellings within HCAs	
This section is not applicable to this proposal.	
19D HERITAGE ITEMS	
This section is not applicable to this proposal.	
19E SECONDARY DWELLINGS WITHIN HCAs AND HERITAGE ITEMS	
This section is not applicable to this proposal.	
19F DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS OR HERITAGE CONSERVATION AREAS	
19F.1 Local Character and Streetscape	
Controls	**Response**
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	This SoHI fulfils this requirement.

Controls	Response
heritage features within the identified curtilage and setting.	
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; ii) dominant architectural language such as horizontal lines and vertical segmentation;	The proposed dwellings will not be readily read in conjunction with nearby heritage items. Refer to Figure 61 above. The heritage items closest to the site are single storey. The proposal dwellings will have an acceptable impact on them because they are visually separated from the site by Frances Street, intervening dwellings (noting at No. 13 Frances Street is two storey), topography or by the bend in the street.
iii) proportions including door and window openings, bays, floor-to ceiling heights and coursing levels; iv) materials and colours; v) siting and orientation; vi) setting and context; streetscape patterns.	The dwellings are appropriately orientated and sited on the lots. Massing and scale is broken up as discussed above by, for example, setting in the first floor level, breaking the front elevation with a central porch element. Openings are vertically proportioned and grouped in twos and threes, complimenting the area.
Retail/Mixed Use Setting	
3 New development adjacent to or in the vicinity of a heritage item or HCA within a retail….	N/A this site.
Views	
4 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.	The proposed works will not block or reduce important view corridors to/from a heritage item from the public domain.

Objectives	Response
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.	The lot boundary curtilages of nearby heritage items will not be impacted upon. View corridors to/from nearby heritage items will not be blocked. The proposed dwellings will not be readily read in conjunction with nearby heritage items for the reasons given under '2' above.
2 To retain the significance of Heritage Items or HCAs in their settings.	Nearby heritage items will continue to read as lying within a setting of free standing dwellings with landscaped front setbacks.
3 To ensure that the scale of new development does not dominate, detract from or compete with Heritage Items or HCAs in the vicinity.	See under '2' above.
4 To ensure that new development respects and conserves the significance of any nearby Heritage Items or HCA and their settings.	The public will still be able to fully appreciate the significance of nearby heritage items as interwar period bungalows or Federation period dwellings.
5 To ensure that new development does not visually dominate the adjoining or nearby Heritage Item or HCA.	The nearby heritage items are sufficiently removed from the site and/or separated from them by the street/bends in the street/intervening dwellings for the proposed dwelling not to dominate them.
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.	See under '2' above. Scale is managed by setting in the first floor level.
7 To protect significant views and vistas to and from the Heritage Item or HCA.	No significant views/vistas towards nearby heritage items will be blocked.

19F.2 BUILDING SETBACKS	
Controls	**Response**
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.	The proposed front setbacks are appropriate to the streetscape. The setbacks will not be read in conjunction with heritage items because of intervening streets/dwellings.
Residential Context	
2 All medium and high density development….	Not applicable to this proposal.
3 In addition to the side and rear setback controls in Section A of this DCP, new development adjacent to a Heritage Item or building within an HCA, is to comply with the following….	Refer to the SEE for an assessment of numerical compliance. This is a merit assessment only.
4 Any new development is to provide the following building separation to the	Refer to the SEE for an assessment of numerical compliance. This is a merit assessment only.
5 Where the building separation requirements of this Part result in a greater setback requirements than stated in Section A of this DCP, the building separation controls of this Part prevail. Refer to Figure 19F.2-2.	Refer to the SEE for an assessment of numerical compliance. This is a merit assessment only.
6 New development adjacent to a Heritage Item or adjacent to the HCA that has more than 2 levels or has a height more than 8m, is to step back the upper levels in accordance with Figure 19F.2-1.	Not applicable to this proposal.

Objectives	Response
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.	As set out above, the proposed dwellings are appropriate sited on their lots.
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.	Refer to the SEE prepared by others.
3 To ensure new medium and high density development	N/A to this proposal.
19F.3 GARDENS AND LANDSCAPING	
Controls	**Response**
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	No such landscape features will be removed. Refer to the shadow diagrams that accompany this application. Overshadowing impacts are acceptable.
i) 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; include appropriate screen planting on side and rear boundaries.	No significant canopy trees will be removed. Six new canopy trees are proposed. New planting will contribute to the streetscape as it matures. Screening planting is proposed along the side and rear boundaries.
1 To ensure that new development does not impact on the landscape character and garden setting of any nearby Heritage Item or HCA.	No significant canopy trees will be removed and new canopy trees are proposed. The proposed landscape will contribute to the streetscape as it matures.

19F.4 FENCING	
Controls	**Response**
Original and Early Fences, Gates and Retaining Walls	
1 Original and early fences, piers, gates and retaining walls….	N/A to this site.
2 Original face brick or sandstone fences….	N/A to this site.
3 The configuration, finishes and details of original sandstone retaining walls that are located at the street front boundaries (whether identified as contributory properties or not) are to be retained and conserved.	N/A to this site. The sandstone wall across the front boundary appears to be Post World War II in date. Note: the existing c.2018 wall to the edge of the nature strip is substantially retained.
Missing or Absent Fences	
4 New front fencing and gates including vehicular access gates are not encouraged in areas where it does not form part of the streetscape. In such areas, the front boundary can be defined by low hob walls, by garden beds or planting to allow private gardens to merge with their neighbours and	Fencing in a similar style can be found south of the site, including fencing associated with heritage items.
support the landscape character of the area.	
New Front Fences and Gates	
5 Replacement of unsympathetic fences, gates and walls with new elements of appropriate height, style and materials is encouraged.	N/A to this site.
6 Where historic records and physical evidence exists….	N/A to this site.
7 Where no evidence is available to guide reconstruction of missing fences and gates to contributory properties…	N/A to this site.

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Controls	Response
8 No metal panel fencing is to be constructed on any boundary to a heritage item.	No such fencing is proposed.
9 New vehicular access gates are to promote views to all properties, especially to battle-axe allotments with reduced visual permeability.	View corridors towards the dwellings will not be blocked.
10 Swing gates are preferred to sliding gates. Sliding gates may only be acceptable where the driveway is sloping upward from the street.	Swing gates are proposed.
11 Sloping driveways to basement parking is not acceptable except if the gradient down begins behind the front building line and is less visible from the street.	The slopes does begin before the front building line. The impact is acceptable for the reasons given above, i.e. screening by the fencing, gates and planting; and the appropriate location and width of the driveways.
Objectives	**Response**
1 To retain early and original fences, gates and retaining walls…	N/A to this site.
2 To retain those streetscapes where front and side fencing do not form part of the original streetscape.	Front and side fencing is part of the streetscape character.
3 To encourage the reinstatement of the original form of fencing and gates, where known.	N/A to this site.
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.	The proposed fencing is consistent with the style of fencing to the south of the site and on the same side of the street, including to heritage properties.

7 SUMMARY

This SoHI has been prepared to accompany a Development Application for the removal of existing structures, construction of a detached dual occupancy, construction of new swimming pools and associated landscaping.

The existing dwelling on the site dates from the early twentieth century and once addressed Bent Street. Subdivision and extensive alteration mean that it no longer contributes to the significance of the Frances Street Conservation Area. The lot

boundaries are not part of the historically significant subdivision pattern within the Conservation Area. The dwelling has been so altered that it is not a good example of a Federation period dwelling. As a Federation period dwelling it does not date from the key period of aesthetic significance for this Conservation Area, which is the Interwar period. Its removal from the Conservation Area will therefore have a minimal impact on the ability to understand the significance of the Frances Street Conservation Area.

The proposed lots will fit comfortably within the prevailing pattern. The proposed dwellings are appropriately located and orientated on the lots. The proposed dwellings are traditional in design. Massing and scale has been managed by greater setbacks at first floor, through façade articulation, through appropriate void to solid ratio and through the provision of vertically proportioned openings in the front elevation. Brick and tile are an appropriate finish in the Conservation Area.

The proposed driveways are appropriately located and are of an appropriate width. Provision of basement garages maximises soft landscaping within the front setbacks and is made possible by the topography of the site. The descent of the driveway will be screened by the fencing, gates and proposed new planting.

The proposed fencing is consistent with the style of the proposed dwellings and fencing on the same side of Frances Street to the south, including to heritage items.

No significant canopy trees will be removed. The proposed landscaping includes six new canopy trees and will contribute to the conservation area as it matures.

8 REFERENCES

8.1 General References

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'Advertising (North Shore Railway),' *The Sydney Morning Herald,* 4 April, 1894, p.8.

Architectural Projects, *Ku ring gai South Conservation Area Review*. Unpublished study dated 22 December 2010.

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8.2 Historic Plans and Images

(*Aerial photograph over the site and the surrounding area*), 1930, 1943 and 1955 www.spatial.nsw.gov.au.

Lindfield Park Estate, Lindfield, North Shore Railway, 1894. State Library of NSW.

MBWS & DB, *District Survey Series Detail Series Ku-ring-gai 113*, 1937. Ku-ring-gai Library

8.3 NSW LPI Records

Certificates of Title Volume 898 Folios 108 and 109; Volume 1166 Folio 73.

8.4 Heritage Listing Sheets

Frances Street Conservation Area (CA30). Ku ring gai Council.

Dwelling house, No. 3 Lindel Place, Lindfield. State Heritage Inventory, Heritage Item ID: 1880585.

8.5 Council Documents

Ku ring gai Development Control Plan.

Ku ring gai Local Environmental Plan 2015.

ELITE GEOSCIENCES

PROPOSED RESIDENTIAL REDEVELOPMENT GEOTECHNICAL INVESTIGATION REPORT
15 Frances St Lindfield

31 March 2025

Prepared for:
Rudder Development Pty Ltd

Prepared by:
Elite Geosciences Pty Ltd

Project Number: 2025073

Document History

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Qualifications

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1 Introduction

As requested, a principal geotechnical engineer from Elite Geosciences (EG) attended site on the 26st March 2025. The purpose of this investigation was to assess the site's surface and subsurface conditions in order to provide recommendations from a geotechnical viewpoint for the design and construction of the proposed residential redevelopment on the existing property. The results of the investigation are detailed below.

1.1 Proposed Development

At the time of preparing this report, we understand that the proposed redevelopment includes:

- Demolition of the existing house.
- Construction of two double storey new houses with basement. Basement will incur excavation of up to 3m deep.
- Basement will maintain at least 1.5m setback from all boundaries.

2 Findings of Investigation

2.1 Geological Condition

Reference to the Geological Map of Sydney (1:100,000) indicates that the site is underlain by Hawkesbury Sandstone, which comprises medium to coarse grained quartz sandstone, very minor shale and laminite lenses.

2.2 Fieldwork

Fieldwork for the geotechnical investigation was carried out on 26st March 2025 and comprised the following:

- A detailed walkover inspection of the site and surrounds.
- Drilling of a total of four (4) boreholes (BH1 to BH4) within the footprint of the proposed development, using manual hand auger equipment taken to target depths of up to 1m.
- In-situ testing using a Dynamic Cone Penetrometer (DCP) was conducted next to each borehole. DCP tests were undertaken to refusal depths of up to 1.2-1.4m depth in order to determine the underlain soil density and depths of sandstone bedrock.

The approximate borehole and DCP test locations are shown on the enclosed Borehole and DCP Test Location Plan referenced Figure 1 in Appendix A.

2.3 Site Description

The following site observation were made:

- The site is rectangular in shape and is currently occupied by a single storey house at the eastern half of the site.
- The site is bounded by Frances St to the west, and residential properties to the other sides.
- Site landform dips down west at about 8-10 degrees.

2.4 Surface Condition

Based on the observations made from the geotechnical investigation, the subsurface profile within the footprint of the proposed redevelopment can be summarised as follows:

- Topsoil and Fill Silty Clay, low to medium plasticity, brown and dark brown, with gravels, up to 0.2m thick, overlying,
- Residual Silty Clay, medium plasticity, brown and pale grey, with gravel, overlying;
- Weathered Hawkesbury Sandstone, fine to medium grained, inferred very low strength, brown and pale grey.

Groundwater table or seepage was not observed in any of the boreholes during drilling to shallow depths and the surrounding site landform. It should be noted however, that variations in ground water seepage flows may occur due to variations in rainfall duration and intensity. It is anticipated the proposed basement and earthwork may not intersect with the groundwater table. However, it is possible that minor localised seepage/inflow may occur within interface of soils and rocks and fractures/defects of rock if it encounters an intense and prolonged rainfall during any excavation.

3 Comments and Recommendations

3.1 General

It is understood that the proposed development comprises construction of two double storey new houses with basement. Basement will incur excavation of up to 3m deep.

3.2 Excavation Condition

We expect overburden soils comprising topsoil fill, residual and weathered sandstone of up to 1.5m depths to be readily excavated by conventional earthworks equipment such as excavators. Ripping or hammering may be required for the any excavation into the weathered sandstone materials from about 1.5m depths. Therefore, the induced vibration level control will be required to avoid impacting the adjacent properties.

Induced vibrations in structures adjacent to the excavation should not exceed a Peak Particle Velocity (PPV) of 10mm/sec for brick or unreinforced structures in good condition, and 5mm/sec for residential.

To ensure vibration levels remain within acceptable levels and minimise the potential effects of vibration, excavation into medium or higher strength sandstone should be complemented with saw cutting or other appropriate methods prior to excavation. Rock saw cutting should be carried out using an excavator mounted rock saw to minimise transmission of vibrations to any adjoining properties.

If vibrations in adjacent structures exceed the values recommended above or appear excessive during construction, excavation should cease and the project Geotechnical Engineer should be contacted immediately for appropriate reviews so that counter measures/actions can be taken.

3.3 Site Classification

Based on the results of this investigation, we consider that the subsurface conditions comprise topsoil overlying residual clay materials and shallow sandstone bedrock. A site classification of "Class A – Sand and rock site with no ground movement from moisture changes" can be adopted (if applicable) for footings constructed in accordance with AS2870-2011.

3.4 Temporary Batter Slopes

Temporary batter slopes may be appropriate for lower ground floor excavation, provided the batters do not encroach into the zone of influence of the existing adjacent structures. Temporary batter slopes, where applicable, may be adopted during excavation of the soils. Permanent batter slopes are not recommended. For unsupported cuts in topsoil, fill and overburden soils, the recommended temporary batter slopes are presented in the following Table 1.

TABLE 1
RECOMMENDED TEMPORARY BATTER SLOPES FOR UNSUPPORTED CUTS
(Not exceeding 3.0m in height)

Material	Temporary (Horizontal : Vertical)	
	Exposed	**Protected**
Topsoil, fill and overburden soils	1.25 :1	1 :1
Sandstone or better	Vertical	Vertical

Temporary surface protection against erosion may be provided by covering the batters with plastic sheeting. It should be noted however, that the plastic sheeting should extend at least 1.5m behind the crest of the cut face.

Inspection by a geotechnical engineer is recommended at least every 1.5 m drop height, during excavation to determine if and where, localised rock support measures e.g. rock bolt may be required.

3.5 Structural Footings

All shallow footing should be found and socketed into the underlain sandstone. Footings founded and socketed a nominal 0.3m into the underlain weathered sandstone may be designed for a serviceability end bearing capacity of 1000 kPa.

It is recommended that all footings for the proposed development be founded on uniform bearing materials to minimise the potential for differential settlements.

We recommend that footing inspections be carried out by a Geotechnical Engineer / consultant during footing excavation to confirm appropriate founding materials, that the recommended serviceability bearing pressures could be met and to ensure that all soft and wet materials have been removed from the foundation footprint prior to concrete placement.

4 Limitation

Assessment of the sub-surface profile at the site and the recommendations presented in this report are based on information from four (4) boreholes, drilled at locations considered representative across the site, and DCP testing at four (4) locations. Based on the results of the investigation and subsurface variability, there is a possibility that actual geotechnical conditions across the site could differ from the inferred geotechnical model presented in this report.

This report contains geotechnical parameters to be used as input for the structural design of footings and retaining walls. On-going geotechnical input is required to ensure recommendations provided in this report are followed and that actual ground conditions reflect those indicated in this report.

Appendix A Site Plans



TEST LOCATION

ELITE GEOSCIENCES	TITLE: **Site Plan** **15 Frances St, Lindfield – Geotechnical Investigation**		
	PROJECT NO: **2025073**	TEST DATE: **26/03/2025**	PREPARED BY: **TH**

Appendix B DCP Tests and Borehole Logs

PENETRATION RESISTANCE OF SOIL TEST FIELD SHEET

ELITE GEOSCIENCES

Project:	Project No.	Testing Type	
Proposed Redevelopment	2025073	Dynamic Cone Penetrometer (DCP)	x
Client:	Test By:	Dynamic Perth Sand Penetrometer (PSP)	
Rudder Group Pty Ltd	AS		
Location:	Date:	Location:	Sheet:
15 Frances St Lindfield	26/03/2025 25	Refer to Site Plan	1

DCP No.	DCP1	DCP2	DCP3	DCP4												
Penetration (mm)	Number of Blows per 100 mm Penetration					Penetration (mm)	Number of Blows per 100 mm Penetration									
100	2	1	6	5		2500										
200	5	4	8	6		2600										
300	5	5	12	11		2700										
400	10	9	8	12		2800										
500	8	7	6	7		2900										
600	9	6	6	8		3000										
700	5	12	4	9		3100										
800	13	15	6	9		3200										
900	11	16	20	11		3300										
1000	13	17	R	12		3400										
1100	14	15		15		3500										
1200	20	18		R		3600										
1300	R	20				3700										
1400		R				3800										
1500						3900										
1600						4000										
1700						4100										
1800						4200										
1900						4300										
2000						4400										
2100						4500										
2200						4600										
2300						4700										
2400						4800										

Test Procedure: AS 1289.6.3.2

Comments: R - Refusal H - High Resistance \ Unable to Penetrate

EXCAVATION - GEOLOGICAL LOG

PIT NO : **BH1**
FILE / JOB NO : 2025073
SHEET : 1 OF 1

PROJECT : Proposed New Houses
LOCATION : 15 Frances St Lindfield

POSITION :	SURFACE ELEVATION :
EQUIPMENT TYPE : Hand Auger	METHOD : Hand Auger
DATE EXCAVATED : 26/03/2025	LOGGED BY : TH — CHECKED BY : TH
EXCAVATION DIMENSIONS :	

DRILLING | MATERIAL

PENETRATION (VE, E, F, H)	SUPPORT	GROUND WATER LEVELS	SAMPLES & FIELD TESTS	DEPTH (m)	GRAPHIC LOG	CLASSIFICATION SYMBOL	MATERIAL DESCRIPTION Soil Type, Colour, Plasticity or Particle Characteristic Secondary and Minor Components	MOISTURE CONDITION	CONSISTENCY RELATIVE DENSITY	HAND PENETROMETER kPa (100, 200, 300, 400)	STRUCTURE & Other Observations
	STABLE	Dry		0.0			(FILL) Silty CLAY: low to medium plasticity, brown to dark brown, with gravel and sand, minor roots				FILL
				0.20m			Silty CLAY: medium plasticity, brown and pale grey, with gravel				RESIDUAL SOIL
				0.5		CI		D	St to VSt		
				1.00m			EXCAVATION BH1 TERMINATED AT 1.00 m Target depth				
				1.0							
				1.5							
				2.0							
				2.5							
				3.0							
				3.5							
				4.0							
				4.5							
				5.0							

PHOTOGRAPHS NOTES ☐ YES ☒ NO

METHOD
N Natural Exposure
E Existing Excavation
BH Backhoe Bucket
B Bulldozer Blade
R Ripper

SUPPORT
T Timbering

PENETRATION
VE E F H VH — No Resistance

WATER
10 Oct., 73 Water Level on Date shown
water inflow
water outflow

SAMPLES & FIELD TESTS
U50 - Undisturbed Sample 50 mm diameter
D - Disturbed Sample
B - Bulk Disturbed Sample
MC - Moisture Content
HP - Hand Penetrometer (UCS kPa)
VS - Vane Shear; P-Peak, R-Remouded (uncorrected kPa)
PBT - Plate Bearing Test

CLASSIFICATION SYMBOLS & SOIL DESCRIPTION
Based on Unified Classification System

MOISTURE
D - Dry
M - Moist
W - Wet

CONSISTENCY/ RELATIVE DENSITY

VS	- Very Soft
S	- Soft
F	- Firm
St	- Stiff
VSt	- Very Stiff
H	- Hard
VL	- Very Loose
L	- Loose
MD	- Medium Dense
D	- Dense
VD	- Very Dense

See Explanatory Notes for details of abbreviations & basis of descriptions.

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EXCAVATION - GEOLOGICAL LOG

PIT NO : **BH2**
FILE / JOB NO : 2025073
SHEET : 1 OF 1

PROJECT : Proposed New Houses
LOCATION : 15 Frances St Lindfield

POSITION :	SURFACE ELEVATION :
EQUIPMENT TYPE : Hand Auger	METHOD : Hand Auger
DATE EXCAVATED : 26/03/2025	LOGGED BY : TH — CHECKED BY : TH
EXCAVATION DIMENSIONS :	

DRILLING | MATERIAL

DEPTH (m)	GRAPHIC LOG	CLASSIFICATION SYMBOL	MATERIAL DESCRIPTION Soil Type, Colour, Plasticity or Particle Characteristic Secondary and Minor Components	MOISTURE CONDITION	CONSISTENCY RELATIVE DENSITY	HAND PENETRO-METER kPa	STRUCTURE & Other Observations
0.0			(FILL) Silty CLAY: low to medium plasticity, brown to dark brown, with gravel and sand, minor roots				FILL
0.20m							
			Silty CLAY: medium plasticity, brown and pale grey, with gravel				RESIDUAL SOIL
0.5		CI		D	St to VSt		
1.00m							
1.0			EXCAVATION BH2 TERMINATED AT 1.00 m Target depth				
1.5							
2.0							
2.5							
3.0							
3.5							
4.0							
4.5							
5.0							

SUPPORT: STABLE
GROUND WATER LEVELS: Dry
PENETRATION: VE, E, F, H
SAMPLES & FIELD TESTS:
HAND PENETROMETER kPa: 100, 200, 300, 400

PHOTOGRAPHS NOTES ☐ YES ☒ NO

METHOD
N Natural Exposure
E Existing Excavation
BH Backhoe Bucket
B Bulldozer Blade
R Ripper

SUPPORT
T Timbering

PENETRATION
VE, E, F, H, VH — No Resistance

WATER
10 Oct., 73 Water Level on Date shown
water inflow
water outflow

SAMPLES & FIELD TESTS
U50 - Undisturbed Sample 50 mm diameter
D - Disturbed Sample
B - Bulk Disturbed Sample
MC - Moisture Content
HP - Hand Penetrometer (UCS kPa)
VS - Vane Shear; P-Peak, R-Remouded (uncorrected kPa)
PBT - Plate Bearing Test

CLASSIFICATION SYMBOLS & SOIL DESCRIPTION
Based on Unified Classification System

MOISTURE
D - Dry
M - Moist
W - Wet

CONSISTENCY/ RELATIVE DENSITY

VS	- Very Soft
S	- Soft
F	- Firm
St	- Stiff
VSt	- Very Stiff
H	- Hard
VL	- Very Loose
L	- Loose
MD	- Medium Dense
D	- Dense
VD	- Very Dense

See Explanatory Notes for details of abbreviations & basis of descriptions.

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EXCAVATION - GEOLOGICAL LOG

PIT NO : **BH3**
FILE / JOB NO : 2025073
SHEET : 1 OF 1

PROJECT : Proposed New Houses
LOCATION : 15 Frances St Lindfield

POSITION :	SURFACE ELEVATION :
EQUIPMENT TYPE : Hand Auger	METHOD : Hand Auger
DATE EXCAVATED : 26/03/2025	LOGGED BY : TH — CHECKED BY : TH
EXCAVATION DIMENSIONS :	

DRILLING | MATERIAL

DEPTH (m)	PENETRATION (VE, E, F, H)	SUPPORT	GROUND WATER LEVELS	SAMPLES & FIELD TESTS	GRAPHIC LOG	CLASSIFICATION SYMBOL	MATERIAL DESCRIPTION (Soil Type, Colour, Plasticity or Particle Characteristic, Secondary and Minor Components)	MOISTURE CONDITION	CONSISTENCY / RELATIVE DENSITY	HAND PENETROMETER kPa (100, 200, 300, 400)	STRUCTURE & Other Observations
0.0		STABLE					(FILL) Silty CLAY: low to medium plasticity, brown to dark brown, with gravel and sand, minor roots				FILL
0.20m											
							Silty CLAY: medium plasticity, brown and pale grey, with gravel				RESIDUAL SOIL
0.5			Dry			CI		D	St to VSt		
1.00m											
1.0							EXCAVATION BH3 TERMINATED AT 1.00 m Target depth				
1.5											
2.0											
2.5											
3.0											
3.5											
4.0											
4.5											
5.0											

PHOTOGRAPHS NOTES ☐ YES ☒ NO

METHOD
N Natural Exposure
E Existing Excavation
BH Backhoe Bucket
B Bulldozer Blade
R Ripper

SUPPORT
T Timbering

PENETRATION
VE E F H VH — No Resistance

WATER
10 Oct., 73 Water Level on Date shown
water inflow
water outflow

SAMPLES & FIELD TESTS
U50 - Undisturbed Sample 50 mm diameter
D - Disturbed Sample
B - Bulk Disturbed Sample
MC - Moisture Content
HP - Hand Penetrometer (UCS kPa)
VS - Vane Shear; P-Peak, R-Remouded (uncorrected kPa)
PBT - Plate Bearing Test

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VL	- Very Loose
L	- Loose
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D	- Dense
VD	- Very Dense

See Explanatory Notes for details of abbreviations & basis of descriptions.

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EXCAVATION - GEOLOGICAL LOG

PIT NO : **BH4**
FILE / JOB NO : 2025073
SHEET : 1 OF 1

PROJECT : Proposed New Houses
LOCATION : 15 Frances St Lindfield

POSITION :	SURFACE ELEVATION :
EQUIPMENT TYPE : Hand Auger	METHOD : Hand Auger
DATE EXCAVATED : 26/03/2025	LOGGED BY : TH — CHECKED BY : TH
EXCAVATION DIMENSIONS :	

DRILLING | MATERIAL

DEPTH (m)	GRAPHIC LOG	CLASSIFICATION SYMBOL	MATERIAL DESCRIPTION Soil Type, Colour, Plasticity or Particle Characteristic Secondary and Minor Components	MOISTURE CONDITION	CONSISTENCY RELATIVE DENSITY	HAND PENETRO-METER kPa	STRUCTURE & Other Observations
0.0			(FILL) Silty CLAY: low to medium plasticity, brown to dark brown, with gravel and sand, minor roots				FILL
0.20m							
			Silty CLAY: medium plasticity, brown and pale grey, with gravel				RESIDUAL SOIL
0.5		CI		D	St to VSt		
1.00m							
1.0			EXCAVATION BH4 TERMINATED AT 1.00 m Target depth				
1.5							
2.0							
2.5							
3.0							
3.5							
4.0							
4.5							
5.0							

SUPPORT: STABLE
GROUND WATER LEVELS: Dry
PENETRATION: VE, E, F, H
SAMPLES & FIELD TESTS:
HAND PENETROMETER kPa: 100, 200, 300, 400

PHOTOGRAPHS NOTES ☐ YES ☒ NO

METHOD
- N Natural Exposure
- E Existing Excavation
- BH Backhoe Bucket
- B Bulldozer Blade
- R Ripper

SUPPORT
- T Timbering

PENETRATION
VE, E, F, H, VH — No Resistance

WATER
10 Oct., 73 Water Level on Date shown
water inflow
water outflow

SAMPLES & FIELD TESTS
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- MC - Moisture Content
- HP - Hand Penetrometer (UCS kPa)
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Arborist Reports, Landscape Design, and Horticultural Consultation.

Arboricultural Impact Appraisal and Method Statement

15 Frances Street
Lindfield, NSW

Prepared for
Rudder Developments Pty Ltd
c/o Texco Design

25 June 2025

by Stuart Sutton
Graduate Certificate in Arboriculture (Uni Melb) AQF8
10 Walter Rd, Ingleside, NSW 2101

stuart@ezigrow.com.au M: 0402 246 910

The proposed development is to demolish an existing residential dwelling, subdivide the property and construct two new residential dwellings, with basement parking, pools and associated landscaping works. I have inspected all the trees that could be affected and list their details in Appendix 2. Based on this information, I have provided guidance to the project architect on the constraints these trees impose on the use of the site. The current layout is a result of this detailed consultation and has evolved taking full account of these constraints.

One high category tree and twenty low and very low category trees are proposed to be removed, eleven of these trees are exempt from council protection due to their species type, height or proximity to the existing dwelling. Two additional low category trees proposed for removal are significant in the streetscape, however they are dying and are unlikely to recover. A comprehensive landscaping scheme to mitigate these losses is recommended that should include the planting of new trees in appropriate and prominent locations.

The proposed changes may adversely affect one high category and one low category trees if appropriate protective measures are not taken. However, if adequate precautions to protect the retained trees are specified and implemented through the arboricultural method statement included in this report, the development proposal will have no adverse impact on the contribution of this tree to the local amenity or character.

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1. INTRODUCTION

1.1 **Instruction:** I am instructed by Texco Design to inspect the tree population at 15 Frances Street, Lindfield and to provide an arboricultural report to accompany a development application. This report investigates the impact of the proposed development on trees and provides the following guidelines for appropriate tree management and protective measures:

- a schedule of the relevant trees to include basic data and a condition assessment.
- an appraisal of the impact of the proposal on trees and any resulting impact that has on local character and amenity.
- a preliminary arboricultural method statement setting out appropriate protective measures and management for trees to be retained

1.2 **Purpose of this report**: This report provides an analysis of the impact of the development proposal on trees with additional guidance on appropriate management and protective measures. Its primary purpose is for the council to review the tree information in support of the planning submission and use as the basis for issuing a planning consent or engaging in further discussions towards that end. Within this planning process, it will be available for inspection by people other than tree experts, so the information is presented to be helpful to those without a detailed knowledge of the subject.

1.3 **Qualifications and experience:** I have based this report on my site observations and the provided information, and I have come to conclusions in the light of my experience. I have experience and qualifications in arboriculture and include a summary in Appendix 1.

1.4 **Documents and information provided:** Texco Design provided me with copies of the following documents:

- Survey Plan. Dwg No. 6001311_A, by ISA Surveyors dated 22nd November 2024.
- Architectural Set. Project No. 2449. Dwg Nos. 001 to 403 – Rev A-WIP, by Texco Design undated.

1.5 **Scope of this report:** This report is only concerned with twenty-three trees, twenty-two located within the subject site and one adjacent to it, on the neighbouring private property. It takes no account of other trees, shrubs or groundcovers within the site unless stated otherwise. It includes a preliminary assessment based on the site visit and the documents provided, listed in 1.4 above.

2. THE LAYOUT DESIGN

2.1 **Tree AZ method of tree assessment:** The TreeAZ assessment method determines the worthiness of trees in the planning process. TreeAZ is based on a systematic method of assessing whether individual trees are important and how much weight they should be given in management considerations. Simplistically, trees assessed as potentially important are categorised as '**A**' and those assessed as less important are categorised as '**Z**'. Further explanation of TreeAZ can be found in Appendix 3.

In the context of new development, all the Z trees are discounted as a material constraint in layout design. All the A trees are potentially important, and they dictate the design constraints. This relatively simple constraints information is suitable for use by the architect to optimise the retention of the best trees in the context of other material considerations.

2.2 **Site visit and collection of data**

2.2.1 **Site visit:** I carried out an unaccompanied site visit on 24th March 2025. All my observations were from ground level and I estimated all dimensions except DBH which was measured with a tape measure. Aerial inspections, root or soil analysis, exploratory root trenching and internal diagnostic testing were not undertaken as part of this assessment. I did not have access to trees on other private properties and have confined observations of them to what was visible from within the property. The weather at the time of inspection was clear and dry, with good visibility.

2.2.2 **Brief site description:** 15 Frances Street, is located in the suburb of Lindfield (refer figure 1). The site is on the eastern side of the road and surrounded by similar residential development. The property consists of a large house that is centrally set in a large garden. A variety of ornamental, coniferous and palm trees are scattered throughout the site and around the site boundaries.

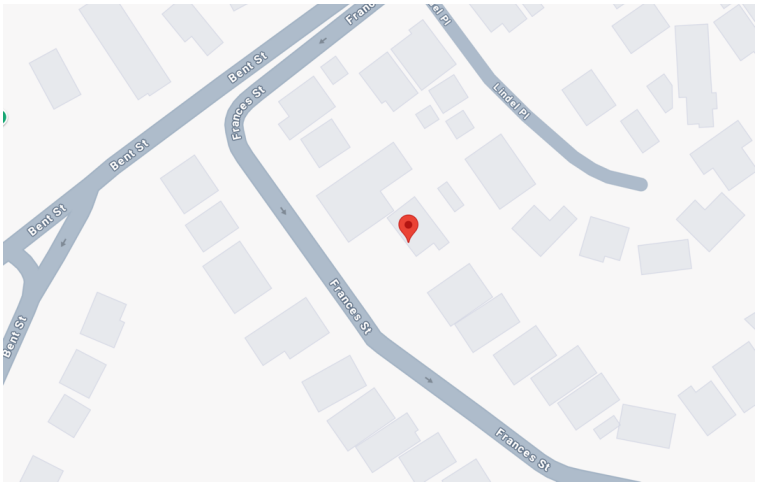


Figure 1: The location of the subject site (www.googlemaps.com).

2.2.3 **Collection of basic data:** I inspected each tree and have collected information on species, height, diameter, maturity and potential for contribution to amenity in a development context. I have recorded this information in the tree schedule included, with explanatory notes, in Appendix 2. Each tree was then allocated to one of four categories (**AA**, **A**, **Z** or **ZZ**), which reflected its suitability as a material constraint on development.

2.2.4 **Identification and location of the trees:** I have illustrated the locations of the significant trees on the Tree Management Plan (Plan TMP01) included as Appendix 8. This plan is for illustrative purposes only and it should not be used for directly scaling measurements.

2.2.5 **Advanced interpretation of data:** Australian Standard *Protection of trees on development sites* (AS4970-2009), recommends that the trunk diameter measurement for each tree is used to calculate the tree protection zone (TPZ), which can then be interpreted to identify the design constraints and, once a layout has been consented, the exclusion zone is to be protected by barriers.

2.2.6 **Plan updates:** During my site visit, I noted two trees (Trees 14 and 17) that were not shown on the land survey. I have illustrated their approximate locations on plan TMP01 but these positions have not been accurately surveyed. I do not consider that this has affected the conclusions of this report but if their locations are considered important, they should be accurately surveyed.

2.3 **The use of the tree information in layout design:** Following my inspection of the trees, the information listed in Appendix 2 was used to provide constraints guidance based on the locations of all the A trees. All the Z trees were discounted because they were not considered worthy of being a material constraint. This guidance identified two zones of constraint based on the following considerations:

- The tree protection zone (TPZ) is an area where ground disturbance must be carefully controlled. The TPZ was established according to the recommendations set out in AS4970-2009 and is the radial offset distance of twelve (x12) times the trunk diameter. In principle, a maximum encroachment of 10% is acceptable within the TPZ and a high level of care is needed during any activities that are authorised within it if important trees are to be successfully retained.

- The structural root zone (SRZ) is a radial distance from the centre of a tree's trunk, where it is likely that structural, woody roots would be encountered. The distance is calculated on trunk flare diameter at ground level. The SRZ may also be influenced by natural or built structures, such as rocks and footings. The SRZ only needs to be calculated when major encroachment (>10%) into a TPZ is proposed.

3. ARBORICULTURAL IMPACT APPRAISAL

3.1 **Summary of the impact on trees:** I have assessed the impact of the proposal on trees by the extent of disturbance in TPZs and the encroachment of structures into the SRZ (as set out briefly in 2.3 above and more extensively in Appendix 2). All the trees that may be affected by the development proposal are listed in Table 1

Table 1: Summary of trees that may be affected by development

Impact	Reason	Important trees		Unimportant trees	
		AA	A	Z	ZZ
Retained trees that may be affected through disturbance to TPZs	Removal of existing surfacing/structures/ landscaping and/or installation of new surfacing/structures/ landscaping		17	15	
Trees to be removed	Building and driveway construction and/or landscape renewal		3	2, 5, 6, 7, 8, 11, 12, 13, 16	1, 4, 9, 10, 14, 18, 19, 20, 21, 22, 23

3.2 **Detailed impact appraisal**

3.2.1 **Category AA and A trees to be lost:** The proposed development will necessitate the removal of a single high category tree. This tree is considered to have moderate to high significance and displays good health and condition. In order to compensate for loss of amenity, consideration should be given to replacement planting within the site and on the nature strip

3.2.2 **Category AA and A trees that could potentially be adversely affected through TPZ disturbance:** One category A tree (17) could potentially be adversely affected through disturbance to their TPZs as follows:

- Tree 17: This is an important tree and is positioned on the neighbouring private property to the rear of the site. It also provides good screening of the proposed works from this rear neighbour and should be retained and protected. The proposed works are outside of the TPZ of this tree, however the general construction works may still cause harm if not carried out with care. I have reviewed the situation carefully and my experience is that this tree could be successfully retained without any adverse effects if appropriate protective measures are properly specified and controlled through a detailed arboricultural method statement.

3.2.3 **Other trees to be removed:** The proposed development proposes the removal of twenty (20) trees of low and very low retention value. These include Tree No.s 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21, 22, 23. None of these trees are considered significant or worthy of special measures to ensure their preservation. It should be noted that Trees 1, 4, 13, 14, 16, 18, 19, 20, 21, 22, 23 are exempt from Council's Tree Preservation Order due to their species type, height or proximity to the existing dwelling. Trees 9 and 10 are effectively dead and should be removed regardless of the proposed development to minimise the risk of injury to persons or property due to branch failures.

3.3 Proposals to mitigate any impact

3.3.1 **Protection of retained trees:** The successful retention of trees within the site will depend on the quality of the protection and the administrative procedures to ensure protective measures remain in place throughout the development. An effective way of doing this is through an arboricultural method statement that can be specifically referred to in the planning condition. An arboricultural method statement for this site is set out in detail in Section 4.

3.3.2 **New planting:** In the context of the loss of trees, a comprehensive new landscaping scheme is recommended that should include new trees to be planted on the site boundary and within available areas in prominent locations. The suggested selection of species, size and location are provisional and would not be considered final until all relevant parties had been fully consulted. The new trees should have the potential to reach a significant height without excessive inconvenience and be sustainable into the long term, significantly improving the potential of the site to contribute to local amenity and character.

3.3.3 **Summary of the impact on local amenity:** One high category tree and twenty low and very low category trees are proposed to be removed, eleven of these trees are exempt from council protection due to their species type, height or proximity to the existing dwelling. Two additional low category trees proposed for removal are significant in the streetscape, however they are dying and are unlikely to recover. A comprehensive landscaping scheme to mitigate these losses is proposed that will include the planting of new trees in appropriate and prominent locations.

The proposed changes may adversely affect a single high category tree if appropriate protective measures are not taken. However, if adequate precautions to protect the retained trees are specified and implemented through the arboricultural method statement included in this report, the development proposal will have no adverse impact on the contribution of this tree to the local amenity or character.

4. ARBORICULTURAL METHOD STATEMENT

4.1 Introduction

4.1.1 **Terms of reference:** The impact appraisal in Section 3 identified the potential impacts on trees caused by proposed development. Section 4 is an arboricultural method statement setting out management and protection details that must be implemented to secure successful tree retention. It has evolved from Australian Standard AS4970-2009 *Protection of trees on development sites*.

4.1.2 **Plan TMP01:** Plan TMP01 in Appendix 8 is illustrative and based entirely on provided information. This plan should only be used for dealing with the tree issues and all scaled measurements must be checked against the original submission documents. The precise location of all protective measures must be confirmed at the pre-commencement meeting before any demolition or construction activity starts. Its base is the existing land survey, which has the proposed layout superimposed so the two can be easily compared. It shows the existing trees numbered, with high categories (A) highlighted in green triangles and low categories (Z) highlighted in blue rectangles. It also shows the locations of the proposed protective measures.

4.2 Tree protection with fencing and ground protection

4.2.1 **Protection fencing:** Tree protection fencing must comply with AS4970 (section 4.3) recommendations. An illustrative guide is included as Appendix 4. The approximate location of the barriers and the TPZs is illustrated on plan TMP01. The precise location of the fencing must be agreed with the project Arborist before any development activity starts.

4.2.2 **Trunk, branch and ground protection:** Any TPZs outside the protective fencing must be covered in ground protection based on AS4970 recommendations until there is no risk of damage from the demolition and construction activity. An illustrative specification for this ground protection is included as Appendix 5. On this site, it must be installed near Tree 3 as illustrated on plan TMP01 before any demolition and construction starts.

4.3 **Precautions when working in TPZs:** Any work in TPZs must be done with care as set out in Appendix 6. On this site, special precautions must be taken near Trees 15 and 17 as illustrated on plan TMP01 and summarised below:

1. **Removal of existing surfacing/structures and replacement with new soft landscaping:** Tree 15 may be adversely affected by the removal of the existing structures and their reinstatement to soft landscaping. Any adverse impact must be minimised by following the general guidance set out in Section 4 and 7 of Appendix 6.

2. **Installation of new soft landscaping:** All landscaping activity within TPZs has the potential to cause severe damage and any adverse impact must be minimised by following the guidance set out in Section 7 of Appendix 6.

3. **Installation of new services or upgrading of existing services:** It is often difficult to clearly establish the detail of services until the construction is in progress. Where possible, it is proposed to use the existing services into the site and keep all new services outside TPZs. However, where existing services within TPZs require upgrading or new services have to be installed in TPZs, great care must be taken to minimise any disturbance. Trenchless installation should be the preferred option but if that is not feasible, any excavation must be carried out by hand according to the guidelines set out in Section 6 of Appendix 6. If services do need to be installed within TPZs, consultation must be obtained from the project Arborist and/or council before any works are carried out.

4.4 Other tree related works

4.4.1 **Site storage, cement mixing and washing points:** All site storage areas, cement mixing and washing points for equipment and vehicles must be outside TPZs unless otherwise agreed with the project Arborist and/or council. Where there is a risk of polluted water run-off into TPZs, heavy-duty plastic sheeting and sandbags must be used to contain spillages and prevent contamination.

4.4.2 **Pruning:** Any pruning that is required to accommodate hoardings, scaffolding or to accommodate the unloading/loading of vehicles and has been approved by Council shall be carried out by a qualified Arborist (AQF3) and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

4.5 Programme of tree protection and supervision

4.5.1 **Overview:** Tree protection cannot be reliably implemented without arboricultural input. The nature and extent of that input varies according to the complexity of the issues and the resources available on site. For this site, a summary of the level of arboricultural input that is likely to be required is set out in Appendix 7. The project arborist must be instructed to work within this framework to oversee the implementation of the protective measures and management proposals set out in this arboricultural method statement.

The framework in Appendix 7 must form the basis for the discharge of planning conditions through site visits by the project arborist. These supervisory actions must be confirmed by formal letters circulated to all relevant parties. These permanent records of each site visit will accumulate to provide the proof of compliance and allow conditions to be discharged as the development progresses. The developer must instruct the project arborist to comply with the supervision requirements set out in this document before any work begins on site.

4.5.2 **Phasing of arboricultural input:** Trees can only be properly budgeted for and factored into the developing work programmes if the overall project management takes full account of tree issues once consent is confirmed. The project arborist must be involved in the following phases of the project management:

1. **Administrative preparation before work starts on site:** It is normal for a development proposal to vary considerably from the expectations before consent as the detailed planning of implementation evolves. The early instruction of the project arborist ensures that tree issues are factored into the complexities of site management and can often help ease site pressures through creative approaches to tree protection. Pre-commencement discussions between the project arborist and the developer's team is an effective means of managing the tree issues with difficult constraints.

2. **Pre-commencement site meeting:** A pre-commencement meeting must be held on site before any of the demolition and construction work begins. This must be attended by the site manager and the project arborist. Any clarifications or modifications to the consented details must be recorded and circulated to all parties in writing. This meeting is where the details of the programme of tree protection will be agreed and finalised by all parties, which will then form the basis of any supervision arrangements between the project arborist and the developer.

3. **Site supervision:** Once the site is active, the project arborist must visit at an interval agreed at the pre-commencement site meeting. The supervision arrangement must be sufficiently flexible to allow the supervision of all sensitive works as they occur. The project arborist's initial role is to liaise with developer to ensure that appropriate protective measures are designed and in place before any works start on site. Once the site is working, that role will switch to monitoring compliance with arboricultural conditions and advising on any tree problems that arise or modifications that become necessary.

4.6 **Site management:** It is the developer's responsibility to ensure that the details of this arboricultural method statement and any agreed amendments are known and understood by all site personnel. Copies of the agreed documents must be kept on site at all times and the site manager must brief all personnel who could have an impact on trees on the specific tree protection requirements. This must be a part of the site induction procedures and written into appropriate site management documents.

5. HOW TO USE THIS REPORT

5.1 **Limitations:** It is common that the detail of logistical issues such as site storage and the build programme are not finalised until after consent is issued. As this report has been prepared in advance of consent, some of its content may need to be updated as more detailed information becomes available once the post-consent project management starts. Although this document will remain the primary reference in the event of any disputes, some of its content may be superseded by authorised post-consent amendments.

5.2 **Suggestions for the effective use of this report:** Section 4 of this report, including the relevant appendices, is designed as an enforcement reference. It is constructed so the council can directly reference the detail in a planning condition. Referencing the report by name and relating conditions to specific subsections is an effective means of reducing confusion and facilitating enforcement in the event of problems during implementation. More specifically, the following issues should be directly referenced in the conditions for this site:

1. Pre-commencement meeting	4.5.2 and Appendix 7
2. Protection fence	4.2.1 and Appendix 4
3. Ground protection	4.2.2 and Appendix 5
4. Removal of surfacing/structures	4.3 and Appendix 6 (Section 4)
5. Installation of surfacing/structures	4.3 and Appendices 6 (Section 5)
6. Services	4.3 and Appendix 6 (Section 6)
7. Landscaping	4.3 and Appendix 6 (Section 7)
8. Programming of tree protection	4.5 and Appendix 7
9. Arboricultural supervision	4.5.2 and Appendix 7

Each of the above matters shall be supervised by the project arborist and the relevant conditions can only be discharged once that supervision has been confirmed in writing to the relevant parties. The last column of the table in Appendix 7 is to be used so that the various supervision issues can be recorded as they are confirmed by supervision letters. It is intended to act as a summary quick reference to help keep track of the progress of the supervision.

6. OTHER CONSIDERATIONS

6.1 **Trees subject to statutory controls:** These subject trees are legally protected under Ku-ring-gai Council's Tree Preservation Order, it will be necessary to consult the council before any pruning or removal works other than certain exemptions can be carried out. The works specified above are necessary for reasonable management and should be acceptable to the council. However, tree owners should appreciate that the council may take an alternative point of view and have the option to refuse consent.

6.2 **Trees outside the property:** Tree 17 is located in the adjacent property effectively out of the control of the owners of 15 Frances Street, Lindfield. It will not be possible to easily carry out the recommended works without the full co-operation of the tree owners. The implications of non-cooperation require legal interpretation and are beyond the scope of this report.

7. BIBLIOGRAPHY

7.1 **List of references:**

Australian Standard AS4373-2007 *Pruning of Amenity Trees*.
Standards Australia.

Australian Standard AS4970-2009 *Protection of trees on development sites*.
Standards Australia.

Barrell, J (2009) Draft for Practical Tree AZ version 9.02 A+NZ
Barrel Tree Consultancy, Bridge House, Ringwood BH24 1EX

Matheny, N.P. & Clark, J.R. (1998) Trees & Development: A Technical Guide to Preservation of Trees During Land Development
International Society ofArboriculture, Savoy, Illinois.

Robinson, L (1994) Field Guide to the Native Plants of Sydney
Kangaroo Press, Kenthurst NSW

8. DISCLAIMER

8.1 Limitations on use of this report:

This report is to be utilised in its entirety only. Any written or verbal submission, report or presentation that includes statements taken from the findings, discussions, conclusions or recommendations made in this report, may only be used where the whole of the original report (or a copy) is referenced in, and directly attached to that submission, report or presentation.

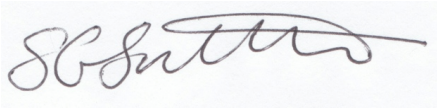
ASSUMPTIONS

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible: however, EziGrow can neither guarantee nor be responsible for the accuracy of information provided by others.

Unless stated otherwise:

- *Information contained in this report covers only those trees that were examined and reflects the condition of those trees at time of inspection: and*
- *The inspection was limited to visual examination of the subject trees without dissection, excavation, probing or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the subject trees may not arise in the future.*

Yours sincerely



Stuart Sutton

Grad Certificate in Arboriculture (University of Melbourne)
Masters in Horticulture (University of Sydney)

Mobile: 0402 246 910

APPENDIX 1

Qualifications and experience of Stuart Sutton

1. Qualifications:

Bachelor of Science in Agriculture (hons)	Sydney University	2000-2003
Masters of Science in Horticulture	Sydney University	2004
Certificate II Arboriculture	NSI of TAFE	2005
Certificate III in Horticulture	NSI of TAFE	2006
Bachelors of Business	Charles Sturt University	2008-2013
Graduate Certificate in Arboriculture	University of Melbourne	2014-2015
QTRA Registered User	User # 7392	2022
An Irreverent Look at Tree Protection on Development Sites	Mark Hartley	2023

2. Practical experience: Being involved in the Arboricultural and Horticultural industries for over 25 years, I have developed skills and expertise recognised in the industry. Involvement with the construction industry through many landscape construction jobs and further tertiary studies has provided me with a good knowledge of tree requirements within construction sites.

