# KU-RING-GAI LOCAL PLANNING PANEL MEETING
# TO BE HELD ON MONDAY, 20 APRIL 2026 AT 10:30 AM
# LEVEL 3, COUNCIL CHAMBER

# ATTACHMENTS

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

NOTE: For Full Details, See Council's Website –
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GENERAL BUSINESS


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# DEVELOPMENT APPLICATION

# ASSESSMENT REPORT

| | |
|---|---|
| **REPORT TITLE** | 56-58 Koola Avenue, East Killara - Torrens title subdivision of one lot into two lots (paper subdivision) |

| | |
|---|---|
| **APPLICATION NO** | eDA0548/25 |
| **PROPERTY DETAILS** | 56-58 Koola Avenue, East Killara<br>Lot 3 DP 588630<br>4,384.00m$^2$<br>Part E1 Local Centre<br>Part C4 Environmental Living |
| **WARD** | Gordon |
| **PROPOSAL/PURPOSE** | Torrens title subdivision of one lot into two lots (paper subdivision) |
| **TYPE OF DEVELOPMENT** | Integrated |
| **APPLICANT** | Council |
| **OWNER** | Ku-ring-gai Council |
| **DATE LODGED** | 17 October 2025 |
| **RECOMMENDATION** | Deferred Commencement Development Consent |

## PURPOSE OF REPORT

To determine Development Application No. eDA0548/25 for Torrens title subdivision of one lot into two lots (paper subdivision) at No. 56-58 Koola Avenue, East Killara.

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

## INTEGRATED PLANNING AND REPORTING

Places, Spaces & Infrastructure

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

## EXECUTIVE SUMMARY

| | |
|---|---|
| **Issues** | Bushfire protection<br>Biodiversity |
| **Submissions** | 2 |
| **Land and Environment Court** | N/A |
| **Recommendation** | Deferred Commencement Development Consent |

## HISTORY

**Site history**

| Date | Event |
|---|---|
| 2 June 1976 | The original 7,862m² lot which presents to Koola Avenue, Reading Avenue and Warrington Avenue, East Killara, being Crown land portion 136 was purchased by Council. |
| 12 May 1977 | Portion 136 was subdivided to create 3 Torrens title allotments comprising the East Killara Shops on Lot 1, part of the shop building, eastern walkway and carpark on Lot 2 and Lot 3 (identified as No. 56-58 Koola Avenue) is the allotment subject to this application. It has historically been used as a carpark and open space. |

| | |
|---|---|
| 26 May 2015 | A Planning Proposal to reclassify No. 56-58 Koola Avenue from community land to operational land. At this time, the land to the west of the site adjacent to Warrington Avenue was zoned 6(a) Recreation and the Koola Avenue eastern frontage was zoned 3(a) Business under the Ku-ring-gai Planning Scheme Ordinance 1971 (KPSO).<br><br>The Council resolved in part:<br><br>*H. That Part No. 56-58 Koola Avenue (being Lot 3 DP 588630) be classified as operational land and the zoning unchanged.*<br><br>*I. That, following gazettal of the reclassification for Part No. 56-58 Koola Avenue, that the General Manager be authorised to proceed with the preparation and lodgement of a subdivision plan for the property to divide the property along the present zoning.*<br><br>*J. That the appropriate zoning and classification for each of the new allotments under the standard template be considered as part of the Planning Proposal for the whole of surrounding area which was also deferred from Ku-ring-gai Local Environmental Plan 2015.*<br><br>*K. That the area fronting Warrington Avenue be considered as part of the Planning Proposal referred to in 'J' above be investigated for a potential residential zoning and the lot facing Koola Avenue be considered for a Neighbourhood Business zone.* |
| 19 January 2018 | Ku-ring-gai Local Environmental Plan 2015 ('KLEP') (Amendment No. 6) was gazetted and reclassified the subject site from community to operational land.<br><br>KLEP (Amendment No. 14) was gazetted. In effect, the amendments extended LEP maps to include previously deferred areas such as East Killara. The west of the site adjacent to Warrington Avenue was rezoned from 6(a) Recreation to E4 Environmental Living (now C4 Environmental Living). The land fronting Koola Avenue was zoned B1 Neighbourhood Centre (now E1 Local Centre). |

**Previous applications history**

A Pre-DA consultation was not undertaken with Council.