As director of EziGrow, I have been involved in a large number of arboricultural consultancy projects and have been engaged by a range of clients to undertake tree assessments and root investigations. I have also gained a wide range of practical tree knowledge as a practicing climbing arborist through tree removal and pruning works.

APPENDIX 2
Tree schedule

NOTE: Colour annotation is AA & A trees with green background; Z & ZZ trees with blue background; trees to be removed in red text.

No.	Species	Height	Spread	DBH	TPZ	Foliage %	Age class	Defects/Comment	Services	Significance	Tree AZ
1	*Schinus terbinthifolius*	4	2	140	**2.0**	70%	M	Exempt species	LV wires above	L	**ZZ3**
2	*Cupressus sempervirens*	10	8	680	**8.2**	70%	M	Bifurcated trunks, heavy lean, damage to pathway.	LV wires above	M	**Z10**
3	*Syzygium smithii*	10	6	300	**3.6**	80%	M	Nil	Nil	H	**A1**
4	*Schefflera actinophylla*	6	4	410	**4.9**	90%	M	Nil	Nil	L	**Z3**
5	*Archontophoenix alexandrae*	14	3	320	**2.0**	80%	M	Nil	Nil	L	**Z3**
6	*Archontophoenix alexandrae*	8	3	280	**2.0**	80%	M	Nil	Nil	L	**Z3**
7	*Archontophoenix alexandrae*	8	2	120	**2.0**	70%	M	Nil	Nil	L	**Z3**
8	*Olea europaea*	6	3	220	**2.6**	70%	M	Nil	Nil	L	**Z3**
9	*Cinnamomum camphora*	20	14	600	**7.2**	20%	M	Dead/dying	Nil	M	**ZZ4**
10	*Cinnamomum camphora*	22	14	800	**9.6**	20%	M	Dead/dying	Nil	M	**ZZ4**
11	*Olea europaea*	10	6	480*	**5.8**	70%	M	Nil	Nil	L	**Z3**
12	*Archontophoenix alexandrae*	12	3	260	**2.0**	80%	M	Nil	Nil	L	**Z3**
13	*Dypsis lutescens*	3	2	100	**2.0**	80%	M	Exempt height	Nil	L	**Z1**
14	*Celtis sinensis*	8	4	170*	**2.0**	70%	M	Exempt species	Nil	L	**ZZ3**
15	*Macadamia tetraphylla*	5	4	210	**2.5**	80%	M	Nil	Nil	M	**Z1**
16	*Plumeria acutifolia*	5	4	250	**3.0**	80%	M	Exempt 3m rule	Adjacent dwelling	L	**Z2**
17	*Syzygium floribunda*	16	8	310	**3.7**	90%	M	Nil	Nil	H	**A1**

18	*Syagrus romanzoffiana*	10	3	200	**2.0**	80%	M	Exempt species	Adjacent dwelling	L	**ZZ3**
19	*Syagrus romanzoffiana*	6	3	150	**2.0**	80%	M	Exempt species	Adjacent dwelling	L	**ZZ3**
20	*Syagrus romanzoffiana*	7	3	210	**2.0**	80%	M	Exempt species	Adjacent dwelling	L	**ZZ3**
21	*Syagrus romanzoffiana*	8	3	190	**2.0**	80%	M	Exempt species	Adjacent dwelling	L	**ZZ3**
22	*Schefflera actinophylla*	8	4	160	**2.0**	80%	M	Exempt species	Adjacent dwelling	L	**ZZ3**
23	*Syagrus romanzoffiana*	10	3	230	**2.0**	80%	M	Exempt species	Adjacent dwelling	L	**ZZ3**

Explanatory Notes

- **Measurements/estimates:** All dimensions are estimates except DBH. Multi-trunked trees with a calculated DBH are indicated with a '*'
- **Species:** The species identification is based on visual observations and the botanical name. In some instances, it may be difficult to quickly and accurately identify a particular tree without further detailed investigations. Where there is some doubt of the precise species of tree, it is indicated with a '?' after the name in order to avoid delay in the production of the report. The botanical name is followed by the abbreviation sp. if only the genus is known. The species listed for groups and hedges represent the main component and there may be other minor species not listed.
- **Tree number:** relates to the reference number used on site diagram/report.
- **Height:** Height is estimated to the nearest metre.
- **Spread:** The average crown spread is visually estimated to the nearest metre from the outermost tips of the live lateral branches.
- **DBH:** These figures relate to 1.4m above ground level and are recorded in millimetres. If appropriate, diameter is measured with a diameter tape. 'M' indicates trees or shrubs with multiple stems.
- **Foliage Cover:** Percent of estimated live foliage cover for particular species range.
- **Age class:**

Y	Young = recently planted
S	Semi-mature (<20% of life expectancy)
M	Mature (20-80% of life expectancy)
O	Over-mature (>80% of life expectancy)

- **TPZ:** The Tree Protection Zone (TPZ) is the radial offset distance of twelve times the trunk diameter in meters.
- **Tree AZ:** See reference for Tree AZ categories in Appendix 3.
- **Significance:** A tree's significance/value in the landscape takes into account its prominence from a wide range of perspectives. This includes, but is not limited to neighbourhood perspective, local perspective and site perspective. The significance of the subject trees has been categorised into three groups, such as: High, Moderate or Low significance.

APPENDIX 3

TreeAZ Categories (Version 9.02 A+NZ)

Z Category Z: Unimportant trees not worthy of being a material constraint

Local policy exemptions: Trees that are unsuitable for legal protection for local policy reasons including size, proximity and species

Z1	Young or insignificant small trees, i.e. below the local size threshold for legal protection, etc
Z2	Too close to a building, i.e. exempt from legal protection because of proximity, etc
Z3	Species that cannot be protected for other reasons, i.e. scheduled noxious weeds, out of character in a setting of acknowledged importance, etc

High risk of death or failure: Trees that are likely to be removed within 10 years because of acute health issues or severe structural failure

Z4	Dead, dying, diseased or declining
Z5	Severe damage and/or structural defects where a high risk of failure cannot be satisfactorily reduced by reasonable remedial care, i.e. cavities, decay, included bark, wounds, excessive imbalance, overgrown and vulnerable to adverse weather conditions, etc
Z6	Instability, i.e. poor anchorage, increased exposure, etc

Excessive nuisance: Trees that are likely to be removed within 10 years because of unacceptable impact on people

Z7	Excessive, severe and intolerable inconvenience to the extent that a locally recognised court or tribunal would be likely to authorise removal, i.e. dominance, debris, interference, etc
Z8	Excessive, severe and intolerable damage to property to the extent that a locally recognised court or tribunal would be likely to authorise removal, i.e. severe structural damage to surfacing and buildings, etc

Good management: Trees that are likely to be removed within 10 years through responsible management of the tree population

Z9	Severe damage and/or structural defects where a high risk of failure can be temporarily reduced by reasonable remedial care, i.e. cavities, decay, included bark, wounds, excessive imbalance, vulnerable to adverse weather conditions, etc
Z10	Poor condition or location with a low potential for recovery or improvement, i.e. dominated by adjacent trees or buildings, poor architectural framework, etc
Z11	Removal would benefit better adjacent trees, i.e. relieve physical interference, suppression, etc
Z12	Unacceptably expensive to retain, i.e. severe defects requiring excessive levels of maintenance, etc

NOTE: Z trees with a high risk of death/failure (Z4, Z5 & Z6) or causing severe inconvenience (Z7 & Z8) at the time of assessment and need an urgent risk assessment can be designated as ZZ. ZZ trees are likely to be unsuitable for retention and at the bottom of the categorisation hierarchy. In contrast, although Z trees are not worthy of influencing new designs, urgent removal is not essential and they could be retained in the short term, if appropriate.

A Category A: Important trees suitable for retention for more than 10 years and worthy of being a material constraint

A1	No significant defects and could be retained with minimal remedial care
A2	Minor defects that could be addressed by remedial care and/or work to adjacent trees
A3	Special significance for historical, cultural, commemorative or rarity reasons that would warrant extraordinary efforts to retain for more than 10 years
A4	Trees that may be worthy of legal protection for ecological reasons (Advisory requiring specialist assessment)

NOTE: Category A1 trees that are already large and exceptional, or have the potential to become so with minimal maintenance, can be designated as AA at the discretion of the assessor. Although all A and AA trees are sufficiently important to be material constraints, AA trees are at the top of the categorisation hierarchy and should be given the most weight in any selection process.

TreeAZ is designed by Barrell Tree Consultancy (www.treeaz.com/tree_az/)

APPENDIX 4

Tree protection fencing and signs - Illustrative specification

Protective fencing: Protective 1.8m high fencing should be installed at the location illustrated on the Tree Management Plan before any site works start. All uprights should be fixed in position for the duration of the development activity. The fixings must be able to withstand the pressures of everyday site work.

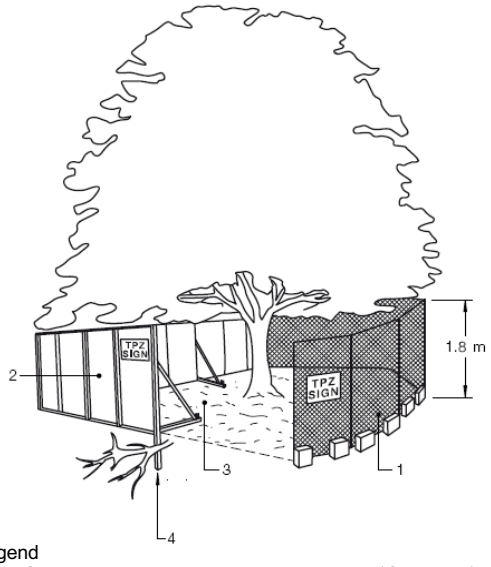
Inside the protective fencing, the following rules must be strictly observed:

- **No vehicular access**
- **No storage of excavated debris, building materials or fuels**
- **No excessive cultivation for landscape planting**
- **No fires**
- **No mixing of cement**
- **No service installation or excavation**

Once erected, protective fencing must not be removed or altered without consulting first with the project Arborist.

Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area and signage must be attached to outside of fencing.

Signage: All signs are to provide clear and readily accessible information to indicate that a TPZ has been established. Signage identifying the TPZ must be attached to outside of fencing and be visible from within the development site.



Signage example:



Legend

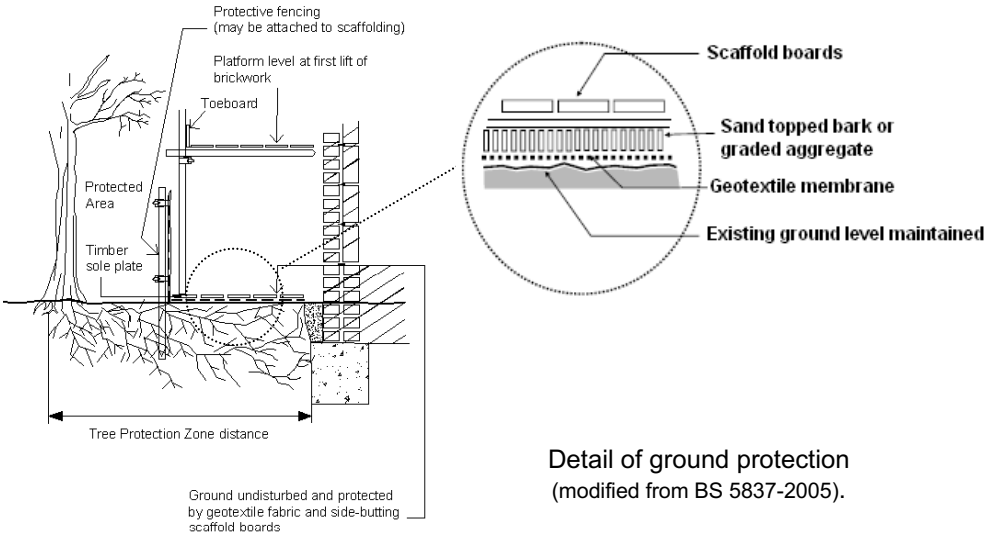
1. Chain wire mesh panels with shade cloth (if required) attached, held in place with concrete feet.
2. Alternative plywood or wooden paling fence panels. This fencing material also prevents building materials or soil entering the TPZ.
3. Mulch installation across surface of TPZ (at the discretion of 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 should avoid damaging roots.

(Naturally Trees- reproduced under copyright Licence number 1009-c095)

APPENDIX 5

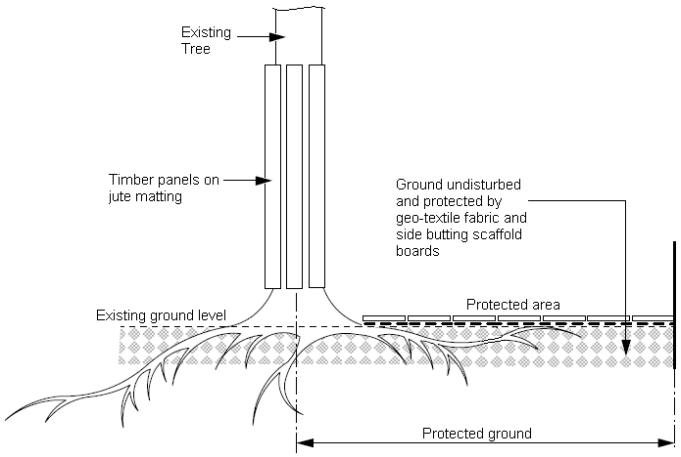
Root zone and trunk protection - Illustrative specification

Root zone protection: Where necessary, access through the TPZ can be achieved by laying aggregate and timber boards (or similar) over the root zone to protect roots. The ground beneath the boarding should be left undisturbed and should be protected with a porous geo-textile fabric covered with sand or mulch.



Detail of ground protection
(modified from BS 5837-2005).

Trunk protection: Where fencing cannot be installed, the vertical trunk of exposed trees shall be protected by the placement of 3.6m lengths of 50 x 100mm hardwood timbers, spaced vertically, at 150mm centres and secured by 2mm wire at 300mm wide spacing over suitable protective padding material e.g. Jute Matting. The trunk protection shall be maintained intact until the completion of all work on site.



Detail of trunk protection.

APPENDIX 6
General guidance for working in TPZ

1 PURPOSE OF THIS GUIDANCE

This guidance sets out the general principles that must be followed when working within a TPZ. Where more detail is required, it will be supplemented by illustrative specifications in other appendices in this document (refer Appendix 4 and 5).

This guidance is based on the Australian Standards (2009) AS4970: *Protection of Trees on Construction Sites*.

Once the site works start, this guidance is specifically for the site personnel to help them understand what has been agreed and explain what is required to fully meet their obligations to protect trees. All personnel working in TPZs must be properly briefed about their responsibilities towards important trees based on this guidance.

This guidance should always be read in conjunction with the Tree Management Plan (TMP01) illustrating the areas where specific precautions are necessary. Each area where precautions are required is explained on the plan as identified on the legend. All protective measures should be installed according to the prevailing site conditions and agreed as satisfactory by the Project Arborist before any demolition or construction work starts.

2 TREE PROTECTION

2.1 Tree Protection Zone (TPZ)

The TPZ is a radial setback, extending outwards from the centre of the trunk, where disturbance must be minimised if important trees are to be successfully retained. The TPZ area is illustrated on the Tree Management Plan (TMP01) accompanying this guidance.

- The TPZ is a radial setback extending outwards from the centre of the trunk equal to the DBH x 12.
- This area shall be protected by tree protective fencing (refer Appendix 4).
- Any part of the TPZ outside of the tree protective fencing area must be isolated from the work operations by protective barriers and/or root zone protection for the duration of the work (refer Appendix 5).
- The Project Arborist shall approve the extent of the TPZ prior to commencement of works.
- The TPZ shall be mulched to a depth of 90mm with approved organic mulch e.g. leaf and wood chip where possible.
- Supplementary watering shall be provided in dry periods to reduce water or construction stress, particularly to those trees which may incur minor root disturbance.

The following activities shall be excluded within the TPZ:

- Excavation, compaction or disturbance of the existing soil.
- The movement or storage of materials, waste or fill.
- Soil level changes
- Disposal/runoff of waste materials and chemicals including paint, solvents, cement slurry, fuel, oil and other toxic liquids
- Movement or storage of plant, machinery, equipment or vehicles.
- Any activity likely to damage the trunk, crown or root system.

2.2 Arboricultural supervision

Any work within TPZs requires a high level of care. Qualified arboricultural supervision is essential to minimise the risk of misunderstanding and misinterpretation. Site personnel must be properly briefed before any work starts. Ongoing work must be inspected regularly and, on completion, the work must be signed off by the Project Arborist to confirm compliance by the contractor.

2.3 Tree protection fencing, root zone and trunk protection

Prior to site establishment, tree protection fencing and root zone and trunk protection shall be installed to establish the TPZ for trees to be retained in accordance with site conditions. These protective barriers shall be maintained entire for the duration of the construction program (refer Appendix 4 and 5).

Tree protection fencing and trunk and root zone protection shall be removed following completion of construction. The mulch layer in the TPZ shall be retained and replenished where required to maintain a 75mm thickness

2.4 Pruning

All pruning work required (including root pruning) should be in accordance with Australian Standard No 4373-1996 - Pruning of Amenity Trees.

2.5 Tree Damage

In the event of damage to a tree or the TPZ, the Project Arborist shall be engaged to inspect and provide advice on remedial action. This should be implemented as soon as practicable and certified by the Project Arborist.

2.6 Post construction maintenance

In the event of any tree deteriorating in health after the construction period, the Project Arborist shall be engaged to provide advice on any remedial action. Remedial action shall be implemented as soon as practicable and certified by the Project Arborist.

3 EXCAVATION AND FILL IN TPZ

3.1 Excavation within TPZ

If excavation within the TPZ is required the following shall be applied to preserve tree root systems:

- Excavation within TPZ must be carried out under the instruction and supervision of the Project Arborist.
- A root mapping exercise is to be undertaken and certified by the Project Arborist. Root mapping shall be undertaken by either ground penetrating radar, air spade, water laser or by hand excavation using hand tools, taking care not to damage the bark and wood of any roots.
- The purpose of the root mapping shall be to locate woody structural roots greater than 40mm in diameter. Where possible, flexible clumps of smaller roots, including fibrous roots, should be retained if they can be displaced temporarily or permanently beyond the excavation without damage.
- If digging by hand, a fork shall be used to loosen the soil and help locate any substantial roots.
- Once roots have been located, the trowel shall be used to clear the soil away from them without damaging the bark.
- Exposed roots to be removed shall be cut cleanly with a sharp saw or secateurs.
- Roots temporarily exposed shall be protected from direct sunlight, drying out and extremes of temperature by appropriate covering.

3.2 Fill within TPZ

Placement of fill material within the Tree Protection Zone of trees to be retained should be avoided where possible. However, where fill cannot be avoided:

- All fill material to be placed within the TPZ should be approved by Project Arborist and consist of a course, gap-graded material to provide aeration and percolation to the root zone. Materials containing a high percentage of ‘fines’ is unacceptable for this purpose.
- The fill material should be consolidated with a non-vibrating roller to minimise compaction of the underlying soil.
- No fill material should be placed in direct contact with the trunk.

4 DEMOLITION OF SURFACING/STRUCTURES IN TPZ

4.1 Definitions of surfacing and structures

For the purposes of this guidance, the following broad definitions apply:

• **Surfacing:** Any hard surfacing used as a vehicular road, parking or pedestrian path including tarmac, solid stone, crushed stone, compacted aggregate, concrete and timber decking.

• **Structures:** Any man-made structure above or below ground including service pipes, walls, gate piers, buildings and foundations. Typically, this would include drainage structures, services, car-ports, bin stores and concrete slabs that support buildings.

4.2 Demolition and access

Roots frequently grow adjacent to and beneath existing surfacing/structures so great care is needed during access and demolition. Damage can occur through physical disturbance of roots and/or the compaction of soil around them from the weight of machinery or repeated pedestrian passage. This is not generally a problem whilst surfacing/structures are in place because they spread the load on the soil beneath and further protective measures are not normally necessary. However, once they are removed and the soil below is newly exposed, damage to roots becomes an issue and the following guidance must be implemented:

- No vehicular or repeated pedestrian access into TPZ permitted unless on existing hard surfacing or root zone protection.
- Regular vehicular and pedestrian access routes must be protected from compaction with temporary root zone protection as set out in Appendix 5.
- Where a TPZ is exposed by the work, it must be protected as set out in AS4970 until there is no risk of damage from the development activity.

4.3 Removal of surfacing/structures

Removing existing surfacing/structures is a high-risk activity for any adjacent roots and the following guidance must be observed:

- Appropriate tools for manually removing debris may include a pneumatic breaker, crow bar, sledgehammer, pick, mattock, shovel, spade, trowel, fork and wheelbarrow.
- Machines with a long reach may be used if they can work from outside the TPZ or from protected areas within the TPZ.
- Debris to be removed from the TPZ manually must be moved across existing hard surfacing or temporary root zone protection in a way that prevents compaction of soil. Alternatively, it can be lifted out by machines provided this does not disturb the TPZ.
- Great care must be taken throughout these operations not to damage roots.

5 INSTALLATION OF SURFACING/STRUCTURES IN TPZ

5.1 **Basic principles:** New surfacing/structures in a TPZ are potentially damaging to trees because they may disturb the soil and disrupt the existing exchange of water and gases in and out of it. Adverse impact on trees can be reduced by minimising the extent of these changes within the TPZ.

- **Surfacing:** Suitable surfacing should be relatively permeable to allow water and gas movement, load spreading to avoid localised compaction and require little or no excavation to limit direct damage. The actual specification of the surfacing is an engineering issue that needs to be considered in the context of the bearing capacity of the soil, the intended loading and the frequency of loading. The detail of product and specification are beyond the scope of this guidance and must be provided separately by the appropriate specialist.

- **Structures:** Where possible structures are to be constructed above ground level on piled supports and redirecting water to where it is needed. The detailed design and specification of such structures is an engineering issue that should be informed and guided by the Project Arborist. Conventional strip foundations in the TPZ for any significant structure may cause excessive root loss and are unlikely to be acceptable. However, disturbance can be significantly reduced by supporting the above ground part of the structures on small diameter piles/piers or

cast floor slabs set above ground level. The design should be sufficiently flexible to allow the piles to be moved if significant roots are encountered in the preferred locations.

5.2 Establishing the depth of roots

The precise location and depth of roots within the soil is unpredictable and will only be known when careful digging starts on site. Ideally, all new surfacing within a TPZ should be no-dig, i.e. requiring no excavation whatsoever, but this is rarely possible on undulating surfaces.

New surfacing normally requires an evenly graded sub-base layer, which can be made up to any high points with granular, permeable fills such as crushed stone or sharp sand. This sub-base must not be compacted as would happen in conventional surface installation. Some limited excavation is usually necessary to achieve this and need not be damaging to trees if carried out carefully and large roots are not cut.

Tree roots and grass roots rarely occupy the same soil volume at the top of the soil profile, so the removal of a turf layer up to 50mm is unlikely to be damaging to trees. It may be possible to dig to a greater depth depending on local conditions but this would need to be assessed by the Project Arborist.

6 SERVICES IN TPZ

For the purposes of this guidance, services are considered as structures. Excavation to upgrade existing services or to install new services within a TPZ may damage retained trees and should only be chosen as a last resort. In the event that excavation emerges as the preferred option, the decision should be reviewed by the Project Arborist before any work is carried out. If excavation is agreed, all digging should be done carefully and follow the guidance set out in 3.1 above.

7 SOFT LANDSCAPING IN TPZ

For the purposes of this guidance, soft landscaping includes the re-profiling of existing soil levels and covering the soil surface with new plants or an organic covering (mulch). It does not include the installation of solid structures or compacted surfacing.

Soft landscaping activity after construction can be extremely damaging to trees.

No significant excavation or cultivation shall occur within the TPZ (e.g. planting holes). Where new designs require levels to be increased to tie in with new structures or surrounding ground level, good quality and relatively permeable top soil should be used for the fill. It should be firmed into place but not over compacted in preparation for turfing or careful shrub planting.

All areas close to tree trunks should be kept at the original ground level and have a mulched finish rather than grass to reduce the risk of mowing damage.

APPENDIX 7

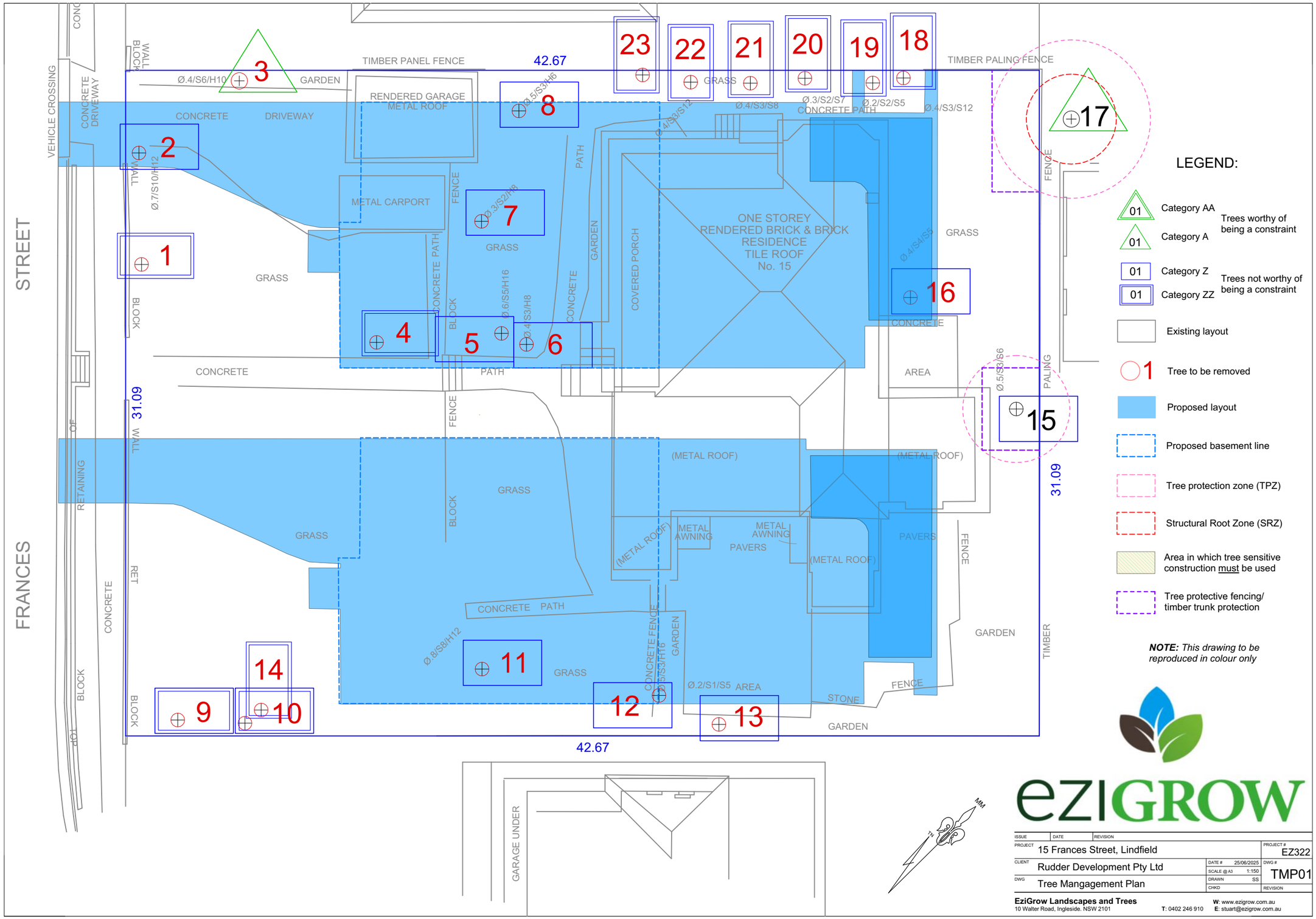
Schedule of works and responsibilities

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly (with spray paint) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavations works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to the issue of Occupation Certificate

APPENDIX 8

Tree management plan

-refer attached Tree Management Plan, Dwg No. TMP01,
by Ezigrow dated 25 June 2025.



EZIGROW

ISSUE	DATE	REVISION	
PROJECT	15 Frances Street, Lindfield		PROJECT # EZ322
CLIENT	Rudder Development Pty Ltd	DATE # 25/06/2025	DWG # TMP01
		SCALE @ A3 1:150	
DWG	Tree Mangagement Plan	DRAWN SS	
		CHKD	REVISION

EziGrow Landscapes and Trees
10 Walter Road, Ingleside. NSW 2101
T: 0402 246 910
W: www.ezigrow.com.au
E: stuart@ezigrow.com.au

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	40 ROSEVILLE AVENUE, ROSEVILLE - BOUNDARY ADJUSTMENT, DEMOLITION OF PATIO, TREE REMOVAL AND LANDSCAPING WORKS
ITEM/AGENDA NO:	GB.4

APPLICATION NO:	eDA0530/25
ADDRESS:	40 Roseville Avenue, Roseville
WARD:	Roseville
DESCRIPTION OF PROPOSAL:	Boundary adjustment, demolition of patio, tree removal and landscaping works
APPLICANT:	Corona Projects Pty Ltd
OWNER:	BC Wheeldon, J Amigh
DATE LODGED:	26 September 2025
SUBMISSIONS:	11
ASSESSMENT OFFICER:	Kirraly Northey
RECOMMENDATION:	Refusal

KLPP REFERRAL CRITERION:	Contentious development that received 10 or more unique submissions by way of objection and sensitive development which involves partial demolition of a heritage item.

PURPOSE OF REPORT

To determine Development Application No. eDA0530/25 for Boundary adjustment, demolition of patio, tree removal and landscaping 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:

(a) is contentious development in respect of which 10 or more unique submissions, by way of objection, have been received, and

(b) is sensitive development given that the extent of demolition works to the heritage item (including tree removal) will have more than a minimal impact on the integrity of the heritage item.

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, refuse development consent to eDA0530/25 for boundary adjustment, demolition of patio, tree removal and landscaping works at 40 Roseville Avenue, Roseville, for the reasons outlined in the Assessment Report **(Attachment A1).**

Kirraly Northey
Development Assessment Officer

Brodee Gregory
Team Leader Development Assessment

Shaun Garland
Manager Development Assessment Services

Attachments:			
	A1⇩	Assessment Report	2025/366974
	A2⇩	Location Sketch	2026/005153
	A3⇩	Zoning Sketch	2026/005154
	A4⇩	Site Plans	2025/306130
	A5⇩	Landscape Plan	2025/306122
	A6⇩	Heritage Impact Statement	2025/306128
	A7⇩	Stormwater Plan	2025/306132
	A8⇩	Arborist Report	2025/306124
	A9⇩	Survey Plan	2025/306134

DEVELOPMENT APPLICATION

ASSESSMENT REPORT

REPORT TITLE	40 Roseville Avenue, Roseville - Boundary adjustment, demolition of patio, tree removal and landscaping works

APPLICATION NO	eDA0530/25
PROPERTY DETAILS	40 Roseville Avenue, Roseville Lots 2 and 3 in DP 1067237 2,762.70m^2 R2 Low Density Residential
WARD	Roseville
PROPOSAL	Boundary adjustment, demolition of patio, tree removal and landscaping works
TYPE OF DEVELOPMENT	Local
APPLICANT	Corona Projects Pty Ltd
OWNER	BC Wheeldon, J Amigh
DATE LODGED	26 September 2025
RECOMMENDATION	Refusal

PURPOSE OF REPORT

To determine Development Application No. eDA0530/25 for boundary adjustment, demolition of patio, tree removal and landscaping 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 contentious development in respect of which 10 or more unique submissions, by way of objection, have been received, and

(b) is sensitive development given that the extent of demolition works to the heritage item (including tree removal) will have more than a minimal impact on the integrity of the heritage item.

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	heritage impact on the curtilage and setting of heritage items unacceptable tree removal tree impacts unacceptable landscape proposal built upon area non-compliance
Submissions	11 submissions
Land and Environment Court	N/A
Recommendation	Refusal

HISTORY

Site history

The site has a history of low density residential use and use as a private hospital.

Previous applications history

A Pre-DA consultation was not undertaken with Council prior to the lodgement of this Development Application.

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

Type	Application	Description	Decision	Date
BA	84/01632	Pool	Approved	28/09/1984
BA	84/01612	Additions	Approved	18/10/1984

Current Development Application History

Date	Action
26/09/2025	Application lodged.
15/10/2025 – 29/10/2025	The application was notified to neighbouring property owners for a period of 14 days and 11 unique submissions by way of objection were received.
24/12/2025	Council sent a preliminary planning assessment letter to the applicant. The following issues were identified: i. heritage impact on the curtilage and setting of heritage items ii. cultural significance of heritage item iii. unacceptable tree removal iv. unacceptable landscape proposal v. tree impacts vi. architectural plan inconsistencies vii. built upon area This letter outlined that the issues were considered unsatisfactory and that amended plans were not requested.
14/01/2026	The applicant requested to submit amended plans. Council's assessment officer advised that the subdivision was unacceptable and there would be no utility in requesting amendments to resolve peripheral issues when there is a fundamental element of the proposal which is unsatisfactory. Council advised that the applicant may submit a request to brief the Panel on the day of the meeting and provided the relevant Council contact to accommodate such a request.
23/01/2026	Unsolicited plans were submitted by the applicant. The plans were rejected in accordance with Section 38 of the Environmental Planning and Assessment Regulation 2021 and have not been assessed by Council.

THE SITE AND SURROUNDING AREA



Figure 1: Aerial image of the site and surrounding area

The subject site is made up of two allotments, legally described as Lot 2 (2,797m^2) and Lot 3 (365m^2) in DP 1067237 and is known as No. 40 Roseville Avenue, Roseville (**Figure 1**). The site is irregular in shape with a total site area of 3,162m^2. The site has a primary street frontage of approximately 42.67 metres, average depth of 60.04 metres and a rear boundary length of 60.96 metres. The site is relatively flat with a slight rise in topography from the street frontage to the rear by approximately 3.8 metres. The site is positioned on the north-western side of the street.

The site contains a locally listed heritage item which is a part single storey, part two storey dwelling house located on Lot 2. The site also contains vegetation, a swimming pool and rear outbuilding comprising a granny flat, carport and undercover entertainment area, also located on Lot 2. The north-eastern side of Lot 2 and all of Lot 3 contains lawn and vegetation. The site has a driveway and crossover at the north-eastern end of the frontage on Roseville Avenue, providing access to the existing dwelling house. Pedestrian access is located at the southern end of the frontage.



Figure 2: Image of the front of the dwelling house from the driveway

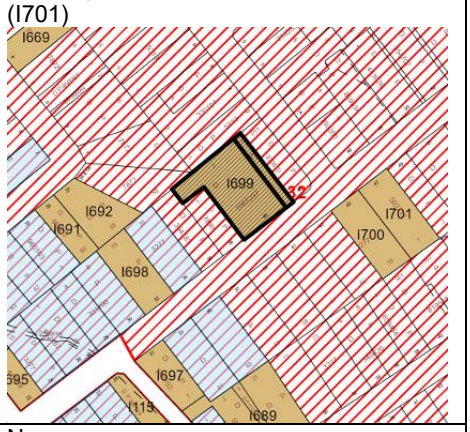


Figure 3: Rear of the dwelling house, looking towards the area proposed for subdivision and landscaping works



Figure 4: Area of site where subdivision works are proposed

Constraint:	**Application:**
Visual character study category	1920-1945
Easements/rights of way	No
Heritage Item - Local	Yes – Dwelling house – No. 40 Roseville Avenue (I699)

Heritage Item - State	No
Heritage conservation area	Yes – 'Clanville Conservation Area' (C32)
Within 100m of a heritage item	Yes – Dwelling house – No. 31 Roseville Avenue (I697) Dwelling house – No. 31 Roseville Avenue (I689) Dwelling house – No. 35 Oliver Road (I691) Dwelling house – No. 37 Oliver Road (I692) Dwelling house – No. 32 Roseville Avenue (I698) Dwelling house – No. 45 Roseville Avenue (I700) Dwelling house – No. 47 Roseville Avenue (I701) 
Bush fire prone land	No
Natural Resources Biodiversity	No
Natural Resources Greenweb	No
Natural Resources Riparian	No
Within 25m of Urban Bushland	No
Contaminated land	No

Surrounding development

The site is located in a R2 Low Density Residential zoned area and is surrounded by one to two storey dwelling houses, many with heritage significance. The site is located 440 metres north-east of Roseville train station and approximately 380 metres south-west of Roseville Park. Other land uses in the locality include an aged care facility, Scout hall and St Luke's Church.

The site is adjoined by six properties:

- No. 44 Roseville Avenue, Roseville – located to the east of the subject site is a two storey dwelling house with carport and swimming pool. This is a corner allotment with frontages to Roseville Avenue and Gerald Avenue.
- No. 2 Gerald Avenue, Roseville – located to the north of the subject site, is a one storey dwelling house with a frontage to Gerald Avenue.
- No. 1 Belgium Avenue, Roseville – located to the north-west of the subject site and adjoining the site by a small section of its corner, is a single storey dwelling house with a frontage to Belgium Avenue.

- No. 1A Belgium Avenue, Roseville - located to the north-west of the subject site, is a single storey dwelling house with a frontage to Belgium Avenue.
- No. 36 Roseville Avenue, Roseville - located to the west of the subject site, is a two storey dwelling house.
- No. 38 Roseville Avenue, Roseville – located to the south-west of the subject site, is a single storey dwelling house.

THE PROPOSAL

The application proposes a boundary adjustment, demolition of patio, tree removal and landscaping works. The details are as follows:

i. Boundary adjustment between Lot 2 and Lot 3, resulting in two Torrens title allotments;
   a. Lot 2: 1,075m^2 located to the north-east of the existing dwelling house and containing the existing vehicular access point,
   b. Lot 3: 1,687m^2 containing the existing dwelling house and outbuilding,
ii. Demolition of the existing 1980s patio and landscaping works on Lot 2; and
iii. Removal of 12 trees, landscape works and replacement tree planting on proposed Lot 3.
iv. Stormwater works.

Refer to the below image which shows the proposed site layout.



Figure 5: Proposed Site Plan

A right of way over Lot 3 is proposed to retain vehicular access to the existing dwelling house via the existing driveway and crossover.

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, eleven submissions from the following were received:

1. *R. and P. Cook – No. 2 Gerald Avenue Roseville*
2. *L. and D. Stammer – Gerald Avenue, Roseville*
3. *V. Walsh and J. Evans – No. 48 Roseville Avenue, Roseville*
4. *L. Jenkins – No. 12 Gerald Avenue, Roseville*
5. *A. Jenkins – No. 12 Gerald Avenue, Roseville*
6. *J. Gilfillan – No. 14 Gerald Avenue, Roseville*
7. *W. Choi – No. 41 Roseville Avenue, Roseville*
8. *R. Armati – No. 2 Mitchell Avenue, Palm Beach*
9. *B. Moore – No. 36 Roseville Avenue, Roseville*
10. *M. Borkman – No. 44 Roseville Avenue, Roseville*
11. *N. Genev – No. 44 Roseville Avenue, Roseville*

The submissions raised the following issues:

The proposed subdivision will result in significant adverse heritage impacts to both the heritage item and the Clanville Heritage Conservation Area. It will alter the landscape and visual character distracting from the well kept and valued heritage item, and alter the garden setting and overall beauty when viewed from the street and within the heritage conservation area.

It is agreed that the proposed boundary adjustment/subdivision has adverse heritage impacts and does not respect the curtilage of the heritage item, its garden setting and important views. The proposed boundary adjustment would result in a smaller lot size for the heritage item that would encroach on the original dwelling resulting in a much smaller garden area with the loss of some mature trees. This would disrupt the original setting and views to and from the heritage item. These impacts form recommended reasons for refusal.

Tree removal will result in environmental impacts and loss of biodiversity

The removal of Trees 14, 16, 17, 18 and 20 is not warranted at this stage and the proposal therefore fails to meet the controls under Parts 3A.4 and 19 of the Ku-ring-gai Development Control Plan (KDCP). This issue forms a recommended reason for refusal.

Adverse acoustic effects on neighbouring properties

The proposed development would provide for one new lot (Lot 3) capable of accommodating a dwelling house. Any acoustic impacts arising from the detailed design of the dwelling house would be assessed as part of any future development application, if the proposed subdivision was to be approved.

Adverse impacts on amenity and privacy impacts for immediately adjoining neighbouring properties

The proposed building envelope is a rough outline of the intended future-built form. For a single storey dwelling house, the building envelope is located within the required setbacks. Consideration of amenity and privacy impacts resulting from a new dwelling house on Lot 3 would be undertaken subject to a future Development Application (DA).

Non-compliance with the Ku-ring-gai Local Environmental Plan 2015 (KLEP) and KDCP

There are various non-compliances with the KLEP and KDCP which are discussed in this report. Non-compliances that warrant refusal of the application have been included in the recommended reasons for refusal.

Non-compliance with planning objectives including excessive bulk and scale.

The proposed building envelope complies with the required minimum building setbacks for a single storey dwelling house.

This is a subdivision not a boundary adjustment application and the title is misleading.

Whilst the proposed works are classified as a subdivision, the subject site is already comprised of two Torrens title lots and the proposed development description makes clear that the proposal is to adjust the boundary between these lots. The description of the proposal is not misleading.

Internal Referrals

Heritage

Council's Heritage Advisor commented on the proposal as follows:

Heritage Status

Local Heritage Item	*Yes*
Heritage Conservation Area	*C32 – Clanville Conservation Area*
Immediate vicinity of a heritage item	*No. 31 Roseville Avenue* *No. 32 Roseville Avenue* *No. 45 Roseville Avenue* *No. 47 Roseville Avenue*

Statement of Significance

Council's heritage inventory sheet has the following statement of significance for the heritage item and heritage conservation area.

Description of Heritage Item

Building: This property contains a two storey federation era residence, built around 1899. It is constructed of brick, finished in a cement render with a terracotta tiled hipped and gabled roof. The house has limited visibility from the street and from the 1989 image, but appears to feature bracketed gables, oriel windows, exposed raftering and timber detailing to the verandas and balcony.

Setting: residential dwelling on approximately 2,799m^2 of well landscaped grounds, comprised of two lots, one irregularly shaped.

Fence: low stone fence curved at entrances to property.

Other important features (e.g. outbuildings, garden elements): the property contains

a pool in the western corner of the irregular shaped lot. To the rear boundary there is some form of outbuilding or garage that may be the same building visible in the 1943 aerial. Comparison of 1943 and present aerials suggests the current driveway takes the form of the original one, though the material has likely changed.

Modifications (DAs, BAs, CDCs) to the Heritage Item

BA01612/84 – additions
BA01632/84 – pool

History of the Heritage Item

This land was originally part of a 400 acre crown grant to Daniel Dering Mathew in 1819.

In 1885, Lot 3 of the original Clanville Estate Subdivision of Mathew's land was transferred to Richard Archbold of Lane Cove, farmer. It consisted of 51 acres, 1 rood and 30 ¼ perches. Part of the land was transferred to the Railways Commissioners of New South Wales in November 1885. Another small transfer was made before 49 acres and 36 ¼ perches of land were transferred to The Honorable Francis Lord of St Leonards, Esquire in December 1888. In September 1897, George Voss Mocatta of Sydney, Gentleman obtained Lots 21-24 of Section A of DP3277. This represented 1 acre, 1 rood and 27 ½ perches of land. From 1899, he is listed in the Sands Directory as residing on the North side of Roseville Avenue, Roseville (no further street clarification given). The 1903 edition gives the name of his residence as "Geraldra" and his occupation as surveyor and civil engineer. This listing appears up to and including the 1909 edition of the Sands. Thereafter, none of the occupants/listings appear to relate to this property.

In November 1911, the property was transferred to Martha Ann Pearce of North Sydney, widow.

In August 1913, the property was transferred to James Allan Ramsay of Ashfield, Civil Servant, and Edward Pearson Ramsay of Croydon Park, Gentleman (lots 21-24).

The Ramsays are first listed in Roseville Avenue, on the north side, after Trafalgar Avenue and before Gerald Avenue in the 1916 edition, residing at "Pialba." It is assumed that this is the same property as was occupied by George Voss Mocatta, most likely constructed late 1898. No further documentary evidence can be found to shed light on Mocatta's occupancy of "Geraldra." The first mention of "Pialba" is in an August 1915 article describing, Mrs Ramsay of Pialba, Roseville as the honorary Secretary of the Comforts Committee in connection with the war effort.

Upon Edward Ramsay's death in March 1917, James became the sole proprietor. In the same month, the property was transferred to Elizabeth Frances Madeleine Ramsay, wife of John Simeon Ramsay of Roseville, Gentleman, and the said James Allan Ramsay as joint tenants.

In 1922 the land surrounding the residence was subdivided. The 1922 subdivision map shows the subject residence as extant by that point. By 1928 the property boundaries took their approximate current form, being 2 roods, 29 ¼ perches in size, comprised of Lot 23 and part Lots 21, 22 and 24, when a new certificate of title was generated. This part of the land was retained by Elizabeth Frances Madeleine Ramsay and James Allan Ramsay.

In June 1934, a notice of death was recorded for James Allan Ramsay, making Elizabeth the sole surviving tenant. In the same month, she transferred ownership to herself and Edward Henry Pierson Ramsay of Sydney, Dentist as joint tenants.

In March 1936, the property was advertised for sale by Richardson and Wrench, described as the following:

"Elevated Easterly Aspect about 5 minutes' walk from Station and shops. PIALBA No. 40 ROSEVILLE AVENUE. A GENTLEMAN'S RESIDENCE, of brick on stone with Tiled Roof having verandahs and balcony at front, Verandahs at side and rear. Porch Entrance, with balconette over and containing Entrance Hall, 7 good rooms, bathroom, kitchen, pantry laundry. Detached outhouses.

The block of land 140ft x 196ft 11in, with an additional area 60ft x 40 ft at rear, giving a rear line of 209ft. Torrens title. 60ft of land on the northern side is available for subdivision. J.T. Ralston and Son, Vendor's solicitors."

In February 1937, the property was transferred to Hugh William Douglas McConnell of Roseville, Builder. In August 1941, the property was leased to Mabel Winifred Francis of Roseville, Hospital Matron. It expired in July 1944 but was renewed in the same month. Under her ownership she renamed the property "Kooyong," operating "a private obstetric and medical hospital in 1941... and in 1945 turned it into a convalescent home."

On the 29th January 1947, "'Kooyong,' 40 Roseville Avenue," was advertised for sale, described as the following:

"LARGE TWO-STOREY BRICK HOME. IDEAL FOR DOCTOR OR PRIVATE HOSPITAL.

This home is set well back in well-kept grounds. Bus stop at corner, brings shops and train within easy distance. Easily adaptable as doctor's residence, rest home, etc. Accom: Ent vestibule, lounge, billiard rm, study, dining rm, kitchen, rear, side vers. Maids bathrm., and ldry. Upstairs: 5 bedrms., tiled bathrm., ver. Electric hot-water service. Garage. Adjoining land ideal for buildings and details available on application.

Gross Annual Rents: £280.
Land: 140ft x 198 ft 10in. Torrens.
Solicitors: Dettman, Austin and MacLean."

Other similar ads ran over the period of January – February 1947 with another on 25th January giving the additional description of the house and area as "Built on imposing lines, this cream cement rendered home is set well back in spacious and well-kept grounds. It is located in a tree-lined avenue, surrounded by homes of a like nature."

It appears that in March 1948 the property was still a convalescent home and had not been sold, on the basis of an ad in the "hospitals, rest homes" column of the SMH, advertising a home "exclusive to Gentlewomen: post-operative or requiring rest. Trained staff night and day. Private or share. Kooyong, Roseville. JA6822."

In May 1948, Mabel Winifred Francis' lease expired again (no further lease recorded). Also in May 1948, the property was transferred to Leo Vivian Armati of Mona Vale, Medical Practitioner […]. In March 1979, the property was transferred to Richard Paul Armati of Roseville, Medical practitioner, and Jill Leighton Armati, his wife as joint tenants.

Clanville Conservation Area - C32, C32B & C32C (KLEP 2015)

The Clanville Conservation Area has historic significance as the part of the David Dering Mathew 400 acre land grant "Clanville". The area has further historic significance for the successive subdivision of "Clanville" in the late nineteenth century subdivisions of Roseville Park Estate (1893) and Roseville Station Estate (1896), and the early twentieth century subdivisions of Clanville Estate (1903); Clanville Heights Estate (AKA Lindfield Heights Estate of 1906) (1905); Terry's Hill Estate (1908); Clermiston Estate (1912); Taraville Estate (1914); The First Estate (1918); The Garden Estate (1920); Horden's Roseville Estate (1922) and Archbold Hill Estate (1923). The area has aesthetic significance for the highly intact and quality Federation and inter-war houses, with some examples of mid to late twentieth century development. Architectural styles present from the Federation period include Federation and transitional Bungalows, Queen Anne, and Arts and Crafts, and present from the Inter-war period mostly Californian Bungalows but also Old English, Art Deco and Spanish Mission.