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

| Type | Application | Description | Decision | Date |
|---|---|---|---|---|
| | 77/4 | Torrens title subdivision of Portion 136 into three lots and dedication of a lane (6m wide). Deposited Plan 588630 was subsequently registered creating the subject Lot 3 within DP 588630. | Approved | 07/02/1977 |
| eDA | eDA0177/24 | Torrens title subdivision of one lot into two lots | Refused | 15/05/2024 |

**Current Development Application History**

| Date | Action |
|---|---|
| 17/10/2025 | Application lodged. |
| 24/10/2025 – 28/11/2025 | The application was notified to neighbouring property owners for a period of 30 days. Two submissions were received. |
| 15/12/2025 | The Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025 No. 71 was gazetted and introduced distinct changes to both the primary Act and its supporting Regulation. While Schedule 1 of the Amending Act updates the Environmental Planning and Assessment Act 1979, Schedule 2 specifically amends the Environmental Planning and Assessment Regulation 2021.<br><br>The savings provisions inserted into Schedule 6, Part 15, Section 34 of the Regulation are limited in scope; they expressly preserve previous assessment standards only for specific amendments made to the primary Act—such as the changes to Section 1.3 (Objects), Section 4.15 (Evaluation), and Section 4.17 (Conditions). These savings do not extend to the new Section 65A of the Regulation.<br><br>As a result, the mandate under Section 65A which declares that the impacts of other development are not relevant to a subdivision *simpliciter (subdivision in its pure form, without any associated development or building works)* commenced without a transitional delay for pending applications.<br><br>Consequently, Section 65A is a mandatory and relevant consideration for the current assessment, regardless of the application's lodgement date of 17 October 2025. |
| 24/12/2025 | NSW Rural Fire Service ('RFS') General Terms of Approval ('GTAs') issued. |

| | |
|---|---|
| 23/02/2026 | A letter was sent to the applicant seeking additional information in respect of:<br><br>i. site suitability<br>ii. infrastructure and serviceability<br>iii. bushfire risk management<br>iv. clarification of planning intent |
| 9/03/2026 | The applicant submitted further information including:<br><br>i. Utility services investigation identifying subsurface utility information.<br>ii. Separate vehicular crossing profiles were provided for Proposed Lot 100 (Warrington Avenue) and Proposed Lot 101 (Koola Avenue).<br>iii. Detailed plans and On-site Stormwater Detention (OSD) strategies.<br>iv. Indicative building footprints of 562.6m² for Lot 100 and 663.8m² for Lot 101.<br>v. Confirmation that the applicant accepts a condition for Proposed Lot 100 to revert to community land within 12 months of subdivision registration to manage bushfire risk. |