Controls

The following objectives and controls of the Ku-ring-gai Development Control Plan (KDCP) apply:

Development Controls	***Complies***
19A. SUBDIVISION AND SITE CONSOLIDATION	
19A.1. Subdivision and site consolidation for new development within an HCA	
Note: Applications for subdivision and site consolidation within an HCA will require a curtilage assessment	
1. Applications for subdivision and site consolidation within an HCA is discouraged and will only be considered if the application: *i) will have no adverse effect the significance of the HCA.* *ii) retains the typical block width characteristics and historic subdivision pattern of the area, including rear lanes.* *iii) the setting and curtilage of Heritage Items or significant buildings in the vicinity, including important structures and landscape elements are retained.* *iv) vistas and views to and from Heritage Items and contributory buildings, especially the principal elevations of buildings, are not interrupted or obscured.* *v) the landscape quality of the streetscape is retained.* *vi) the contours and any natural features of the site have been retained and respected.* *vii) will not result in future development which will adversely affect the significance, character or appearance of the HCA.*	 ***NO*** ***YES*** ***NO*** ***NO*** ***NO*** ***YES*** ***NO***
2. Subdivision or consolidation will not generally be permitted where the setting or curtilage of any Heritage Items and contributory properties within or adjoining the site, would be compromised.	***NO***

Development Controls	*Complies*
19A. SUBDIVISION AND SITE CONSOLIDATION	
19A.2. Subdivision and site consolidation of a heritage item	
1. Subdivision of a Heritage Item will only be supported where: *i) the subdivision does not adversely affect the cultural significance of the Heritage Item.* *ii) evidence of the historical setting, landscape and subdivision pattern can be recognised and/or retained.*	***NO*** ***NO***
2. Subdivision or consolidation will not be permitted where the curtilage and setting of a Heritage Item and significant buildings within or adjoining the site, would be compromised.	***NO***
Note: Applications for subdivision and site consolidation of a Heritage Item will require a curtilage analysis within the Heritage Impact Statement with particular emphasis on the potential impact on garden settings.	

19A.1. Subdivision and site consolidation for new development within an HCA

Objectives
1. To retain the historic subdivision patterns within HCAs, that reflect the age and circumstances of the early and later subdivisions including the characteristic rhythm and built form spacing.
2. To ensure that new development respects the established streetscape, and the historical patterns of development.
3. To ensure new subdivisions and lot consolidations do not have an adverse impact upon the curtilage of Heritage Items, the streetscape setting of significant buildings and the identified character of the HCA as a whole.

*For the following reasons the objectives of the controls (**19A.1i) + 19A.1ii) + 19A.1iii) + 19A1.iv) + 19A.1.v + 19A.1.vii) + 19A.2)** are not achieved:*

Curtilage is defined as the area of land surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance. The subject heritage item is double block. The curtilage of this site includes the dwelling house, garden and driveway. The proposed boundary adjustment would result in a smaller lot size for the heritage item that would encroach on the original dwelling resulting in a much smaller garden with the loss of the side garden area to the north-east of the dwelling, including some mature trees. This would disrupt the original setting and views to and from the heritage item.

The side garden area to the north-east of the dwelling which includes mature trees and shrubs will be greatly reduced by the proposed boundary adjustment which would have an adverse impact on it.

The setting of the heritage item includes the garden area at the side. The house was designed to open up to the garden areas for views and vistas. The proposed boundary adjustment would result in a smaller lot size that would encroach on the sideof the original building resulting in a much smaller garden area with disruption to views. The existing building will have limited private open space and less of a buffer zone between it and the proposed development.

The Statement of Heritage Impact, prepared by BIArchitects dated 12 August 2025, fails to properly address the impact of the proposed boundary adjustment on the curtilage of the heritage item. A detailed assessment of curtilage, as outlined in the Heritage Office Guide 'Heritage Curtilages' is required. The following must be considered: historical allotments, design style and taste, functional uses and interrelationships, visual links, scale, significant features, vegetation and archaeological features. A diagram grading the significance of each element, including outbuildings, vegetation and garden features, is also required.

19A.2. Subdivision and site consolidation of a heritage item

Objectives
1. To ensure new subdivisions and lot consolidations do not have an adverse impact upon the curtilage and setting of Heritage Items.
2. To encourage the incorporation of Heritage Items into larger consolidated development sites.
3. To ensure that new development respects and conserves the Heritage Item, its garden setting, its streetscape and important views.
4. To avoid isolation of Heritage Items within new developments.
5. To provide a visual transition between medium/high density residential development and the Heritage Item.

*For the following reasons the objectives of the controls (**19A.2i) + 19A.2ii) + 19A.2.2)** are not achieved:*

- *Curtilage is defined as the area of land surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance. The subject heritage item is a double block. The curtilage of this site includes the dwelling house, garden and driveway.*
- *The house was designed to open up to the garden areas for views and vistas. The proposed boundary adjustment would result in a smaller lot size that would encroach on the north-eastern side of the original building, resulting in a much smaller garden area with disruption to views. The existing building will have limited private open space and less of a buffer zone between it and the proposed development.*
- *The side garden area to the north-east, which includes mature trees and shrubs, will be greatly reduced by the proposed boundary adjustment which would have an adverse impact on the curtilage of the heritage item.*

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***
2. The demolition of Heritage Items and contributory properties within HCAs is not supported.	***YES***

Development Controls	*Complies*
19B. DEMOLITION WITHIN HCAs AND DEMOLITION RELATED TO A HERITAGE ITEM	
3. Whole demolition of buildings, structures and landscape features (including significant trees) is generally not supported unless the applicant can satisfactorily demonstrate: *i) demolition will not result in any adverse impacts on the streetscape or character of the HCA;* *ii) retention and stabilisation of the building or structure is unreasonable;* *iii) all alternatives to demolition have been considered with reasons provided why the alternatives are not acceptable;* *iv) the replacement building is compatible with the identified significance and character of the streetscape and the HCA as a whole.*	 ***NO*** ***N/A*** ***NO*** ***N/A***
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;* *iv) opportunities for adaptive re-use of the building.*	 ***NO*** ***NO*** ***N/A*** ***N/A***
5. Council may require reconstruction following any unauthorised removal of detail or important elements that contribute to the significance and character of the property and the HCA.	***N/A***
19B.2 Demolition related to a Heritage Item	
1. In accordance with the Ku-ring-gai Local Environmental Plan, development consent is required for: *i) Demolishing, moving, or altering the exterior of (including, in the case of a building, making changes to its detail, fabric, finish or appearance) an Aboriginal object or heritage item; and* *ii) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item.*	***YES*** ***YES*** ***N/A***
2. The demolition of a Heritage Item, including buildings, other structures, trees and landscape features, is not supported.	***NO***
3. Council will only consider the demolition of a Heritage Item where an applicant can satisfactorily demonstrate: *i) retention and stabilisation of the building or structure is unreasonable, taking into consideration the following: - the heritage significance of the property; - whether the building constitutes a danger to the public.* *ii) all alternatives to demolition have been considered with reasons provided as to why the alternatives are not acceptable.*	 ***N/A*** ***N/A***
Note: Council may require reconstruction following any unauthorised removal of detail or important elements that contribute to the significance and character of the Heritage Item. *Note: Plans for the replacement building are to be lodged concurrently so that the application can be assessed concurrently.*	

Development Controls	*Complies*
19B. DEMOLITION WITHIN HCAs AND DEMOLITION RELATED TO A HERITAGE ITEM	
Partial Demolition of a Heritage Item	
4. In considering applications for partial demolition of a Heritage Item (including parts of buildings and other structures, trees and landscape features), Council will assess: *i) the significance of the building part or structure and/or landscape features and whether its retention is considered necessary;* *ii) its contribution to the significance of the Heritage Item as a whole;* *iii) whether all alternatives to demolition have been considered with reasons provided as to why the alternatives are not acceptable.*	 ***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 (**19B.1.3i) + 19B.1.3iii) +19B.1.4i))** are not achieved:*

- *The removal of 12 trees to facilitate the boundary change (subdivision) on the site is unacceptable as it will result in adverse impacts upon the garden setting and curtilage of the item.*

19B.2 Demolition related to a Heritage Item

Objectives
1. To ensure that Heritage Items and all significant elements of Heritage Items are retained and conserved.
2. To provide a photographic record of a Heritage Item before and during major works including demolition.

*For the following reasons the objectives of the controls (**19B.2 + 19B.4.i) + 19B.4.ii) + 19B.4.iii))** are not achieved:*

- *The removal of 12 trees to facilitate the boundary change (subdivision) on the site is unacceptable as it will result in adverse impacts upon the garden setting and curtilage of the item.*

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.	***YES***

3. New paving and hard surfacing, particularly to front setbacks is to be limited.	***N/A***
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.	***N/A***
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.	***N/A***
6. New driveways are to provide landscaping on side boundaries.	***N/A***
7. New, traditionally designed gardens that enhance historic and aesthetic character of the streetscape and the HCA as a whole are encouraged.	***N/A***
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.	***N/A***
9. The use of a variety of plant species to avoid mono-cultural plantings along street frontages and as screen planting is encouraged.	***N/A***

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 control ***19C.3(1)***
are not achieved:
19C.3(1)

- *The removal of 12 trees to facilitate the boundary change (subdivision) on the site is unacceptable as it will result in adverse impacts upon the garden setting and curtilage of the item.*

Development Control	***Complies***
19D.3 Gardens and Landscaping	
1. Trees, and garden elements and structures which contribute to the significance of the Heritage Item are to be retained and conserved. Examples of historic garden elements and structures can include, but are not limited to, tennis courts, croquet lawns, grottos, ferneries, garden terracing, lawn edgings etc.	***NO***
2. New gardens should be horticulturally and stylistically sympathetic to the period of the Heritage Item. The use of similar materials such as sandstone, brick and gravel is encouraged.	***N/A***
3. The use of a variety of plant species to avoid mono-cultural plantings along street frontages and as screen planting is encouraged.	***N/A***
4. High solid hedges that screen buildings from the street are not permitted	***N/A***
5. New driveways are to provide landscaping on side boundaries.	***YES***
6. Front boundary hedges are to be a maximum 1.2m.	***N/A***

An assessment of the variations to the controls identified in the compliance table is provided below:

19D.3 Gardens and Landscaping
Objectives
1. To retain and conserve the significance of a Heritage Item in its setting.
2. To retain and conserve the significant garden elements and structures of Heritage Items and to retain an appropriate garden setting.
3. To provide landscape screening to neighbouring properties.

*For the following reasons the objectives of the control (**19D.3.1)** are not achieved:*

- *The proposed boundary adjustment would result in a smaller lot size for the heritage item that would encroach upon the original dwelling house resulting in a much smaller garden with the loss of the side garden area which includes the private open space to the north-east of the dwelling, including some mature trees. This would disrupt the original setting and views to and from the heritage item.*

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*** ***NO*** ***N/A***

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:

- *The removal of 12 trees to facilitate the boundary change (subdivision) on the site is unacceptable as it will result in adverse impacts upon the garden setting and curtilage of the item.*

Conclusion and Recommendations

The proposed boundary adjustment (subdivision) and removal of 12 trees will have an adverse impact on the heritage item and heritage conservation area and is not acceptable from a heritage perspective.

The applicant has failed to adequately address the impact of the proposed boundary adjustment on the curtilage in their Statement of Heritage Impact (SHI). A detailed analysis of curtilage is required.

The above referral comments have been considered and it is agreed the proposal will have an adverse impact on the heritage item and the heritage conservation area. These issues form recommended reasons for refusal.

Landscaping

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

KDCP COMPLIANCE TABLE		
Control	***Proposed***	***Complies***
Part 3A.4 Trees and Vegetation		
C1. Any subdivision or consolidation development is to maximise the retention of and minimise the impacts on existing significant trees and vegetation on or adjacent to the site.	***Tree removal*** ***Note:*** *The site is a listed heritage item, and the proposed subdivision does not include construction of a dwelling on the new lot, only an indicative footprint for a future dwelling and driveway. Therefore, consent to remove healthy trees at this stage is not justified.* *<u>The proposed subdivision includes the removal of the following 12 trees:</u>* *T7 – Celtis sinensis (Chinese Hackberry)* *T14 – Camellia sasanqua (Camellia)* *T15 – Ligustrum lucidum (Large-leaf Privet)* *T16 – Waterhousia floribunda (Weeping Lillypilly)* *T17 – Waterhousia floribunda (Weeping Lillypilly)* *T18 – x Cupressocyparis leylandii (Leyland Cypress)* *T19 - Alnus jorullensis (Evergreen Alder)* *T20 – Citharexylum spinosum (Fiddlewood)* *T28 – Ulmus parvifolia (Chinese Elm)* *T31 – Ligustrum sinense (Small-leaf Privet)* *T32 - Ligustrum lucidum (Large-leaf Privet)* *T34 – Chamaecyparis obtuse 'Crippsii' (Golden Hinoki Cypress)* *<u>The following tree removal is acceptable</u>* *a) The removal of T7, T15, T19, T28, T31, T32, T34 is acceptable as they are either weed species or in poor condition and of low retention value.* *<u>The following tree removal is not acceptable</u>* *b) The removal of T14, T16, T17, T18, T20 is not warranted at this stage as the trees are in good health with moderate retention value, and the proposed development does not include the construction of a dwelling*	

	house and driveway. ***Tree impacts*** *The future development of Lot 3 including the construction of a dwelling, driveway and stormwater works, will likely result in adverse impacts on the high retention value trees T2 and T26, located within Lot 3.* *To satisfy the relevant standards under AS 4970–2025 Protection of trees on development sites, and to ensure the preservation of Trees T2 and T26, a Section 88B instrument is recommended to restrict development works within the tree protection zone.* *<u>T2 – Liquidambar styraciflua (Liquidambar)</u>* *a) T2 is 18 metres high with a 17 metre canopy spread. The trunk of T2 will straddle the proposed boundary between Lots 2 and 3.* *b) The corner of the proposed indicative footprint on Lot 3, is located approximately 5 metres from the trunk of T2 resulting in a 6% encroachment which is a minor encroachment under AS4970-2025.* *c) The existing retaining wall and paving within Lot 2 on the south-eastern and south-western sides of the tree are proposed to be demolished. The demolition works will not result in further additional impacts on the tree, provided it is carried out using tree sensitive methods under the supervision of an arborist.* *d) As the land at rear of the proposed indicative dwelling footprint is at a higher level than the front, excavation beyond the footprint is likely, potentially resulting in additional impacts on T2.* *e) To ensure the preservation of T2 a Section 88b instrument is recommended to restrict changes to soil levels within the tree protection zone (TPZ).*	***YES***

<table>
<tr><td></td><td><u>T26 – Jacaranda mimosifolia (Jacaranda)</u>

a) T26 is 12 metres high with an 18 metre canopy spread.

b) T26 is located within Lot 3 and the indicative dwelling, driveway and stormwater on-site detention (OSD) footprints will result in a cumulative encroachment of 18% which is a moderate encroachment under AS4970-2025.

c) To ensure the preservation of T26 a Section 88b instrument is recommended to restrict changes to soil levels within the TPZ.</td><td></td></tr>
<tr><td colspan="3">Part 4A.4 Landscaping</td></tr>
<tr><td>C2. Tree replenishment and planting to be provided.</td><td>This control only applies to Lot 2 which includes the existing heritage dwelling.

<table><tr><th>Lot size</th><th>Number of trees</th></tr><tr><td>Less than 850m^2</td><td>3</td></tr><tr><td>850m^2 to 1,000m^2</td><td>5</td></tr><tr><td>1,001m^2 to 1,500m^2</td><td>7</td></tr><tr><td>Over 1,500m^2</td><td>10 or as directed</td></tr></table>
The site area is 1687m^2, therefore, the proposal is required to attain a total of 10 trees:

• The proposal retains 10 trees capable of attaining a minimum height of 13 metres.</td><td>YES</td></tr>
<tr><td colspan="3">Part 19 Heritage Items and Heritage Conservation Areas</td></tr>
<tr><td>19D.3 Gardens and Landscaping – Heritage Items</td><td>The proposal does not satisfy this Part.

• T2 and T26, located within the proposed new lot, both have high landscape significance and should be retained. While the proposal is assessed as capable of satisfying the applicable landscape controls, the resultant reduction in curtilage associated with the heritage item is a matter for consideration by Council’s Heritage Advisor.</td><td>NO</td></tr>
<tr><td colspan="3">Part 21.2 Landscape Design</td></tr>
<tr><td>21.2 Landscape Design</td><td>The landscape plan is not acceptable.</td><td>NO</td></tr>
</table>

To ensure the landscape design and species selection is suitable to the site its context and considers the amenity of residents and neighbours.	• *Over planting of 3 x Michelia doltsopa 'Silver Cloud' within the eastern side setback of the existing dwelling. Given that the species will have a minimum spread of 3 metres, it is recommended that the planting be reduced to 2 specimens.* • *Inappropriate placement of planting including 3 x Camellia sasanqua within the eastern side setback of the existing dwelling. These specimens are to be relocated closer to the boundary to allow access along the eastern side of the dwelling.* • *The proposed planting of two canopy trees within the new lot (Lot 3) is acceptable. However, the planting of screening vegetation adjacent to the eastern and western sides of the indicative dwelling footprint is not recommended prior to the construction of the new dwelling. This screen planting would also conflict with existing vegetation along the eastern boundary, which is proposed to be retained. See following comment.* • *As noted above at Part 3A.4, the removal of T14, T16, T17, T18, T20 is not warranted at this stage as the trees are in good health with moderate retention value, and the proposed development does not include the construction of a dwelling and driveway.*	

The above referral comments have been considered and it is agreed the proposal will result in excessive and unwarranted tree removal and an unsatisfactory landscape proposal. These issues form recommended reasons for refusal.

Engineering

Council's Development Engineer commented on the proposal as follows:

> ***Water Management***
>
> *The development is a Type 8 – Subdivision (Boundary adjustment), Location 'A' (drains to the street).*
>
> *The site is not located within a flood prone area and does not benefit from an on-site detention exemption as per Part 24R.5 of KDCP - OSD Exemption Map.*

A drainage concept plan prepared by KD Stormwater Pty Ltd has been submitted. The plan depicts runoff from each lot draining to the street. The existing pipeline contained within both lots is proposed to be decommissioned, which is acceptable.

Written evidence (email from RD Plumbing and Gas dated 15/09/2025) has been submitted stating that the existing stormwater system is in good working order.

A 2,000L rainwater tank for irrigation purposes for the existing dwelling house retained on proposed Lot 2 is proposed which is compliant with Part 24C.4 of KDCP.

The OSD system for the future dwelling shown on Lot 3 is indicative only and is not required to be constructed as a part of this DA. The proposed grated pit close to the driveway and associated pipe connected to the existing drainage pipe should be constructed as a part of this DA. This could be resolved via condition if the application was recommended for approval.

Vehicle Site Access

The proposal retains the existing vehicular crossing from the street to both lots which is acceptable. The additional paved/ surface driveway would need to be constructed as part of the subdivision works.

Plan of Subdivision

A proposed Subdivision Plan has been submitted. As part of the 88B Instrument, a right of carriage way would need to be created over Lot 3 for the benefit of Lot 2.

A Section 73 (Sydney Water) Compliance Certificate for subdivision would be required as a condition of consent for any approval issued.

Connection to services

Utility services for both lots particularly the sewer main/line to service the allotments can be made available and connected to the existing sewer system towards the western site of Lot 2. It is recommended that the applicant consult with Sydney Water regarding the extent of works required as part of the Section 73 Compliance Certificate.

It is agreed that the proposed development is satisfactory from an engineering perspective.

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. Council have considered the historical use of the site as a hospital and its current 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

6.6 'Water quality and quantity' and clause 6.7 'Aquatic ecology'

The provisions of section 6.6 'Water quality and quantity' and section 6.7 'Aquatic ecology' have been considered in the assessment of the proposal. The stormwater system includes design measures to address the requirements of section 6.6. The proposal is also found to be consistent with the requirements of section 6.7 as it is unlikely to impact on aquatic ecology and appropriate erosion and sediment control measures are proposed.

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

Ku-ring-gai Local Environmental Plan 2015

Clause 1.2 Aims of the Plan

Ku-ring-gai Local Environmental Plan 2015 is the statutory LEP for the subject site.
In summary, the objectives of this plan are to:

- *guide future development with respect to environmental, social, economic, heritage and cultural outcomes,*
- *provide housing choice,*
- *achieve land-use relationships that promote efficient use of infrastructure.*

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.

Clause 2.1-2.3 Zoning and Permissibility

The site is zoned R2 Low Density Residential under the Ku-ring-gai Local Environmental Plan 2015. The proposed subdivision is permissible with development consent under clause 2.6 of the KLEP 2015. Physical works associated with the existing dwelling house are permissible as a dwelling house is a permissible form of development in the zone.

The objectives of this zone are:

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

For the following reasons the proposed development is inconsistent with the third objective of the R2 zone:

- The proposed subdivision will detract from the existing heritage character and garden setting at the site and in the surrounding locality.
- The proposed development results in unacceptable tree impacts that are not consistent with the objectives of the zone which aim to provide housing that is compatible with the environmental character of Ku-ring-gai.

Development standards:

Ku-ring-gai Local Environmental Plan 2015

Development standard	Proposed	Complies
Cl 4.1 - Minimum subdivision lot size: Minimum Lot Size – 790m^2	Lot 2 – 1,687m^2 Lot 3 – 1,075m^2	**YES**
Cl 4.4 - Floor space ratio (FSR): Lot 2: Maximum Floor Space Ratio - 0.3:1 Gross Floor Area = 507.4m^2	Lot 2: 0.247:1 (approximately)	**YES**

Part 5 Miscellaneous provisions

Clause 5.10 – Heritage conservation

The subject site contains a heritage item, is located within 100 metres of an Item, and is within a heritage conservation area.

The proposal would have an adverse impact on the heritage significance of the dwelling and conservation area. The application fails to meet the requirements of Clause 5.10 for the reasons detailed in the Heritage referral in the section above.

The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance.

Part 6 Additional local provisions

Clause 6.1 – Acid sulphate soils

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

Clause 6.2 - Earthworks

Earthworks for services and stormwater will not restrict the existing or future use of the site for this application, 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 objectives of this clause seek to avoid or minimise the adverse impacts of urban stormwater on the land on which development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems. The proposal has been considered against the objectives of this clause and is acceptable.

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

Ku-ring-gai Development Control Plan

Part 1A.5 General aims of the DCP

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

Part 2: Site analysis

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

Part 3: Land consolidation and subdivision

The proposed development has been assessed against Part 3 of the KDCP, where variations to controls in Part 3 are not supported, they form reasons for refusal for this application.

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
Part 3 land Consolidation and Subdivision		
3A – General Controls for Consolidation and Subdivision		
3A.1 Lot Shape, Orientation and Design		
1. The lot shape, orientation and design of consolidated and subdivided lots is to demonstrate the following:		
i. Ability for the lot to support the land use permitted under the zoning.	The proposed allotments are capable of supporting the land use permitted under the zoning which is primarily single occupancy dwelling houses.	**YES**
ii. Protection of habitat and distinctive environmental features including: - Cliffs and rock outcrops - Remnant bushland and trees - Tree hollows - Natural watercourses	The proposed subdivision does not impact distinctive habitat features.	**YES**
iii. Sharing of views.	The proposed subdivision and the new proposed building envelope will disrupt the views toward the heritage item.	**NO (reason for refusal 1)**
iv. Protection and enhancement of the amenity, solar access, privacy, open space and views of the neighbouring lots.	The subdivision is likely to have impact on amenity and views from neighbouring lots toward	**NO**

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
	the heritage item.	
v. Incorporation of the principles of water sensitive urban design.	Complies.	**YES**
vi. Easements and servicing requirements.	A right of way easement would be required for driveway access to Lot 2.	**YES**
vii. Vehicular, pedestrian and bicycle access.	Vehicular and pedestrian access is available to both lots.	**YES**
viii. Respect for and conservation of cultural heritage including any Aboriginal place or site of heritage significance. Note: Refer to Part 20 for Subdivision and Consolidation for new development on a Heritage Item or a HCA.	The proposed subdivision will result in impacts on the heritage item and the heritage conservation area.	**NO (reason for refusal 1)**
The block width, dimension, orientation and layout are to consider the existing subdivision pattern of the locality.	The proposed subdivision layout is consistent with the existing layout of the locality.	**YES**
New lot/s created are to be such that each lot with street frontage allows for the siting of a development which will address the street.	Both lots have an adequate street frontage.	**YES**
3A.3 Building Footprint		
Potential building footprints are to be identified on the site plan of all consolidations and subdivisions.	The building footprint is identified on the plan.	**YES**
Building footprints are to be located outside areas of ecological or heritage significance and to avoid the loss of trees.	Building footprint does not respect the curtilage of the heritage item.	**NO (reason for refusal 1)**
The footprint is to be located in an accessible and practical location, preferably with relatively flat terrain, stable soil and geology. Note: A geotechnical report may be required for steeper sites.	The topography is relatively flat.	**YES**
The building footprint must be located and designed so as to allow useable open space that satisfies the open space requirements of the particular development type.	Adequate open space is provided.	**YES**
The footprint is to be applied in accordance with the minimum building setbacks.	The minimum building setbacks have been adhered to.	**YES**
Practical and suitable access is to be provided from a public road to the building footprint.	An indicative and suitable driveway is shown on the plan.	**YES**

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
The building footprint must be located in accordance with the requirements in Part 24 of the KDCP.	The building footprint is in accordance with Part 24 of the KDCP.	**YES**
3A.4 Trees and Vegetation		
Any subdivision or consolidation proposal must demonstrate that the location and design of: i. building footprints; ii. access ways; iii. roadways, including perimeter roads or trails; iv. services; v. inter-allotment drainage easements; and vi. asset protection zones maximises the retention of, and minimises impacts on existing significant trees and vegetation on or adjacent to the site.	The proposed subdivision results in unacceptable tree impacts which forms a reason for refusal as discussed in the landscaping referral.	**NO (reason for refusal 2)**
For the purposes of control 1 above, significant trees and vegetation includes but is not limited to cultural plantings, large and visually prominent trees, bushland and endangered ecological communities.	Not acceptable as per above.	**NO (reason for refusal 2)**
Where a site is particularly constrained a more detailed layout of the potential development may be required.	The subdivision layout is considered sufficient as the site isn't particularly constrained.	**YES**
3A.5 Access		
Each lot must provide access from a constructed or dedicated public road. Where access is proposed to a section of unconstructed public road, the newly created lot will need to provide lawful, constructed access to Council's satisfaction.	Complies	**YES**
Access for service vehicles, emergency vehicles and waste collection vehicles must be available. Note: If access is to be provided from a main road it must be in compliance with Transport for NSW requirements.	Access is adequate.	**YES**
3A.6 Infrastructure		
All lots shall be provided services such as electricity, gas, town water supply, sewerage and communications. Such services must be located underground where new road construction occurs, and in bush fire prone lands. Services are to be	Services are shown on the plans.	**YES**

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
located in accordance with Figures 3A.6-1 & 3A.6-2 of the DCP. Note: In Bush fire Prone Lands, services are to be provided in accordance with the requirements of Planning for Bush Fire Protection (PBP).		

Part 4: Dwelling Houses

The table below addresses the assessment criteria contained under Part 4 of the DCP.

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 proposed alterations to the heritage item (including patio) are acceptable.	**YES**
The appearance of the dwelling is to maintain the local visual character by considering the following elements: i) visibility of on-site development when viewed from the street, public reserves and adjacent properties; and ii) relationship to the scale, layout and character of the tree dominated streetscape of Ku-ring-gai.	The existing dwelling house will remain.	**YES**
The prominent and high quality characteristics of the neighbourhood are to be identified and considered as part of the site analysis.	Complies	**YES**
Visually Prominent Sites Development on visually prominent sites is to: i) be integrated into the existing landscape through the site planning process and avoid tall and bulky structures; ii) have a selection of external colours and finishes that are sensitive to the site and locality; iii) retain significant landscape and vegetation elements; iv) consider views to the site as well as those from the site; and	This heritage listed site is visually prominent within the streetscape and subdividing the land will adversely impact the HCA.	**NO (reason for refusal 1)**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
v) soften visual impact by extensive landscaping including larger trees and shrubs.		
4A.2 Building Setbacks		
Building Line (Rear Setbacks)		
For sites with a depth greater than 48m, a minimum 12m rear setback is to be provided.	The setback of the indicative building footprint is a minimum 12 metres.	**YES**
Building Line (Side Setbacks)		
<20m width - 1.5m single storey elements - 2m two storey	The indicative building footprint has minimum setbacks of 1.5m (north) and 2.5m (south) which are capable of compliance (subject to building height).	**YES**
>20m width - 9% of site width for single storey elements - 12% of site width for two storey elements	The side setback is to be a minimum 2.22m for single storey elements and 2.96m for two storey elements. The north-eastern side setback is 3.4m.	**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.	Landscaping in the north-eastern side setback for Lot 2 is more than 1.1m wide.	**YES**
Side setbacks are to accommodate shrubs to a height of 3-4m for two storey houses, and 2-3m for single storey houses.	Shrubs that are 3-4 metres in height are proposed between the neighbouring property to the north and the building envelope proposed.	**YES**
4A.3 Built-Upon Area		
Max BUA Lot 2: 50% (843.5m²) Lot 3: 54% (580.5m²)	Lot 2: The Built upon area is 1,012m^2 / 59.99% Lot 3: The built upon area is 367.24m^2 / 34.16%.	**NO (reason for refusal 4)** **YES**
The proposal is to include a reasonable provision of built elements, normally associated with a residential property, such as pathways, and show consideration of these elements at an early stage of the design process	Reasonable provision is made for Lot 2.	**YES**

<table>
<tr><th colspan="3">DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses</th></tr>
<tr><th>Development control</th><th>Proposed</th><th>Complies</th></tr>
<tr><td>The BUA of the front setback is to be maximum 30%</td><td>The BUA of the front setback for both lots complies.</td><td>YES</td></tr>
<tr><td colspan="3">4A.4 Landscaping</td></tr>
<tr><td>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.</td><td>The proposal results in unacceptable impacts due to the removal of trees. This issue forms a recommended reason for refusal.</td><td>NO (reason for refusal 2)</td></tr>
<tr><td>Landscaping is to include tall trees, small trees, shrubs and ground covers.</td><td>Adequate trees and shrubs are provided.</td><td>YES</td></tr>
<tr><td>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.</td><td>The landscape design is not acceptable (see Landscape and Tree Assessment Officer comments).</td><td>NO (reason for refusal 3)</td></tr>
<tr><td>Tree replenishment<table><tr><td>Less than 850m^2</td><td>3 trees</td></tr><tr><td>850m^2 to 1,000m^2</td><td>5 trees</td></tr><tr><td>1,001m^2 to 1,500m^2</td><td>7 trees</td></tr><tr><td>Over 1,500m^2</td><td>10 trees or as directed</td></tr></table></td><td>Complies</td><td>YES</td></tr>
<tr><td colspan="3">4B – Access and Parking</td></tr>
<tr><td colspan="3">4B.1 Vehicle access</td></tr>
<tr><td>Vehicular Access</td><td></td><td></td></tr>
<tr><td>Wherever possible, driveways must be located so that driver and pedestrian sight lines are clear.</td><td>The existing driveway is to be retained with adequate pedestrian and vehicle sight lines.</td><td>YES</td></tr>
<tr><td>Driveways</td><td></td><td></td></tr>
<tr><td>Not more than one driveway is to be provided on any property with a street frontage width of less than 18m.</td><td>One driveway is proposed.</td><td>YES</td></tr>
<tr><td>A maximum of two driveways may be provided on any property with a street frontage more than 18m.</td><td>One driveway is proposed.</td><td>YES</td></tr>
<tr><td>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.</td><td>The existing crossing is retained.</td><td>YES</td></tr>
<tr><td>Where long driveway are proposed, consideration is to be given to curving the entrance to the street.</td><td>The existing curved driveway is retained.</td><td>YES</td></tr>
</table>

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
Driveways designed in accordance with AS 2890.1 (2004) Off Street Car Parking	The indicative driveway for Lot 3 is capable of compliance subject to detailed design in a future DA.	**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.	The existing dwelling has more than 2 car spaces.	**YES**
Provision of more than 2 car spaces is discouraged in locations where there is availability of public transport.	The site is not within 400 metres walking distance of a train station.	**YES**
4C – Building Design and Sustainability		
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.	Adequate private open space is provided for both lots.	**YES**
Landscape areas are to provide functional outdoor areas that: i) are useable and relate well to indoor living areas; ii) have a character that is consistent with or enhances the landscape character of the area; iii) are located in consideration of noise, temperature, shade and screening; iv) are not dominated by adjoining development (in terms of overshadowing and overlooking);	A functional outdoor area for Lot 2 is retained.	**YES**
Private open space is to constitute at least one north facing area providing adequate solar access.	The subdivision retains areas of private open space on Lot 2 that have a northerly aspect.	**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.	An adequate waste management plan was prepared for this application.	**YES**

Section B

Part 19 – Heritage and Conservation Areas

The subject site contains a heritage item, is located within 100 metres of an Item, and is within a heritage conservation area.

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 clause 5.10 in 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 item and heritage conservation area and is not acceptable.

Ku-ring-gai Development Control Plan

Section C

Development Control	Proposed	Complies
Part 21 General Site 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 design is not acceptable.	**NO (reason for refusal 3)**
23.9 – Construction, Demolition and Disposal		
Satisfactory Environmental Site Management Plan	A standard condition would be included if the application were approved.	**YES**

Part 24 – Water management

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

Ku-ring-gai Contributions Plan 2010

Ku-ring-gai Contributions Plan 2010 applies to all development in Ku-ring-gai that creates a demand for the infrastructure identified in the Plan. This includes forms of residential development that create additional dwellings. If the proposed application were to be approved a section 7.11 contribution of $30,863.00 in accordance with Ku-ring-gai Contributions Plan 2010 would be payable.

Housing Productivity Contribution (HPC)

If the application was to be approved, the application would require a HPC of $10,812.17, as it is subdivision development with a credit for the two existing lots with an increased demand on State infrastructure.

REGULATION

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

LIKELY IMPACTS

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

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 its approval would be inconsistent with the public interest.

CONCLUSION

Having regard to the provisions of section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be 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 eDA0530/25 for boundary adjustment, demolition of patio, tree removal and landscaping works at 40 Roseville Avenue, Roseville, for the following reasons:

1. Unacceptable heritage impact on the curtilage and setting of heritage item

The proposed subdivision has adverse impacts on the heritage item and heritage conservation area is inconsistent with Clause 5.10 ‘Heritage conservation’ of the Ku-ring-gai Local Environmental Plan 2015 (KLEP) and Part 3, Part 4 and Part 19 of the Ku-ring-gai Development Control Plan (KDCP).

Particulars:

a) As per Part 19A.2 Control 2 and Objectives 1 and 3 of Ku-ring-gai Development Control Plan (KDCP), subdivision or consolidation is not permitted where the curtilage and setting of a heritage item and significant buildings within or adjoining

the site, would be compromised. The proposed subdivision does not respect the heritage item, it's garden setting and important views.

b) Part 19A.2 Control 1(i) states that subdivision of a heritage item will only be supported where the subdivision does not adversely affect the cultural significance of the heritage item. Based on the information provided, the proposed subdivision diminish the cultural significance of the heritage item and contravenes this control.

c) Part 3A.1 Control 1(x) requires the proposed development to have respect for cultural heritage. The subdivision does not respect the heritage item, its curtilage and the heritage conservation area.

d) Part 3A.3 Control 2 requires building footprints to be located outside areas of heritage significance. The subdivision and future building footprint are located within the curtilage of the heritage item and will adversely impact its significance.

e) Part 4A.1 Control 1 and 2 and objective 1 require the development to be sensitively designed and to maintain the existing high quality character of the street and locality. The proposed subdivision will alter the existing heritage character through the addition of built form and changes to the garden setting.

f) As per Part 3A.1 Control 1 (iv), amenity and views of neighbouring lots is to be protected. The proposed building envelope will impact the amenity and views toward the heritage item from neighbouring lots and the public domain.

2. Unacceptable tree removal

The tree removal within Lot 3 is not warranted, as the proposed development does not include the construction of a dwelling house or driveway. As such, the proposal fails to satisfy the relevant controls under Part 3A.4 of KDCP.

Particulars:

a) Part 3A.4 Controls 1 and 2, requires subdivision design to maximise the retention of, and minimise impacts to, existing significant trees and vegetation. The removal of T14, T16, T17, T18 and T20 is inconsistent with Controls 1 and 2.

b) As per Part 4A.4 Control 1, proposals are to retain existing trees where possible. The proposed removal of T14, T16, T17, T18 and T20 is not warranted at this stage as the trees are in good health with moderate retention value, provide good amenity and the proposed development does not include the construction of a dwelling and driveway which would necessitate removal of the trees.

3. Unacceptable landscape proposal

The landscape plan fails to provide appropriate planting for the existing dwelling on Lot 2 and proposed future development of Lot 3. As such, the proposal fails to satisfy the relevant objectives and controls under Part 21.2 of the KDCP.

Particulars:

a) Part 21.2 Control 3 encourages the retention of existing appropriate screen planting. To satisfy this control, the removal of T14, T16, T17, T18, T20 is not warranted at this stage as the trees are in good health with moderate retention value, and the proposed development does not include the construction of a dwelling and driveway.

b) As per Part 21. 2 Objective 2, landscape design and species selection are to be suitable to the site and context. The proposal includes over planting within the eastern side setback of the existing dwelling (3 x Michelia doltsopa 'Silver Cloud'). Given that the species will have a minimum spread of 3 metres, the proposed planting will result in overcrowding and poor growth for these trees.

c) As per Objective 2, the proposal includes inappropriate placement of planting of 3 x Camellia sasanqua within the eastern side setback of the existing dwelling which would block access along the eastern side of the dwelling.

d) The planting of screening vegetation adjacent to the eastern and western sides of the indicative dwelling footprint is not recommended prior to the construction of the new dwelling. This screen planting would also conflict with existing vegetation along the eastern boundary, which is proposed to be retained.

e) As per Part 4A.1 Control 4, visually prominent sites are to retain significant landscaping and be integrated within the existing landscaping. The proposed heritage listed item is significant within the streetscape and the proposed development does not adequately retain and integrate landscaping within the design.

4. Built Upon Area non-compliance

The proposed built-upon area (BUA) for Lot 2 is excessive and does not comply with the objectives and controls of Part 4A.3 of KDCP.

Particulars:

a) As per Part 4A.3 Control 1, the BUA for Lot 2 is to be a maximum of 50% of the site area. The proposed hard surface area for Lot 2 is approximately 1,012m^2 which is 59.99% of the site area and does not comply. The proposed boundary adjustment results in a BUA that is excessive for the reduced area of the lot. Consequentially the proposal does not result in an appropriate balance of built and natural elements and is not consistent with the local built and landscape character as per objectives 1 and 4.

5. Insufficient information – curtilage

The proposed development has not been informed by a detailed and robust curtilage analysis.

Particulars:

a) Control 3 in Part 19A.1 of the KDCP states, 'Applications for subdivision and site consolidation within an HCA will require a curtilage assessment'. The Note under control 2 in Part 19A.2 of KDCP states: 'Applications for subdivision and site consolidation of a Heritage Item will require a curtilage analysis within the Heritage Impact Statement with particular emphasis on the potential impact on garden settings'.

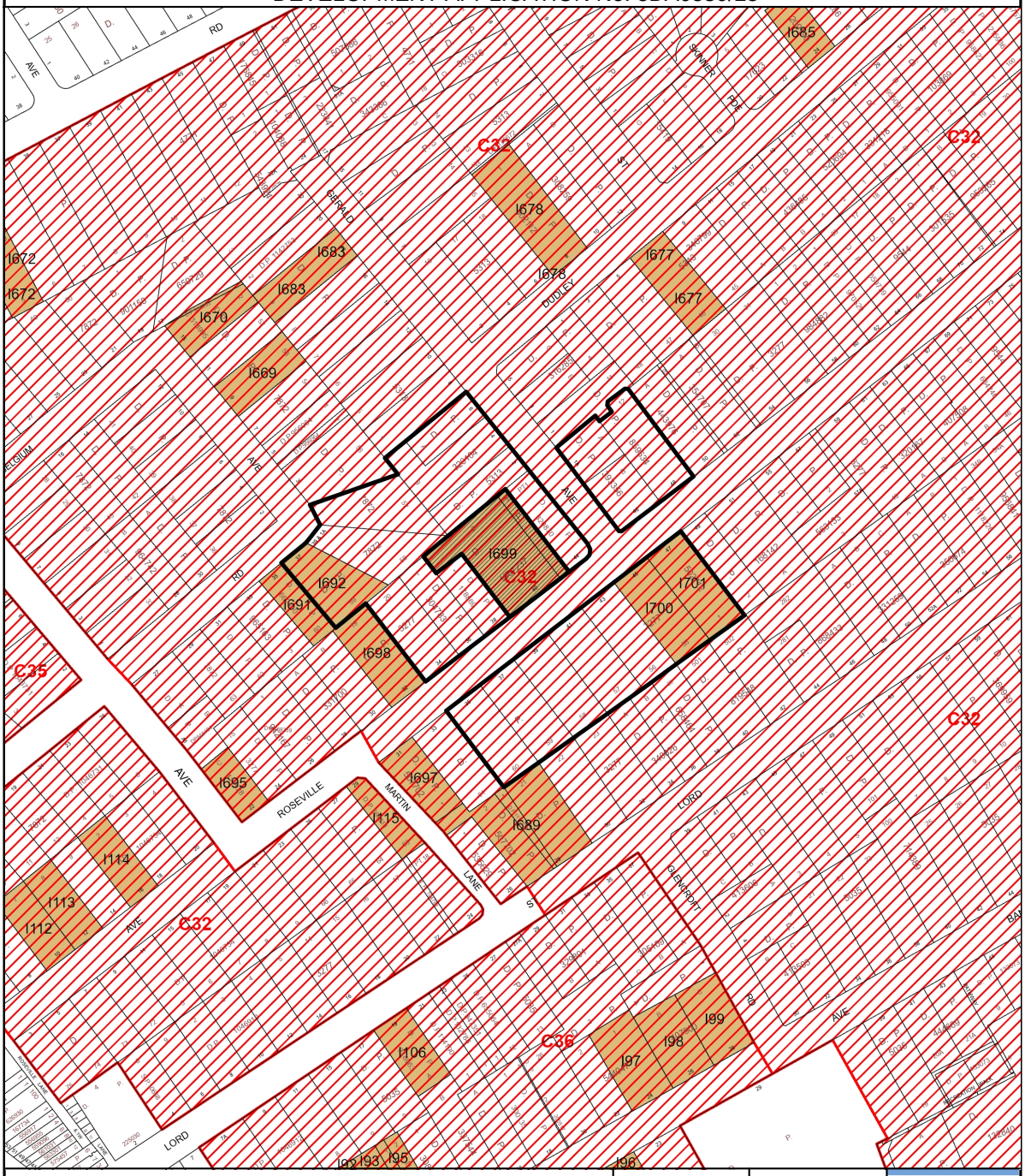
b) The Statement of Heritage Impact, prepared by BIArchiects dated 12 August 2025, fails to properly address the impact of the proposed boundary adjustment on the curtilage of the heritage item.

c) A detailed assessment of curtilage, as detailed in the Heritage Office Guide ‘Heritage Curtilages’ is required. The following aspects must be considered: historical allotments, design style and taste, functional uses and interrelationships, visual links, scale, significant features, vegetation and archaeological features. A diagram grading the significance of each element, including outbuildings, vegetation and garden features, is also required.