## THE SITE

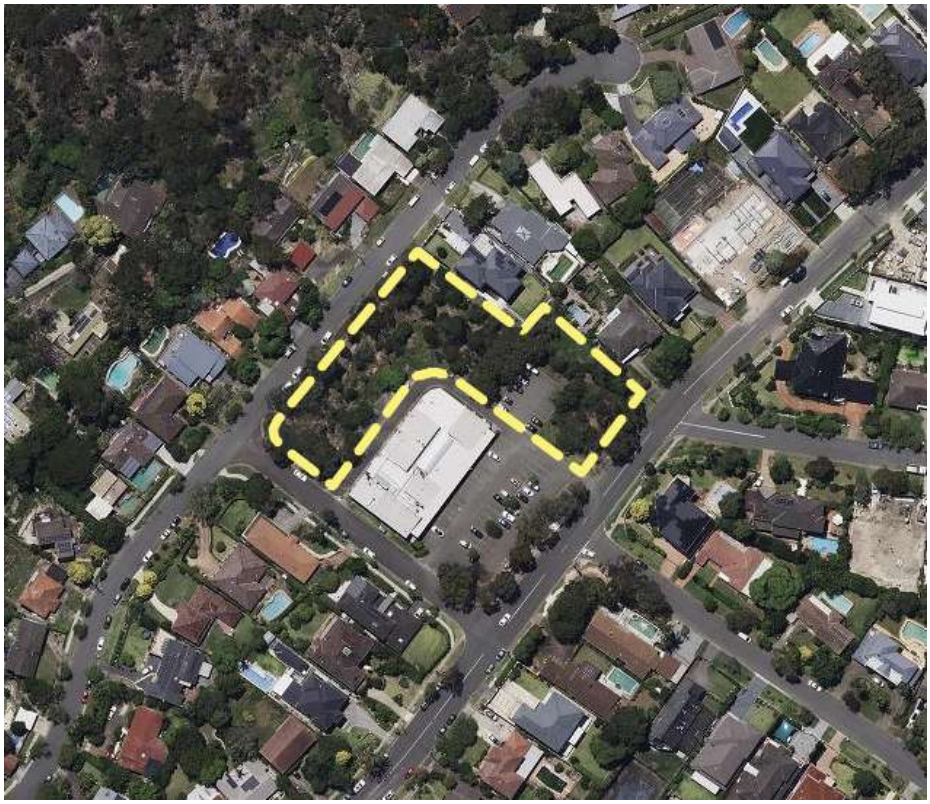


***Figure 1: Aerial photograph of the subject site and surrounding area (subject site shown dashed yellow)***

### Site description

The subject site is No. 56-58 Koola Avenue, East Killara (Lot 3 in DP 588630). The site is a large, irregular 'L' shaped allotment with a 34.53 metres frontage to Koola Avenue, a 79.78 metres frontage to Warrington Avenue and 27.44 metres frontage to Reading Avenue. The site also contains a 114 metres frontage to Reading Lane. The site has an area of 4,387m² (by survey).

The eastern portion of the site is zoned E1 Local Centre and has an area of 1,628m². The site has a gentle cross fall of 0.5 metres towards the northern side boundary and eastern frontage to Koola Avenue. The land accommodates a sealed carpark comprising 14 spaces. Other works include a park bench, picnic table and lighting.

The western portion of the site is 2,759m² and is zoned C4 Environmental Living. The site has a cross fall of 5.5 metres from the east towards the western frontage presenting to Warrington Avenue. The land accommodates a bushwalking track linking Warrington Avenue to the East Killara shops, a parking area to the west of the laneway, streetlights and informal waste collection area for the shops.

Native vegetation within the site is representative of the Sydney Coastal Enriched Sandstone Forest. The site contains significant vegetation, including mature specimens of *Eucalyptus racemosa* (Scribbly Gums), *Allocasuarina littoralis* (Black She Oaks), *Angophora costata* (Sydney Red Gum), and *Corymbia gummifera* (Red Bloodwood).

| Constraint: | Application: |
|---|---|
| Visual character study category | Not categorised on map |
| Easements/rights of way | No |
| Heritage Item - Local | No |
| Heritage Item - State | No |
| Heritage conservation area | No |
| Within 100m of a heritage item | No |
| Bush fire prone land | Yes |
| Natural Resources Biodiversity | Yes |
| Natural Resources Greenweb | Yes |
| Natural Resources Riparian | No |
| Within 25m of Urban Bushland | No |
| Contaminated land | No |

**Surrounding development**

The site is adjoined by the East Killara shopping centre, located at No. 3 Reading Avenue (Lot 1 DP 588630 and SP 12091) and a Council carpark (Lot 2 DP 588630) **(Figure 1).** The shopping centre comprises a 2-storey brick building, comprising 10 units and common property. A 4.4 metres wide common walkway is located along the eastern facade within the adjoining Council owned allotment (Lot 2 DP 588630). There is an elevated partial basement floor at the rear of the shops immediately adjacent to Reading Lane. The basement floor provides direct access to 5 shops, pedestrian access to a common stairwell into the building and access to a common garbage storage room.