LOCATION SKETCH

40 Roseville Avenue ROSEVILLE NSW 2069

DEVELOPMENT APPLICATION No. eDA0530/25



Legend

- SUBJECT LAND
- CIRCULATED AREA
- HERITAGE ITEM
- CONSERVATION AREA

Scale 1 : 3000

08/01/2026

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

60 0 30 60

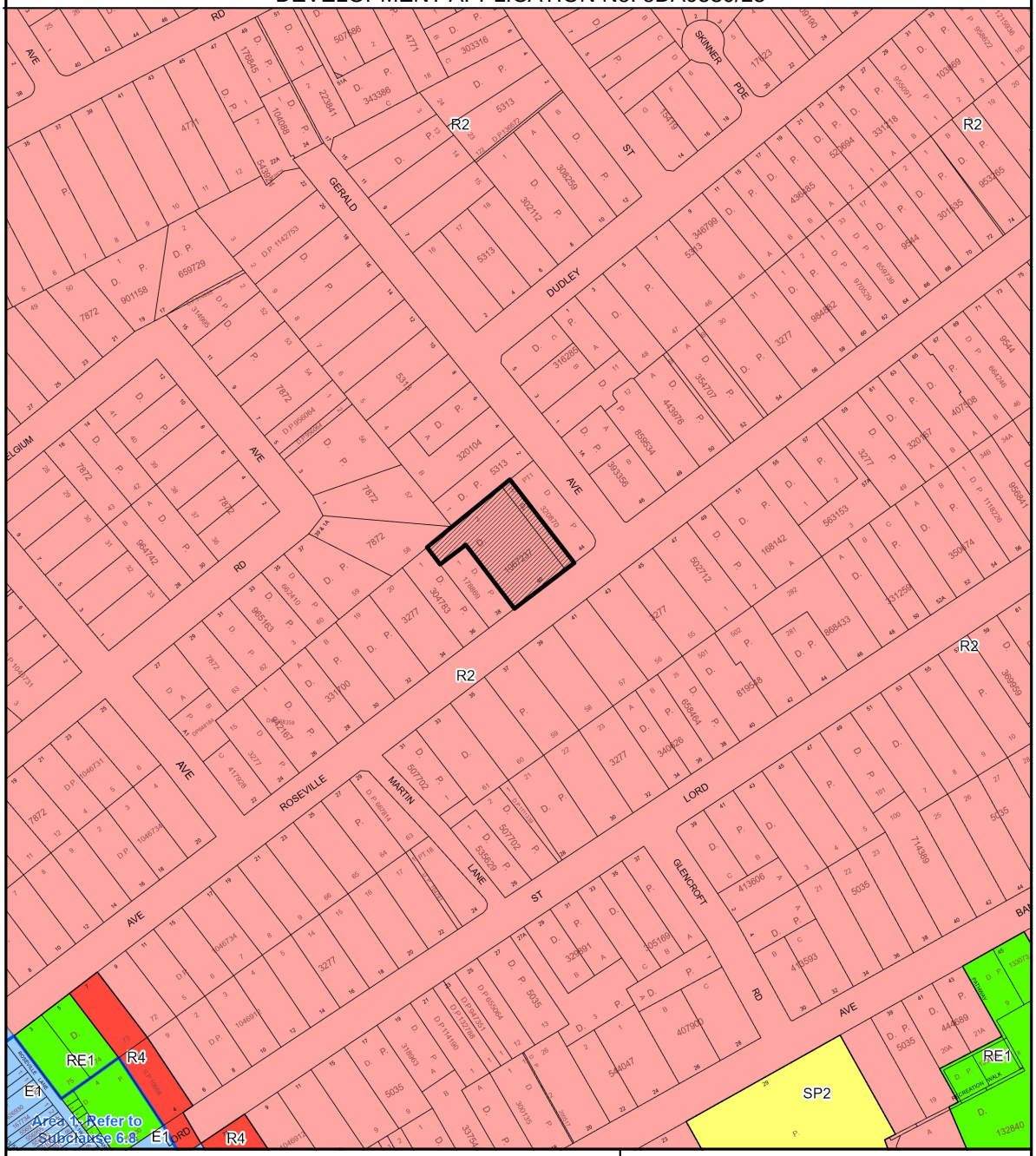
Meters

Ku·ring·gai Council

KU-RING-GAI LEP 2015 ZONING EXTRACT

40 Roseville Avenue ROSEVILLE NSW 2069

DEVELOPMENT APPLICATION No. eDA0530/25



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 : 3000

Date: 08/01/2026

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NORTH

0 60 120

Meters

Ku·ring·gai Council

PROJECT

PROPOSED SUBDIVISION OF LOT 2 & 3 IN DP1067237
40 ROSEVILLE AVENUE, ROSEVILLE

SUBJECT

DEVELOPMENT APPLICATION
KU-RING GAI MUNICIPAL COUNCIL

CLIENT

BOB WHEELDON
JOB No: 1363/25

DATE

23.07.25 A DA ISSUE FOR SUBDIVISION

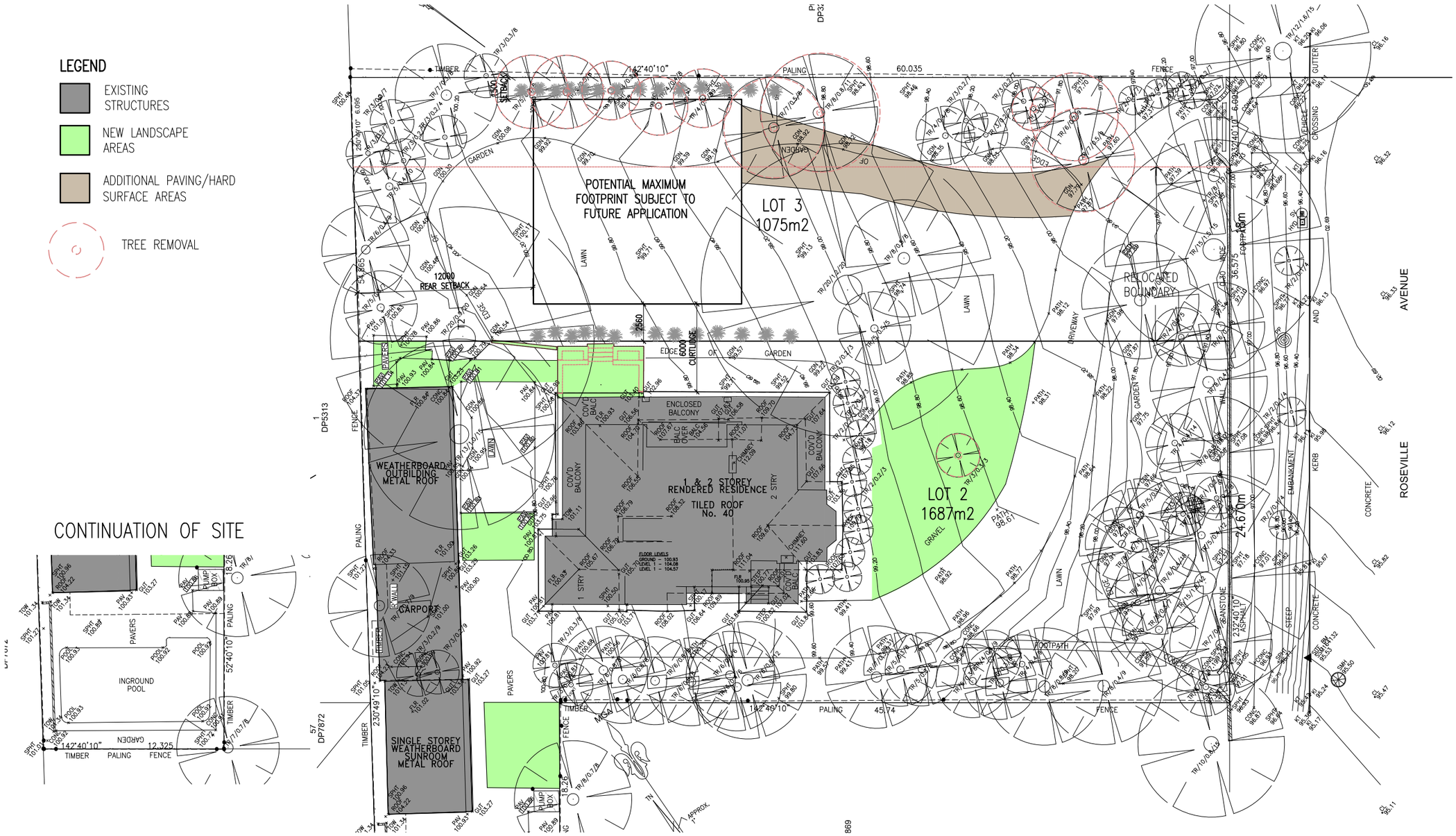
DRAWING SCHEDULE

A01	A	TITLE SHEET
A02	A	SITE PLAN 1:250
A03	A	SITE ANALYSIS PLAN 1:250
A04	A	PROPOSED SUBDIVISION PLAN 1:200
A05	A	PROPOSED SERVICES PLAN 1:200

BEAN PROJECT
MANAGEMENT & DESIGN
ABN 54 144 658 793
LEVEL 1, SUITE 15 895 PACIFIC HIGHWAY,
PYMBLE. NSW 2073
PHONE: 9440 8524
EMAIL: admin@beanprojects.com.au

LEGEND

- EXISTING STRUCTURES
- NEW LANDSCAPE AREAS
- ADDITIONAL PAVING/HARD SURFACE AREAS
- TREE REMOVAL



COPYRIGHT 2025 THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF BEAN PROJECT MANAGEMENT & DESIGN – ALL DIMENSIONS TO BE CHECKED ON SITE BY BUILDER PRIOR TO CONSTRUCTION – USE FIGURED DIMENSIONS INSTEAD OF SCALE – ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION – RETAIN ALL TREES UNLESS OTHERWISE NOTED	AMENDMENTS 23.07.25 A DA ISSUE FOR SUBDIVISION	BEAN Project Management & Design	BEAN PROJECT MANAGEMENT & DESIGN ABN 54 144 658 793 LEVEL 1, SUITE 15 895 PACIFIC HIGHWAY, PYMBLE. NSW 2073 PHONE: 9440 8524 EMAIL: admin@beanprojects.com.au				PROPOSED SUBDIVISION OF LOT 2 & 3 of DP1067237 40 ROSEVILLE AVENUE, ROSEVILLE FOR: BOB WHEELDON
			JOB No. 1363/25	SCALE 1:250	DATE 23.07.25	DESIGNED AH	DRAWING TITLE SITE PLAN
							DRAWING No. A02–A

CALCULATIONS

LOT 2
SITE AREA (by calc) 1687sqm

EXISTING SITE COVER

RESIDENCE (incl verandah, stairs)	273.83sqm
CARPORT/OUTBUILDINGS	167.81sqm
POOL	91.45sqm
POOL BOX & PAVING	5.72sqm
DRIVEWAY/PAVING/PATHS	510.75sqm
TOTAL	62.21% or 1049.56sqm

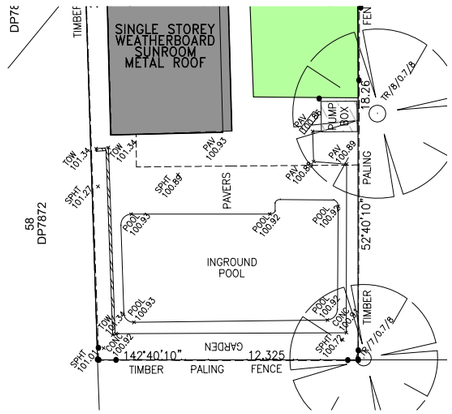
PROPOSED SITE COVER

RESIDENCE (incl verandah, stairs)	253.11sqm
CARPORT/OUTBUILDINGS	167.81sqm
POOL	91.45sqm
POOL BOX & PAVING	5.72sqm
DRIVEWAY/PAVING/PATHS	321.90sqm
TOTAL	840.00sqm
PROPOSED B.U.A.	840.00sqm or 49.79%
MAXIMUM B.U.A	843.50sqm or 50.00%

EXISTING & PROPOSED FLOOR AREA

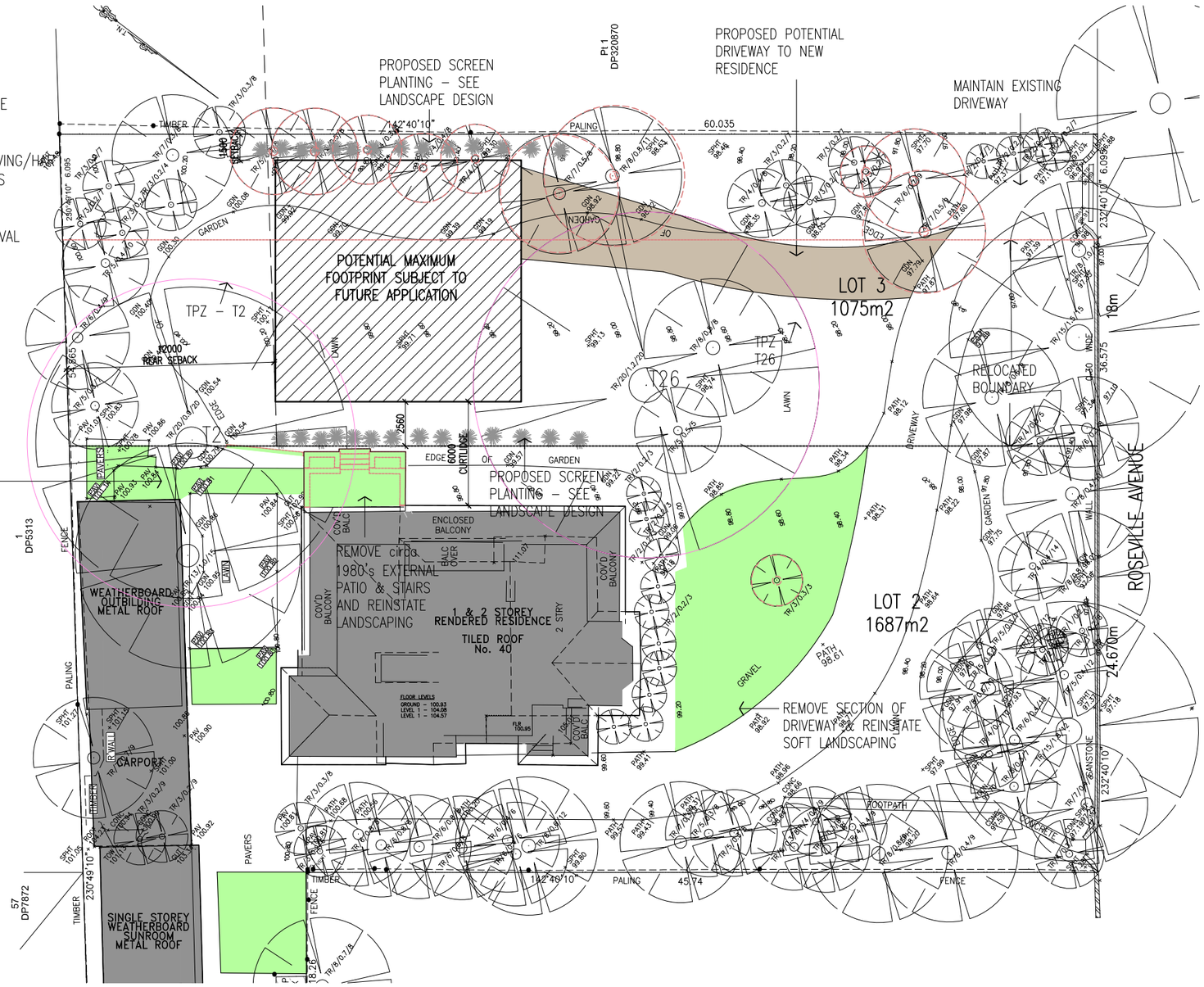
GROUND FLOOR	158.75sqm
FIRST FLOOR	110.15sqm
SUNROOM	44.08sqm
CARPORT	45.60sqm
OUT BUILDING	64.94sqm
TOTAL	423.52sqm
LESS STAIRS/VOID	4.61sqm
LESS GARAGE ALLOWANCE	31.00sqm
EXISTING/PROPOSED F.S.R.	387.91sqm or 0.23:1
MAX. ALLOWED FSR	507.40sqm or 0.30:1

CONTINUATION OF SITE



LEGEND

- EXISTING STRUCTURES
- NEW LANDSCAPE AREAS
- ADDITIONAL PAVING/HARD SURFACE AREAS
- TREE REMOVAL



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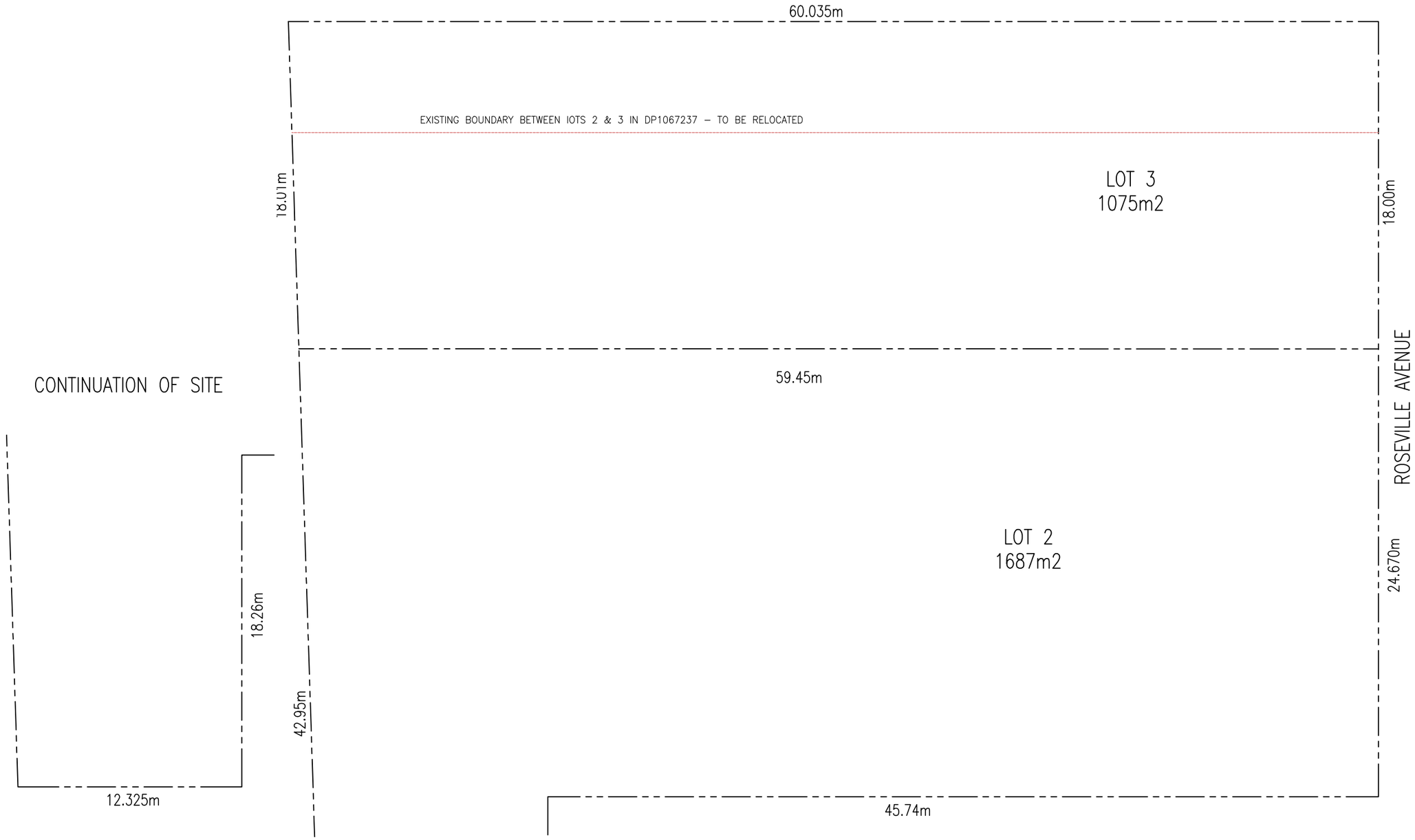
AMENDMENTS
23.07.25 A DA ISSUE FOR SUBDIVISION

BEAN PROJECT MANAGEMENT & DESIGN
ABN 54 144 658 793
LEVEL 1, SUITE 15 895 PACIFIC HIGHWAY, PYMBLE. NSW 2073
PHONE: 9440 8524 EMAIL: admin@beanprojects.com.au

JOB No.	SCALE	DATE	DESIGNED
1363/25	1:250	23.07.25	AH

PROPOSED SUBDIVISION OF LOT 2 & 3 of DP1067237
40 ROSEVILLE AVENUE, ROSEVILLE
FOR: BOB WHEELDON

DRAWING TITLE: SITE ANALYSIS PLAN
DRAWING No.: A03–A



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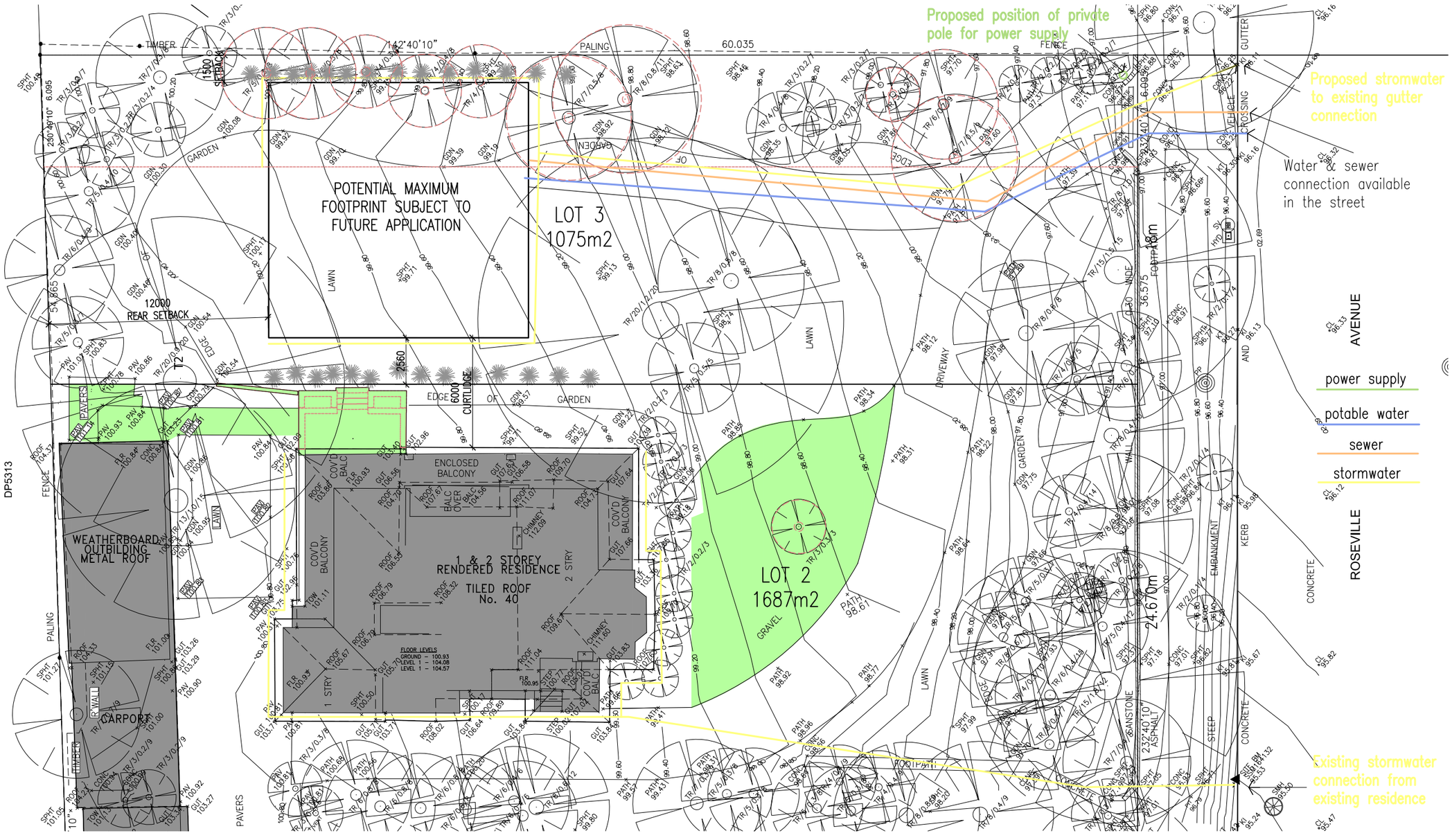
AMENDMENTS
23.07.25 A DA ISSUE FOR SUBDIVISION

BEAN PROJECT MANAGEMENT & DESIGN
ABN 54 144 658 793
LEVEL 1, SUITE 15 895 PACIFIC HIGHWAY, PYMBLE. NSW 2073
PHONE: 9440 8524 EMAIL: admin@beanprojects.com.au

JOB No.	SCALE	DATE	DESIGNED
1363/25	1:200	23.07.25	AH

PROPOSED SUBDIVISION OF LOT 2 & 3 of DP1067237
40 ROSEVILLE AVENUE, ROSEVILLE
FOR: BOB WHEELDON

DRAWING TITLE: PROPOSED SUBDIVISION PLAN
DRAWING No.: A04–A



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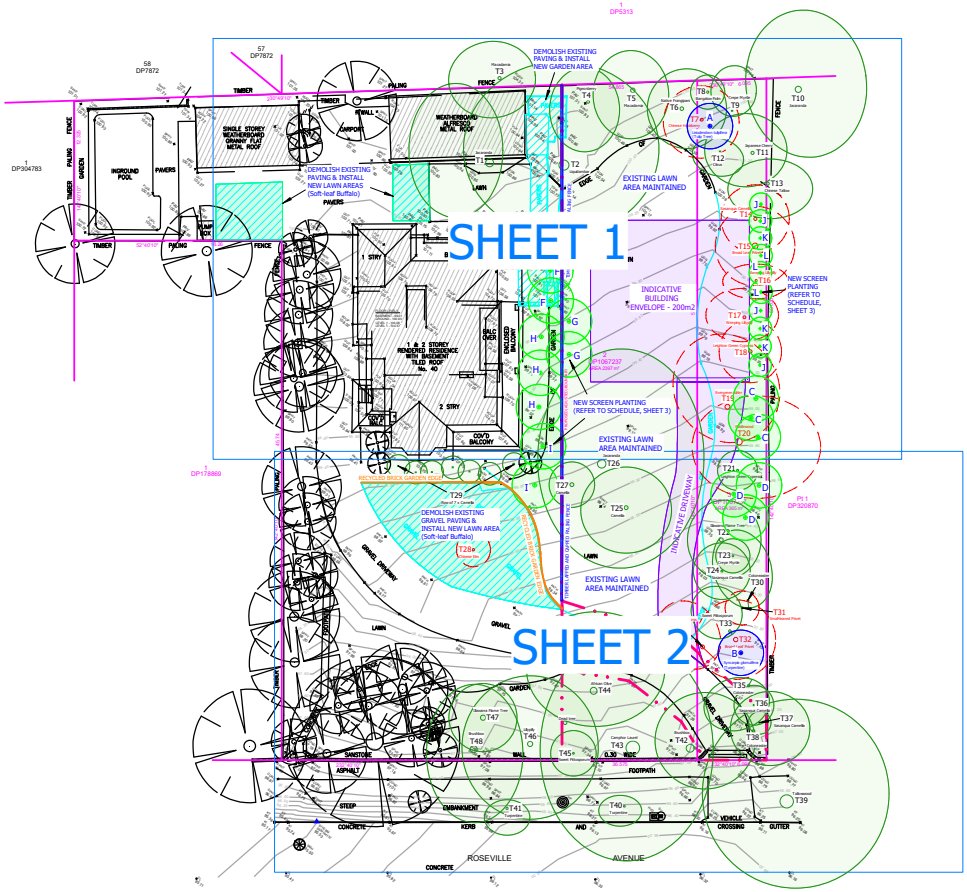
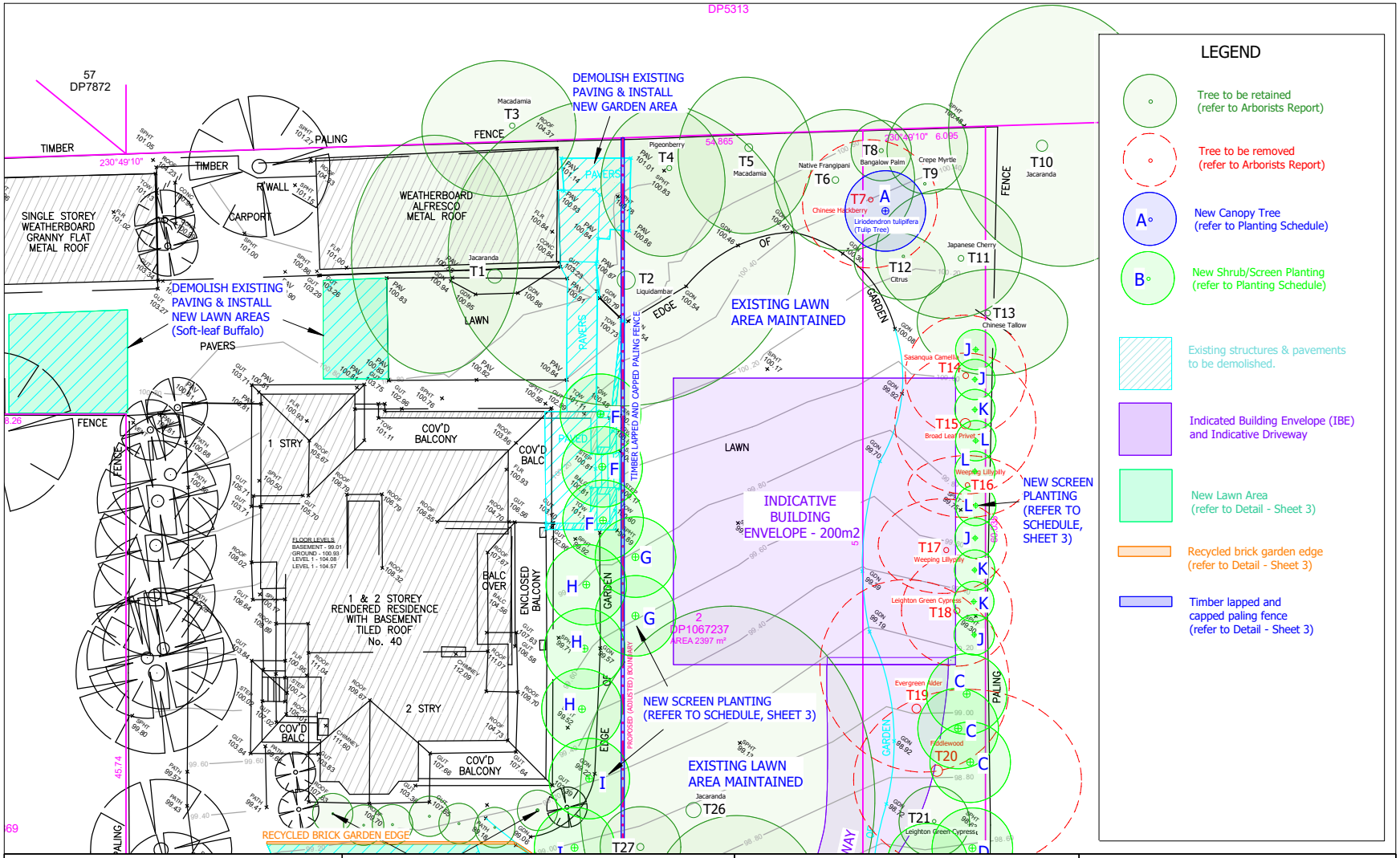


LANDSCAPE PLAN 40 Roseville Avenue, ROSEVILLE, NSW	Earthscape Horticultural Services Arboricultural and Horticultural Consultants PO Box 364 BEROWRA NSW 2081 Ph: 0402 947 296 (Andrew Morton) email: earthscape2@outlook.com	Based on the Survey Drawing prepared by True North Survey Group Dwg Ref No. 2586 [1] Dated 08/07/2025	DWG No. T25-0805/03 [C] KEY PLAN DATE: 06/08/2025



LANDSCAPE PLAN

40 Roseville Avenue, ROSEVILLE, NSW

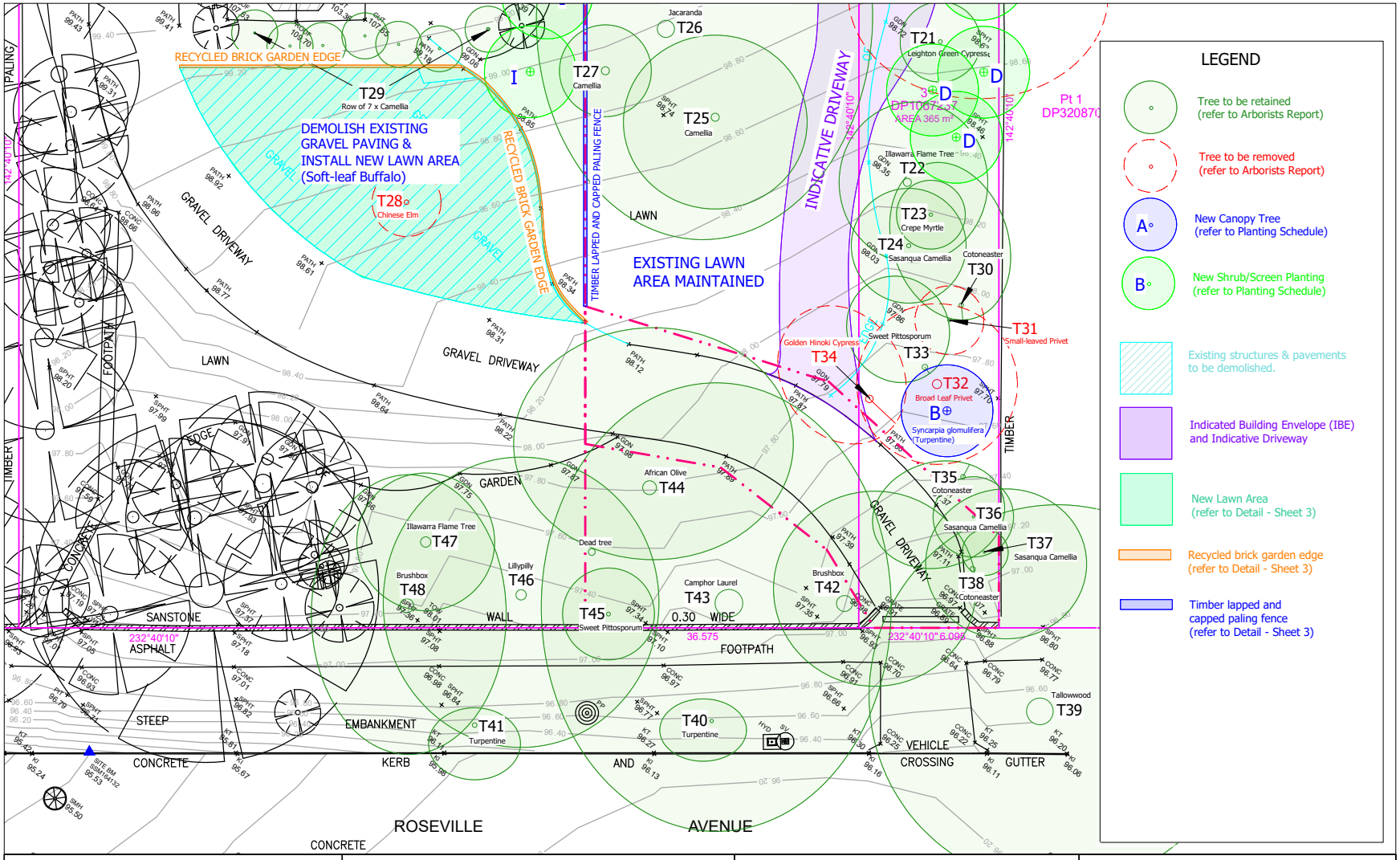
Earthscape Horticultural Services
Arboricultural and Horticultural Consultants
PO Box 364
BEROWRA NSW 2081
Ph: 0402 947 296 (Andrew Morton)
email: earthscape2@outlook.com

Based on the Survey Drawing
prepared by True North Survey Group
Dwg Ref No. 2586 [1]
Dated 08/07/2025

DWG No. T25-0805/03 [C]

SHEET 1

DATE: 06/08/2025



LANDSCAPE PLAN

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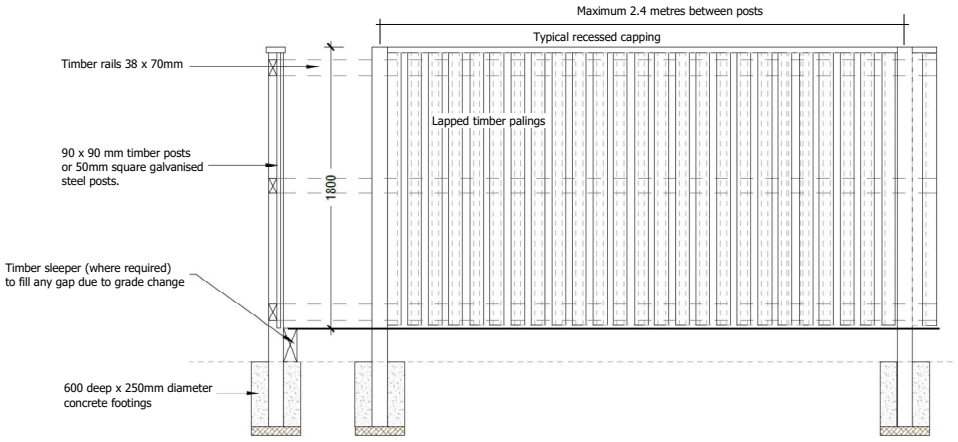
Dwg Ref No. 2586 [1]
Dated 08/07/2025

DWG No. T25-0805/03 [C]

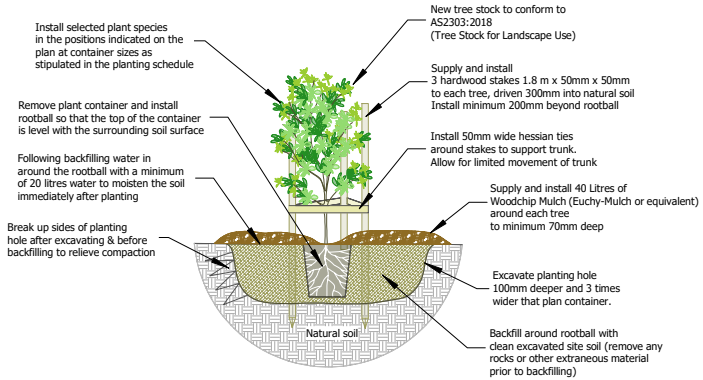
SHEET 2

DATE: 06/08/2025

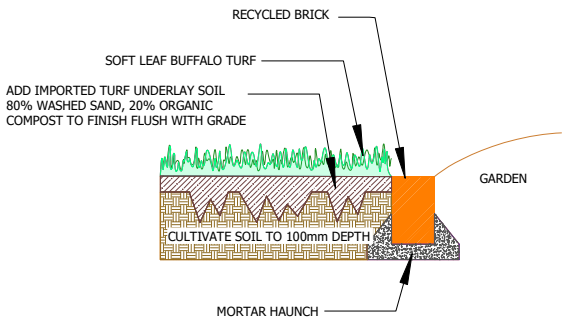


TYPICAL TIMBER PALING FENCE DETAIL

PLAN CODE	TYPE	SPECIES	Mature Dimensions		QTY	Container Size
			Height	Spread		
A	TREES	***Liriodendron tulipera*** (Tulip Tree)	14 to 16	15 to 16	1	75 Litre
B		***Syncarpia glomulifera*** (Turpentine)	16 to 18	8 to 10	1	75 Litre
C	TALL SHRUB AND SCREEN PLANTING	***Backhousea citriodora*** (Lemon-scented Myrtle)	6 to 8	5 to 7	3	45 Litre
D		***Elaeocarpus reticulatus*** (Blueberry Ash)	7 to 9	5 to 7	3	45 Litre
F		***Michelia dolsopa*** **'Silver Cloud'** (Silver Cloud Magnolia)	7 to 9	5 to 7	3	45 Litre
G		***Syzygium luehmannii*** (Small-leaf Lillypilly)	6 to 8	5 to 7	2	45 Litre
H		***Camellia sasanqua*** (Sasanqua Camellia)	6 to 8	5 to 7	3	45 Litre
I		***Michelia figo*** (Port Wine Magnolia)	4 to 6	4 to 6	2	45 Litre
J	LOW SCREEN PLANTING	***Ceratopetalum gummiferum*** (NSW Christmas Bush)	3 to 4	3 to 4	4	20 Litre
K		***Backhousea myrtifolia*** (Grey Myrtle)	3 to 4	3 to 4	3	20 Litre
L		***Acmena smithii 'Cherry Surprise'*** (Lillypilly)	3 to 4	3 to 4	3	20 Litre



TREE & SHRUB PLANTING DETAIL



LAWN AND BRICK EDGE DETAIL

LANDSCAPE PLAN

40 Roseville Avenue, ROSEVILLE, NSW

Earthscape Horticultural Services
Arboricultural and Horticultural Consultants
PO Box 364
BEROWRA NSW 2081
Ph: 0402 947 296 (Andrew Morton)
email: earthscape2@outlook.com

Based on the Survey Drawing
prepared by True North Survey Group
Dwg Ref No. 2586 [1]
Dated 08/07/2025

DWG No. T25-0805/03 [C]

SHEET 3 - PLANT SCHEDULE & DETAILS

DATE: 06/08/2025

BIARCHITECTS
ARCHITECTURE + HERITAGE

Heritage Impact Statement

Development Application



Subdivision Of Existing Allotment to Two Allotments
Maintaining the Existing Dwelling on Allotment 1, being 1,687m2 and Allotment 2, being 1,075m2, and
Removal of Part of the Existing Tiled Terrace to Eastern Side of Existing Dwelling

40 Roseville Ave, Roseville

Ku-ring-gai Council

12 August 2025
Prepared for the Owners
Version -

277 Trafalgar Street Petersham NSW 2049 + 107 Hartley Valley Road Lithgow NSW 2790
PO Box 442 Petersham NSW 2049 + mob 0403 874 071 + brad@biarchitects.com.au
Nominated Architect Reg NSW 7108

1.0 INTRODUCTION

1.1 Preamble
1.2 Limitations
1.3 Methodology
1.4 Heritage Listing
1.5 Inspection
1.6 Documentary Evidence
1.7 Site Location

2.0 HISTORICAL DEVELOPMENT OF THE SITE

2.1 Land of the Aboriginal People
2.2 Brief Outline of the History of the Area

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3.2 The Site
3.3 The Dwelling
3.4 NSW Heritage Inventory, 40 Roseville Ave, Roseville
3.5 Integrity and Condition
3.6 The Streetscape and Context
3.7 The Adjoining Heritage Listed Items
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4.1 Listing
4.2 The proposal
4.3 The Works and Reason for its Implementation
4.4 Impact of Works
4.5 Consideration of the Objective and Controls of the Ku-ring-gai DCP

5.0 CONCLUSION

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1.0 INTRODUCTION

1.1 Preamble

This heritage impact statement has been prepared on behalf of the Owners, to assess the proposed works to 40 Roseville Ave, Roseville within the Local Council Area of Ku-ring-gai.

The works involve the following:

- Reconfiguration/subdivision of existing Lot 2 and Lot 3 in DP1067237 into 2 new residential allotments.
- Allotment 1 is to have an area of 1,687m2 and is to contain the existing heritage listed dwelling.
- Allotment 2 is to have an area of 1,075m2 and will be suitable for the construction of a new dwelling in the future.
- Access to Allotment 1 will be via a right of way to the front of Allotment 2, resulting in access to both allotments from the same current road layback along Roseville Ave.
- The existing dwelling on Allotment 1 is proposed to have a portion of the existing external open terrace to the eastern side elevation removed.
- The existing stone fence along Roseville Ave is to remain.
- Some trees and planting are also proposed to be removed from the proposed Allotment 2.

This Heritage Impact Statement was written by Brad Inwood of Brad Inwood Architects B(arch)USW hons, B(URP) UNE.

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1.2 Limitations

This heritage impact statement is based upon an assessment of the heritage issues only and does not purport to have reviewed or in any way endorsed decisions or proposals of a planning or compliance nature. It is assumed that compliance with non-heritage aspects of Council's planning instruments, the BCA/NCC and any issues related to services, contamination, structural integrity, legal matters or any other non-heritage matter is assessed by others.

This heritage impact statement essentially relies on secondary sources. Primary research has not necessarily been included in this report, other than the general assessment of the physical evidence on site.

It is beyond the scope of this report to address Indigenous associations with the subject site.

It is beyond the scope of this report to locate or assess potential or known archaeological sub-surface deposits on the subject site or elsewhere.

It is beyond the scope of this report to assess items of movable heritage.

We have only assessed aspects of the subject site that were visually apparent and not blocked or closed or to which access was not given or was barred, obstructed or unsafe on the day of the arranged inspection.

A land titles search and a detailed history were not provided.

1.3 Methodology

This statement was prepared with reference to the NSW Department of Environment and Heritage, Guidelines for Preparing a Statement of Heritage Impact (2023), with reference to the Council's planning controls, namely:

- Ku-ring-gai Local Environmental Plan 2015.
- Ku-ring-gai Local Development Control Plan.

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1.4 Heritage Listing

The site and building at 40 Roseville Ave, Roseville:

- Is heritage listed as item I699, as defined by Schedule 5, Part 1 of the Ku-ring-gai LEP 2015 and is referred to as 'dwelling house' at 40 Roseville Ave, Roseville.
- Is located in the Clanville Heritage Conservation Area, as defined by Schedule 5, Part 2 of the Ku-ring-gai LEP 2015.
- Is within the visual curtilage of heritage listed item I700, which is referred to as the 'dwelling house' at 45 Roseville Ave, Roseville, as per Schedule 5, Part 1 of the Ku-ring-gai LEP 2015.
- Is within the visual curtilage of heritage listed item I701, which is referred to as the 'dwelling house' at 47 Roseville Ave, Roseville, as per Schedule 5, Part 1 of the Ku-ring-gai LEP 2015.
- Is not listed on the NSW State Heritage Register under the NSW Heritage Act, 1977.

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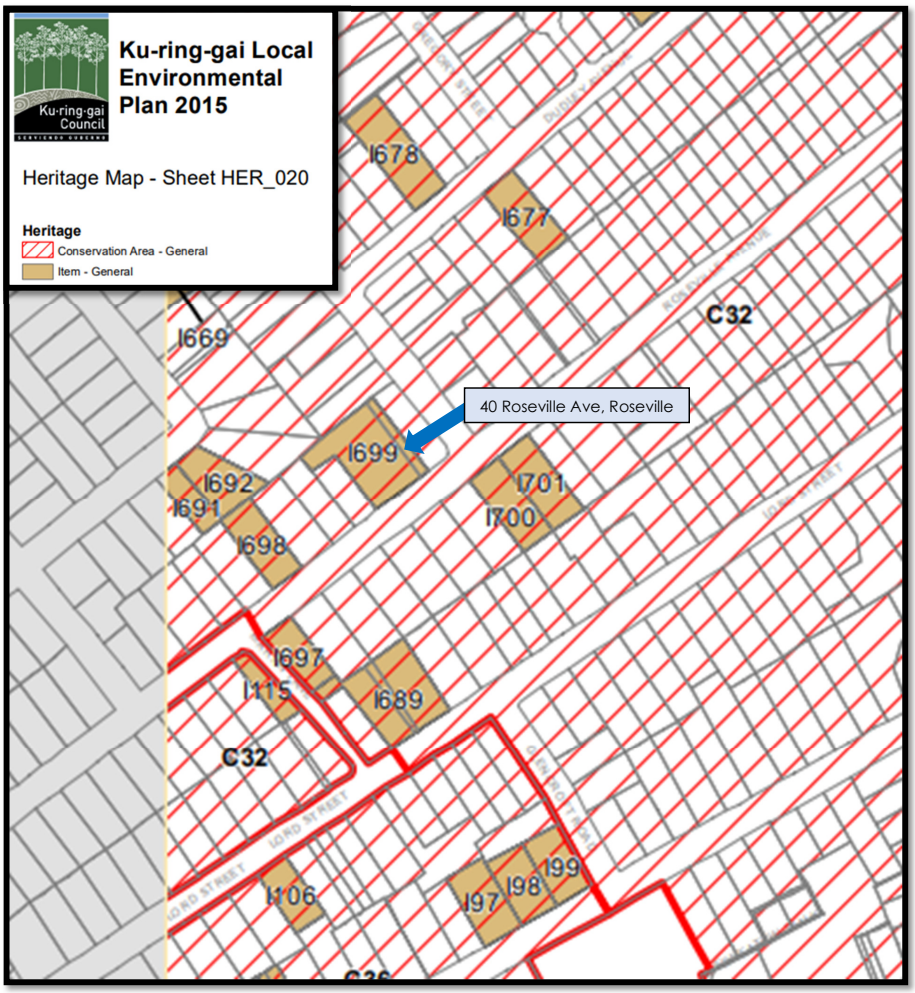

Ku-ring-gai LEP 2015 – Heritage maps

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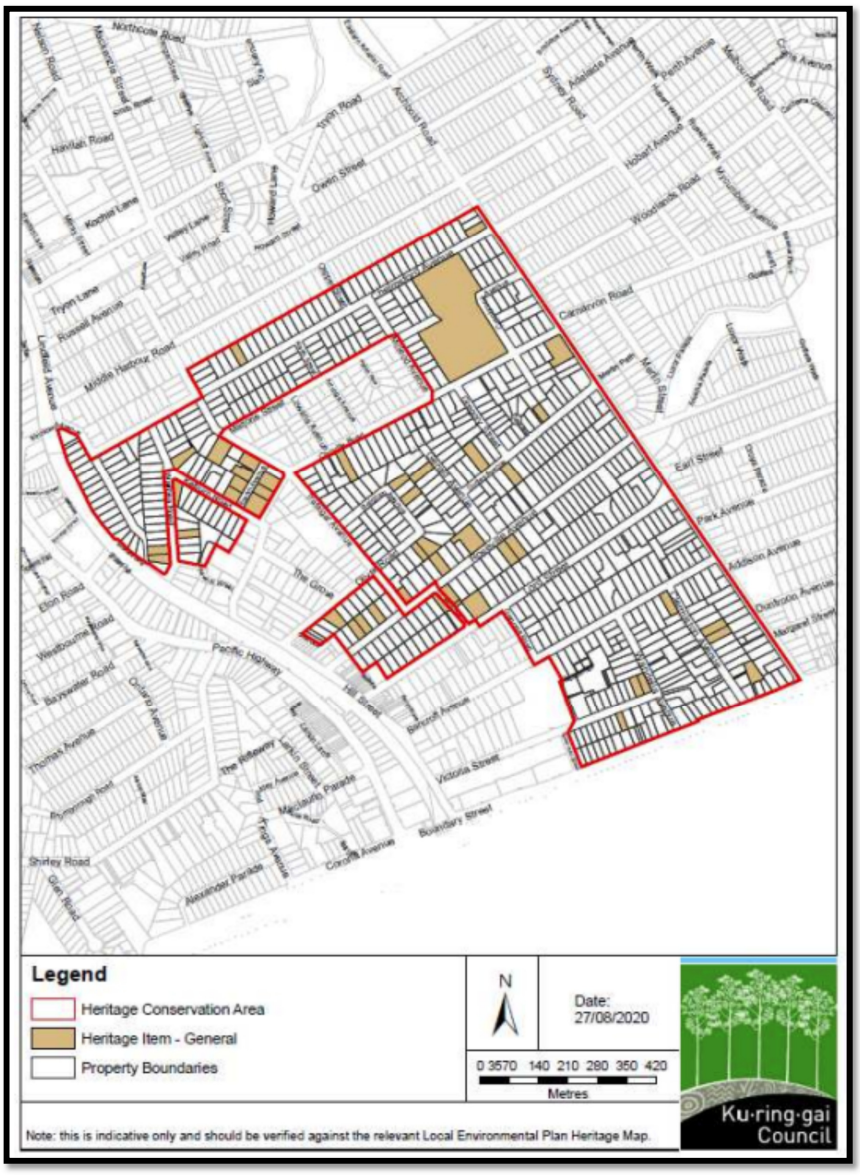

Ku-ring-gai DCP – Clanville Heritage Conservation Area

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As per Clause 5.10 of the Ku-ring-gai LEP 2014:

5.10 Heritage conservation

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

(a) to conserve the environmental heritage of Ku-ring-gai,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) ***Requirement for consent*** *Development consent is required for any of the following—*

(a) demolishing or moving any of the following or altering the exterior of any of the following

(including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making

changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage

significance.

(3) ***When consent not required*** *However, development consent under this clause is not required if—*

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological

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site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) ***Effect of proposed development on heritage significance***

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5), or a heritage conservation management plan is submitted under subclause (6).

(5) ***Heritage assessment***

The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) ***Heritage conservation management plans***

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

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(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management. document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

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1.5 Inspection

Photos were undertaken on Monday 21stof July 2025.

All photographic records in this report, unless noted otherwise were taken at the time of this inspection.

1.6 Documentary Evidence

The following references were consulted for the preparation of this statement:

Architectural and Survey Drawings

- Prepared by Bean Project Management and Design.
- Prepared by True North Survey Group.

Planning Documents

- Ku-ring-gai Local Environmental Plan, 2015 (as amended).
- Ku-ring-gai Development Control Plan, (as amended).

Heritage Guideline Documents

- NSW Department of Environment and Heritage, Guidelines for Preparing a Statement of Heritage Impact (2023)

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1.7 Site Location



Site – Six Maps

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Aerial View of Site – Six Maps

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2.0 HISTORICAL DEVELOPMENT OF THE SITE

2.1 Land of the Aboriginal People

The North Shore area, including today's Kuring-Gai area, was the home of the Camaraigal clan of the Guringai language nation.

This group was distinguished by their numbers, the robust and muscular physique of the people and its authority over surrounding groups. Its superiority may have been due, in part, to the fact that they had the best fishing grounds and, as David Collins recorded, "had the exclusive and extraordinary privilege of extracting a tooth from the natives of other tribes inhabiting.

2.2 Brief Outline of the History of the Area

William Henry was one of Ku-ring-gai's first European settlers, who used the area for farming. There were a few fruit orchards and market gardens in the area.

Other significant settlers were David Mathew, who owned a property called Clanville, and Richard Archbold, who was granted an area of 600 acres (2.4 km^2) adjacent to Clanville.

Archbold later acquired Clanville and set up an orchard on the property. Archbold's son-in-law had a stone cottage called Rose Villa, which was later demolished to make way for the North Shore railway line. Roseville eventually derived its name from Rose Villa.

Roseville Post Office opened on 8 July 1901. Roseville East Post Office opened on 1 December 1937.

Babbage Road was named for Eden Herschel Babbage (a grandson of Charles Babbage), a retired banker who lived in "Rawhiti" on Clanville Road. Dubbed the "Father of Roseville", he was largely responsible for developing Roseville Park, Davidson Park and Roseville Chase. His brother-in-law, Francis Robert Burton, donated the large pavilion in Roseville Park, following the death in 1913 of brother William Burton, of "Woodlands" on Bancroft Avenue.