The site also adjoins and is surrounded by residential dwellings sited on rectangular shaped allotments. The site is adjoined to the east by No. 21 Warrington Avenue and No. 60 Koola Avenue to the west.

## THE PROPOSAL

The application proposes Torrens title subdivision of Lot 3 in DP 588630 into two allotments as follows:

| Lot | Site Area | Dimensions | Zoning |
|---|---|---|---|
| Lot 100 | 2,759m² | 79.78 metres frontage to Warrington Avenue, 27.44 metres to Reading Avenue and 69.67 metres to Reading Lane. | C4 Environmental Living |
| Lot 101 | 1,628m² | 34.53 metres frontage to Koola Avenue and 44.545 metres to Reading Lane. | E1 Local Centre |

Refer to **Figure 2** below for plan extract.




***Figure 2: Draft Plan of Subdivision***

**Additional information dated 9 March 2026**

The applicant provided the following additional information:

i. A subsurface survey, prepared by Locaters Utility Surveys (Job No. 230513), using Ground Penetrating Radar (GPR) and electronic detection to identify existing infrastructure.

ii. Standard high-level crossing profiles for Proposed Lot 100 (Warrington Avenue) and Proposed Lot 101 (Koola Avenue) detailing gradients and reinforcement to ensure functional access.

iii. Concept stormwater drainage plans and OSD calculations for both lots.

iv. Indicative building footprints showing contextual footprints of 562.6m² for Lot 100 and 663.8m² for Lot 101.

## 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. Submissions from the following were received:

1. *Mr G. Harrison, No. 32 Albany Crescent, East Killara*
2. *Ms C. Duffy, No. 30 Warrington Avenue, East Killara*

The submissions raised the following issues:

***Ecological impact and habitat loss***

*Issues raised:*

- The subdivision will lead to the destruction of high-value bushland.
- The proposal will cause loss of habitat for protected species, such as black cockatoos.

While the site's ecological value is acknowledged, the application is for a subdivision *simpliciter* (the division of land only) and does not seek consent for physical works, tree removal or construction. Under Section 65A of the EP&A Regulation 2021, the impacts of other development for which consent is not currently sought are declared to be factors that are not of relevance to this application. Consequently, the potential environmental effects of future residential or commercial use are not a lawful basis for refusal of this application. Any future proposal involving physical work would require a separate development application, at which time a full assessment of biodiversity and habitat impacts would be undertaken.

***Strategic gateway for future development***

*Issue raised:*

- The subdivision is a "strategic gateway" designed to bypass scrutiny and dismantle environmental protections.

What is proposed is *a* subdivision which is the partitioning of land and this does not pre-empt the merits of future development applications. The current zoning remains unchanged by this proposal and any future development must comply with the established controls of Ku-ring-gai Local Environmental Plan (KLEP) 2015.

To address concerns regarding the strategic nature of the application, the proposal is recommended for a deferred commencement development consent. This mechanism ensures that the subdivision cannot be finalised and the consent does not operate until the applicant provides evidence that Proposed Lot 100 has been formally reclassified to community land under the *Local Government Act 1993*.

This approach, coupled with the Rural Fire Service (RFS) General Terms of Approval (GTAs), serves as a legal safeguard that secures long term protection of the land and prevents environmental bypass. By requiring the reclassification as a prerequisite, Council ensures the community land status and the conservation protections it carries are locked in before any new allotments are legally created.