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2.3 Brief Outline of the Clanville Heritage Conservation Area

The Clanville Conservation Area has historic significance as the part of the David Dering Mathew 400-acre land grant "Clanville".

The area has further historic significance for the successive subdivision of "Clanville" in the late nineteenth century subdivisions of Roseville Park Estate (1893) and Roseville Station Estate (1896), and the early twentieth century subdivisions of Clanville Estate (1903); Clanville Heights Estate (AKA Lindfield Heights Estate of 1906) (1905); Terry's Hill Estate (1908); Clermiston Estate (1912); Taraville Estate (1914); The First Estate (1918); The Garden Estate (1920); Horden's Roseville Estate (1922) and Archbold Hill Estate (1923).

The area has aesthetic significance for the highly intact and quality Federation and inter-war houses, with some examples of mid to late twentieth century development.

Architectural styles present from the Federation period include Federation and transitional Bungalows, Queen Anne, and Arts and Crafts, and present from the Inter-war period mostly Californian Bungalows but also Old English, Art Deco and Spanish Mission.

No 84 Roseville Aver, Roseville was originally part of a subdivision land release 'Roseville Station Estate'. The site was noted as being already sold in 1900, with the front of the allotment being located along Archbold Road.

In 1919, the allotment was resold with the allotment boundaries adjusted with the adjoining sites to covert the two allotments into three. At this time, the boundaries of the allotment were adjusted so that the front of the allotment faced Roseville Ave instead of Archbold Road.

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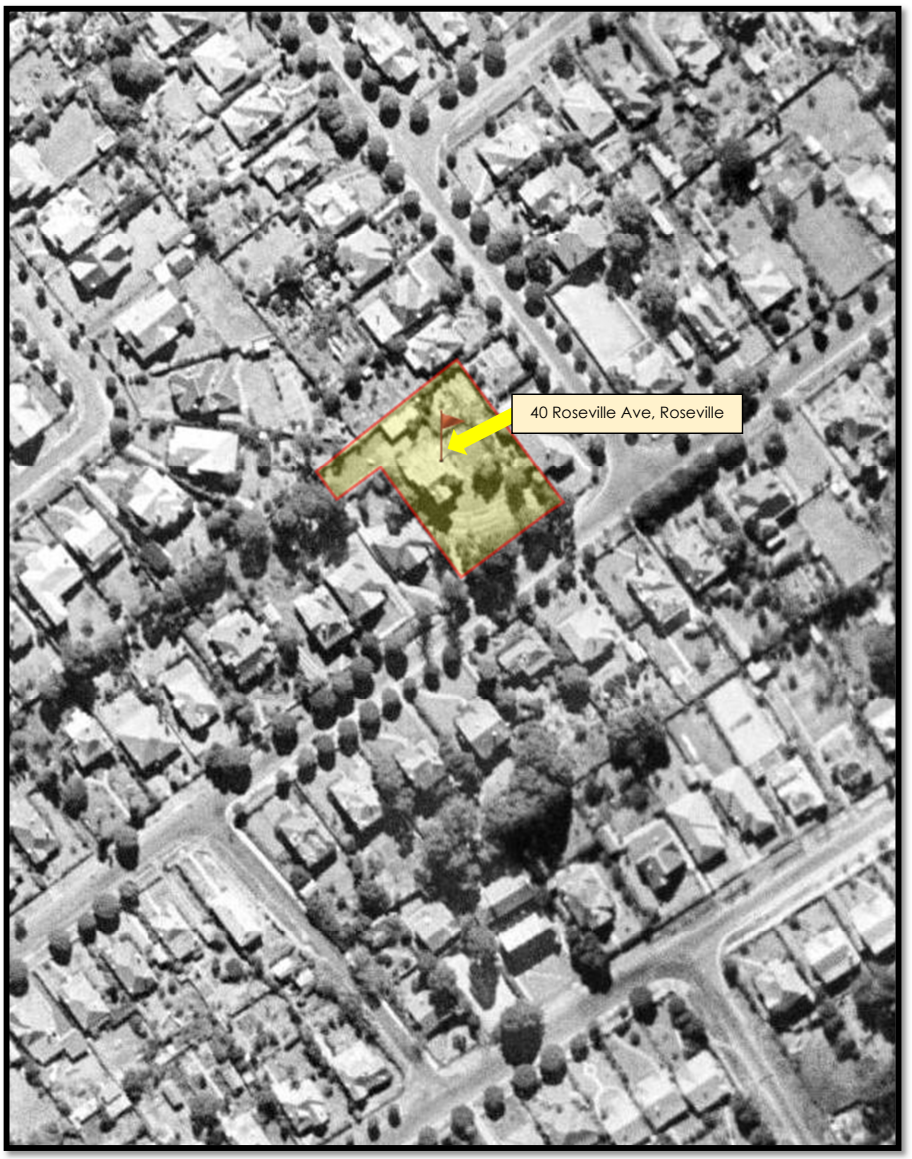

Six maps - 1943

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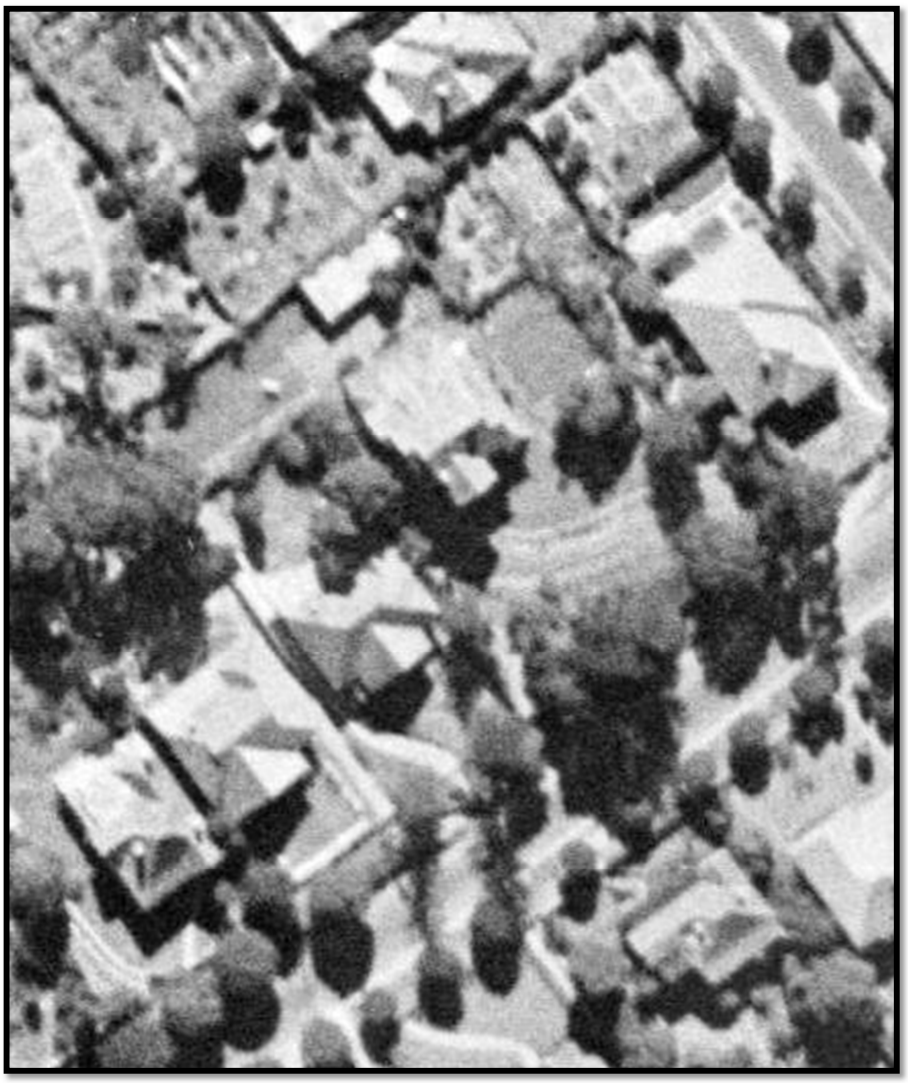

Detailed image
Six maps – 1943

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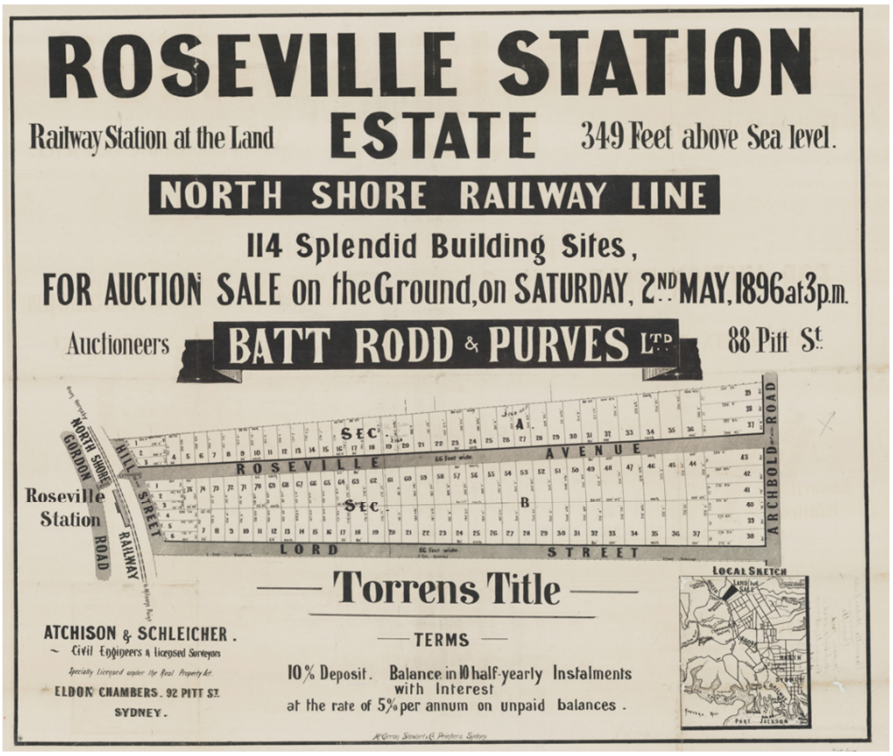

Original release of Roseville Station Estate
1896
State Library of NSW

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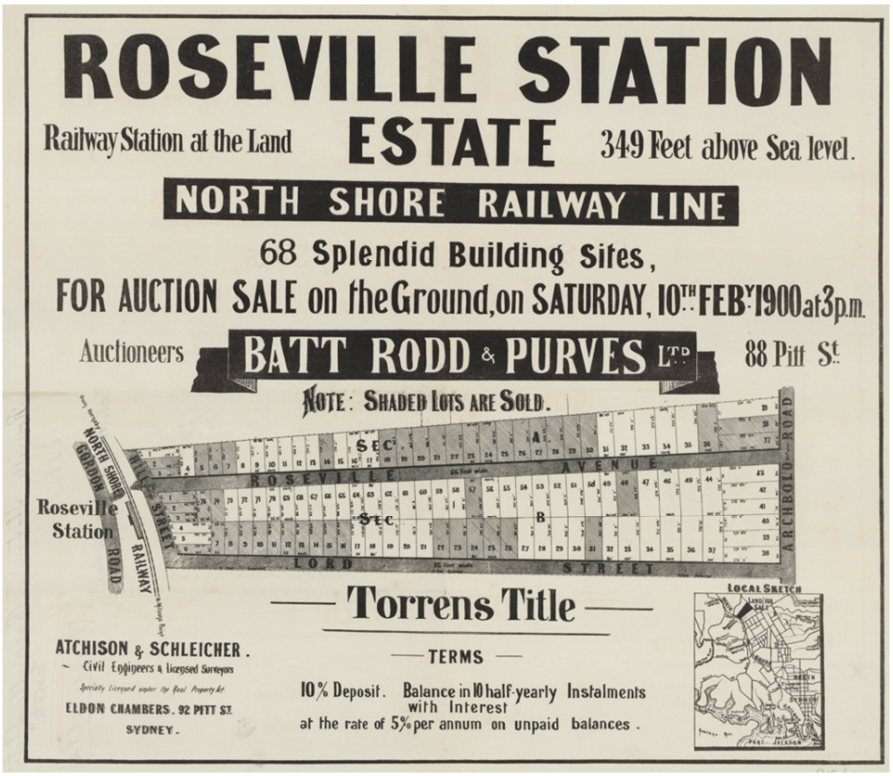

Roseville Station Estate
1900
State Library of NSW

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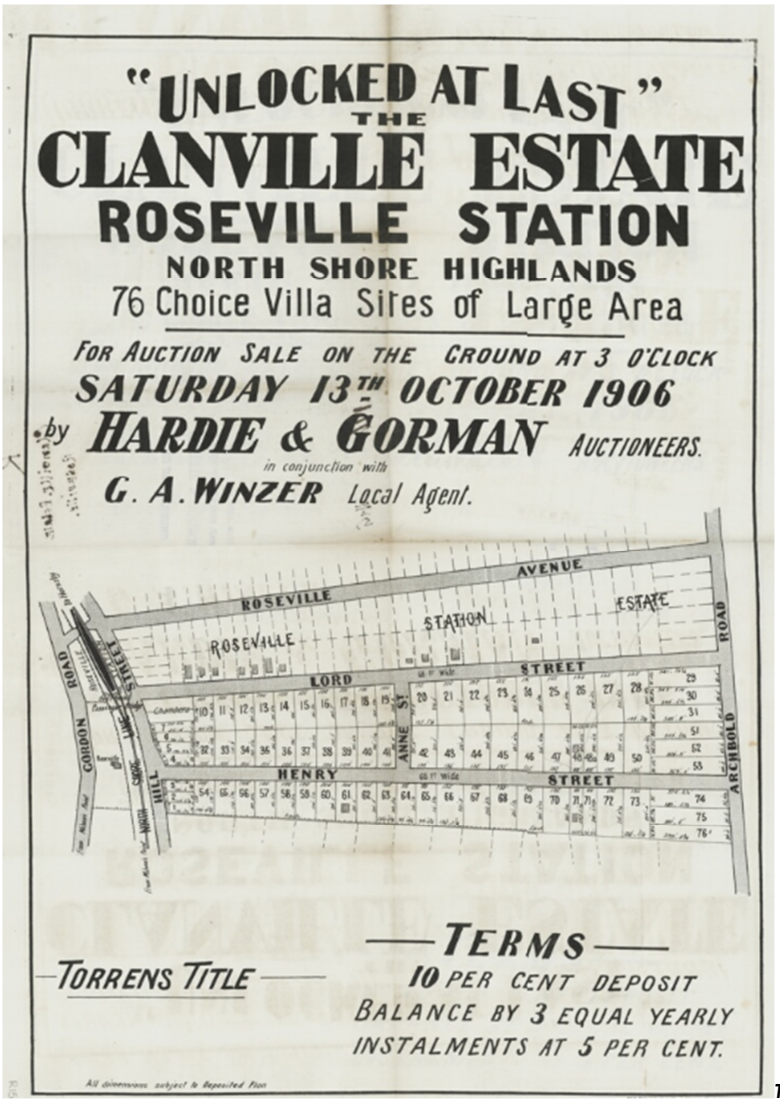

The Clanville Estate, Roseville Station Gordon Rd, Hill St, Roseville Ave, Henry St, Archbold Rd, 1906 State Library of NSW

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3.0 SITE ASSESSMENT

3.1 The Surrounding Area

The site is located to the northern side of Roseville Ave, between Hill Street and Gerald Avenue, Roseville.

Roseville shops are located 550m to the southwest of the site.

Roseville railway station is located 550m to the southwest of the site.

The surrounding area is predominantly residential, with very limited commercial or multi-unit development within the near vicinity.

The street pattern is rigid and does not relate to the topography of the site, with the street patten generally developed from the subdivision of the original larger farm estates within the near vicinity.

3.2 The Site

40 Roseville Ave, Roseville is a rectangular shaped block, with a 'pan handle' located to the north-western corner of the allotment.

Access to the site is from Roseville Ave, which is located to the southern boundary.

The site is technically known as Lot 2 and Lot 3, in DP 1067237and has a calculated area of 2,762m2.

The site has a fall from the rear to the front of approximately 4m. There is negligible crossfall.

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3.3 The Dwelling

Currently on the allotment is a two-storey dwelling.

The original dwelling was most likely constructed in the 1900s and exhibits Federation detailing and fenestration.

Several alterations and additions have been untaken to the house over its lifetime, including a rear ground floor addition, enclosing part of the ground floor terrace to the eastern elevation to increase the size of the living room, and construction of a new ground floor external terrace to the eastern elevation at the rear.

There has also been a pool construction to the allotment in the mid-1980s, as well as a rear sunroom and carport attached to the existing garage at the same time.

The dwelling is constructed originally of face brick walling (now bagged and painted), with a sandstone base/subfloor walling. Bay windows and gable roof ends are timber shingles or fibrous cement sheeting.

The roof is constructed of terracotta tiled with exposed timber rafters. Windows and fenestrations around the dwelling are generally constructed of timber.

The house has a unique layout, consistent with the house being built for a specific owner and not part of any speculative development.

Access to the house is via a porch to the southwestern side of the dwelling. After entering the house, you are located into a foyer which contains the staircase to the first floor and access to the living room, formal dining room and study. A hallway to the side of the stairs provides access to the later added kitchen and casual dining room located to the rear of the dwelling. A ground floor there is a covered terrace located off the eastern/ south-eastern and northern sides. The terrace is tiled over a concrete slab. The terrace extends to the eastern side of the dwelling as an open/non roofed terrace.

To the first floor of the dwelling are four bedrooms; the master with an ensuite and walk in robe, as well as a bathroom.

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Front of the dwelling



Front of the dwelling

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Front of the dwelling



Terrace to the front of the dwelling

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Rear of the dwelling



Rear of the dwelling

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Eastern elevation



Eastern elevation

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Terrace to eastern elevation



Terrace to eastern elevation

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Terrace to eastern elevation



Eastern elevation

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Eastern elevation



External terrace to eastern elevation

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Stairs to external terrace to eastern elevation



Stairs to external terrace to eastern elevation

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Stairs to external terrace to eastern elevation



External terrace to eastern elevation

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External terrace to eastern elevation



Western elevation

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Entry porch to western elevation



Western elevation

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Western elevation



Skillion dormer to roof

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Typical exposed rafter eaves



Front porch

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Entry hallway



Entry hallway and stairs

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Stairs



Formal dining room

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Living room



Kitchen

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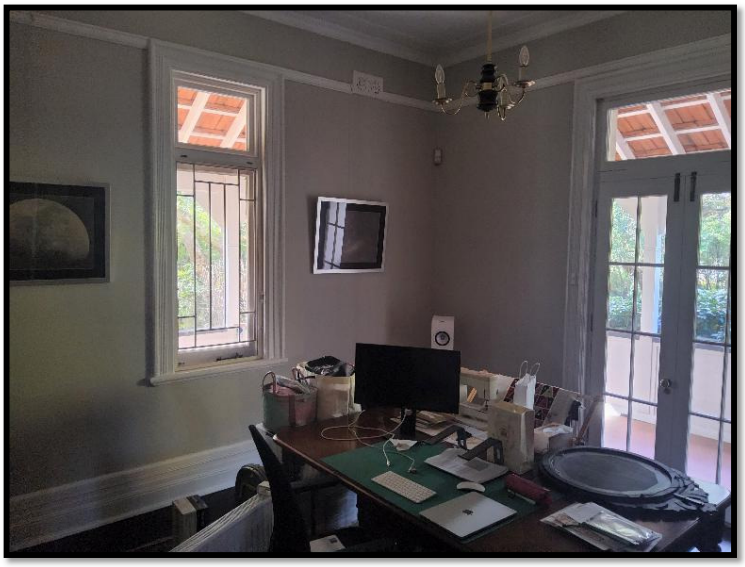
Meals room



Office

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First floor bedroom



First floor bedroom

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First floor bedroom



First floor bedroom

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First floor bathroom



Front fence along Roseville Ave

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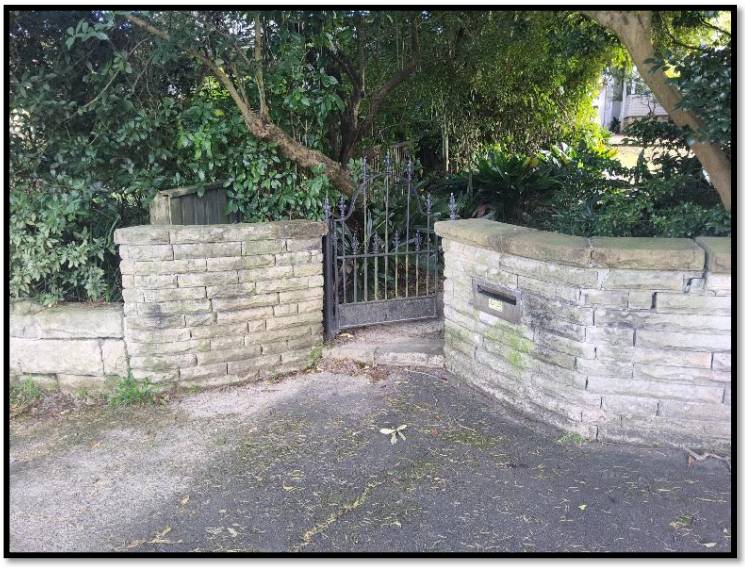

Front fence along Roseville Ave



Front fence along Roseville Ave

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Rear sunroom



Carport

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Outdoor area



Outdoor area

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Pool

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3.4 NSW Heritage Inventory, 40 Roseville Ave, Roseville

Under the current NSW Heritage Inventory, 40 Roseville Ave, Roseville is noted as follows;

Address
40 Roseville Ave, Roseville

Significance
Statement of Significance
Reasons for listing; architectural, municipal significance

Modifications & Dates
Altered or extended sympathetically

History
Historical Notes or Provenance
Historical period: 1901-1920.

Under the previous NSW Heritage Inventory,1989 2014/111732, 40 Roseville Ave, Roseville is noted as follows;

Description
Building
This property contains a two-storey federation era residence, built around 1899. It is constructed of brick, finished in a cement render with a terracotta tiled hipped and gabled roof. The house has limited visibility from the street and from the 1989 image, but appears to feature bracketed gables, oriel windows, exposed raftering and timber detailing to the verandas and balcony.
Setting
Residential dwelling on approx. 2799.00sqm of well landscaped grounds, comprised of two lots, one irregularly shaped.
Fence
Low stone fence curved at entrances to property.

Other important features (e.g. outbuildings, garden elements): the property contains a pool in the western corner of the irregular shaped lot. To the rear boundary there is some form of outbuilding or garage that may be the same building visible in the 1943 aerial. Comparison of 1943 and present aerials suggests the current driveway takes the form of the original one, though the material has likely changed.

Modifications (DAs, BAs, CDCs)
BA01612/84 – additions
BA01632/84 – pool

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History
This land was originally part of a 400 acre crown grant to Daniel Dering Mathew in 1819.

In 1885, lot 3 of the original Clanville Estate Subdivision of Mathew's land was transferred to Richard Archbold of Lane Cove, farmer. It consisted of 51 acres, 1 rood and 30 ¼ perches. Part of the land was transferred to the Railways Commissioners of New South Wales in November 1885. Another small transfer was made before 49 acres and 36 ¼ perches of land were transferred to The Honorable Francis Lord of St Leonards, Esquire in December 1888.

In September 1897, George Voss Mocatta of Sydney, Gentleman obtained lots 21-24 of Section A of DP3277. This represented 1 acre, 1 rood and 27 ½ perches of land.

From 1899, he is listed in the Sands Directory as residing on the North side of Roseville Avenue, Roseville (no further street clarification given). The 1903 edition gives the name of his residence as "Geraldra" and his occupation as surveyor and civil engineer. This listing appears up to and including the 1909 edition of the Sands. Thereafter, none of the occupants/listings appear to relate to this property.

In November 1911, the property was transferred to Martha Ann Pearce of North Sydney, widow.

In August 1913, the property was transferred to James Allan Ramsay of Ashfield, Civil Servant, and Edward Pearson Ramsay of Croydon Park, Gentleman (lots 21-24).

The Ramsay's are first listed in Roseville Ave, on the North Side, after Trafalgar Ave and before Gerald Ave in the 1916 edition, residing at "Pialba." It is assumed that this is the same property as was occupied by George Voss Mocatta, most likely constructed late 1898. No further documentary evidence can be found to shed light on Mocatta's occupancy of "Geraldra." The first mention of "Pialba" is in in August 1915 article describing, Mrs Ramsay of Pialba, Roseville as the honorary Secretary of the Comforts Committee in connection with the war effort.

Upon Edward's death in March 1917, James became the sole proprietor. In the same month the property was transferred to Elizabeth Frances Madeleine Ramsay, wife of John Simeon Ramsay of Roseville, Gentleman, and the said James Allan Ramsay as joint tenants.

In 1922 the land surrounding the residence was subdivided. The 1922 subdivision map shows the subject residence as extent by that point. By 1928 the property boundaries took their approximate current form, being 2 roods, 29 ¼ perches in size, comprised of lot 23 and part lots 21, 22 and 24, when it a new certificate of title was generated. This part of the land was retained by Elizabeth Frances Madeleine Ramsay and James Allan Ramsay.

In June 1934, a notice of death was recorded for James Allan Ramsay, making Elizabeth the sole surviving tenant. In the same month, she transferred ownership to herself and Edward Henry Pierson Ramsay of Sydney, Dentist as joint tenants.

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In March 1936, the property was advertised for sale by Richardson and Wrench, described as the following:

> *"Elevated Easterly Aspect about 5 minutes' walk from Station and shops. PIALBA No 40 ROSEVILLE AVENUE. A GENTLEMAN S RESIDENCE, of brick on stone with Tiled Roof having verandahs and balcony at front, Verandahs at side and rear. Porch Entrance, with balconette over and containing Entrance Hall, 7 good rooms, bathroom, kitchen, pantry laundry. Detached outhouses.*
>
> *The block of land 140ft x 196ft 11in, with an additional area 60ft x 40 ft at rear, giving a rear line of 209ft. Torrens title. 60ft of land on the northern side is available for subdivision. J.T. Ralston and Son, Vendor's solicitors."*

In February 1937, the property was transferred to Hugh William Douglas McConnell of Roseville, Builder. In August 1941, the property was leased to Mabel Winifred Francis of Roseville, Hospital Matron. It expired in July 1944 but was renewed in the same month. Under her ownership she renamed the property "Kooyong," operating "a private obstetric and medical hospital in 1941... and in 1945 turned it into a convalescent home."

On the 29th January 1947, "'Kooyong,' 40 Roseville Avenue," was advertised for sale, described as the following:

> *"LARGE TWO-STOREY BRICK HOME. IDEAL FOR DOCTOR OR PRIVATE HOSPITAL. This home is set well back in well-kept grounds. Bus stop at corner, brings shops and train within easy distance. Easily adaptable as doctor's residence, rest home, etc. Accom: Ent vestibule, lounge, billiard rm, study, dining rm, kitchen, rear, side vers. Maids bathrm., and ldry. Upstairs: 5 bedrms., tiled bathrm., ver. Electric hot-water service. Garage. Adjoining land ideal for buildings and details available on application.*
>
> *Gross Annual Rents: £280.*
> *Land: 140ft x 198 ft 10in. Torrens.*
> *Solicitors: Dettman, Austin and MacLean."*

Other similar ads ran over the period of January – February 1947 with another on 25th January giving the additional description of the house and area as "Built on imposing lines, this cream cement rendered home is set well back in spacious and well-kept grounds. It is located in a tree- lined avenue, surrounded by homes of a like nature."

It appears that in March 1948 the property was still a convalescent home and had not been sold, on the basis of an ad in the "hospitals, rest homes" column of the SMH, advertising a home "exclusive to Gentlewomen: post-operative or requiring rest. Trained staff night and day. Private or share. Kooyong, Roseville. JA6822."

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In May 1948, Mabel Winifred Francis' lease expired again (no further lease recorded). Also in May 1948, the property was transferred to Leo Vivian Armati of Mona Vale, Medical Practitioner. It does not appear Francis ceased operation of Kooyong, as in January 1949 an article ran in Truth describing how Armati's attempt to evict Francis had been unsuccessful:

> *"A DOCTOR unsuccessfully sought possession at the North Sydney Court on Wednesday of 'Kooyong' home, Roseville, where several aged invalids were convalescing. Mr Hodgson, SM., said while the doctor, Leo Vivian Armati, of Newport Rd., Mona Vale, was suffering hardship, the tenant, Mrs. Mabel Winifred. Francis, matron of the home, would suffer unusual hardship if ordered to quit.*
>
> *'The home is her livelihood and she would be unable to find suitable accommodation for her patients, who are bedridden invalids,' the magistrate said.*
>
> *Dr. Armati in evidence, said he had served six years in the A.I.F. and had then started practice in Rose Bay, but gave it up in October 1947, owing to illness. Dr. Armati said he bought Mrs. Francis's house in March, 1948, for £4100 for a home and to start practice as a children's specialist.*
>
> *Mrs. Francis said she had started 'Kooyong' as a private obstetric and medical hospital in 1941 and in 1945 turned it into a convalescent home. At present, she said, her patients numbered her mother, aged 88, who had been an invalid for 16 years, another 88 years-old woman and other invalids aged 83, 70 and 64 who had no other home and would have to stay there until their death."*

In March 1979, the property was transferred to Richard Paul Armati of Roseville, Medical practitioner, and Jill Leighton Armati, his wife as joint tenants.

Sources

4174-233 to Elizabeth Frances Madeleine Ramsay and James Allan Ramsay, 1928
2394-136 to James Allan Ramsay and Edward Pearson Ramsay, 1913
1230-146 to George Voss Mocatta, 1897
The Sydney Morning Herald (NSW: 1842 - 1954) - Wed 29 Jan 1947 - Page 14 – Advertising: https://trove.nla.gov.au/newspaper/article/27906001
The Sydney Morning Herald (NSW: 1842 - 1954) - Sat 25 Jan 1947 - Page 31 – Advertising: https://trove.nla.gov.au/newspaper/article/18012877
The Sydney Morning Herald (NSW: 1842 - 1954) - Sat 14 Mar 1936 - Page 26 – Advertising: https://trove.nla.gov.au/newspaper/article/17341742
Sunday Times (Sydney, NSW: 1895 - 1930) - Sun 29 Aug 1915 - Page 7 - ROUNDING OFF THE WORK OF REGIMENTAL FUNDS: https://trove.nla.gov.au/newspaper/article/120799993
The Sydney Morning Herald (NSW: 1842 - 1954) - Wed 31 Mar 1948 - Page 13 – Advertising: https://trove.nla.gov.au/newspaper/article/27894470

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Truth (Sydney, NSW: 1894 - 1954) - Sun 2 Jan 1949 - Page 24 - Eviction Order Refused: https://trove.nla.gov.au/newspaper/article/168884751



Image of dwelling in November 2017

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3.5 Integrity and Condition

The integrity of a building and its site, in terms of its heritage significance can be determined on a multitude of levels. For example, a site may have a building that is an intact example of a particular architectural style and period. This building would thus be determined to have a high degree historical significance for its ability to illustrate that style or period.

Heritage significance can also arise form a lack of original historical integrity, but instead its significance is how a building can evolve over time, or how the use of building can change.

While a detailed structural assessment is not part of this report, a non-evasive inspection of the internal and external areas of the dwelling has been undertaken and noticed that following changes have occurred over the life of the building.

- Enclosing part of the original ground floor terrace along the eastern side of the dwelling to increase the size of the living room.
- Construction of a rear ground floor addition to contain a dining room and kitchen, with a small, covered terrace to the rear/northern elevation.
- Construction of a tiled on concrete slab open terrace with stairs to the garden to the eastern side of the dwelling.
- Render and painting over original face brick walling.
- New front fence along Roseville Ave, most likely constructed in the 1960s.
- New bathrooms, kitchen and laundry/wet area fit outs.
- Construction of a sunroom and carport in the mid-1980s to the rear of the allotment.
- Construction of the pool in the mid-1980s to the northwest corner (pan handle) of the allotment.

The building still exhibits reasonable original integrity and can be clearly understood in terms of its historical value and significance.

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3.6 The Streetscape and Context

The streetscape consists of highly consistent dwellings styles and housing types noted from the commencement of residential dwelling development within the area from the 1900s to the 1940s.

Most homes within the area have undergone substantial alterations and additions over their lifetime, including rear and first floor additions.

Many of the larger allotments over time has also been subdivided to allow for additional free-standing dwellings in the area.

Several homes in the near vicinity have also been recently demolished and replaced with new dwellings within the last 30-40 years.

The area has predominantly remained is character as free-standing residential dwellings.



Roseville Ave looking west

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Roseville Ave looking east



Roseville Ave footpath looking west

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Roseville Ave footpath looking east

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3.7 The Adjoining Heritage Items

45 Roseville Ave, Roseville
To the southeast of the site is 45 Roseville Ave, Roseville, which is heritage listed as item I700, and is referred to as the 'dwelling house', as per Schedule 5, Part 1 of the Ku-ring-gai LEP 2015.

There is no information pertaining to this house on the NSW heritage inventory.

The house is a single storey Federations dwelling, most likely built around 1900, with face brick walling, a slate roof and timber windows and fenestration.

There is a later constructed low height brick wall the front of the allotment.

The building still exhibits reasonable original integrity and can be clearly understood in terms of its historical value and significance.



45 Roseville Ave, Roseville

277 Trafalgar Street Petersham NSW 2049 + 107 Hartley Valley Road Lithgow NSW 2790
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Nominated Architect Reg NSW 7108



Front fence to 45 Roseville Ave, Roseville

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47 Roseville Ave, Roseville

To the southeast of the site is 47 Roseville Ave, Roseville which is heritage listed item I701, and is referred to as the 'dwelling house' at 47 Roseville Ave, Roseville, as per Schedule 5, Part 1 of the Ku-ring-gai LEP 2015.

There is no information pertaining to this house on the NSW heritage inventory.

The house is a two storey Californian Bungalow, most likely built around 1920, with face brick walling, a slate roof and timber windows and fenestration. A first-floor terrace with a skillion roof form is attached to the main hipped roof.

There is a later constructed metal palisade fence with brick piers the front of the allotment.

The building still exhibits reasonable original integrity and can be clearly understood in terms of its historical value and significance.



47 Roseville Ave, Roseville

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Front fence to 47 Roseville Ave, Roseville

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3.8 Planting

No 40 Roseville Ave, Roseville is well planted with a mix of mature native and exotic planting to the site.

The site is well planted and established throughout.

There is also mature street tree planting along the Roseville Ave road reserve.



Front driveway

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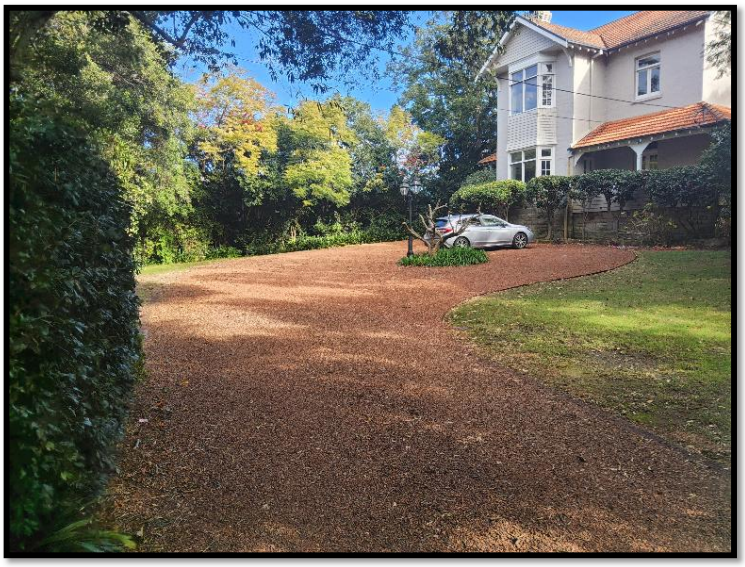

Front driveway and gardens



Front driveway and gardens

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Front driveway and gardens



Front driveway and gardens

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Current landscaping in area of proposed new allotment



Current landscaping in area of proposed new allotment

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Current landscaping in area of proposed new allotment



Current landscaping in area of proposed new allotment

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Current landscaping in area of proposed new allotment



Current landscaping in area of proposed new allotment

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Current landscaping in area of proposed new allotment



Planting to front road reserve

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4.0 ASSESSMENT OF SIGNIFICANCE

4.1 Summary of Heritage Listing

The site and building at 40 Roseville Ave, Roseville:

- Is heritage listed as item I699, as defined by Schedule 5, Part 1 of the Ku-ring-gai LEP 2015 and is referred to as 'dwelling house' at 40 Roseville Ave, Roseville.
- Is located in the Clanville Heritage Conservation Area, as defined by Schedule 5, Part 2 of the Ku-ring-gai LEP 2015.
- Is within the visual curtilage of heritage listed item I700, which is referred to as the 'dwelling house' at 45 Roseville Ave, Roseville, as per Schedule 5, Part 1 of the Ku-ring-gai LEP 2015.
- Is within the visual curtilage of heritage listed item I701, which is referred to as the 'dwelling house' at 47 Roseville Ave, Roseville, as per Schedule 5, Part 1 of the Ku-ring-gai LEP 2015.
- Is not listed on the NSW State Heritage Register under the NSW Heritage Act, 1977.

4.2 The Proposal

The works involve the following:

- Reconfiguration/subdivision of existing Lot 2 and Lot 3 in DP1067237 into 2 new residential allotments.
- Allotment 1 is to have an area of 1,687m2 and is to contain the existing herniate listed dwelling.
- Allotment 2 is to have an area of 1,075m2 and will be suitable for the construction of a new dwelling in the future.
- Access to Allotment 1 will be via a right of way to the front of Allotment 2, resulting in access to both allotments from the same current road layback along Roseville Ave.
- The existing dwelling on Allotment 1 is proposed to have a portion of the existing external open terrace to the eastern side elevation removed.
- The existing stone fence along Roseville Ave is to remain.
- Some trees and planting are also proposed to be removed from the proposed Allotment 2.

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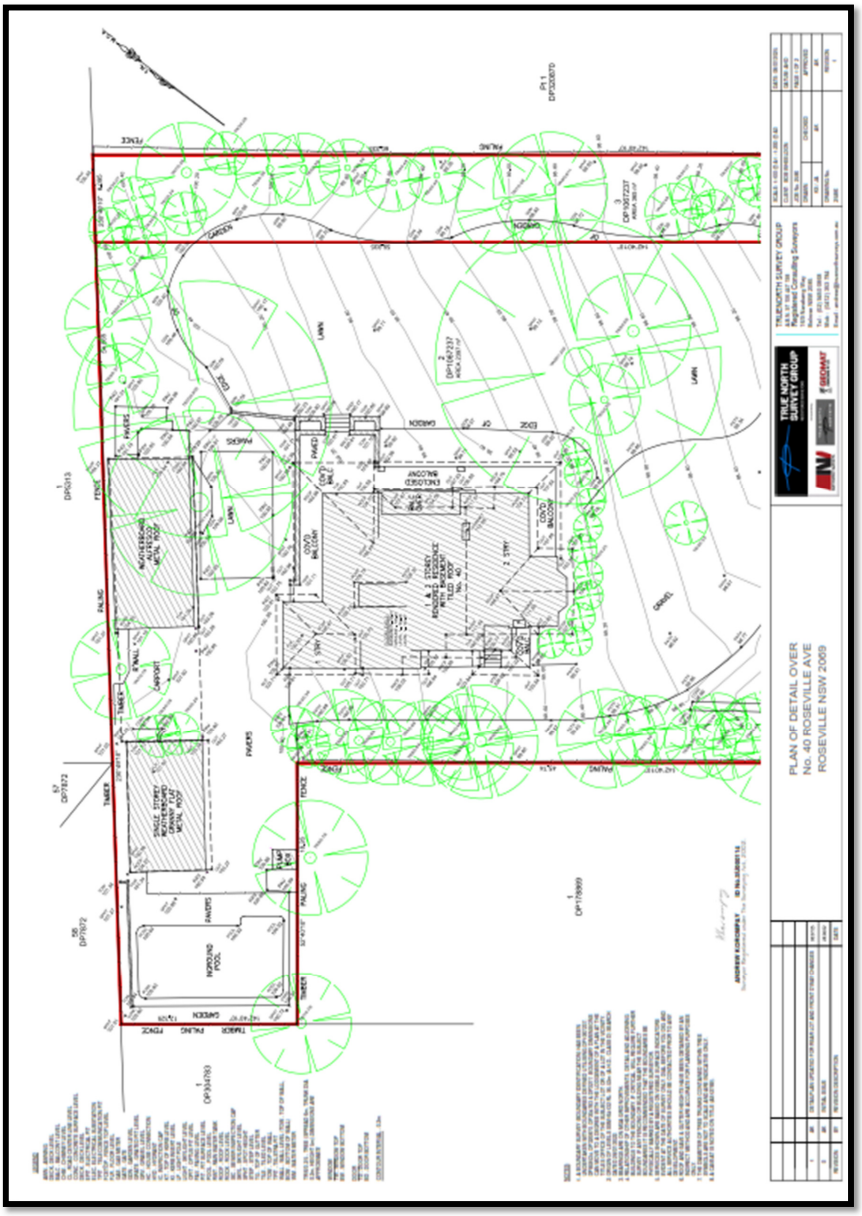

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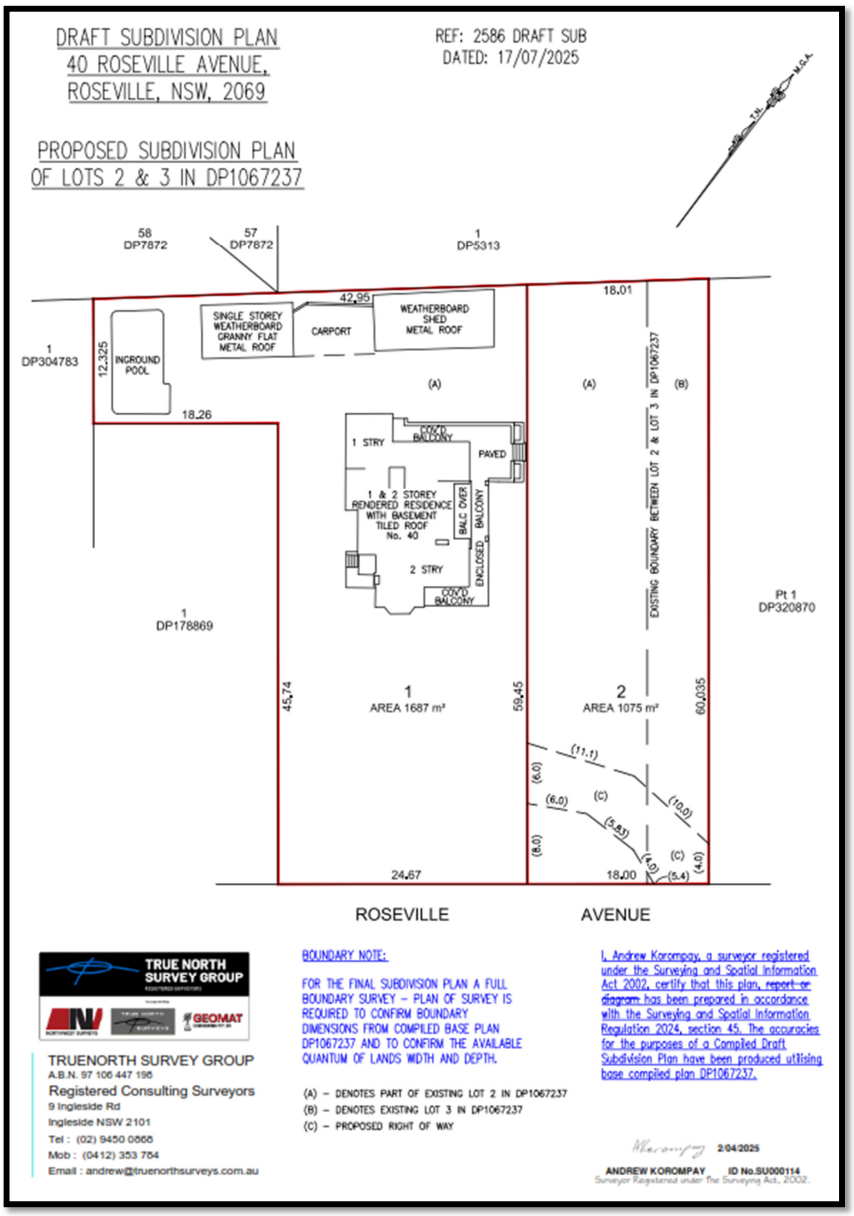

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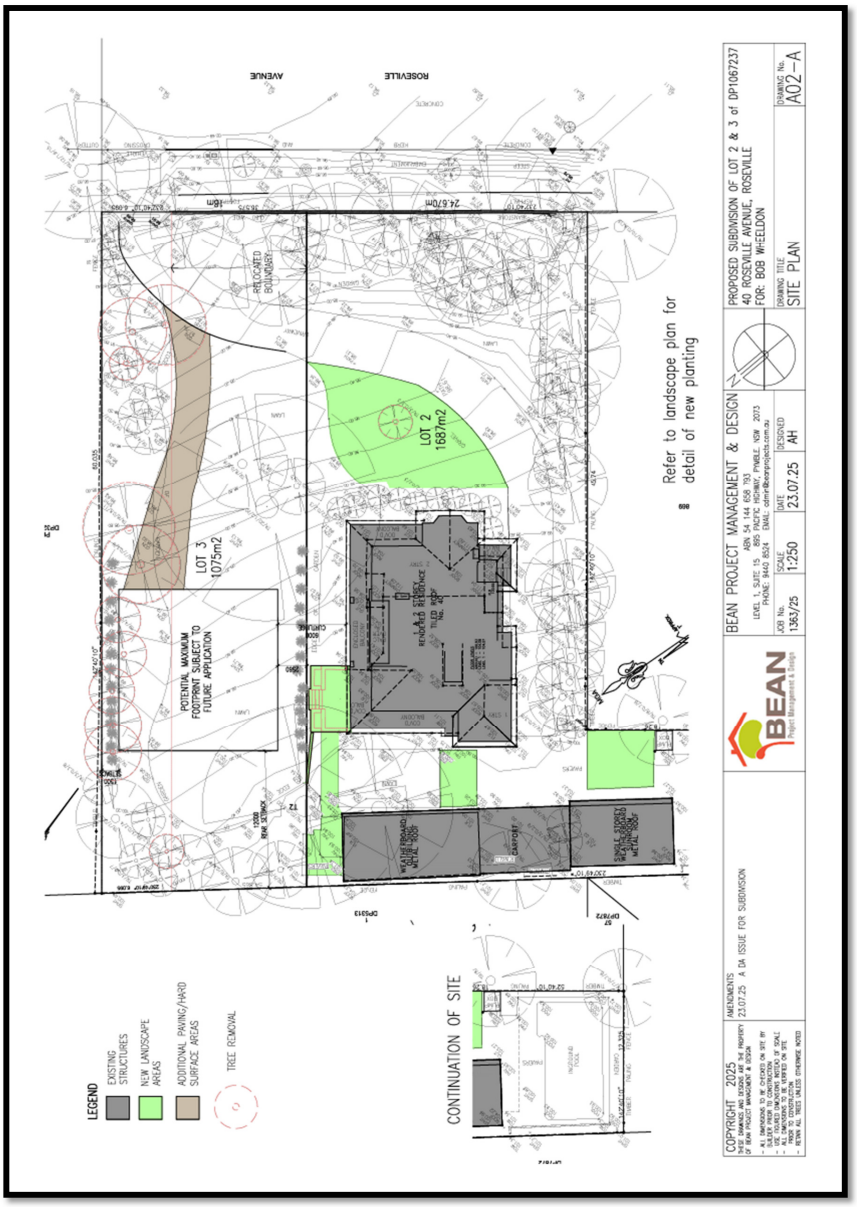

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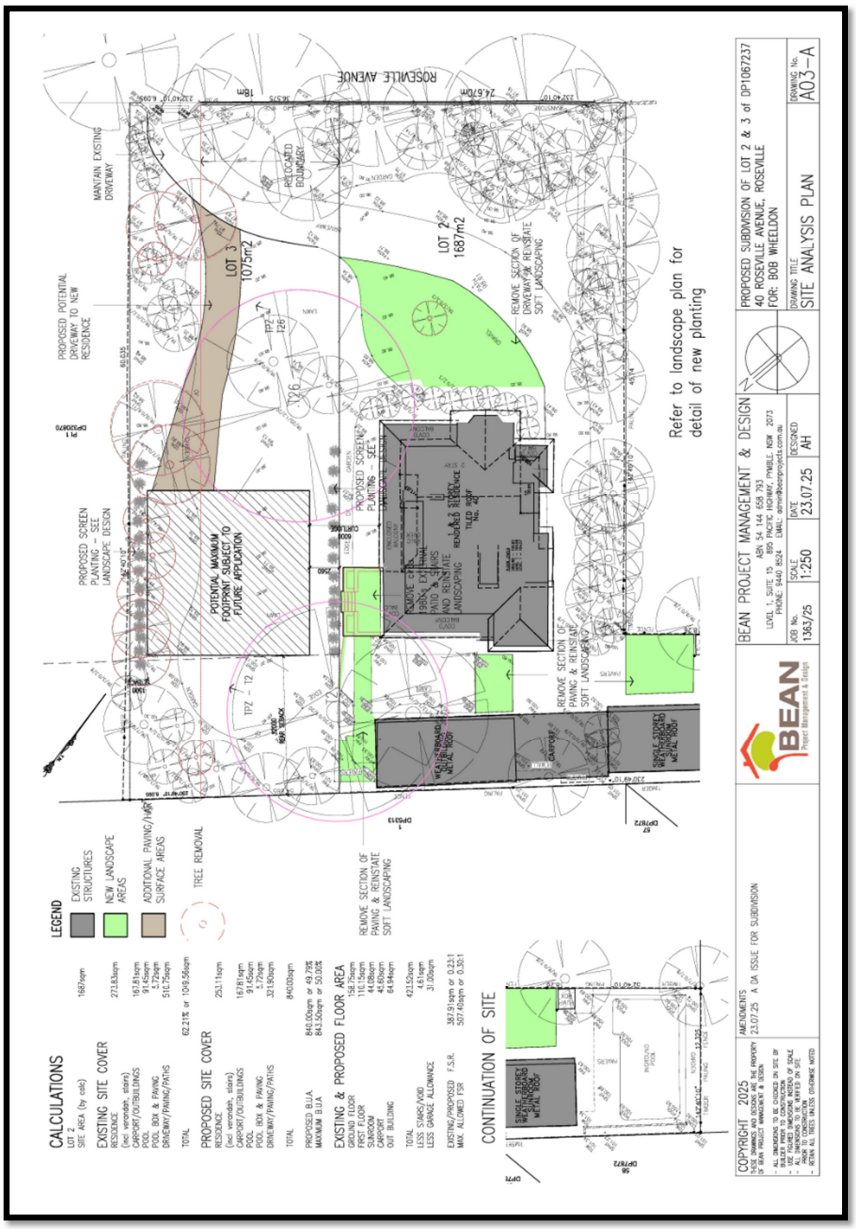

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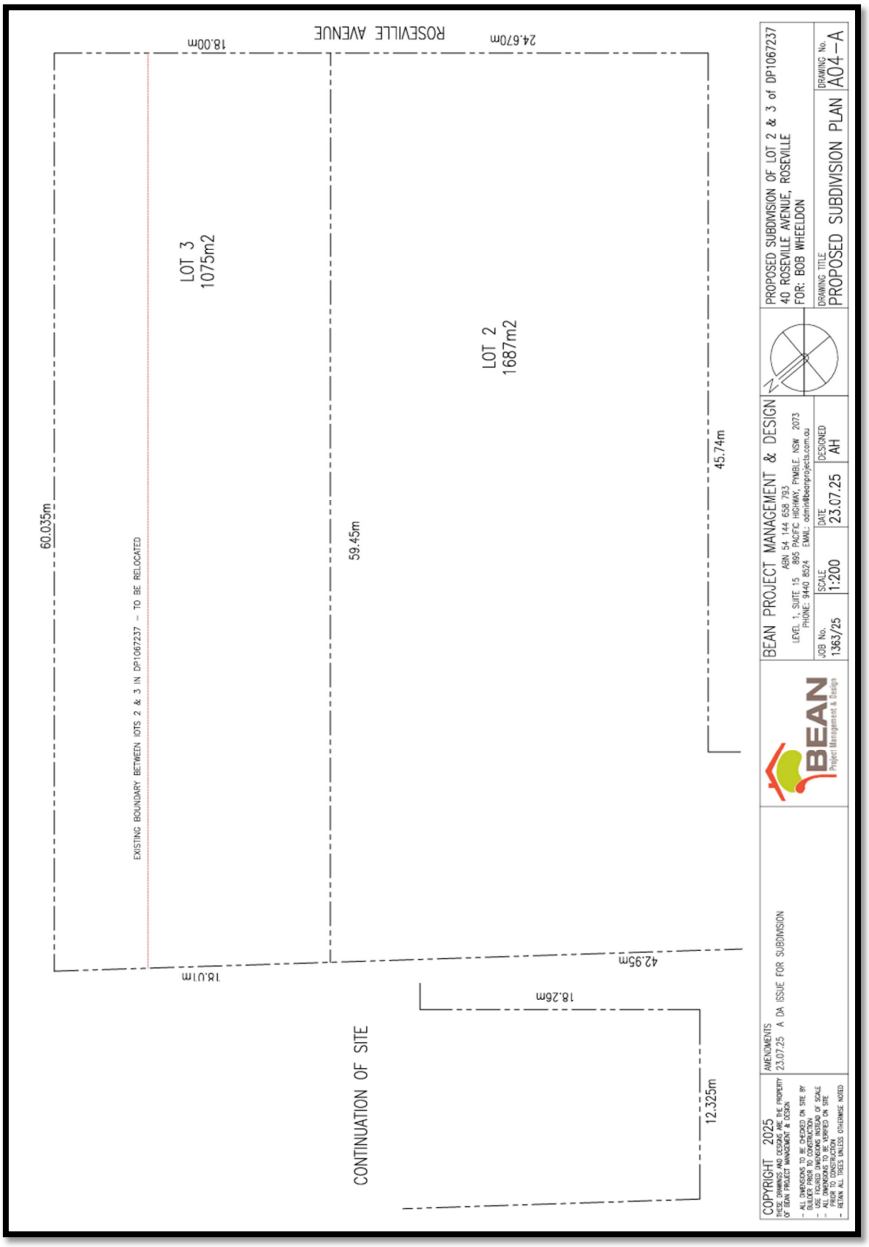

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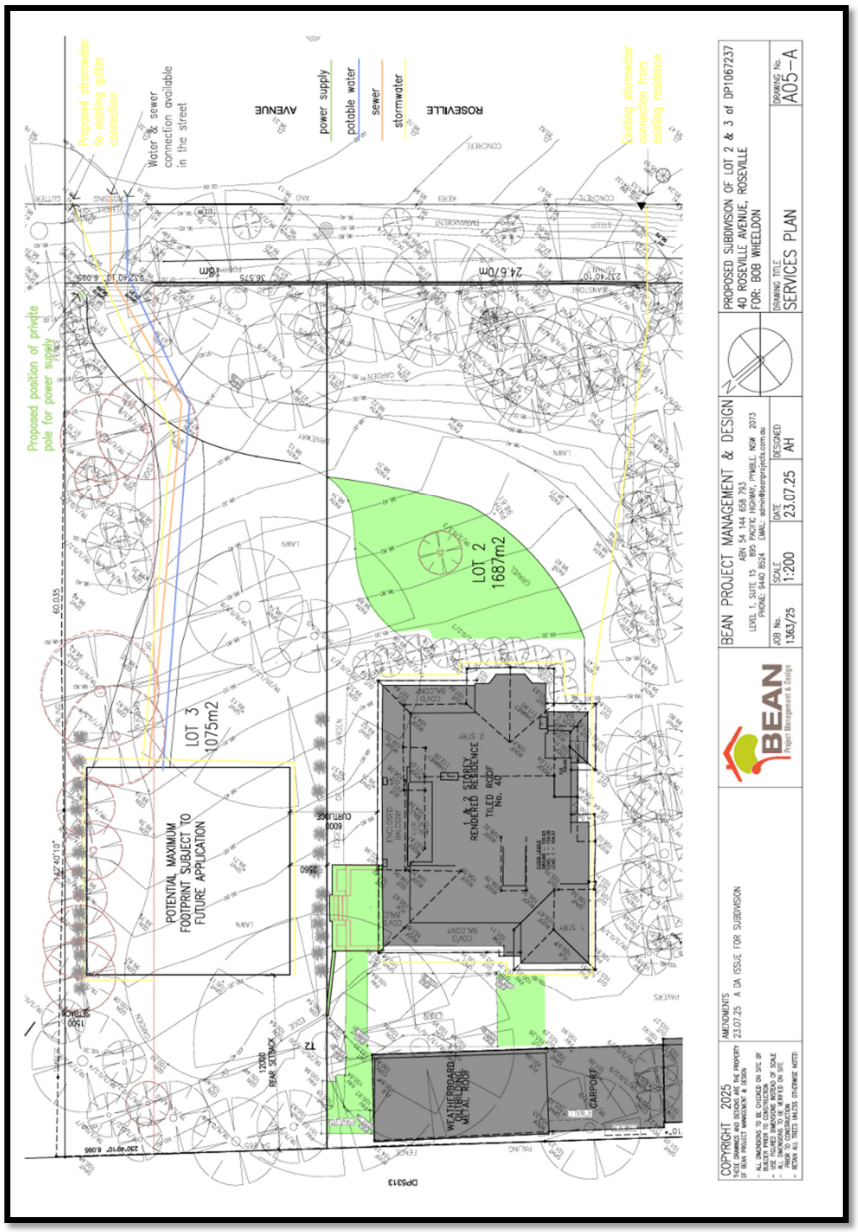

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4.3 The Works and Reason for its Implementation

The reason for the works is to subdivide the allotment of excessive land to the current owner's needs and requirements for the dwelling's function.

4.4 Impact of the Works

The following is a merit-based assessment. It does not consider compliance or otherwise with Council's numerical controls except where non-compliance would result in a heritage impact. Refer to the Statement of Environmental Effects that accompanies this application.

The following assessment is made with an understanding of the objectives and controls provided by the Ku-ring-gai LEP 2015 and the Ku-ring-gai DCP.

Subdivision Works

- The proposed subdivision is in keeping with the established subdivision pattern of the nearby vicinity, with the proposed new allotment of a similar area and similar street frontage width to other allotments in the streetscape along Roseville Ave.

- The submitted plans show and an area of a potential building site. The potential building site is of a generous size for a future dwelling which would be sited in a location consistent with the other adjoining dwellings and other homes within the streetscape.

- Any proposed new dwelling can be designed to harmonise and be suitable within the historical character of the existing streetscape as well as be consistent with the objectives and control of the Clanville Heritage Conservation Area.

- There is no impact to the front fence or the streetscape along Roseville Ave from the proposed works, with access to the new allotment via the existing layback along Roseville Ave, and through the car access to the existing front fence. There is no change to the front boundary and road reserve from the proposed works.

- The proposed new allotment will be able to be fully serviced.

- Some trees and mature planting have been proposed to be removed as part of the new allotment and subdivision. This is discussed in detail in the accompanying Arborist report provided as part of this application.

- The proposed subdivision will still allow the public to fully appreciate the site and the adjoining heritage listed dwelling. There is negligible loss of the historical character to the site, the existing heritage listed dwelling, the adjoining heritage listed dwelling or to the Clanville Heritage Conservation Area from the proposed subdivision.

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Partial Removal of the Later Added External Open Terrace and Stairs

- The section of the open terrace and stairs that is proposed to be removed was a later constructed part to the dwelling, most likely constructed around the 1980s, and contains negligible historical significance to the site or to the existing heritage listed dwelling.

  There is no detailing that is historically noteworthy to the later added external terrace and stairs that would be affected from its partial removal.

- The existing open terrace has no architectural significance or rare detailing that contribute to any value of the heritage item. The removal of the items will thus not result in the loss of any architecturally significant or rare items.

- The partial removal of the later added external open terrace and stairs to the dwelling will result in negligible loss of historical significance to the existing dwelling.

- As mentioned, the external terrace is a later addition to the dwelling from the 1980s and is also predominately set back to the rear of the allotment, therefore the existing external open terrace is predominately not visible from the streetscape. The removal of part of the existing open terrace will not affect the historical significance of the dwelling when viewed from the streetscape/Roseville Ave.

- The proposed removal of the later added external open terrace and stairs to the dwelling still maintains a well resolved and appropriate historically legible dwelling to the site and maintains the character of the existing historically significant dwelling to the allotment.

- The proposed removal of the later added external open terrace and stairs to the dwelling would not contradict with any traditional and appropriately styled detailing found on the original heritage listed dwelling or other heritage listed items in the near vicinity.

- There is no increase in building mass or building height of the proposed removal of the later added external open terrace and stairs.

- Any newly exposed subfloor walling from the removal of the later added external open terrace and stairs will be constructed of sandstone walling consistent with the existing subfloor walling to the base of the building. The materiality of the proposed works will harmonise with the existing materiality of the dwelling and be consistent with the historical character of the building.

- There is no change to the fencing of the site from the proposed removal of the later added external open terrace and stairs to the dwelling.

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- The proposed removal of the later added external open terrace and stairs to the dwelling will result in no overshadowing impacts.
- No view corridors (to and from the site) are affected from the proposed removal of the later added external open terrace and stairs to the dwelling.
- The proposed removal of the later added external open terrace and stairs to the dwelling does not impede any natural water courses or other historical drainage flow paths over the site.
- There are no changes to the topography of the site from the proposed removal of the later added external open terrace and stairs to the dwelling.
- The public can still fully appreciate the site, the existing heritage listed dwelling, and the adjoining heritage listed dwellings from the proposed removal of the later added external open terrace and stairs to the dwelling. There is also no loss of the historical character to the site from the proposed partial terrace removal.
- The proposed development is not sited on any known or potentially significant archaeological deposits.
- This report forms a record of the history and fabric of the existing house at this change point.

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Heritage Impacts on Adjoining Heritage Listed Items
The proposed works are within the visual catchment of two heritage listed items, namely;

- No 45 Roseville Ave, Roseville, which is heritage listed item I700, and referred to as a 'dwelling house' in the Ku-ring-gai LEP 2015.

- No 47 Roseville Ave, Roseville, which is heritage listed item I701, and referred to as a 'dwelling house' in the Ku-ring-gai LEP 2015.

The proposed works cannot be interpreted with the adjoining heritage listed items, with there being a substantial visual and physical separation between the proposed subdivision and external terrace remove, and the nearby heritage listed items. The proposed works cannot be interpreted within the same context as the adjoining heritage listed items.

- The impact of the visual amenity from the proposed subdivision and external terrace removal of to the adjoining heritage listed items in negligible.

- There is no loss to the historical integrity of the adjoining heritage listed items from the proposed subdivision and external terrace removal.

- The proposed subdivision and external terrace removal to 40 Roseville Ave, Roseville will have no impact on the ability to understand the heritage listed significance of any of the adjoining heritage listed items.

- Although the proposed subdivision and demolition of the later added external terrace to the eastern side of the existing dwelling can be seen from adjoining heritage items, the proposed works will sit within an established setting surrounded by other built forms and extensive landscaping.

- Views corridors to and from the heritage listed dwellings will not be interrupted from the proposed subdivision and demolition of the later added external terrace to the eastern side of the existing dwelling.

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4.6 Consideration of the Objectives and Controls of the Ku-ring-gai DCP 2015

The proposed works satisfy the objectives of the heritage considerations contained in the Ku-ring-gai DCP 2015 in that:

19A.2 Subdivision of a Heritage Item

Controls	Response
1 Subdivision of a Heritage Item will only be supported where: i) the subdivision does not adversely affect the cultural significance of the Heritage Item; ii) evidence of the historical setting, landscape and subdivision pattern can be recognised and/or retained. 2 Subdivision or consolidation will not be permitted where the curtilage and setting of a Heritage Item and significant buildings within or adjoining the site, would be compromised	The proposed works satisfy the control. The subdivision would not result in in any adverse effects to the cultural significance of the heritage item. The new allotment size is sufficient is size and appropriate for the heritage listed house to sit within a historical setting, with appropriately sized gardens and auxiliary structures. The heritage listed dwelling can still be read and understood. The landscape setting around the existing heritage listed house is sufficient to provide a setting that allows for the continuation of the house to sit within a landscape setting. The adjoining heritage listed dwellings would also not be effected from the proposed works.

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19B.4 Partial Demolition of a Heritage Item

Controls	Response
4 In considering applications for partial demolition of a Heritage Item (including parts of buildings and other structures, trees and landscape features), Council will assess:	The existing external tiled terrace on a concrete slab to the eastern side of the dwelling has negligible historical significance to the dwelling.
i) the significance of the building part or structure and/or landscape features and whether its retention is considered necessary;	The terrace is a later addition and is not part of the dwelling. The terrace is a latter mid 1980s addition.
ii) its contribution to the significance of the Heritage Item as a whole;	Its removal is necessary as it will be in the area of the proposed subdivision boundary
iii) whether all alternatives to demolition have been considered with reasons provided as to why the alternatives are not acceptable.	The removal of the external terrace contributes negligibly to the historical significance of the dwelling. The existing dwelling already has numerous terraces that provide visual interest and historical character to the existing dwelling and the enjoyment of the occupants.

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5.0 CONCLUSION

This Heritage Impact Statement has provided an assessment of the heritage significance of the proposed subdivision (allotment adjustment) into two residential allotments, with no works being undertaken to the existing heritage listed dwelling.

The proposed works do not result in any adverse effects to the existing heritage listed dwelling, the established character of the site, or to the adjoining heritage listed items within the visual curtilage of the site.

The proposed works would not affect any of the original historically significant components of the original dwelling or the surrounding context. The proposed works would have no impact on the ability to understand the heritage significance of 40 Roseville Ave, Roseville or the nearby heritage listed items.

The proposed works fulfil the aims and objectives as laid out by the Ku-ring-gai LEP 2015 and the Ku-ring-gai DCP. As such, in our professional opinion, the proposed subdivision into two residential allotments presented are suitable development and we recommend that they be supported in their current form.

Yours sincerely



Brad Inwood
B.Arch (UNSW)hons. B.URP(UNE)
Nominated Architect AIA 7108

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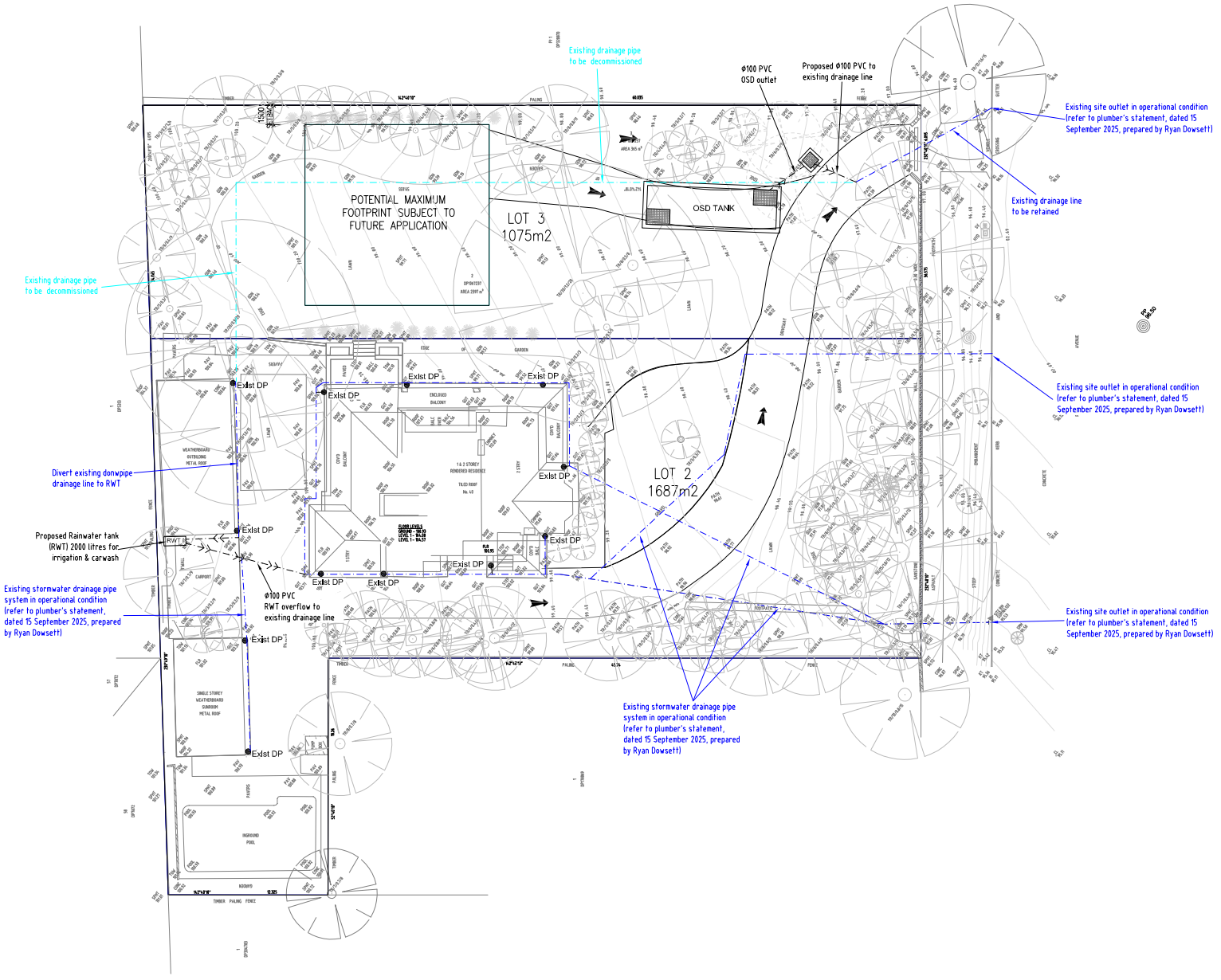
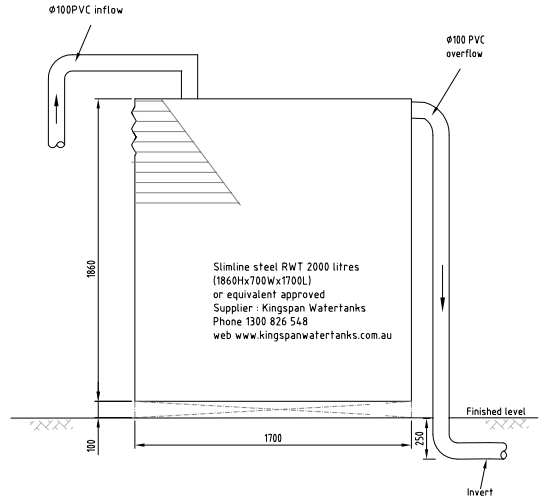


DRAINAGE CONCEPT PLAN

SCALE 1:200



RAINWATER TANK 2000 litres

SCALE 1:20

LEGEND

- Existing stormwater drainage line
- Decommissioned stormwater drainage line
- Proposed stormwater drainage line

SCALE 1:100 @A1 0 1 2 3 4 5 m

General notes	Issue	Amendments	Date	Issue	Amendments	Date
NOT FOR CONSTRUCTION	A	For DA	17.09.25			
- Minimum roofgutter slope of 0.5% to downpipe						
- Drainage pipes are Ø100 minimum						
- Dimensions in mm unless indicated otherwise						

LEGEND

+ 45.20	Existing level		Proposed drainage line
45.0	Existing contour		Proposed drainage pit
45.20	Finished level	DP	Proposed Down Pipe
	Overland flow direction	Exist DP	Existing downpipe

KD STORMWATER Pty. Ltd
ACN 605 367 548
164 Belmore Road North, Riverwood,2210 NSW
Email Admin@KDstormwater.com
Mob. 0432 211 421

CHECKED BY
KY TRAN
BSc,MEng(Sc,CPEng,NER (3109482)
Registered Design Practitioner (DEP0003516)

PROJECT: PROPOSED LAND SUBDIVISION
No 40 ROSEVILLE AVE ,ROSEVILLE
NSW

DRAINAGE CONCEPT PLAN & DETAILS

SCALE	AS SHOWN	Drawn: KT	Job #: DG 3075	Date: 17.09.25	Sheet 1 of 1

20260216-KLPP-Crs-2026/030631/602

EARTHSCAPE HORTICULTURAL SERVICES
Arboricultural, Horticultural and Landscape Consultants

ABN 36 082 126 027

ARBORICULTURAL IMPACT ASSESSMENT REPORT

PROPOSED SUBDIVSION (BOUNDARY ADJUSTMENT)

40 ROSEVILLE AVENUE, ROSEVILLE

August 2025

Report No. 25-041

Prepared for: Mr Bob Weeldon
40 Roseville Avenue
ROSEVILLE NSW 2069

Ph:- 0411 222 181

Prepared by: Andrew Morton
Dip. (Arboriculture) [AQF Level 5]
B. App. Sci. (Horticulture)
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1 INTRODUCTION

1.1.1 This report was commissioned by Mr Bob Wheeldon to assess the health and condition of forty-eight (48) trees located within or immediately adjacent to 40 Roseville Avenue, Roseville. The report has been prepared to aid in the assessment of a Development Application (DA) for the adjustment of the present boundary alignment between Lot 2 & Lot 3 in DP 1067237, to create two (2) allotments of 1,687 m² and 1,075 m² respectively. This assessment has been limited to the trees within and adjacent to new Lot 3.

1.1.2 The purpose of this report is to assess the potential impact of the proposed development on the subject trees, together with recommendations for amendments to the design or construction methodology where necessary to minimise any adverse impact. The report also provides recommended tree protection measures (Tree Protection Plan and Specification) to ensure the long-term preservation of the trees to be retained where appropriate.

1.1.3 This report has been prepared in accordance with Ku-ring-gai Council's guidelines for preparation of Arborists Reports as outlined in Section 5 of Council's *Development Application Guide* dated August 2023 and Sections 2.3.2 - 2.3.5 of the Australian Standard for *Protection of Trees on Development Sites* (AS 4970:2009).

2 THE SITE

2.1.1 The subject property is comprised of two (2) allotments known as Lot 2 and Lot 3 in DP 1067237, being 40 Roseville Avenue, Roseville. For the purposes of this report, the subject allotments will be referred to as 'the site'. The total area of the site is approximately 2,762 m². The site is zoned Low Density Residential [R2] under the *Ku-ring-gai Local Environmental Plan 2015* (KLEP).

2.1.2 The site contains an existing one and two-storey dwelling located in the western portion of the lot, together with two detached outbuildings and an in-ground swimming pool in the rear yard adjacent to the north-western boundary. The site has a slight to moderate south-easterly gradient with established lawns and gardens. The site contains a number of mature and semi-mature trees located mainly around the periphery of the site. These include a variety of locally-indigenous, non-local native and exotic (introduced) species.

2.1.3 The soils of this area are typical of the Lucas Heights Soil Landscape Group (as classified in the *Soil Landscapes of the Sydney 1:100,000 Sheet*), consisting of "moderately deep (500-1500 mm) hardsetting *Yellow Podzolic and Yellow Soloth soils and Yellow Earths"* on the outer edges of crests.[1] The site is located within the transition between Wianamatta Shale and Hawkesbury Sandstone. The landscape of the area is typically gently undulating terrain with level to gently inclined slopes of less than 10% grade.

2.1.4 The original vegetation of this area consisted of open forest and woodland typical of shale/sandstone transitional soils (Wianamatta Shale over Hawkesbury Sandstone), most of which was cleared for timber-getting from early in the nineteenth century then later for agriculture (mainly orchards and market gardens) and more recently for urban development.[2] The dominant locally-indigenous tree species found in this area include *Eucalyptus pilularis* (Blackbutt), *Angophora costata* (Sydney Red Gum) and *Syncarpia glomulifera* (Turpentine). Other species occurring in this vegetation community may include *Eucalyptus paniculata* (Grey Ironbark), *Angophora floribunda* (Rough Barked Apple), *Eucalyptus resinifera* (Red Mahogany), *Eucalyptus globoidea* (White Stringybark) and *Allocasuarina torulosa* (Forest Oak).

3 SUBJECT TREES

3.1.1 The subject trees were inspected by Earthscape Horticultural Services (EHS) on the 14th July 2025. Each tree has been provided with an identification number for reference purposes denoted on the attached Tree Location Plan (**Appendix 5**), based on the survey prepared by True North Survey Group, Dwg. Ref No. 2586 [1] dated 08/07/2025. The numbers used on this plan correlate with the Tree Assessment Schedule (**Appendix 3**). Tree No.s T3, T10, T21 & T33 were not shown on the original survey and have been plotted on the drawing in their approximate positions by taking offsets from existing features.

4 HEALTH AND CONDITION ASSESSMENT

4.1 Methodology

4.1.1 An assessment of each tree was made using the Visual Tree Assessment (VTA) procedure.[3] All of the trees were assessed in view from the ground. No aerial inspection or diagnostic testing has been undertaken as part of this assessment.

4.1.2 The following information was collected for each tree:-

- **Tree Species** (Botanical & Common Name);
- **Approximate height**;
- **Canopy spread** (measured using laser distance measurer in four directions and an average taken);
- **Trunk diameter** (measured with a diameter tape at 1.4 metres from ground level);
- **Live Crown Size** (measured by subtracting the total height of the tree from the lowest point of the crown and multiplying by the average crown spread to give a value in square metres);
- **Maturity Class -** the Maturity Class for each tree has been divided into the following categories:-
  - **OM** Over-mature – greater than 80% of the life expectancy for the species;
  - **M** Mature – 50-80% of the life expectancy for the species;
  - **SM** Semi-mature – 20-50% of the life expectancy for the species;
  - **I** Immature – less than 20% of the life expectancy for the species.
- **Health & vigour** (using foliage size, colour, extension growth, presence of disease or pest infestation, canopy density, presence of deadwood, dieback and epicormic growth as indicators),
- **Condition** (using visible evidence of structural defects, instability, evidence of previous pruning and physical damage as indicators); and
- **Suitability** of the tree to the site and its existing location (in consideration of damage or potential damage to services or structures, available space for future development and nuisance issues).

4.1.3 This information is presented in a tabulated form in **Appendix 3**.

4.2 Safe Useful Life Expectancy (SULE)

4.2.1 The remaining Safe Useful Life Expectancy[4] of the tree is an estimate of the sustainability of the tree in the landscape, calculated based on an estimate of the average age of the species in an urban area, less its estimated current age. The life expectancy of the tree has been further modified where necessary in consideration of its current health and vigour, condition and suitability to the site. The estimated SULE of each tree is shown in **Appendix 3.**

4.2.2 The following ranges have been allocated to each tree:-

- Greater than 40 years (Long)
- Between 15 and 40 years (Medium)

- Between 5 and 15 years (Short)
- Less than 5 years (Transient)
- Dead or immediately hazardous (defective or unstable)

4.2.1 SULE ratings are intended to provide a general overview of the long-term sustainability of the trees within the site in consideration of these factors. The allocated ranges are not intended to be absolute. This information is useful in guiding future planning by highlighting the probable lifespan of individual trees, for which a clear pattern may emerge. This information may be helpful in forecasting likely tree senescence and planning for replacement planting to ensure continuity in tree canopy across the site. It should be noted that SULEs *may* be extended or reduced depending on the way trees are managed. Intervention and remedial works may extend the SULE of some trees.

5 LANDSCAPE SIGNIFICANCE

5.1 Methodology for Determining Landscape Significance

5.1.1 The significance of a tree in the landscape is a combination of its environmental, heritage and amenity values. Whilst these values may be fairly subjective and difficult to assess consistently, some measure is necessary to assist in determining the retention value of each tree. To ensure a consistent approach, the assessment criteria shown in **Appendix 1** have been used in this assessment.

5.1.2 A rating has been applied to each tree to give an understanding of the relative significance of each tree in the landscape and to assist in determining priorities for retention, in accordance with the following categories:-

1. **Significant**
2. **Very High**
3. **High**
4. **Moderate**
5. **Low**
6. **Very Low**
7. **Insignificant**

5.2 Environmental Significance

5.2.1 Tree Management Controls

Prescribed trees within the Municipality of Ku-ring-gai are protected under Section A, Part 13 (Tree and Vegetation Preservation) of the Ku-ring-gai Development Control Plan 2015 (KDCP) made pursuant to Chapter 2, Part 2.3 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity SEPP). The KDCP generally protects all trees of a height of five (5) metres or greater or with a trunk diameter of 150mm or greater. Some exemptions apply. However, all of the trees are protected under Council's Tree Management Controls, being located within a property listed as a heritage item and within a designated heritage conservation area (refer to **Section 5.3**.

5.2.2 Wildlife Habitat

*Syncarpia glomulifera (*Turpentine) [T40 & T41] and *Pittosporum undulatum* (Sweet Pittosporum) [T33 & T45] are all locally-indigenous species, representative of the original vegetation of the area and would be of benefit to native wildlife. However, none of the trees contain cavities that would be suitable as nesting hollows for arboreal mammals or birds. There were no other visible signs of wildlife habitation. Note that trees T40 & T41 have been planted and T33 & T45 are self-sown. None of these trees are remnant of the original vegetation community.

5.2.3 Noxious Plants & Environmental Weeds

Cinnamomum camphora (Camphor Laurel) [T43], *Ligustrum lucidum* (Broad Leaf Privet) [T15 & T32], *Ligustrum sinense* (Small-leaf Privet) [T31] and *Olea europaea subsp. africana* (African Olive) [T44] are scheduled as a potential 'Biosecurity Risk' ('Priority Weed' – formerly 'Noxious Weed') within NSW under the provisions of the *Biosecurity Act 2015.* These plant species are regulated with a **general biosecurity duty** to prevent, eliminate or minimise any biosecurity risk they may pose. Any person who deals with any plant, who knows (or ought to know) of any biosecurity risk, has a duty to ensure the risk is prevented, eliminated or minimised, so far as is reasonably practicable. The growth of these plant species should be managed in a manner that continuously inhibits the ability of the plant to spread (so far as is reasonably practicable) and the plant must not be sold, propagated or knowingly distributed.

Note that *Cinnamomum camphora* (Camphor Laurel) [T43] is not specifically listed as a 'State or Regional Priority Weed' under the *Greater Sydney Regional Strategic Weed Management Plan 2023-2027* and is therefore this tree is technically protected under Council's Tree Management Controls.

Liquidambar styracflua (Liquidambar) [T2] is considered to be a nuisance species in some Local Government Areas (LGAs) within the Sydney Metropolitan Area. This species is protected under Ku-ring-gai Council's Tree Management Controls where greater than twelve (12) metres in height. T14 is greater than this dimension.

5.2.4 Threatened Species & Ecological Communities

Macadamia tetraphylla (Macadamia) [T3 & T5] is listed as a Vulnerable Species under the *Environmental Protection and Biodiversity Conservation Act 1999* and Schedule 1, Part 3, Division 3 of the *Biodiversity Conservation Act 2016 (NSW)* [Proteaceae]. Whilst this species is listed as vulnerable, it is a commonly planted ornamental tree in residential gardens within the Sydney Metropolitan Area. The species is *not* endemic to this area and therefore does *not* have any ecological significance in this context of this site.

The National Parks and Wildlife Service (NPWS) 1:25000 Mapping Series (Native Vegetation of the Cumberland Plain)[5] indicates that there are no remnant native vegetation communities within or in the vicinity of the site.

Ku-ring-gai Council's Vegetation Mapping Series (*Vegetation – Complex 2014*) indicates that the vegetation within the site is classified as 'Other Vegetation' (comprised of mainly planted non-local-native and introduced species).

Vegetation mapping on the *Sharing and Enabling Environmental Data in NSW* (SEED) website [https://geo.seed.nsw.gov.au/] (*Vegetation Map – Sydney Metro Area*) indicates that remnant vegetation within the local is classified as "Turpentine-Grey Ironbark open forest on shale in the lower Blue Mountains, Sydney Basin Bioregion" (PCTID 1281.00).

None of the other trees are listed as Threatened or Vulnerable Species or form part of Endangered Ecological Communities (EECs) under the provisions of the *Biodiversity Conservation Act 2016* (NSW) or the *Environment Protection and Biodiversity Conservation Act* 1999.

5.2.5 Biodiversity, Bushfire & Riparian Lands

The site does *not* contain any areas of 'Biodiversity' as indicated on Council's Natural Resources Biodiversity Map forming part of the KLEP 2015.

Council's *Greenweb Map* indicates that there are no 'Core Biodiversity Lands' 'Support for Core Biodiversity Lands', 'Biodiversity Corridors and Buffer Areas', 'Landscape Remnants' or 'Canopy Remnants' occurring within the site.

The NSW Office of Environment and Heritage (OEH) *Biodiversity Values Map and Threshold Tool* (refer https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap), indicates that there is no vegetation on or near the site that is subject to the Biodiversity Offset Scheme (BOS).

The site does *not* contain any 'Riparian Land' as indicated on Council's Natural Resources Riparian Land Map forming part of the KLEP 2015.

The site does *not* contain any Bushfire Prone Land as indicated on Council's Bush Fire Prone Land Map (2024).

The site is *not* within a 'Designated Bush Fire Prone Area' as defined by the NSW Rural Fire Service (RFS). The site is *not* within a 'Designated 10/50 Vegetation Clearing Entitlement Area' as defined by the NSW RFS.

5.3 Heritage Significance

5.3.1 Heritage Items

The site is listed as an item of Environmental Heritage [**Item 699**] under Schedule 5, Part 1 of the *Ku-ring-gai Local Environmental Plan 2015* (KLEP). The Item is a late Victorian Era house constructed (c.1896).

5.3.2 Heritage Conservation Area

The site is located within a Heritage Conservation Area [**C32 – Clanville Conservation Area**] under Schedule 5, Part 2 of the KLEP 2015.

5.3.3 Significant Tree Register

Ku-ring-gai Council does *not* currently maintain a Register of Significant Trees.

5.3.4 General

The 1943 Aerial Photograph of Sydney (SIX Maps) indicates that the local area had been cleared of most of the native vegetation by this time and subdivided for residential housing. The present dwelling within the site and outbuilding in the rear yard were extant at this time. Roseville Avenue and the surrounding streets have avenues of Brushbox trees, being typical of the species used in civic plantings in the Inter-War Era (1919-1939). Interesting, there is a gap in the avenue adjacent the site. Several mature trees are visible within the property at this time including the two large Camphor Laurels within the front yard of the site [one of these being T43] and a mature Jacaranda [T26]. These are also likely to have been planted during this time.

Based on analysis of Historical Imagery of the site (NSW Spatial Services), the 1970 aerial image indicates that Trees T1 (Jacaranda) and T2 (Liquidambar) were extant as semi-mature specimens at this time and were probably planted c. 1960-1970. T39 (Tallowwood) is visible as a young specimen in the 1986 aerial and was probably planted c. 1980.

5.4 Amenity Value

5.4.1 Criteria for the assessment of amenity values are incorporated into **Appendix 1**. The amenity value of a tree is a measure of its live crown size, visual appearance (form, habit, crown density), visibility and position in the landscape and contribution to the visual character of an area. Generally the larger and more prominently located the tree, and the better its form and habit, the higher its amenity value.

6 TREE RETENTION VALUES

6.1.1 The Retention Values shown in **Appendix 3** and **Appendix 5** have been determined on the basis of the estimated longevity of the trees and their landscape significance rating, in accordance with

Table 1. Together with guidelines contained in **Section 7** (Tree Protection Zones) this information should be used to determine the most appropriate position of building footprints and other infrastructure within the site, with due consideration to other site constraints, to minimise the impact on trees considered worthy of preservation.

TABLE 1 – TREE RETENTION VALUES – ASSESSMENT METHODOLOGY

	Landscape Significance Rating						
Estimated Life Expectancy	**1**	**2**	**3**	**4**	**5**	**6**	**7**
Long - Greater than 40 Years	High Retention Value						
Medium- 15 to 40 Years			Moderate Retention Value				
Short - 5 to 15 years				Low Ret. Value			
Transient - Less than 5 Years				Very Low Retention Value			
Dead or Potentially Hazardous							

6.1.2 The following table describes the implications of the retention values on site layout and design.

TABLE 2 – TREE RETENTION PRIORITES.

RETENTION VALUE	**RECOMMENDED ACTION**
"High"	These trees considered worthy of preservation; as such careful consideration should be given to their retention as a priority. Proposed site design and placement of buildings and infrastructure should consider the recommended setbacks as discussed in the following section to avoid any adverse impact on these trees (refer also **Appendix 2** for examples of acceptable encroachments) In addition to Tree Protection Zones, the extent of the canopy (canopy drip-line) should also be considered, particularly in relation to multi-storey developments. Significant canopy pruning of the trees to accommodate the building envelope or temporary scaffolding is generally not acceptable.
"Moderate"	The retention of these trees is desirable, but not essential. These trees should be retained as part of any proposed development if possible. However, these trees are considered less critical for retention. If these trees must be removed, replacement planting should be considered in accordance with Council's Tree Replenishment Policy to compensate for loss of amenity (refer also **Section 11**).
"Low"	These trees are not considered to worthy of any special measures to ensure their preservation, due to current health, condition or suitability. They do not have any special ecological, heritage or amenity value, or these values are substantially diminished due to their SULE. These trees should not be considered as a constraint to the future development of the site.
"Very Low"	These trees are considered potentially hazardous or very poor specimens, or may be environmental or noxious weeds. The removal of these trees is therefore recommended regardless of the implications of any proposed development.

7 TREE PROTECTION ZONES

7.1.1 The Tree Protection Zone (TPZ) is a radial distance measured from the centre of the trunk of the tree as specified in **Appendix 4**. These have been calculated in accordance with AS 4970-2009 (Protection of Trees on Development Sites).[6]

7.1.2 The intention of the TPZ is to ensure protection of the root system and canopy from the potential damage from construction works and ensure the long-term health and stability of each tree to be retained. Incursions to the root zone may occur due to excavations, changes in ground levels, (either lowering or raising the grade), trenching or other forms or soil disturbance such as ripping, grading or inverting the soil profile. Such works may cause damage or loss of part of the root system, leading to an adverse impact on the tree.

7.2 Structural Root Zone (SRZ)

7.2.1 The Structural Root Zone (SRZ) provides the bulk of mechanical support and anchorage for a tree. This is also a radial distance measured from the centre of the trunk as specified in **Appendix 4**. The SRZ has been calculated in accordance with AS 4970-2009 (Protection of Trees on Development Sites).

7.2.2 Incursions within the SRZ are not recommended as they are likely to result in the severance of woody roots which may compromise the stability of the tree or lead to its decline and demise.

7.3 Acceptable Encroachments to the Tree Protection Zone.

7.3.1 Where encroachment to the TPZ is unavoidable, an incursion to the TPZ of not exceeding 10% of the area of the TPZ and outside the SRZ may be acceptable. Examples of acceptable incursions are shown in **Appendix 2**. Greater incursions to the TPZ may result in an adverse impact on the tree.

7.3.2 Where incursions greater than 10% of the TPZ are unavoidable, exploratory excavation using non-destructive methods may be required to evaluate the extent of the root system affected and determine whether or not the tree can remain viable

7.4 Acceptable Encroachments to the Canopy

7.4.1 The removal of a small portion of the crown (foliage and branches) is generally tolerable provided that the extent of pruning required is less than 10% of the total foliage volume of the tree and the removal of branches does not create large wounds or disfigure the natural form and habit of the tree. All pruning cuts must be undertaken in accordance with AS 4373:2007. This generally involves reduction of the affected branches back to the nearest branch collar at the junction with the parent branch, rather than at an intermediate point. The latter is referred to as “lopping” and is no longer an acceptable arboricultural practice. In general, the minimum pruning as required to accommodate any proposed works is desirable. Extensive pruning can result in a detrimental impact on tree health and may lead to exposure of remaining branches to wind forces that they were previously sheltered from, leading to a greater risk of branch failure.

7.4.2 Clearance to between the building line and canopy should take into account any projecting structures, such as balconies, awnings and the roofline and any requirement for temporary scaffolding to be erected during construction (typically 1-1.5 metres wide). High structures should preferably be located outside the canopy dripline (as shown indicatively on the attached plans) in order to avoid or minimise canopy pruning.

8 PROPOSED DEVELOPMENT

8.1.1 The proposed development includes the adjustment of the present boundary alignment between Lot 2 & Lot 3 in DP 1067237, to create two (2) allotments of 1,687 m² and 1,075 m² respectively. The existing dwelling, outbuildings and pool will be maintained within Lot 2, with selected areas of pavement demolished and returned to soft landscape. The existing gravel driveway will be maintained and the new Lot 3 encumbered by a proposed Right of Way to permit vehicular access to both lots from the existing driveway crossover. An Indicative Building Envelope (IBE) of 200 m² has been shown within Lot 2, together with an indicative driveway position. No civil works (paving, stormwater drainage, services or earthworks) are proposed as part of this DA.

9 IMPACT ASSESSMENT

9.1.1 The intention of this assessment is to determine the incursions to the root zones and canopies created by the proposed development and evaluate the likely impact of the proposed works on the subject trees. Details shown on the following plans were used in this assessment:-

Title	Author	Dwg No. [Rev.]	Date
Site Plan	Bean Project Management & Design	A02-[A]	23/07/2025
Site Analysis Plan	Bean Project Management & Design	A03-[A]	23/07/2025
Proposed Subdivision Plan	Bean Project Management & Design	A04-[A]	23/07/2025
Proposed Subdivision Plan	True North Survey Group	2586	17/07/2025

9.1.2 A summary of the impact of the proposed development on each tree within the site is shown in **Appendix 4**. The following criteria have been examined as part of this assessment:-

- Existing Relative Levels (R.L.);
- Tree Protection Zone (TPZ);
- Structural Root Zone (SRZ);
- Footprint and envelope of the proposed development and temporary structures (scaffolding, hoardings etc);
- Incursions to the TPZ & SRZ, including estimated cut & fill beyond the building footprint;
- Incursions to the tree canopy from the building envelope and temporary structures; and
- Assessment of the likely impact of the works on existing trees.

9.1.3 The proposed development will necessitate the removal of three (3) trees of very low retention value. These include Tree No.s T15 (Broad-leaved Privet), T19 (Evergreen Alder) and T28 (Chinese Elm). None of these trees are considered significant or worthy of special measures to ensure their preservation. The removal of these trees to accommodate the proposed development is therefore considered warranted in this instance. It should be noted that T15 is classified as an Environmental Weed Species.

9.1.4 The proposed development will also necessitate the removal of six (6) trees of moderate retention value. These include Tree No.s T14 (Sasanqua Camellia), T16 & T17 (Weeping Lillypilly), T18 (Leyland Cypress), T20 (Fiddlewood) & T43 (Golden Hinoki Cypress). These trees are not considered significant, but are in good health and condition and make a fair contribution to the amenity of the site and surrounding properties. In order to compensate for loss of amenity resulting from the removal of these trees to accommodate the proposed development, consideration should be given to replacement planting with new trees elsewhere within the site in accordance with **Section 11**.

9.1.5 The removal of a further three (3) trees of very low retention value, not adversely affected by the proposed development, is also proposed. These include Tree No.s T7 (Chinese Hackberry), T31 (Small-leaf Privet) & T32 (Broad Leaf Privet), all of which are classified as Environmental Weed Species. None of these trees are considered significant or worthy of special measures to ensure their preservation. The removal of these trees to accommodate new tree planting with more appropriate species is considered warranted in this instance.

9.1.6 Existing pavements and low walls are proposed to be demolished within the TPZs of T1 & T25 (Jacaranda), T2 (Liquidambar), T4 (Pigeonberry) and T29 (row of 7 x Camellia). This work will not result in any adverse impact on these trees, provided that all such demolition work within the TPZs is undertaken in accordance with **Section 10.8.**

9.1.7 The Indicative Building Envelope (IBE) within Lot 3 is located within the TPZs of T2 (Liquidambar), T13 (Chinese Tallow) and T26 (Jacaranda). In all instances, the extent of the potential encroachment to the root zones created by the construction of any future dwelling within the IBE is less than 10% of the TPZ, which is considered within acceptable limits under AS4970:2009. As such, any future dwelling located within the IBE will not result in any adverse impact on these trees. In order to avoid any adverse impact, any required excavation for the foundations of any future dwelling within the TPZs of these trees should be undertaken in accordance with **Section 10.9**.

9.1.8 A portion of the canopy of T26 (Jacaranda) overhangs the IBE. Minor canopy pruning may be required to clear the building envelope and roofline of any future dwelling located within the IBE, resulting in an estimated 10% crown loss. The extent of potential crown loss is within acceptable limits under AS4373:2007. Any future dwelling within the IBE will not result in any adverse impact on this tree, provided that any required canopy pruning (that essential to clear any future dwelling and associated temporary scaffolding) is undertaken in accordance with **Section 10.14** and any required temporary scaffolding (to facilitate construction of the dwelling) is erected in accordance with **Section 10.15**.

9.1.9 The indicative driveway servicing the future dwelling within Lot 3 is located within the TPZs of T21 (Leighton Green Cypress), T22 (Illawarra Flame) and T26 (Jacaranda). The new driveway will adjoin the existing gravel driveway servicing Lot 2 (within the proposed Right of Way), which is to be retained intact. The potential encroachment to the TPZs of T21 & T22 is approximately 25% and 18% respectively, and the potential cumulative encroachment to the TPZ of T26 (inclusive of the IBE) is approximately 18%, which exceeds acceptable limits under AS4970:2007. This level of encroachment has the potential to result in some adverse impact on these trees. However, any adverse impact can be mitigated by installing any future driveway a minimum of 150mm above grade within the TPZs (to minimise excavation for the pavement subgrade) in accordance with **Section 10.12** and undertaking any required excavation for the new pavement sub-grade in accordance with **Section 10.9**.

9.1.10 No other trees will be adversely affected by the proposed development.

10 RECOMMENDED TREE PROTECTION MEASURES

10.1 Tree Protection Plan

10.1.1 The following Tree Protection Measures should be read in accordance with the Tree Protection Plan (**Appendix 6**). The Tree Protection Plan (TPP) indicates the position of tree protection devices and other recommended measures to ensure the protection of trees within the site to be retained as part of the proposed development.