***Loss of public utility and parking***

*Issue raised:*

- The loss of a valued local park and secondary parking that supports nearby shops on Proposed Lot 101.

The proposed paper subdivision does not involve the physical removal of existing infrastructure, such as the carpark on Proposed Lot 101 nor does it immediately restrict current site usage. The assessment of site suitability under Section 4.15(1)(c) of the EP&A Act confirms that the created lots are capable of independent serviceability without necessitating immediate environmental damage. Concerns regarding the future loss of public utility would be a matter for consideration if and when a change of use or physical development is proposed for those specific areas.

**Additional information dated 9 March 2026**

The additional information was not notified to surrounding residents as it proposed no amendments to the application.

**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 plant community type (PCT) 3592: Sydney Coastal Enriched Sandstone Forest.*<br><br>*The proposal does not trigger entry into the biodiversity offset Scheme (BOS) as the proposal will not result in the removal of native vegetation from the Biodiversity Land Values map.*<br><br>*No biodiversity development assessment Report (BDAR) is deemed to be necessary in this instance.* | ***YES*** |

| ***LEP 2015 COMPLIANCE TABLE*** | | |
|---|---|---|
| ***Part 6 Additional local provisions*** | ***Proposed*** | ***Complies*** |
| ***Clause 5.23 Public Bushland***<br>*(1) The objective of this clause is to protect and ensure the ecological viability of bushland, including rehabilitated areas in urban areas, by—* | ***Clause 5.23 Public bushland***<br><br>*The subject property does not adjoin 'Public Bushland", the proposal is unlikely to directly or indirectly impact upon Public Bushland. The proposal is considered to be consistent with the aims and objectives of this clause.* | ***YES*** |

| *LEP 2015 COMPLIANCE TABLE* | | |
|---|---|---|
| ***Part 6 Additional local provisions*** | ***Proposed*** | ***Complies*** |
| *(a) preserving biodiversity, habitat corridors and links between public bushland and other nearby bushland, and*<br>*(b) preserving bushland as a natural stabiliser of the soil surface, and*<br>*(c) preserving existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, and*<br>*(d) preserving the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of bushland, and*<br>*(e) mitigating disturbance caused by development.* | | |

| *KLEP 2015 COMPLIANCE TABLE* | | |
|---|---|---|
| ***Part 6 Additional local provisions*** | ***Proposed*** | ***Complies*** |
| ***Clause 6.3 – Biodiversity Protection***<br>*The objective of this clause is to protect maintain and improve the diversity and condition of native vegetation and habitat* | *The subject property is mapped as supporting "Terrestrial biodiversity". The proposed development will not result in the removal of native vegetation from mapped lands. The proposal is consistent with the objectives this clause.* | ***YES*** |

| *KDCP COMPLIANCE TABLE* | | |
|---|---|---|
| ***Control*** | ***Proposed*** | ***Complies*** |
| ***Part 18 Biodiversity Controls*** | | |
| *18.2 Category –Core Biodiversity Lands.* | *The proposed development does not propose any works within lands mapped under these parts as* | ***YES*** |

| | | |
|---|---|---|
| *18.5 Category – Biodiversity Corridors and Buffer Areas*<br><br>*18.7 Category –No Net Loss* | *such the proposal is consistent with the objectives and controls under these parts.* | |

The ecology referral finds that no direct impact occurs at the subdivision stage and that the proposal complies with current biodiversity controls and this is concurred with. There is no lawful basis to refuse the application or require further hypothetical impact assessments. All ecological and bushfire implications identified in the referral are properly deferred to the construction stage (future DA), consistent with the intended operation of Section 65A of the Regulation.