10.2 Prohibited Activities

10.2.1 The following activities should be avoided within specified Tree Protection Zones (refer **Appendix 4 & 6** for extent of the TPZ for each tree):-

- Excavations and trenching (with exception of the approved remediation works, underground services, building foundations or pavement sub-grade);
- Soil disturbance, surface grading, compaction, tyning, ripping or cultivation of soil;
- Mechanical removal of vegetation, including extraction of tree stumps;
- Soil level changes including the placement of fill material (excluding imported validated fill for remediation works or placement of fill for approved works)
- Movement and storage of plant, equipment & vehicles (except within defined temporary haul roads, where ground protection has been installed, or within the footprint of existing floor slabs or paved areas);
- Erection of site sheds (except where approved by the site arborist);
- Affixing of signage, barricades or hoardings to trees;
- Storage of building materials, waste and waste receptacles;
- Stockpiling of spoil or fill;
- Stockpiling of bulk materials, such as soil, sand, gravel, roadbase or the like;
- Stockpiling of demolition waste;
- Disposal of waste materials and chemicals including paint, solvents, cement slurry, fuel, oil and other toxic liquids;
- Other physical damage to the trunk or root system; and
- Any other activity likely to cause damage to the tree.

10.3 Tree Damage

10.3.1 Care shall be taken when operating cranes, drilling rigs and similar equipment near trees to avoid damage to tree canopies (foliage and branches). Under no circumstances shall branches be torn-off by construction equipment. Where there is potential conflict between tree canopy and construction activities, the advice of the Site Arborist must be sought.

10.3.2 In the event of any tree becoming damaged for any reason during the construction period a consulting arborist [Australian Qualification Framework Level 5] shall be engaged to inspect and provide advice on any remedial action to minimise any adverse impact. Such remedial action shall be implemented as soon as practicable and certified by the arborist.

10.4 Tree Removal

10.4.1 The removal of Trees [**T7, T14, T15, T16, T17, T18, T19, T20, T28, T31, T32 & T34**] shall be carried out by an experienced tree surgeon in accordance with the NSW WorkCover Code of Practice for the Amenity Tree Industry (1998). Care shall be taken to avoid damage to other trees during the felling operation.

10.4.2 Stumps located within the TPZs of trees to be retained shall be grubbed-out where required using a mechanical stump grinder (or by hand where less than 150mm in diameter) without damage to the root system of other trees. Where trees to be removed are within the SRZ of any trees to be retained, consideration should be given to cutting the stump close to ground level and retaining the root crown intact. Stumps within the Tree Protection Zone of other trees to be retained shall **not** be pulled out using excavation equipment or similar.

10.5 Tree Protection Fencing

10.5.1 Trees [**T2, T4-T13, T25-T27 & T42-T48**] shall be protected prior to and during construction from all activities that may result in detrimental impact by erecting a suitable protective fence in the

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positions as indicated on the Tree Protection Plan (**Appendix 6**). As a minimum, the fence shall consist of temporary chain wire panels of 1.8 metres in height, supported by steel stakes as required and fastened together and supported to prevent sideways movement using corner braces where required. The fence shall be erected prior to the commencement of any work on-site and shall be maintained in good condition for the duration of construction. Where tree protection zones merge together a single fence encompassing the area is deemed to be adequate. Existing site boundary fences may form part of the enclosure.

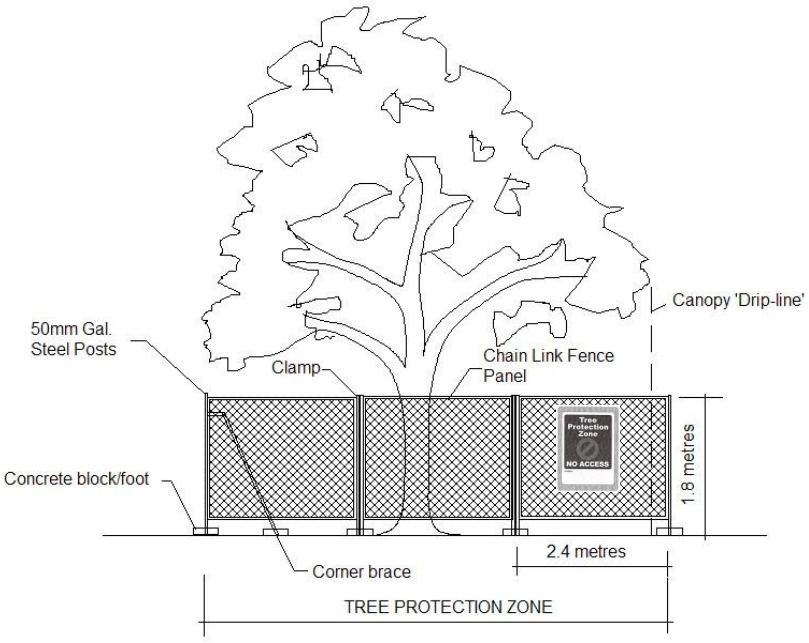

Figure 1 – Detail of Tree Protection Fence

10.6 Tree Protection Signs

10.6.1 Signs shall be installed on the Tree Protection Fence to prevent unauthorised movement of plant and equipment or entry to the Tree Protection Zone. The signs shall be securely attached to the fence using cable ties or equivalent. Signs shall be placed at minimum 10 metre intervals. The wording and layout of the sign shall comply with AS 4970-2009 as shown in **Figure 2**.



Figure 2 – Detail of Tree Protection Sign

10.7 Ground Protection

10.7.1 Construction haul routes shall be confined to existing paved areas wherever possible. Where this is not feasible and construction haul routes or access for plant and equipment must traverse soft landscape areas within TPZs of [**any tree nominated for retention**], 20mm thick marine ply sheets or truck mats (such as Envirex Versadeck® access mats) (refer **Figure 4** shall be placed

over the top of the ground surface to minimise compaction and disturbance of the underlying soil profile and root zone.



Figure 4 – Showing typical detail for truck mats.

10.7.2 Ground protection shall be installed prior to any site works and maintained in good condition for the duration of the construction period. On completion of the works, ground protection shall be removed without damage or disturbance to the underlying soil profile.

10.8 Demolition Works within Tree Protection Zones

10.8.1 Existing Turfgrass

No mechanical soil cultivation (using ripping tynes, rotary hoes or the like) is permitted within Tree Protection Zones (TPZs). Where existing turfgrass is proposed to be removed (demolished) within the TPZs of Trees [**any tree nominated for retention**], the turfgrass shall be first treated with a non-selective herbicide with the active constituent Glyphosate (Round-up ® or equivalent) at the manufacturers recommended rate and allowed to dehisce. Once the turfgrass in the effected area is completely dead, any high grass may be slashed/mown close to ground level.

Any residual vegetation (dead grass etc) may then be carefully scraped-off the surface using a small rubber tracked excavator with a broad sand bucket (i.e. without tynes/teeth), taking care to remove the minimum topsoil necessary (no more than 20mm deep) (refer to **Figure 5**). An observer shall be used to ensure that no woody surface roots of any trees are damaged during this process.



Figure 5 – Showing method for removal of residual surface vegetation from Tree Protection Zones following herbicide treatment and slashing.

10.8.2 Paved Areas

Demolition of paved areas within the Tree Protection Zones (TPZs) of trees [**T1, T2, T4, T26 & T29**] shall be undertaken under the supervision of a qualified Arborist [Australian Qualification Framework (AQF) Level 5] (Project Arborist).

Concrete pavements shall be demolished by breaking the slab into manageable sections (using a rock hammer or similar) and asphalt pavements shall be removed by breaking the topcoat into manageable pieces. The broken sections shall be carefully lifted and folded over the remaining paved surface to minimise disturbance and compaction of the underlying soil profile (refer to **Figure 6**). Special care shall be taken where underlying woody roots have lifted or displaced the pavement. Any plant or equipment used in demolition work shall operate within the footprint of existing paved areas and avoid traversing soft landscape areas. Where this is unavoidable, suitable ground protection shall first be installed in accordance with **Section 10.7**.



Figure 6 – Showing method for removal of concrete pavement, by carefully lifting sections and folding over the remaining paved surface.

The pavement sub-base within the TPZ shall be gradually removed (where required) in layers of no greater than 50mm thick using a small rubber tracked excavator or alternative approved method to avoid excessive disturbance and compaction of the underlying soil profile and damage to underlying roots and minimise. The machine shall work within the footprint of the existing path footprint to avoid compaction of the underlying soil. The final layer of sub-base material shall be removed using hand tools were required to avoid compaction of the underlying soil profile and avoid damage to any underlying woody roots.

Following removal of the pavement surface and sub-base, clean, friable topsoil shall be used to fill in the excavated area and bring flush with surrounding levels within new landscape areas. Soil shall only be imported and spread when the underlying soil conditions are dry to avoid compaction of the soil profile. Where there is insufficient recovered site topsoil for this purpose, any imported material shall be free of rocks, vegetation, heavy clay or other extraneous matter. Any imported soil material should be similar in texture to the existing site topsoil.

10.8.3 Structures & Retaining Walls

Demolition of existing walls, kerbs and other structures within the TPZ of trees [**T1, T2, T4, T26 & T29**] shall be undertaken under the supervision of a the Project Arborist. The structures shall be demolished using equipment on stationed outside the TPZ where possible or within the footprint of existing hardstand areas.

Care shall be taken to avoid the root systems, trunks and lower branches of trees in the vicinity of the structures during demolition works, with special attention required during demolition of the footings and other sub-surface members to avoid damage to woody roots. An observer ('spotter') shall be employed to assist the plant operator in order to detect and avoid damage to underlying woody roots during demolition. Trunk and/or branch protection shall be installed where there is a potential risk of damage to trees in proximity or overhead of the work.

10.9 Excavations within Tree Protection Zones

10.9.1 Prior to any mechanical excavations for the foundations of any future dwelling within the IBE or pavement sub-grade within the indicative driveway location within the TPZs of Trees [**T2, T13, T26, T21, T22 & T26**], exploratory excavation using non-destructive techniques shall be taken along the perimeter of the structure or pavement within the TPZ. Non-destructive excavation techniques may include the use of hand-held implements, air pressure (using an Air-spade® device) or water pressure (hydro-excavation in combination with a vacuum extraction unit). The exploratory excavation shall be undertaken along the perimeter of the foundation or pavement (within the TPZ) to the depth of the foundation or to a maximum of 800mm from surface levels, to locate and expose any woody roots prior to any mechanical excavation. All care shall be undertaken to preserve woody roots intact and undamaged during exploratory excavation.

10.9.2 Any roots encountered of less than 40mm in diameter may be cleanly severed with clean sharp pruning implements at the face of the excavation. The root zone in the vicinity of the excavation shall be kept moist following excavation for the duration of construction to minimise moisture stress on the tree.

10.9.3 Where large woody roots (greater than 40mm diameter) are encountered during exploratory excavations, further advice from a qualified arborist shall be sought prior to severance. Where necessary (to avoid severance of large woody roots), alternative construction methods should be adopted in accordance with **Section 10.10**.

10.10 Alternative Construction Methods

10.10.1 Where necessary, (to avoid severing large woody roots) consideration should be given to the installation of an elevated structure (e.g. pier and beam footing, suspended slab or floor supported on piers, cantilevered slab, up-turned edge beam etc) in preference to structures requiring a deep edge beam or continuous perimeter strip footing. The beam section of any pier and beam footing should be placed **above** grade to avoid excavation within the SRZ. Pier footings intersecting large woody roots should be slightly offset where necessary to avoid root severance.

10.10.2 For masonry walls or fences it may be acceptable to delete continuous concrete strip footings and replace with suspended in-fill panels (e.g. steel or timber pickets, lattice etc) fixed to pillars. For retaining walls, consideration should be given to eliminating continuous strip footings and substituting with pier and beam footings, pier footings (using a post and caisson type wall) or mass wall such as gabions or mass stone that can be placed without a structural footing.

10.10.3 For paved areas, consideration should be given to raising the proposed pavement level and using a porous fill material in preference to excavation where large woody roots are found within the sub-base in accordance with **Section 10.12**.

10.11 Underground Services

10.11.1 All proposed stormwater lines and other underground services should be located outside TPZs of trees proposed to be retained wherever possible or installed by alternative measures. Alternative measures include suspending pipelines beneath the floor of a building or structure (to avoid excavation with the TPZ), non-destructive excavation methods or Horizontal Directional Drilling (HDD). Where the installation of service lines within TPZs is unavoidable, the pipelines or conduits should be installed as follows.

10.11.2 Trenching for underground services and stormwater pipes within the TPZs of Trees [**any tree nominated for retention**], shall be undertaken using non-destructive excavation in accordance with **Section 10.9**. Where large woody roots are encountered during excavation or trenching (root

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diameter greater than 40mm), these shall be retained intact wherever possible (e.g. by tunnelling beneath roots and inserting the pipeline or conduit beneath or re-routing the service etc). Where this is not practical and root pruning is the only alternative, proposed root pruning should be assessed by a qualified arborist [AQF 5] to evaluate the potential impact on the health and stability of the subject tree.

10.11.3 Installation of underground services and stormwater pipes within the SRZs of Trees [**any tree nominated for retention**], shall only be undertaken by Horizontal Directional Drilling (HDD) (also referred to as sub-surface boring or Micro-tunnelling for large diameter pipes). The Invert Level of the pipe, plus the pipe diameter, must be lower than the estimated root zone depth as specified. At this site a minimum depth of 1 metre to the invert level of the pipe is specified.

10.12 Pavements

10.12.1 Any future driveway located within the TPZs of Trees [**T21, T22 & T26**] shall be placed with a finished level of a minimum of 150mm above grade within the TPZs to minimise excavations within the root zone and avoid severance and damage of woody roots. The pavement sub-base material should be supplied and installed in accordance with **Section 10.13**.

10.13 Pavement Sub-base

10.13.1 Pavement sub-base material within TPZs of trees [**T21, T22 & T26**] shall be a coarse, gap-graded material such as 20 – 50mm crushed basalt (Blue Metal) or equivalent no-fines gravel material to provide some aeration and moisture permeation to the root zone. Note that road base or crushed sandstone or other similar material containing a high percentage of fines is unacceptable for this purpose. The fill material should be consolidated using a non-vibrating roller or similar to minimise compaction of the underlying soil. A permeable geotextile may be used beneath the sub-base to prevent migration of the stone into the sub-grade and provide greater load capacity.

10.14 Canopy & Root Pruning

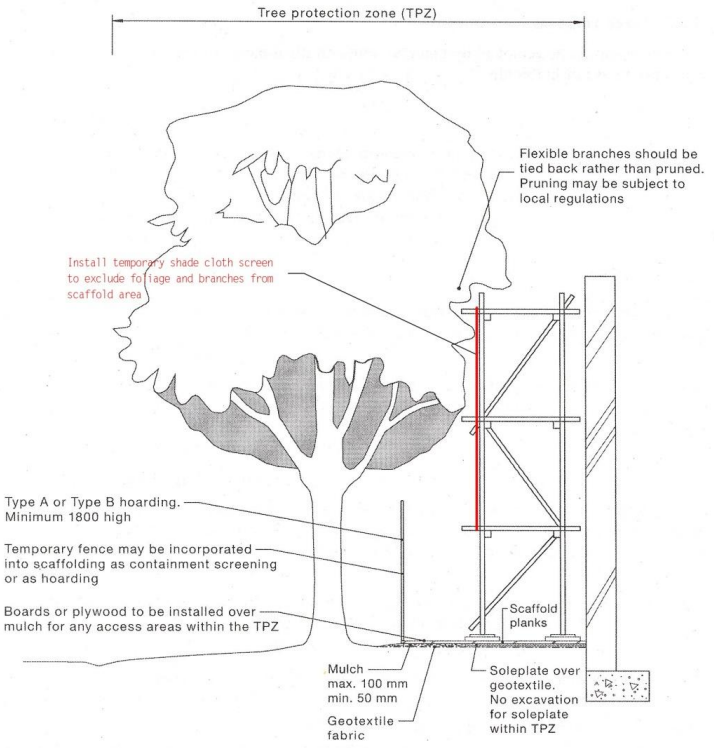
10.14.1 Any future required canopy pruning of Trees [**T26**] (that essential to clear the future building envelope and temporary scaffolding) shall be carried out in accordance with Australian Standard 4373-2007 – *Pruning of Amenity Trees*. All pruning work shall be carried out by a qualified and experienced arborist or tree surgeon [Australian Qualification Framework Level 3] in accordance with the NSW WorkCover Code of Practice for the Amenity Tree Industry (1998). No branches of greater than 100mm in diameter should be removed or pruned without further advice from the Project Arborist.

10.14.2 Where root pruning of [**any tree nominated for retention**] is required to facilitate construction, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using Hessian material or mulch where practical. Severed roots shall be treated with a suitable root growth hormone containing the active constituents Indol-3-yl-Butric Acid (IBA) and 1-Naphthylacetic Acid (NAA) to stimulate rapid regeneration of the root system.

10.14.3 Any required root pruning shall be carried out in accordance with Australian Standard 4373-2007 – *Pruning of Amenity Trees* by a qualified and experienced arborist or tree surgeon [Australian Qualification Framework Level 3] in accordance with the NSW WorkCover Code of Practice for the Amenity Tree Industry (1998). No roots of greater than 40mm in diameter should be removed or pruned without further advice from a Consulting Arborist [Australian Qualification Framework Level 5].

10.15 Temporary Scaffolding

10.15.1 Where temporary scaffolding must be erected within the TPZ of trees [**T26**] (to facilitate the construction of any future dwelling), the scaffold shall be erected in accordance with **Figure 7**. Where foliage or branches project through the scaffold and create a safety hazard, this foliage and branches shall be temporarily excluded from the inner part of the scaffold by affixing a shade cloth screen on the outside of the scaffold **(**refer to **Figure 7)**, or alternatively temporarily tying back branches where required. The pruning or removal of branches to accommodate the scaffold should be avoided wherever possible. Suitable ground protection shall be installed beneath the scaffold as shown in **Figure 7** to prevent contamination, disturbance and compaction of the soil profile within the scaffold zone during construction.



NOTE: Excavation required for the insertion of support posts for tree protection fencing should not involve the severance of any roots greater than 20 mm in diameter, without the prior approval of the project arborist.

Figure 7 - Detail of Temporary scaffolding within a Tree Protection Zone

10.15.2 Where pruning or removal of branches to accommodate temporary scaffolding is unavoidable, all such pruning work shall be undertaken in accordance with **Section 10.14**.

11 REPLACEMENT PLANTING

11.1.1 In accordance with the Section A, Part 4.3.6 of the KDCP Each new lot must support a *minimum* number of trees capable of attaining a height of at least thirteen (13) metres at maturity in accordance with the following table:-

LOT No.	ALLOTMENT SIZE (m²)	NUMBER OF TREES
	Less than 850 m²	3
	850 to 1,000 m²	5
Lot 3	1,001 to 1,500 m²	7
Lot 2	Greater than 1,500 m²	10 or as directed by Council

11.1.2 As greater than 10 trees are proposed to be retained within Lot 2, any replacement planting required will be at Council's discretion. Assuming the retention of trees T2 (Liquidambar), T6 (Native Frangipani), T13 (Chinese Tallow), T22 (Illawarra Flame), T26 (Jacaranda), T42 (Brushbox) & T43 (Camphor Laurel), no new trees are required to be planted within Lot 3 to comply with Councils Tree Replenishment Policy.

11.1.3 Replacement trees should preferably include some locally indigenous species. These will be most appropriate to the site conditions and be most valuable in terms of preserving the landscape character and wildlife habitat of the area. The following species are appropriate to the site conditions and could be considered for replacement planting:-

Locally-indigenous species:-
- *Angophora costata* (Sydney Red Gum)
- *Syncarpia glomulifera* (Turpentine)
- *Eucalyptus paniculata* (Grey Ironbark)
- *Eucalyptus resinifera* (Red Mahogany)
- *Eucalyptus pilularis* (Blackbutt)

Non-local native species:-
- *Acmena smithii* (Lillypilly)
- *Glochidion ferdinandi* (Cheese Tree)
- *Tristaniopsis laurina* (Water Gum)
- *Tristaniopsis laurina* 'Luscious' (Water Gum)
- *Waterhousea floribunda* (Weeping Lillypilly).
- *Syzygium paniculatum* (Magenta Cherry)
- *Syzygium luehmannii* (Small-leaf Lillypilly)
- *Melaleuca stypheliodes* (Prickly Paperbark)

Exotic (introduced) species:-
- *Jacaranda mimosifolia* (Jacaranda)
- *Magnolia grandiflora* (Bullbay Magnolia)
- *Magnolia grandiflora* 'Teddy Bear' (Bullbay Magnolia)
- *Nyssa sylvatica* (Tupelo)
- *Liriodendron tulipifera* (Tulip Tree)
- *Acer rubrum* (Red Maple)
- *Parrotia persica* (Persian Witch Hazel)
- *Acer buergerianum* (Trident Maple)
- *Fraxinus Raywood* (Claret Ash)
- *Ginko biloba* (Maidenhair tree)

Suitable ornamental conifers:-
- *Callitris columellaris* (White Cypress Pine)
- *Cupressus funebris* (Chinese Weeping Cypress)
- *Cupressus cashmeriana* (Kashmir Cypress)

- *Cryptomeria japonica* (Japanese Cedar)
- *Chamaecyparis lawsoniana* (Lawson's Cypress)
- *Cedrus deodara* (Himalayan Cedar)



Andrew Morton
EARTHSCAPE HORTICULTURAL SERVICES
6th August 2025

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[2] Benson, Doug & Howell, Jocelyn (1990)
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[3] Mattheck, Dr. Claus & Breloer, Helge (1994) – Sixth Edition (2001)
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The Stationery Office, London, England

[4] Barrell, Jeremy (1996)
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Proceedings of the International Conference on Trees and Building Sites (Chicago)
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[5] National Parks and Wildlife Service of NSW (October 2002)
Native Vegetation of the Cumberland Plain - 1:25000 Mapping Series (Map 10 of 16)
NPWS, Sydney NSW

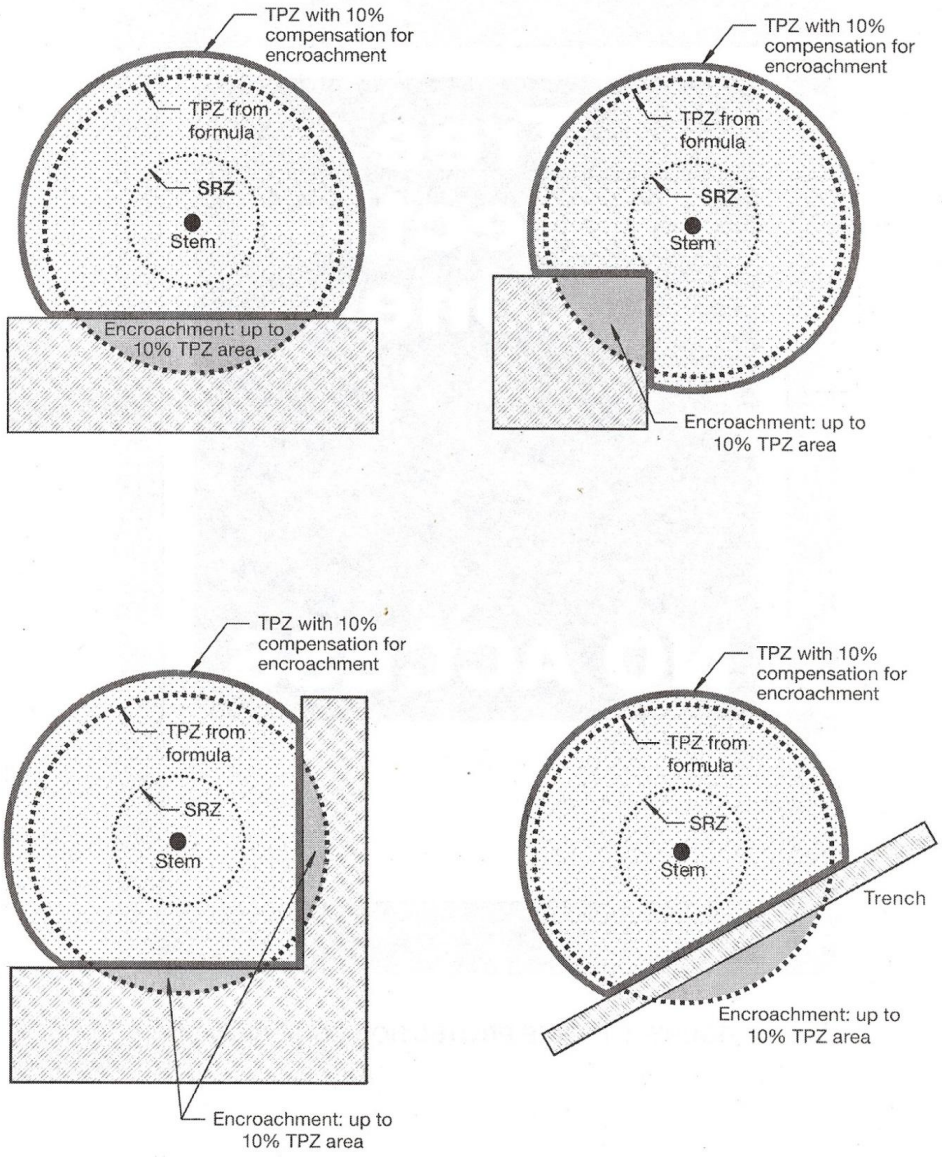
[6] Council of Standards Australia (August 2009)
AS 4970 – 2009 – Protection of Trees on Development Sites
Standards Australia, Sydney

APPENDIX 1 - CRITERIA FOR ASSESSMENT OF LANDSCAPE SIGNIFICANCE

RATING	HERITAGE VALUE	ECOLOGICAL VALUE	AMENITY VALUE
1. SIGNIFICANT	The subject tree is listed as a Heritage Item under the Local Environment Plan (LEP) with a local, state or national level of significance or is listed on Council's Significant Tree Register	The subject tree is scheduled as a Threatened or Vulnerable Species as defined under the provisions of the *Biodiversity Conservation Act 2016* (NSW) or the *Environment Protection and Biodiversity Conservation Act 1999*.	The subject tree has a very large live crown size exceeding 300m² with normal to dense foliage cover, is located in a visually prominent position in the landscape, exhibits very good form and habit typical of the species
	The subject tree forms part of the curtilage of a Heritage Item (building /structure /artefact as defined under the LEP) and has a known or documented association with that item	The tree is a locally indigenous species, representative of the original vegetation of the area and is known as an important food, shelter or nesting tree for endangered or threatened fauna species	The subject tree makes a significant contribution to the amenity and visual character of the area by creating a sense of place or creating a sense of identity
	The subject tree is a Commemorative Planting having been planted by an important historical person (s) or to commemorate an important historical event	The subject tree is a Remnant Tree, being a tree in existence prior to development of the area	The tree is visually prominent in view from surrounding areas, being a landmark or visible from a considerable distance.
2. VERY HIGH	The tree has a strong historical association with a heritage item (building/structure/artefact/garden etc) within or adjacent the property and/or exemplifies a particular era or style of landscape design associated with the original development of the site.	The tree is a locally-indigenous species, representative of the original vegetation of the area and is a dominant or associated canopy species of an Endangered Ecological Community (EEC) formerly occurring in the area occupied by the site.	The subject tree has a very large live crown size exceeding 200m²; a crown density exceeding 70% (normal-dense), is a very good representative of the species in terms of its form and branching habit or is aesthetically distinctive and makes a positive contribution to the visual character and the amenity of the area
3. HIGH	The tree has a suspected historical association with a heritage item or landscape supported by anecdotal or visual evidence	The tree is a locally-indigenous species and representative of the original vegetation of the area and the tree is located within a defined Vegetation Link / Wildlife Corridor or has known wildlife habitat value	The subject tree has a large live crown size exceeding 100m²; The tree is a good representative of the species in terms of its form and branching habit with minor deviations from normal (e.g. crown distortion/suppression) with a crown density of at least 70% (normal); The subject tree is visible from the street and surrounding properties and makes a positive contribution to the visual character and the amenity of the area
4. MODERATE	The tree has no known or suspected historical association, but does not detract or diminish the value of the item and is sympathetic to the original era of planting.	The subject tree is a non-local native or exotic species that is protected under the provisions of the local or state planning controls (Development Control Plan etc).	The subject tree has a medium live crown size exceeding 40m²; the tree is a fair representative of the species, exhibiting moderate deviations from typical form (distortion/suppression etc) with a crown density of more than 50% (thinning to normal); and
			The tree is visible from surrounding properties, but is not visually prominent – view may be partially obscured by other vegetation or built forms. The tree makes a fair contribution to the visual character and amenity of the area.
5. LOW	The subject tree detracts from heritage values or diminishes the value of a heritage item	The subject tree is scheduled as exempt (not protected) under the provisions of the local or state planning controls (DCP etc) due to its species, nuisance or position relative to buildings or other structures.	The subject tree has a small live crown size of less than 40m² and can be replaced within the short term (5-10 years) with new tree planting
6. VERY LOW	The subject tree is causing significant damage to a heritage Item.	The subject tree is listed as an Environment Weed Species in the relevant Local Government Area, being invasive, or is a known nuisance species.	The subject tree is not visible from surrounding properties (visibility obscured) and makes a negligible contribution or has a negative impact on the amenity and visual character of the area. The tree is a poor representative of the species, showing significant deviations from the typical form and branching habit with a crown density of less than 50% (sparse).
7. INSIGNIFICANT	The tree is completely dead and has no known heritage value (or any habitat value)	The tree is scheduled as a potential 'Biosecurity Risk' ('Priority Weed' – formerly 'Noxious Weed') within NSW or within the relevant Local Government Area under the provisions of the *Biosecurity Act 2015*	The tree is completely dead and represents a potential hazard.

Ref:- Morton, A (2006) **Determining the Retention Value of Trees on Development Sites**
TreeNet - Proceedings of the 7th National Street Tree Symposium 2006 Government of South Australia Department for Transport, Energy and Infrastructure

APPENDIX 2 – ACCEPTABLE INCURSIONS TO THE TREE PROTECTION ZONE (TPZ)



NOTE: Less than 10% TPZ area and outside SRZ. Any loss of TPZ compensated for elsewhere.

REF:- Council of Standards Australia (August 2009)
AS 4970 – 2009 – Protection of Trees on Development Sites
Standards Australia, Sydney

APPENDIX 3 - TREE HEALTH AND CONDITION ASSESSMENT SCHEDULE

Tree Identification No.	Species	Height (m)	Spread (m)	Trunk Diameter (mm) at 1.4 metres	Live Crown Size (m^2)	Maturity Class	Condition	Previous Pruning	Health		Remaining Safe Useful Life Expectancy (SULE)	Landscape Significance Rating	Retention Value	Location
									Vigour	Pest & Disease				
1	***Jacaranda mimosifolia*** (Jacaranda)	13	13	230x2 + 400	143	M	Appears stable with fair branching structure. Exhibits multiple moderate bark inclusions at junctions of co-dominant PLs at GL. Located close to existing outbuilding. Multiple small wounds due to previous branch loss (storm damage) (PLs/SLs)	Selectively pruned.	Good	No Evidence	Medium 15-40 Years	4	**Moderate**	On-site
2	***Liquidambar styraciflua*** (Liquidambar)	18	17	790	221		Appears stable with fair branching structure. Exhibits multiple extended lateral PLs. Multiple moderate wounds and broken branch stubs (TLs) due to previous branch loss (storm damage). Raised soil mounding around basal area.	Selectively crown thinned & deadwooded. Selectively pruned.	Good	No Evidence	Medium 15-40 Years	2	**High**	On-site
3	***Macadamia tetraphylla*** (Macadamia Nut)	7	7	230	28	M	Appears stable with fair branching structure.	No Evidence	Good	No Evidence	Medium 15-40 Years	4	**Moderate**	Adjacent property
4	***Duranta erecta*** (Pigeonberry)	5	7	150 + 90x3	21	M	Appears stable with fair branching structure. Exhibits multiple axial wounds on PLs with decay evident (suspected sunburn after heavy pruning).	Previously lopped at 2 metres (crown restored)	Good	No Evidence	Medium 15-40 Years	5	**Low**	On-site
5	***Macadamia tetraphylla*** (Macadamia Nut)	9	7	260 + 250 + 170	49	M	Appears stable with fair branching structure. Exhibits multiple high bark inclusions at junctions of co-dominant PLs (x3) at 0.3 to 0.8 metres. Moderate axial wound at 2.5 - 3.5 metres due to branch loss with decay and fracture evident.	No Evidence	Good	Low borer infestation	Medium 15-40 Years	4	**Moderate**	On-site
6	***Hymenosporum flauvum*** (Native Frangipani)	12	7	296	35	M	Appears stable with fair branching structure. Broken branch stub at 2 metres due previous storm damage with decay evident. Obtuse bend in PL at 2 metres (self-corrected).	No Evidence	Good	No Evidence	Medium 15-40 Years	4	**Moderate**	On-site
7	***Celtis sinensis*** (Chinese Hackberry)	10	7	197	49	SM	Appears stable with sound branching structure.	No Evidence	Good	No Evidence	Long - more than 40 years	7	**Very Low**	On-site
8	***Archontophoenix cunninghamii*** (Bangalow Palm)	7	3	182	6	SM	Appears stable with sound branching structure.	No Evidence	Good	No Evidence	Long - more than 40 years	5	**Moderate**	On-site

PL = Primary Limb; SL = Secondary Limb;
TL = Tertiary Limb. GL = Ground Level

APPENDIX 3 - TREE HEALTH AND CONDITION ASSESSMENT SCHEDULE

Tree Identification No.	Species	Height (m)	Spread (m)	Trunk Diameter (mm) at 1.4 metres	Live Crown Size (m^2)	Maturity Class	Condition	Previous Pruning	Health		Remaining Safe Useful Life Expectancy (SULE)	Landscape Significance Rating	Retention Value	Location
									Vigour	Pest & Disease				
9	***Lagerstroemia indica*** (Crepe Myrtle)	7	4	111	16	SM	Appears stable with fair branching structure. Crown suppressed on south-east side with a prominent lean to the north-west.	No Evidence	.Fair	No Evidence	Short 5-15 Years	5	Low	On-site
10	***Jacaranda mimosifolia*** (Jacaranda)	13	13	320 + 250	104	M	Appears stable with sound branching structure.	No Evidence	Very Good	No Evidence	Long - more than 40 years	3	High	Adjacent property
11	***Prunus serrulata*** (Japanese Cherry)	8	8	150x2	40	M	Appears stable with fair branching structure. Exhibits a high bark inclusion at junction of co-dominant PLs (x2) at GL.	No Evidence	Good	No Evidence	Medium 15-40 Years	4	Moderate	On-site
12	***Citrus sp.*** (Citrus Tree)	4.5	5	70 + 90	22.5	M	Appears stable with sound branching structure. Exhibits a prominent lean to the south-east.	No Evidence	Good	No Evidence	Medium 15-40 Years	6	Low	On-site
13	***Triadica sebifera [syn. Sapium sebiferum]*** (Chinese Tallow)	10	7	328	35	M	Appears stable with sound branching structure. Exhibits a prominent lean to the north-east.	No Evidence	Good	No Evidence	Long - more than 40 years	4	Moderate	On-site
14	***Camellia sasanqua*** (Sasanqua Camellia)	6	6	287	24	M	Appears stable with sound branching structure.	No Evidence	Good	No Evidence	Medium 15-40 Years	4	Moderate	On-site
15	***Ligustrum lucidum*** (Broad Leaf Privet)	9	7	400	35	M	Appears stable with poor branching structure. Exhibits multiple high bark inclusions at junctions of co-dominant PLs and multiple axial wounds to lower trunk and buttress (suspected previous herbicide damage). Multiple epicormic arising from old pruning wounds.	Previously lopped at 7 metres	Fair with thinning crown	No Evidence	Short 5-15 Years	7	Very Low	On-site
16	***Waterhousea floribunda*** (Weeping Lillypilly)	12	4	197	40	SM	Appears stable with fair branching structure. Exhibits multiple epicormics arising from old pruning wounds at 5 metrees	Previously lopped at 5 metres (crown restored)	Good	No Evidence	Long - more than 40 years	4	Moderate	On-site
17	***Waterhousea floribunda*** (Weeping Lillypilly)	11	6	213	54	SM	Appears stable with sound branching structure.	No Evidence	Good	No Evidence	Long - more than 40 years	4	Moderate	On-site

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TL = Tertiary Limb. GL = Ground Level

APPENDIX 3 - TREE HEALTH AND CONDITION ASSESSMENT SCHEDULE

Tree Identification No.	Species	Height (m)	Spread (m)	Trunk Diameter (mm) at 1.4 metres	Live Crown Size (m^2)	Maturity Class	Condition	Previous Pruning	Health		Remaining Safe Useful Life Expectancy (SULE)	Landscape Significance Rating	Retention Value	Location
									Vigour	Pest & Disease				
18	***x Cupressocyparis leylandii* 'Leighton Green'** (Leyland Cypress)	11	5.5	271	49.5	SM	Appears stable with sound branching structure.	No Evidence	Very Good	No Evidence	Long - more than 40 years	4	**Moderate**	On-site
19	***Alnus jorullensis*** (Evergreen Alder)	10	9	373	81	M	Appears stable with poor branching structure. Exhibits a large axial wound on PL/leader from 4 to 9 metres due suspected previous sunburn or lightning damage. Prominent lean to the south-west (self-corrected).	No Evidence	Fair with slightly thinning crown	No Evidence	Short 5-15 Years	6	**Very Low**	On-site
20	***Citharexylum spinosum*** (Fiddlewood)	14	10	360 + 310 + 290	100	M	Appears stable with fair branching structure. Exhibits some dieback in upper crown with 15% deadwood.	Selectively pruned.	Fair with slightly thinning crown	No Evidence	Medium 15-40 Years	4	**Moderate**	On-site
21	***x Cupressocyparis leylandii* 'Leighton Green'** (Leyland Cypress)	5	3.5	150	14	I	Appears stable with sound branching structure.	No Evidence	Very Good	No Evidence	Long - more than 40 years	5	**Moderate**	On-site
22	***Brachychiton acerifolius*** (Illawarra Flame Tree)	11	7	318	42	M	Appears stable with fair branching structure. Main leader broken out at 9 metres (suspected previous storm damage or dieback).	No Evidence	.Fair	Moderate foliar insect infestation (Kurrajong Leaf Tier)	Medium 15-40 Years	4	**Moderate**	On-site
23	***Lagerstroemia indica*** (Crepe Myrtle)	7	3	110x2	12	SM	Appears stable with sound branching structure. Prominent lean to the south-west.	No Evidence	Good	No Evidence	Short 5-15 Years	5	**Low**	On-site
24	***Camellia sasanqua*** (Sasanqua Camellia)	6	5	90 + 100	30	SM	Appears stable with sound branching structure.	No Evidence	Very Good	No Evidence	Long - more than 40 years	5	**Moderate**	On-site
25	***Camellia japonica*** (Camellia)	5	8	100x6 + 60x14	28	M	Appears stable with fair branching structure. Multi-trunked at GL	Crown lifted to 2 metres. Previously lopped at 2 metres (crown restored). Selectively crown thinned.	Good	No Evidence	Medium 15-40 Years	4	**Moderate**	On-site

PL = Primary Limb; SL = Secondary Limb;
TL = Tertiary Limb. GL = Ground Level

APPENDIX 3 - TREE HEALTH AND CONDITION ASSESSMENT SCHEDULE

Tree Identification No.	Species	Height (m)	Spread (m)	Trunk Diameter (mm) at 1.4 metres	Live Crown Size (m^2)	Maturity Class	Condition	Previous Pruning	Health		Remaining Safe Useful Life Expectancy (SULE)	Landscape Significance Rating	Retention Value	Location
									Vigour	Pest & Disease				
26	***Jacaranda mimosifolia*** (Jacaranda)	12	18	410 + 510 + 380x2	144	M	Appears stable with fair branching structure. Exhibits multiple low bark inclusions at junctions of co-dominant PLs (x4) at GL. Multiple extended lateral PLs.	.Selectively crown thinned & deadwooded	Good	No Evidence	Long - more than 40 years	3	**High**	On-site
27	***Camellia japonica*** (Camellia)	4.5	4	100x7	18	M	Appears stable with poor branching structure. Exhibits multiple epicormics arising from old pruning wounds.	Previously lopped at 1.5 metres (crown restored).	Very Good	No Evidence	Medium 15-40 Years	5	**Low**	On-site
28	***Ulmus parvifolia*** (Chinese Elm)	2	3	150 + 100x2	6	I	Appears stable with poor branching structure.	Lopped at 1-2 metres	.Fair	No Evidence	Short 5-15 Years	6	**Very Low**	On-site
29	Row x 7 ***Camellia japonica*** (Camellia)	2.5	2	100	2	SM	Appears stable with poor branching structure. Located close to existing dwelling	Previously lopped at 1.5 metres (crown restored). Clipped to rounded form. Crown lifted to 1.5 metres.	Good	No Evidence	Short 5-15 Years	5	**Very Low**	On-site
30	***Cotoneaster lacteus*** (Cotoneaster)	7	6	130x2	24	M	Appears stable with poor branching structure. Exhibits a very prominent lean to the north-west. Severe bark inclusion at junction of co-dominant PLs at 1.5 metres. Crown suppressed south-east side due to crowding.	No Evidence	Good	No Evidence	Short 5-15 Years	6	**Very Low**	On-site
31	***Ligustrum sinense*** (Small-leaf Privet)	5	3	100 + 80x2	9	M	Stabilitys supect with poor branching structure. Exhibits a moderate basal cavity and decay.	No Evidence	Poor with sparse crown	No Evidence	Transient (less than 5 years)	7	**Very Low**	On-site
32	***Ligustrum lucidum*** (Broad Leaf Privet)	10	7	250 + 280	56	M	Appears stable with poor branching structure. Multiple epicormic sprouts arising from lowr trunk.	No Evidence	Fair with thinning crown	No Evidence	Short 5-15 Years	7	**Very Low**	On-site
33	***Pittosporum undulatum*** (Sweet Pittosporum)	9	5	210	35	SM	Appears stable with fair branching structure. Exhibits a very prominent lean to the west.	No Evidence	Good	No Evidence	Medium 15-40 Years	5	**Low**	On-site
34	***Chamaecyparis obtusa*** **'Crippsii'** (Golden Hinoki Cypress)	9	6	318	42	M	Appears stable with fair branching structure. Exhibits a prominent lean to the west. Crown suppressed on the north-east side due to crowding.	Crown lifted to 3 metres.	Good	No Evidence	Long - more than 40 years	4	**Moderate**	On-site

PL = Primary Limb; SL = Secondary Limb;
TL = Tertiary Limb. GL = Ground Level

APPENDIX 3 - TREE HEALTH AND CONDITION ASSESSMENT SCHEDULE

Tree Identification No.	Species	Height (m)	Spread (m)	Trunk Diameter (mm) at 1.4 metres	Live Crown Size (m^2)	Maturity Class	Condition	Previous Pruning	Health		Remaining Safe Useful Life Expectancy (SULE)	Landscape Significance Rating	Retention Value	Location
									Vigour	Pest & Disease				
35	***Cotoneaster lacteus*** (Cotoneaster)	6	5	100x3	10	M	Appears stable with poor branching structure.	PL lopped. Selectively pruned.	Good	No Evidence	Medium 15-40 Years	6	Low	On-site
36	***Camellia sasanqua*** (Sasanqua Camellia)	5	3.5	50 + 70	14	I	Appears stable with sound branching structure.	No Evidence	Good	No Evidence	Long - more than 40 years	5	Moderate	On-site
37	***Camellia sasanqua*** (Sasanqua Camellia)	5	2	70	4	I	Appears stable with sound branching structure.	No Evidence	Good	No Evidence	Long - more than 40 years	5	Moderate	On-site
38	***Cotoneaster lacteus*** (Cotoneaster)	7	6	100 + 150	18	SM	Appears stable with fair branching structure. Multiple broken branch stubs (PLs) with decay evident.	No Evidence	Good	No Evidence	Short 5-15 Years	6	Very Low	On-site
39	***Eucalyptus microcorys*** (Tallowwood)	20	18	1089	270	M	Appears stable with fair branching structure. Exhibits a high bark inclusion at junction of co-dominant PLs at 7 metres.	No Evidence	Good	Evidence of external termite activity in outer bark	Long - more than 40 years	2	High	Nature strip
40	***Syncarpia glomulifera*** (Turpentine)	5	3.5	50 + 110	14	I	Appears stable with poor branching structure. Main leader suppressed and distorted due to overshadowing. Poor form and branching habit.	No Evidence	Fair with slightly thinning crown	No Evidence	Short 5-15 Years	5	Low	Nature strip
41	***Syncarpia glomulifera*** (Turpentine)	10	4	159	36	I	Appears stable with fair branching structure. Crown suppressed on north-west side due to overshadowing.	No Evidence	Good	No Evidence	Short 5-15 Years	5	Low	Nature strip
42	***Lophostemon confertus*** (Brushbox)	16	8	430x2	72	M	Appears stable with fair branching structure. Exhibits a large axial wound on PL/leader (dieback in vascular tissue) from GL to 7 metres	Crown lifted to 7 metres. Selectively crown thinned & deadwooded	Fair with slightly thinning crown	No Evidence	Short 5-15 Years	3	Moderate	On-site
43	***Cinnamomum camphora*** (Camphor Laurel)	17	18	500x3 + 350	198	M	Appears stable with sound branching structure.	.Selectively crown thinned & deadwooded	Good	No Evidence	Medium 15-40 Years	2	High	On-site

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APPENDIX 3 - TREE HEALTH AND CONDITION ASSESSMENT SCHEDULE

Tree Identification No.	Species	Height (m)	Spread (m)	Trunk Diameter (mm) at 1.4 metres	Live Crown Size (m^2)	Maturity Class	Condition	Previous Pruning	Health		Remaining Safe Useful Life Expectancy (SULE)	Landscape Significance Rating	Retention Value	Location
									Vigour	Pest & Disease				
44	***Olea europaea subsp. africana*** (African Olive)	13	10	320x2	100	M	Appears stable with fair branching structure. Exhibits a prominent lean to the north-west. 30% epicormic growth. High bark inclusion at junction of co-dominant PLs at GL	Selectively pruned.	Good	No Evidence	Medium 15-40 Years	7	Very Low	On-site
45	***Pittosporum undulatum*** (Sweet Pittosporum)	8	4	130x2	20	SM	Appears stable with fair branching structure. Exhibits a prominent lean to the south-east.	No Evidence	Good	No Evidence	Medium 15-40 Years	5	Low	On-site
46	***Acmena smithii*** (Lilly Pilly)	12	12	150 + 260x2 + 280	96	M	Appears stable with fair branching structure. One large dead PL in crown.	Selectively pruned.	Fair with slightly thinning crown	No Evidence	Short 5-15 Years	3	Moderate	On-site
47	***Brachychiton acerifolius*** (Illawarra Flame Tree)	16	6	430	66	M	Appears stable with sound branching structure.	No Evidence	Good	No Evidence	Long - more than 40 years	3	High	On-site
48	***Lophostemon confertus*** (Brushbox)	14	11	350x2	110	M	Appears stable with fair branching structure.	No Evidence	Good	No Evidence	Medium 15-40 Years	3	Moderate	On-site

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APPENDIX 4 - IMPACT ASSESSMENT SCHEDULE

Tree Identification No.	Species	Construction Tolerance	Tree Protection Zone (m R)	Structural Root Zone (m R)	Minimum Setback Distance (tangent to root plate)	TPZ (m^2)	Incursions To Root Zone &/or Canopy	Likely Impact	Recommendation
1	***Jacaranda mimosifolia*** (Jacaranda)	M	7.2	2.8	4.9	162.8	Existing paved area offset 3.3 metres north-east to be demolished within TPZ.	No adverse impact, provided that all demolition works within TPZ are undertaken as recommended.	Retain in accordance with recommended Tree Protection Measures (Section 10). Demolish existing pavements within TPZ in accordance with Section 10.8.
2	***Liquidambar styraciflua*** (Liquidambar)	M	9.5	3.1	6.4	282.1	Existing paved area offset 1.4 metres south-west and wall offset 2 metres south-east to be demolished within TPZ. Indicative Building Envelope (IBE) offset 5.4 metres south. Any future dwelling within the IBE will create an encroachment to the TPZ of approximately 6%.	Extent of potential future encroachment to the root zone is less than 10% of the TPZ, which is considered within acceptable limits under AS4970:2009. No adverse impact, provided that all demolition works within TPZ are undertaken as recommended.	Retain in accordance with recommended Tree Protection Measures (Section 10). Erect temporary Tree Protection Fence in accordance with Section 10.5. Demolish existing pavements & other structures within TPZ in accordance with Section 10.8. Undertake any required excavations for future dwelling within the TPZ in accordance with Section 10.9.
3	***Macadamia tetraphylla*** (Macadamia Nut)	M	3.5	1.9	2.4	38.5	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
4	***Duranta erecta*** (Pigeonberry)	M	3.5	1.8	2.4	38.5	Existing paved area offset 1.9 metres west to be demolished within TPZ.	No adverse impact, provided that all demolition works within TPZ are undertaken as recommended.	Retain in accordance with recommended Tree Protection Measures (Section 10). Demolish existing pavements within TPZ in accordance with Section 10.8.
5	***Macadamia tetraphylla*** (Macadamia Nut)	M	4.2	2.2	2.9	55.4	No proposed works within TPZ	No adverse impact.	Retain in accordance with recommended Tree Protection Measures (Section 10). Erect temporary Tree Protection Fence in accordance with Section 10.5.
6	***Hymenosporum flauvum*** (Native Frangipani)	M	3.6	2.1	2.4	39.7	No proposed works within TPZ	No adverse impact.	Retain in accordance with recommended Tree Protection Measures (Section 10). Erect temporary Tree Protection Fence in accordance with Section 10.5.
7	***Celtis sinensis*** (Chinese Hackberry)	M	3.5	1.8	2.4	38.5	No proposed works within TPZ	No adverse impact.	Remove tree - Environmental Weed Species.

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APPENDIX 4 - IMPACT ASSESSMENT SCHEDULE

Tree Identification No.	Species	Construction Tolerance	Tree Protection Zone (m R)	Structural Root Zone (m R)	Minimum Setback Distance (tangent to root plate)	TPZ (m^2)	Incursions To Root Zone &/or Canopy	Likely Impact	Recommendation
8	***Archontophoenix cunninghamii*** (Bangalow Palm)	G	2.5	N/A	1.7	19.6	No proposed works within TPZ	No adverse impact.	Retain in accordance with recommended Tree Protection Measures (Section 10). Erect temporary Tree Protection Fence in accordance with Section 10.5.
9	***Lagerstroemia indica*** (Crepe Myrtle)	M	3.0	1.4	2.0	28.3	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
10	***Jacaranda mimosifolia*** (Jacaranda)	M	7.0	2.6	4.8	153.9	No proposed works within TPZ	No adverse impact.	Retain in accordance with recommended Tree Protection Measures (Section 10). Erect temporary Tree Protection Fence in accordance with Section 10.5.
11	***Prunus serrulata*** (Japanese Cherry)	M	3.5	1.9	2.4	38.5	No proposed works within TPZ	No adverse impact.	Retain in accordance with recommended Tree Protection Measures (Section 10). Erect temporary Tree Protection Fence in accordance with Section 10.5.
12	***Citrus sp.*** (Citrus Tree)	M	2.2	1.4	1.5	15.2	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
13	***Triadica sebifera [syn. Sapium sebiferum]*** (Chinese Tallow)	M	3.9	1.9	2.7	48.7	Indicative Building Envelope (IBE) offset 3.6 metres south. Any future dwelling within the IBE will create an encroachment to the TPZ of approximately 1%.	Extent of potential encroachment to the root zone from any future dwelling located within the IBE is less than 10% of the TPZ, which is considered within acceptable limits under AS4970:2009. No adverse impact.	Retain in accordance with recommended Tree Protection Measures (Section 10). Erect temporary Tree Protection Fence in accordance with Section 10.5.
14	***Camellia sasanqua*** (Sasanqua Camellia)	M	3.4	1.9	2.3	37.1	Located close to the Indicative Building Envelope (IBE) (less than 1 metre).	Any future dwelling constructed within the IBE will necessitate the removal of this tree.	Undertake replacement planting with a new tree elsewhere within the site to comensate for loss of amenity in accordance with Section 11.
15	***Ligustrum lucidum*** (Broad Leaf Privet)	M	N/A	N/A	N/A	N/A	Located close to the Indicative Building Envelope (IBE) (less than 1 metre).	Any future dwelling constructed within the IBE will necessitate the removal of this tree.	Remove tree.

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APPENDIX 4 - IMPACT ASSESSMENT SCHEDULE

Tree Identification No.	Species	Construction Tolerance	Tree Protection Zone (m R)	Structural Root Zone (m R)	Minimum Setback Distance (tangent to root plate)	TPZ (m^2)	Incursions To Root Zone &/or Canopy	Likely Impact	Recommendation
16	***Waterhousea floribunda*** (Weeping Lillypilly)	M	3.0	1.8	2.0	28.3	Located close to the Indicative Building Envelope (IBE) (less than 1 metre).	Any future dwelling constructed within the IBE will necessitate the removal of this tree.	Undertake replacement planting with a new tree elsewhere within the site to comensate for loss of amenity in accordance with Section 11.
17	***Waterhousea floribunda*** (Weeping Lillypilly)	M	3.2	1.8	2.2	32.2	Located within the Indicative Building Envelope (IBE).	Any future dwelling constructed within the IBE will necessitate the removal of this tree.	Undertake replacement planting with a new tree elsewhere within the site to comensate for loss of amenity in accordance with Section 11.
18	***x Cupressocyparis leylandii* 'Leighton Green'** (Leyland Cypress)	M	3.2	2.0	2.2	33.1	Located within the Indicative Building Envelope (IBE).	Any future dwelling constructed within the IBE will necessitate the removal of this tree.	Undertake replacement planting with a new tree elsewhere within the site to comensate for loss of amenity in accordance with Section 11.
19	***Alnus jorullensis*** (Evergreen Alder)	M	4.5	2.3	3.0	62.8	Located within the Indicative Driveway	Any future driveway constructed in this location will necessitate the removal of this tree.	Remove tree.
20	***Citharexylum spinosum*** (Fiddlewood)	M	5.4	2.6	3.7	91.6	Located within the Indicative Driveway	Any future driveway constructed in this location will necessitate the removal of this tree.	Undertake replacement planting with a new tree elsewhere within the site to comensate for loss of amenity in accordance with Section 11.
21	***x Cupressocyparis leylandii* 'Leighton Green'** (Leyland Cypress)	M	2.0	1.6	1.6	12.6	Indicative Driveway offset 0.8 metres west. Any future driveway in this location will create an encroachment to the TPZ of approximately 25%.	Extent of potential encroachment to the root zone from any future driveway located in this position exceeds acceptable limits under AS4970:2009. Proposed future driveway has the potential to result in some adverse impact on this tree.	Retain in accordance with recommended Tree Protection Measures (Section 10). Erect temporary Tree Protection Fence in accordance with Section 10.5. Construct any furture driveway in this position in accordance with Section 10.12. Undertake any require excavation for future pavement sub-grade within the TPZ in accordance with Section 10.9.

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APPENDIX 4 - IMPACT ASSESSMENT SCHEDULE

Tree Identification No.	Species	Construction Tolerance	Tree Protection Zone (m R)	Structural Root Zone (m R)	Minimum Setback Distance (tangent to root plate)	TPZ (m^2)	Incursions To Root Zone &/or Canopy	Likely Impact	Recommendation
22	***Brachychiton acerifolius*** (Illawarra Flame Tree)	M	3.8	2.1	2.6	45.9	Indicative Driveway offset 2.1 metres west. Any future driveway in this location will create an encroachment to the TPZ of approximately 18%.	Extent of potential encroachment to the root zone from any future driveway located in this position exceeds acceptable limits under AS4970:2009. Proposed future driveway has the potential to result in some adverse impact on this tree.	Retain in accordance with recommended Tree Protection Measures (Section 10). Erect temporary Tree Protection Fence in accordance with Section 10.5. Construct any furture driveway in this position in accordance with Section 10.12. Undertake any required excavation for future pavement sub-grade within the TPZ in accordance with Section 10.9.
23	***Lagerstroemia indica*** (Crepe Myrtle)	M	2.0	1.5	1.5	12.6	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
24	***Camellia sasanqua*** (Sasanqua Camellia)	M	2.6	1.6	1.8	21.2	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
25	***Camellia japonica*** (Camellia)	M	3.0	2.1	2.0	28.3	Indicative Driveway offset 3.5 metres east. Any future driveway in this location will create an encroachment to the TPZ of approximately 4%.	Extent of potential encroachment to the root zone from any future driveway located in this position is less than 10% of the TPZ, which is considered within acceptable limits under AS4970:2009. No adverse impact.	Retain in accordance with recommended Tree Protection Measures (Section 10). Erect temporary Tree Protection Fence in accordance with Section 10.5.

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APPENDIX 4 - IMPACT ASSESSMENT SCHEDULE

Tree Identification No.	Species	Construction Tolerance	Tree Protection Zone (m R)	Structural Root Zone (m R)	Minimum Setback Distance (tangent to root plate)	TPZ (m^2)	Incursions To Root Zone &/or Canopy	Likely Impact	Recommendation
26	***Jacaranda mimosifolia*** (Jacaranda)	M	10.0	2.9	6.8	314.0	Indicative Driveway offset 6.5 metres north-east. Any future driveway in this location will create an encroachment to the TPZ of approximately 13%. Indicative Building Envelope (IBE) offset 7.2 metres north-west. Any future dwelling within the IBE will create an encroachment to the TPZ of approximately 5%. Cumulative encroachment to TPZ = 18%. Minor canopy pruning may be required to clear the envelope of any future dwelling located within the IBE, resulting in an estimated 10% crown loss.	Extent of potential encroachment to the root zone from any future driveway located in this position and dwelling within the IBE exceeds acceptable limits under AS4970:2009. However this tree will tolerate the level of encroachment proposed, provided that all future works within the TPZ are undertaken as recommended. Extent of potential crown loss is within accptable limits under AS4373:2007.	Retain in accordance with recommended Tree Protection Measures (Section 10). Erect temporary Tree Protection Fence in accordance with Section 10.5. Construct any furture driveway in this position in accordance with Section 10.12. Undertake any required excavation for future pavement sub-grade within the TPZ in accordance with Section 10.9. Undertake any required canopy pruning (to clear any future dwelling and associated temporary scaffolding) in accordance with Section 10.14. Erect temporary scaffolding (where required) in accordance with Section 10.15.
27	***Camellia japonica*** (Camellia)	M	3.6	2.1	2.4	40.7	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
28	***Ulmus parvifolia*** (Chinese Elm)	M	2.4	1.8	1.8	18.1	Surrounding gravel pavement to be demolished within TPZ and returned to soft landscape.	Proposed work will necessitate removal.	Remove tree.
29	Row x 7 ***Camellia japonica*** (Camellia)	M	1.5	1.4	1.4	7.1	Existing gravel pavement to the south to be demolished within TPZ and returned to soft landscape.	No adverse impact, provided that all demolition works within TPZ are undertaken as recommended.	Retain in accordance with recommended Tree Protection Measures (Section 10). Demolish existing pavements within TPZ in accordance with Section 10.8.
30	***Cotoneaster lacteus*** (Cotoneaster)	M	1.9	1.6	1.6	11.6	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
31	***Ligustrum sinense*** (Small-leaf Privet)	M	N/A	N/A	N/A	N/A	No proposed works within TPZ	No adverse impact.	Remove tree - Environmental Weed Species.

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APPENDIX 4 - IMPACT ASSESSMENT SCHEDULE

Tree Identification No.	Species	Construction Tolerance	Tree Protection Zone (m R)	Structural Root Zone (m R)	Minimum Setback Distance (tangent to root plate)	TPZ (m^2)	Incursions To Root Zone &/or Canopy	Likely Impact	Recommendation
32	***Ligustrum lucidum*** (Broad Leaf Privet)	M	N/A	N/A	N/A	N/A	No proposed works within TPZ	No adverse impact.	Remove tree - Environmental Weed Species.
33	***Pittosporum undulatum*** (Sweet Pittosporum)	M	3.0	1.8	2.0	28.3	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
34	***Chamaecyparis obtusa* 'Crippsii'** (Golden Hinoki Cypress)	M	4.0	2.1	2.7	50.2	Indicative Driveway offset 0.3 metres south-west. Any future driveway in this location will create an encroachment to the TPZ of approximately 49% (inclusive of the existing driveway).	Extent of potential encroachment to the root zone from any future driveway located in this position exceeds acceptable limits under AS4970:2009. Proposed future driveway is likely to necessitate the removal of this tree.	Undertake replacement planting with a new tree elsewhere within the site to comensate for loss of amenity in accordance with Section 11.
35	***Cotoneaster lacteus*** (Cotoneaster)	M	3.0	1.7	2.0	28.3	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
36	***Camellia sasanqua*** (Sasanqua Camellia)	M	2.0	1.3	1.4	12.6	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
37	***Camellia sasanqua*** (Sasanqua Camellia)	M	2.0	1.3	1.4	12.6	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
38	***Cotoneaster lacteus*** (Cotoneaster)	M	3.5	1.8	2.4	38.5	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
39	***Eucalyptus microcorys*** (Tallowwood)	P	13.1	3.5	8.9	536.4	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
40	***Syncarpia glomulifera*** (Turpentine)	M	2.0	1.5	1.5	12.6	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.

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TL = Tertiary Limb. GL = Ground Level

APPENDIX 4 - IMPACT ASSESSMENT SCHEDULE

Tree Identification No.	Species	Construction Tolerance	Tree Protection Zone (m R)	Structural Root Zone (m R)	Minimum Setback Distance (tangent to root plate)	TPZ (m^2)	Incursions To Root Zone &/or Canopy	Likely Impact	Recommendation
41	***Syncarpia glomulifera*** (Turpentine)	M	2.5	1.7	1.7	19.6	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
42	***Lophostemon confertus*** (Brushbox)	M	7.8	2.8	5.3	191.0	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
43	***Cinnamomum camphora*** (Camphor Laurel)	M	10.8	3.6	7.3	366.2	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
44	***Olea europaea subsp. africana*** (African Olive)	M	6.0	2.7	4.1	113.0	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
45	***Pittosporum undulatum*** (Sweet Pittosporum)	M	1.8	1.6	1.6	10.2	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
46	***Acmena smithii*** (Lilly Pilly)	M	6.5	2.6	4.4	132.7	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
47	***Brachychiton acerifolius*** (Illawarra Flame Tree)	M	5.2	2.4	3.5	83.6	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.
48	***Lophostemon confertus*** (Brushbox)	M	6.6	2.7	4.5	136.8	No proposed works within TPZ	No adverse impact.	To be retained - no special tree protection measures required.

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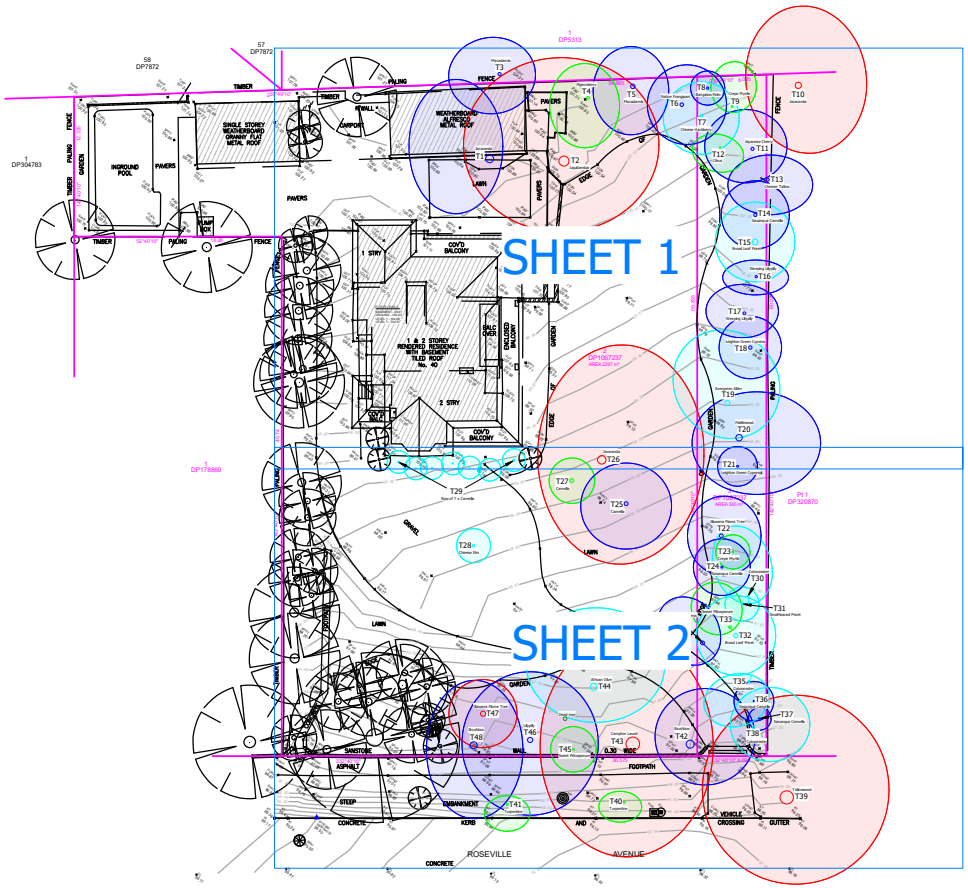

APPENDIX 5
TREE LOCATION PLAN SHOWING
TREE RETENTION VALUES

40 Roseville Avenue, ROSEVILLE, NSW

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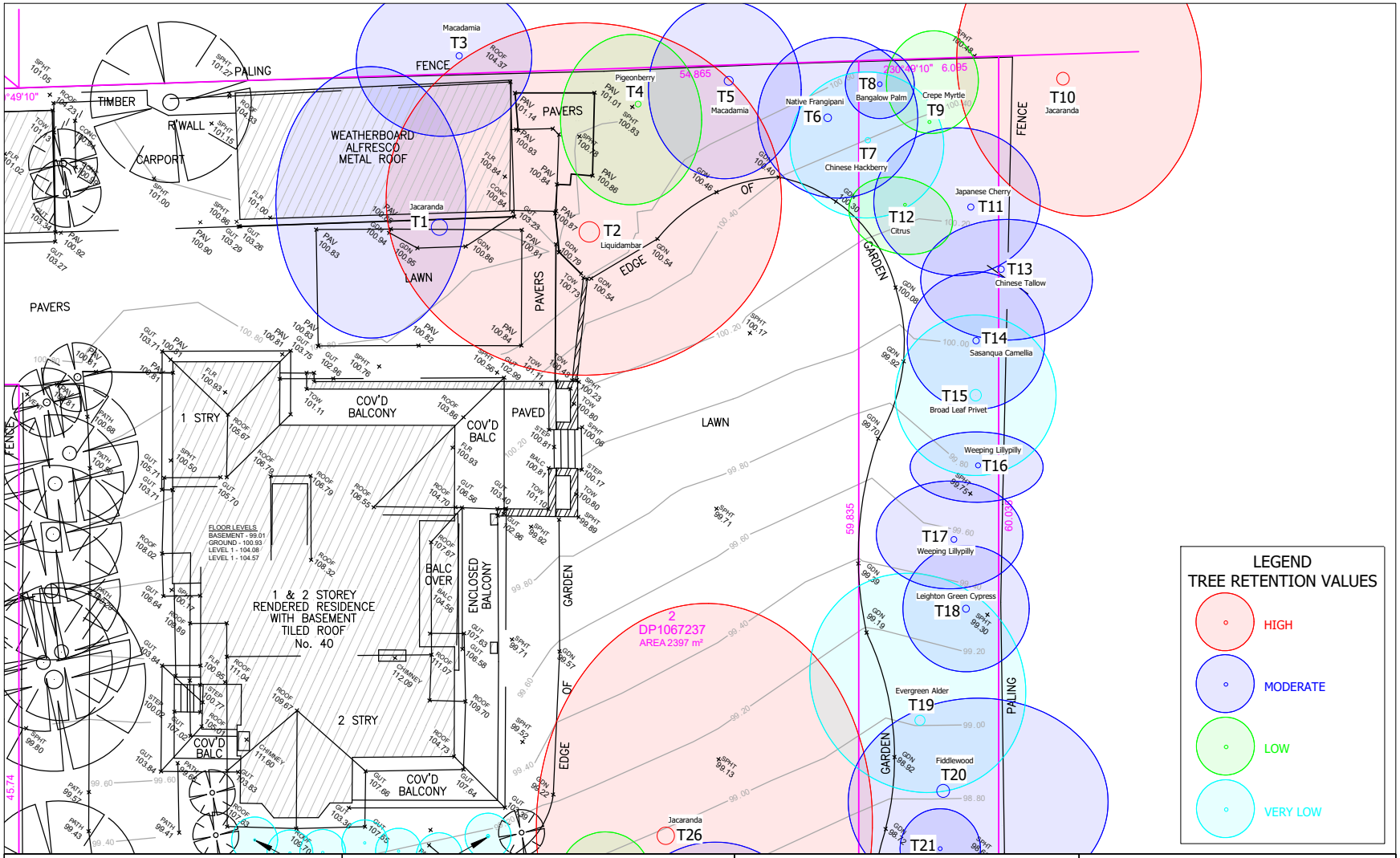
Based on the Survey Drawing
prepared by True North Survey Group
Dwg Ref No. 2586 [1]
Dated 08/07/2025

DWG No. T25-0718/01 [A]

KEY PLAN

DATE: 18/07/2025



APPENDIX 5
TREE LOCATION PLAN SHOWING
TREE RETENTION VALUES

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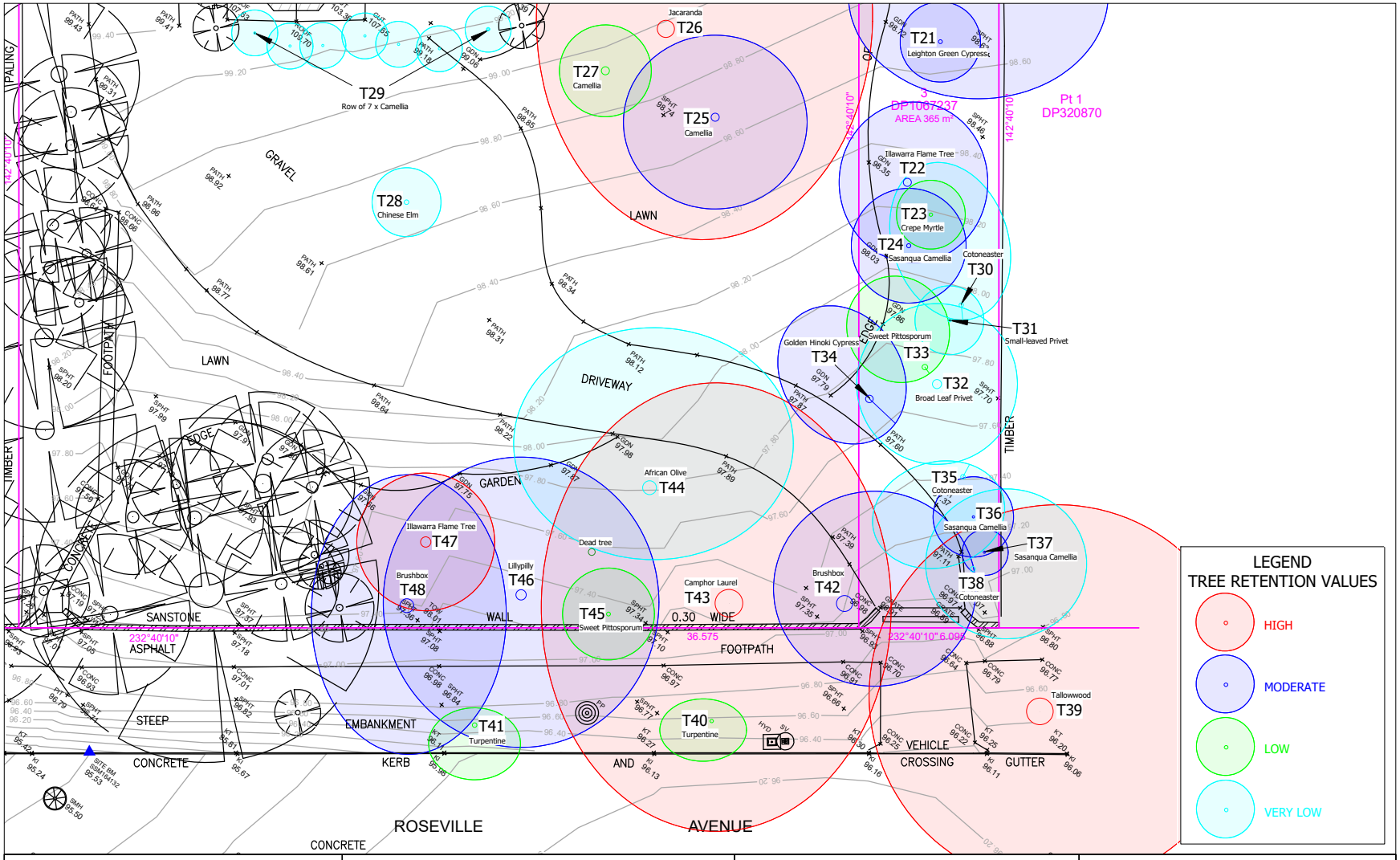
Based on the Survey Drawing
prepared by True North Survey Group
Dwg Ref No. 2586 [1]
Dated 08/07/2025

DWG No. T25-0718/01 [A]

SHEET 1

DATE: 18/07/2025



APPENDIX 5
TREE LOCATION PLAN SHOWING
TREE RETENTION VALUES

40 Roseville Avenue, ROSEVILLE, NSW

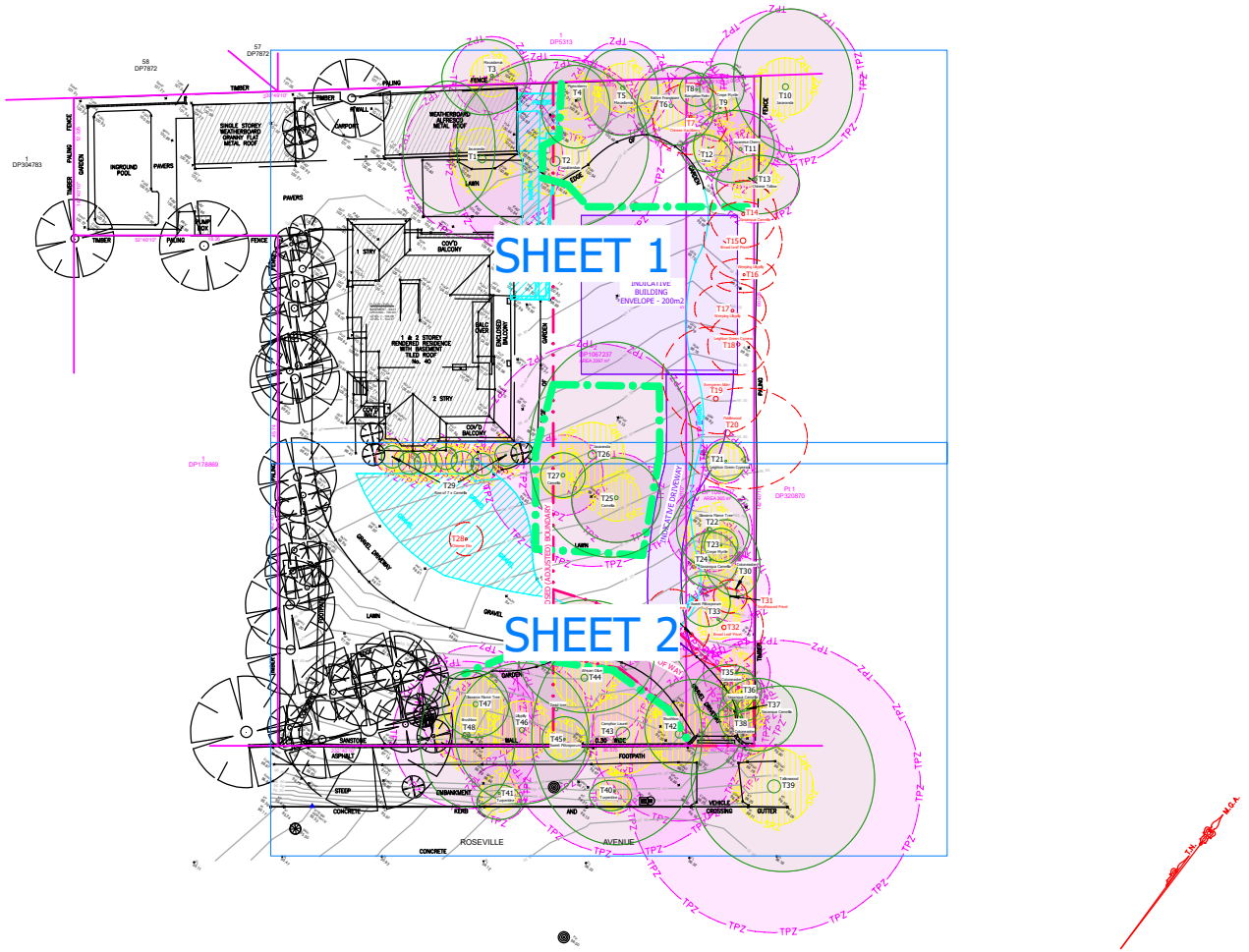
Earthscape Horticultural Services
Arboricultural and Horticultural Consultants
PO Box 364
BEROWRA NSW 2081
Ph: 0402 947 296 (Andrew Morton)
email: earthscape2@outlook.com

Based on the Survey Drawing
prepared by True North Survey Group
Dwg Ref No. 2586 [1]
Dated 08/07/2025

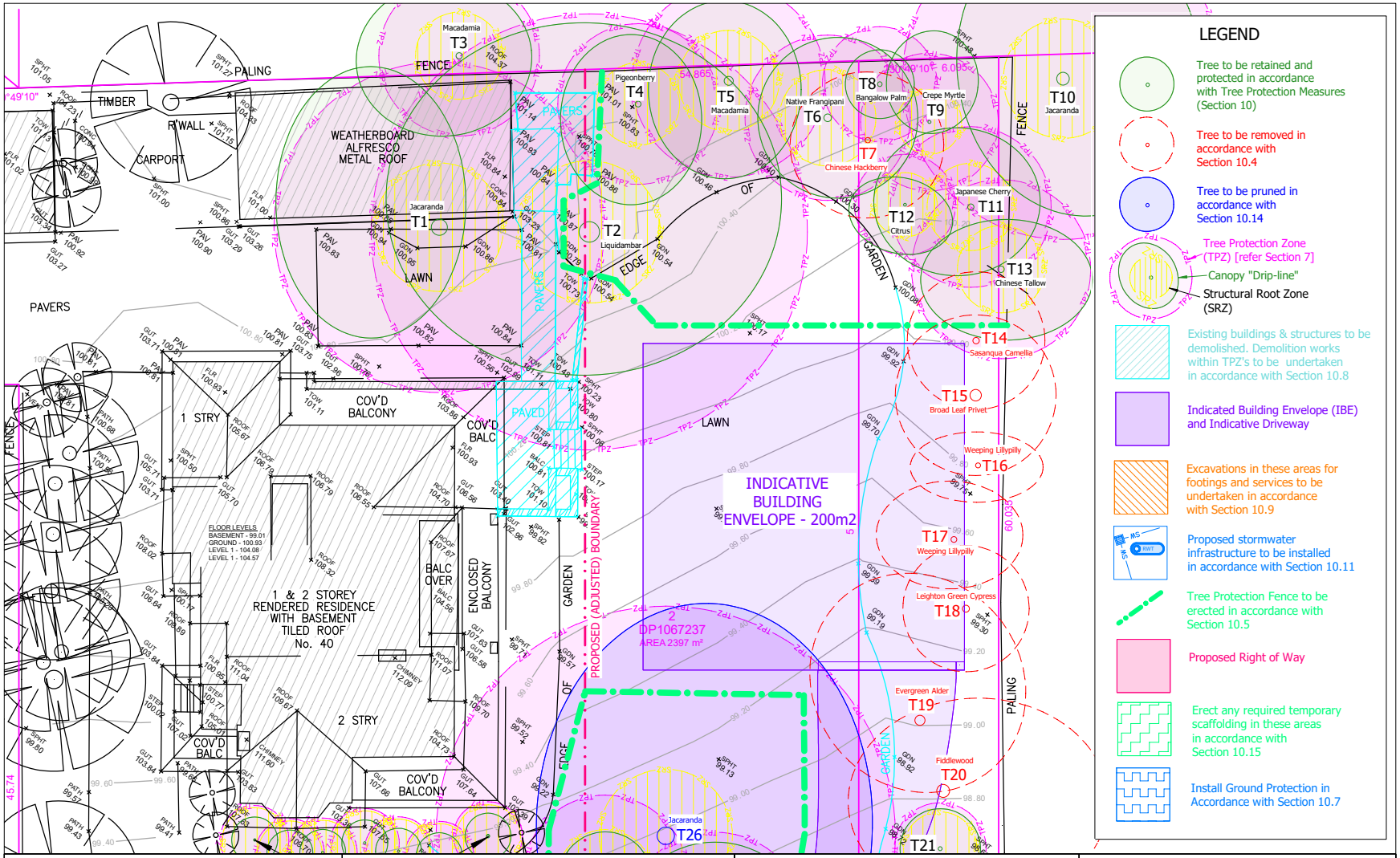
DWG No. T25-0718/01 [A]

SHEET 2

DATE: 18/07/2025



APPENDIX 6 TREE PROTECTION PLAN 40 Roseville Avenue, ROSEVILLE, NSW	Earthscape Horticultural Services Arboricultural and Horticultural Consultants PO Box 364 BEROWRA NSW 2081 Ph: 0402 947 296 (Andrew Morton) email: earthscape2@outlook.com	Based on the Survey Drawing prepared by True North Survey Group Dwg Ref No. 2586 [1] Dated 08/07/2025	DWG No. T25-0718/02 [B] KEY PLAN DATE: 03/08/2025



APPENDIX 6

TREE PROTECTION PLAN

40 Roseville Avenue, ROSEVILLE, NSW

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Based on the Survey Drawing
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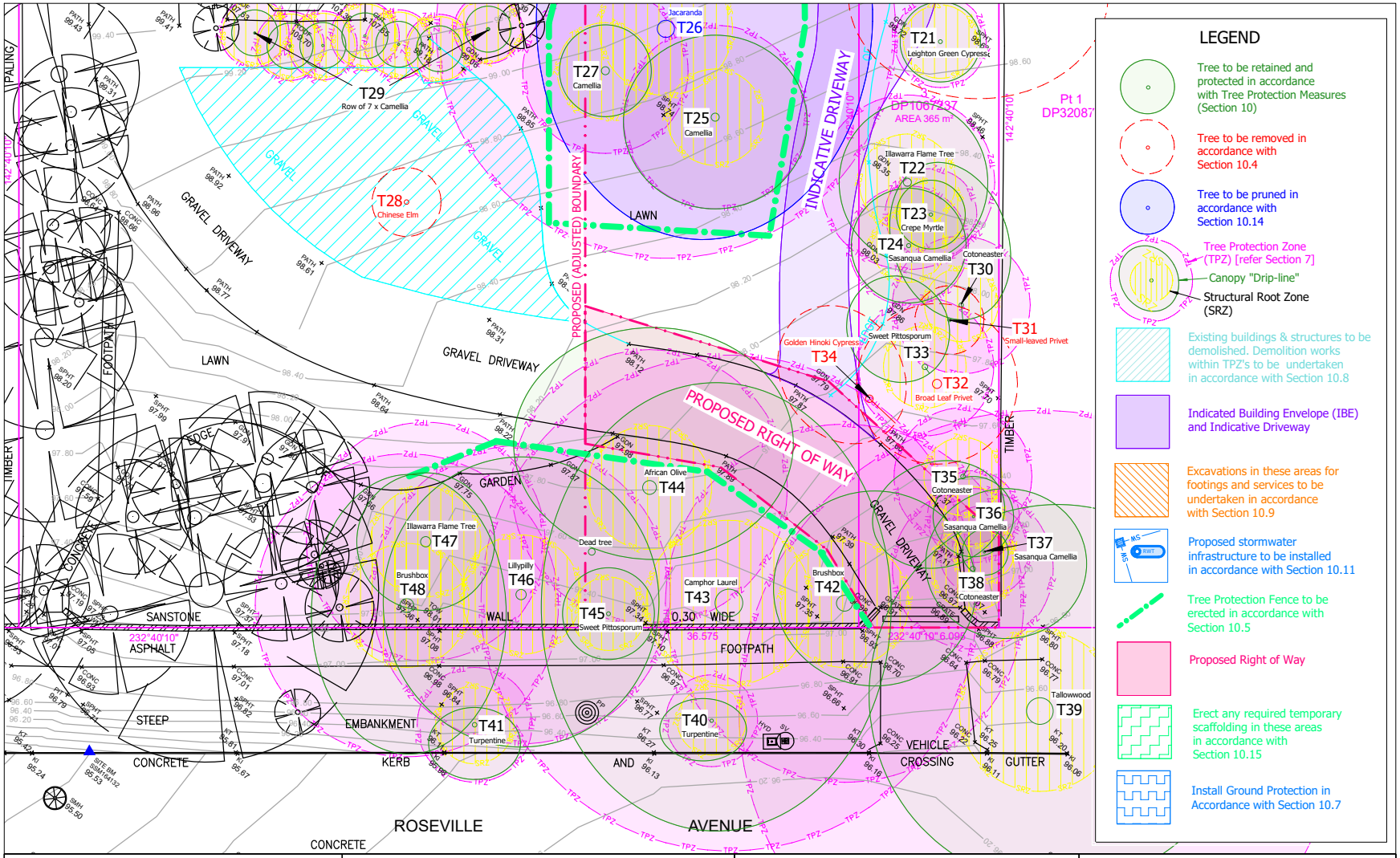
Dwg Ref No. 2586 [1]
Dated 08/07/2025

DWG No. T25-0718/02 [B]

SHEET 1

DATE: 03/08/2025



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LEGEND

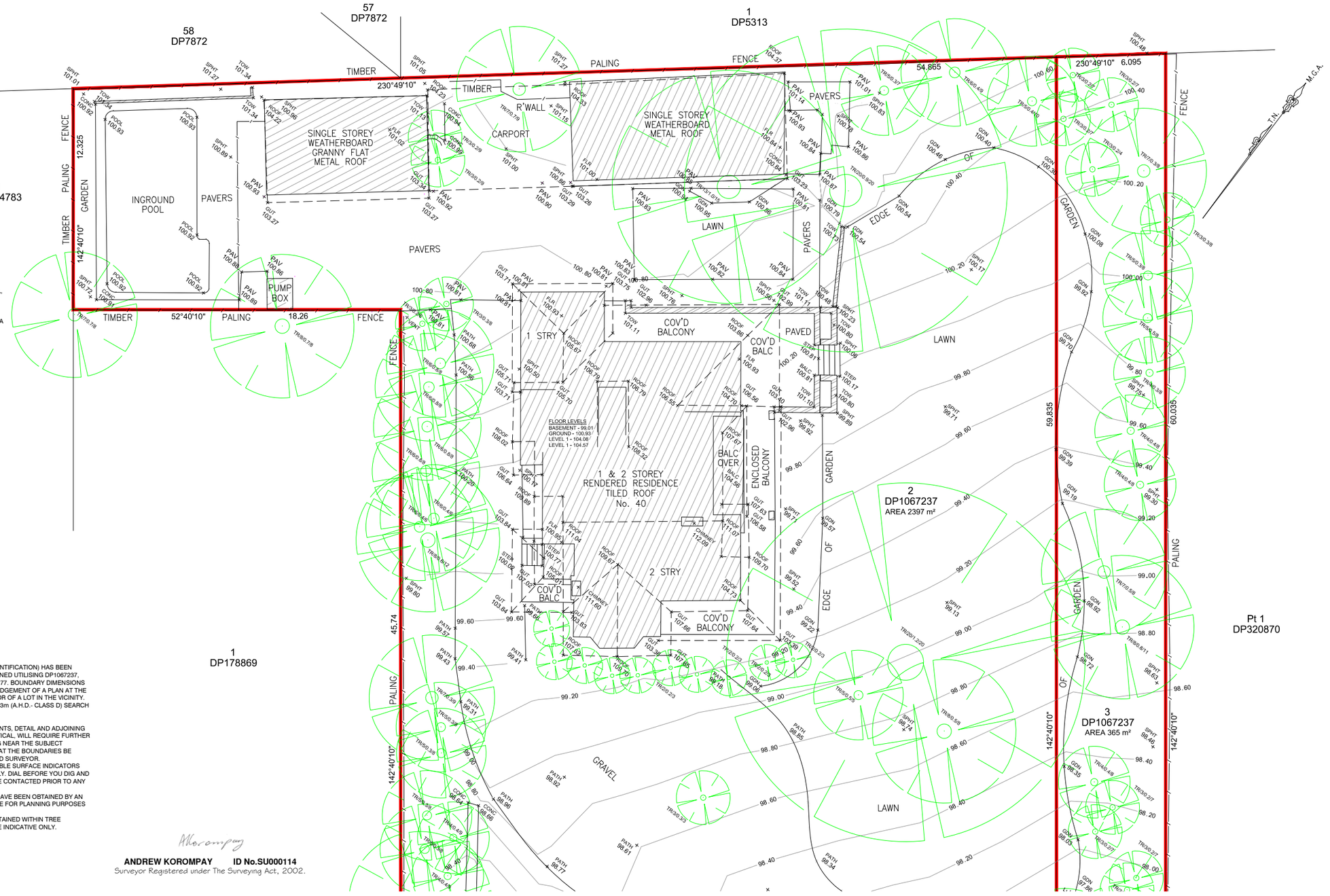
AWN - AWNING
DECK- DECK LEVEL
BALC - BALCONT LEVEL
CHM - CHIMNEY LEVEL
CL - ROAD CENTER LINE LEVEL
CONC - CONCRETE SURFACE LEVEL
DECK - DECK LEVEL
EPIT - ELECTRICAL PIT
ELEC- ELECTRICAL SUBSTATION
TPIT _ TELECOMMUNICATION PIT
FCETOP - FENCE TOP LEVEL
FLR - FLOOR LEVEL
GAS - GAS METER
GATE - GATE
GDN - GARDEN LEVEL
GRATE - GRATED PIT LEVEL
GRV - GRAVEL LEVEL
HC - HOUSE CONNECTION
HYD - HYDRANT
IC- INSPECTION CAP
KT - TOP OF KERB LEVEL
KI - KERB INVERT LEVEL
LP - LIGHT POLE
LIGHT - SKYLIGHT LEVEL
OPIT - OPTUS PIT LEVEL
PAV - PAVING LEVEL
PIT - PIT SURFACE LEVEL
POOL - POOL LEVEL
RWT - RAIN WATER TANK
ROOF - ROOF LEVEL
ROCK - ROCK LEVEL
SIC - SEWER INSPECTION CAP
SKYL - SKYLIGHT LEVEL
SPHT - SPOT HEIGHT
STEP - STEP LEVEL
TG - TOP OF GUTTER
TILE - TILED LEVEL
TOW - TOP OF WALL
TPIT - TELSTRA PIT
WALL - WALL LEVEL (TOW - TOP OF WALL, BOW - BOTTOM OF WALL)
WM - WATER METER

TR/6/0.2/5 - TREE (SPREAD 6m, TRUNK DIA 0.2m, HEIGHT 5m) *DIMENSIONS ARE APPROXIMATE*

WINDOW
TW - WINDOW TOP
BW - WINDOW BOTTOM

DOOR
TD - DOOR TOP
BD - DOOR BOTTOM

CONTOUR INTERVAL - 0.2m



NOTES:

1. A BOUNDARY SURVEY (BOUNDARY IDENTIFICATION) HAS BEEN UNDERTAKEN WITH BOUNDARIES DEFINED UTILISING DP1067237, DP859534, DP320870, DP304783 & DP3277. BOUNDARY DIMENSIONS CAN MOVE TO A DEGREE WITH THE LODGEMENT OF A PLAN AT THE TITLES OFFICE OF THE SUBJECT LOT OR OF A LOT IN THE VICINITY.
2. ORIGIN OF LEVELS SSM164132 RL: 95.53m (A.H.D.- CLASS D) SEARCH DATED 28/07/2022.
3. BEARINGS ARE ON MGA GRID NORTH.
4. RELATIONSHIP OF OTHER IMPROVEMENTS, DETAIL AND ADJOINING BUILDINGS TO THE BOUNDARY, IF CRITICAL, WILL REQUIRE FURTHER SURVEY. IF ANY FENCING OR BUILDING NEAR THE SUBJECT BOUNDARIES IT IS RECOMMENDED THAT THE BOUNDARIES BE PHYSICALLY MARKED BY A REGISTERED SURVEYOR.
5. SERVICES SHOWN ARE BASED ON VISIBLE SURFACE INDICATORS EVIDENT AT THE DATE OF SURVEY ONLY. DIAL BEFORE YOU DIG AND ALL SERVICE AUTHORITIES SHOULD BE CONTACTED PRIOR TO ANY DEVELOPMENT.
6. ROOF AND EAVE & GUTTER HEIGHTS HAVE BEEN OBTAINED BY AN INDIRECT METHOD AND ARE ACCURATE FOR PLANNING PURPOSES ONLY.
7. THE DIAMETER OF TREE TRUNKS CONTAINED WITHIN TREE SYMBOLS ARE NOT TO SCALE AND ARE INDICATIVE ONLY.

ANDREW KOROMPAY **ID No.SU000114**
Surveyor Registered under The Surveying Act, 2002.

REVISION	BY	REVISION DESCRIPTION	DATE
1	AK	DETAILPLAN UPDATED FOR REAR LOT AND FRONT D'WAY CHANGES	08/07/25
0	AK	INITIAL ISSUE	28/08/22

PLAN OF DETAIL OVER
No. 40 ROSEVILLE AVE
ROSEVILLE NSW 2069

TRUE NORTH SURVEY GROUP
REGISTERED SURVEYORS
Incorporating NORTHWEST SURVEYS, TRUE NORTH SURVEYS, GEOMAT ENGINEERING PTY LTD

TRUENORTH SURVEY GROUP
A.B.N. 97 106 447 198
Registered Consulting Surveyors
9 Ingleside Road
Ingleside NSW 2101
Tel : (02) 9450 0868
Mob : (0412) 353 784
Email : andrew@truenorthsurveys.com.au

SCALE: 1:100 @ A1 : 1:200 @ A3		DATE: 08/07/2025
CLIENT: BOB WHEELDON		DATUM: AHD
JOB No. 2586		PAGE 1 OF 2
DRAWN	CHECKED	APPROVED
KS / JA	AK	AK
DRAWING No. 2586		REVISION 1

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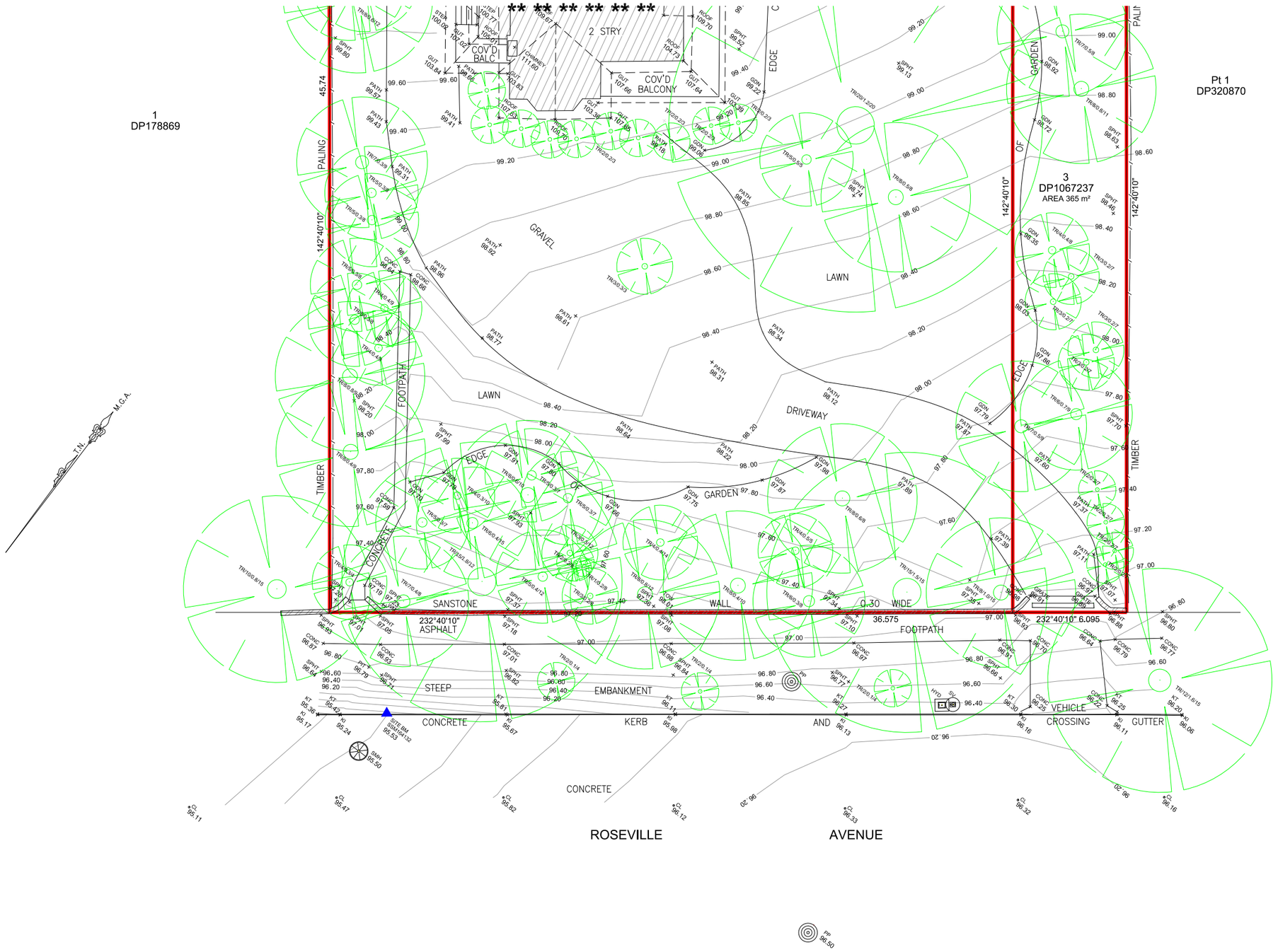

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REVISION	BY	REVISION DESCRIPTION	DATE

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ROSEVILLE NSW 2069

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CLIENT: BOB WHEELDON		DATUM: AHD
JOB No. 2586		PAGE 2 OF 2
DRAWN	CHECKED	APPROVED
KS / JA	AK	AK
DRAWING No. 2586		REVISION 1