**Landscaping**

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

| ***KDCP COMPLIANCE TABLE*** | | |
|---|---|---|
| ***Control*** | ***Proposed*** | ***Complies*** |
| ***Part 3A.3 Building Footprint*** | | |
| *C2. Building footprints are to be located outside areas of ecological or heritage significance and to avoid the loss of trees.* | *As this is a 'paper subdivision', it has been agreed this is not required at this stage.*<br>• *Any building footprint will be assessed under a future DA.* | ***YES*** |
| ***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.* | *Not required at this stage.*<br>• *There are no physical works being undertaken or services proposed.*<br>• *No tree removal is proposed and therefore no change is proposed to the existing canopy cover.*<br>• *The existing canopy cover will remain wholly unaffected by the proposed subdivision, as no clearing or works are proposed or permitted at this stage.*<br>• *Any impacts will be assessed under a future DA.* | ***YES*** |
| ***Part 16 Bushfire Risk*** | | |
| *16.1 Bushfire Risk Management* | *A revised bushfire letter has been provided.* | ***YES*** |

*Recommended condition -*

***Conditions to be satisfied prior to the issue of the subdivision certificate:***

***Trees to be retained on bushfire prone land***

*The trees as identified on the survey plan 1622Det2 Sheet 1 to 5 prepared by PINNACLE Land Surveyors, dated 15 December 2022 are to be retained on Lot 100 and Lot 101.*

***Reason:*** *To maintain the existing landscape character for conservation purposes and protect the environment.*

Council's Senior Landscape and Tree Assessment Officer has confirmed that, as this is a paper subdivision seeking no physical works, building footprints and detailed tree removal assessments are not required at this stage. This position is consistent with Section 65A of the EP&A Regulation 2021, which declares that the significant likely impacts of other development (such as future residential construction or associated clearing) are not relevant to the assessment of a subdivision *simpliciter*.

The Senior Landscape and Tree Assessment Officer has recommended a condition (**Condition 6**) requiring the retention of trees identified on the survey plan to maintain the existing landscape character. The inclusion of this condition serves as a necessary "status quo" protection, ensuring that the legal partitioning of the land does not inadvertently grant an implied right to clear vegetation.

The comments and recommendations of the Senior Landscape and Tree Assessment Officer are concurred with.

The applicant has formally clarified that all indicative building footprints and stormwater layouts provided are for contextual capability purposes only. They do not form part of the approved development, which prevents any future legal argument that Council has already considered or sanctioned those specific footprints.

**Engineering**

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

*No construction work, drainage or tree removal is proposed for the purposes of the DA.*

*The site is not impacted by overland flows/flooding. The proposal has been assessed against Clause 6.5 (Stormwater and Water Sensitive Urban Design) of KLEP 2015. 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 2015.*

*The larger Proposed Lot 100 slopes away to the north-west and drains to Warrington Avenue, whilst Proposed Lot 101 which contains a slight fall to the south-east, drains to Council's stormwater system in Koola Avenue.*

*Existing stormwater provisions are in place. No change is proposed to the stormwater system. Of note, under the previous application (eDA0177/24) indicative stormwater management plans were submitted which included indicative building footprints demonstrating each lot being able to implement its own water management system as part of any future residential development, subject to a future application.*

*Each lot has more than one frontage, but no new access is proposed. Under the previous application proposed Lot 100 was to be serviced by a new vehicular crossing off Warrington Avenue whilst proposed Lot 101 was to be serviced by a new vehicular crossing off Koola Avenue.*

*A preliminary plan of subdivision, prepared by Aaron Fleury, has been submitted which is acceptable for DA purposes.*

*Submission of an 88B instrument and including Plan of Subdivision is to be created prior to the issue of the subdivision certificate. This is to create all required easements or other burdens /benefits as may be required.*

*A Section 73 (Sydney Water) Compliance Certificate for subdivision would be required as part of DA condition***.**

The above assessment and relevant provisions have been reviewed. It is agreed that the proposal is satisfactory for the reasons given by Council's Team Leader Development Engineers.

The recommendation includes a condition requiring a Section 73 Compliance Certificate. **(Condition 9)** from Sydney Water prior to the issue of a Subdivision Certificate. The Section 73 process will not result in authorised physical works under this consent because the Notice of Requirements (NoR) for a subdivision of this nature functions primarily as an administrative assessment of network capacity rather than a construction mandate.

Council's Team Leader Development Engineers has verified that each lot is capable of independent connection to existing mains in the adjacent road reserves without requiring new extensions or external augmentations. This position is further strengthened by the recommended deferred commencement development consent term, which requires the applicant to resolve, pursuant to Section 33 of the *Local Government Act 1993*, that proposed Lot 100 be reclassified from operational land to community title land on the registration of the plan of subdivision. As the resolution provides a legal guarantee of the land's future status as community land, the anticipated service demand is negligible compared to residential use. This ensures that the site is technically suitable for subdivision and allows Sydney Water to issue a Compliance Certificate based on the existing status quo of the network.

The applicant has clarified that all submitted high-level drainage and utility plans are for contextual capability purposes only and do not authorise physical development. Any minor utility tie ins required at the property boundary to finalise legal partitioning remain legally distinct from high impact works, such as internal trenching or dwelling construction, which are not sought and remain unauthorised under this recommended deferred commencement development consent. Consequently, the site is technically suitable for subdivision and the inclusion of the Section 73 condition serves as a necessary administrative milestone to verify the legal serviceability of the new titles without pre-empting or authorising the physical environmental impacts typically associated with future construction.

## External Referrals

### Rural Fire Service

Under the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979, the proposal is Integrated Development on the basis that approval from the RFS is required under Section 100B, *Rural Fires Act 1997*.

Accordingly, the development has been referred to the NSW Rural Fire Service (RFS), who advised that the application is acceptable. The comments provided by the RFS are as follows:

> *The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, are now issued, subject to the following [condition]:*
>
> ***General conditions***
>
> *The C4 Environmental Living zoned portion of the land must revert to Community land per Ku-ring-gai Council's resolution. The Council will need to ensure that the reclassification of land occurs in a timely manner after the land has been subdivided.*

This condition is considered a valid exercise of power. While there is a discrepancy between historical Council minutes (which suggested residential investigation) and the community land narrative presented in the applicant's Statement of Environmental Effects (SEE), this does not invalidate the Bush Fire Safety Authority. The RFS decision is based on a performance-based assessment of risk; by requiring a community classification, the RFS is securing an administrative outcome that ensures the land is managed as a public buffer rather than a private residential risk. Although these requirements are generated through an independent process under the *Rural Fires Act*, they are intrinsically linked to the planning outcome because, under Section 4.47(3) of the *EP&A Act*, any consent granted by Council must be consistent with the GTAs provided by the RFS.

In their response, dated 9 March 2026, the applicant formally accepted the requirement for the reclassification of proposed Lot 100 to community land. However, the applicant expressed a preference for this to be a standard operational condition rather than a term of deferred commencement development consent, suggesting reclassification would occur within 12 months after the subdivision is registered.

While the applicant requested a 12-months post-registration window, this is rejected. To satisfy Section 4.47(3) of the EP&A Act and ensure the RFS GTAs are met with certainty, the reclassification must be a Schedule A deferred commencement development consent matter.

The RFS's silence regarding proposed Lot 101 would not impact the validity of the recommended deferred commencement development consent. As Lot 101 is located outside the designated "Bushfire Prone Buffer," the Commissioner determined that no specific safety conditions were necessary for that portion of the site. While the RFS requirements mandate a future administrative path that may conflict with historical Council resolutions regarding operational status, the statutory weight of the *Rural Fires Act* and the *EP&A Act* means the consent authority cannot ignore these terms. The assessment therefore accepts the condition as a mandatory inclusion, secured via the deferred commencement development consent pathway (**Schedule A**).

## STATUTORY PROVISIONS

### Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025

The Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025 introduced significant changes to the assessment framework, most notably through the insertion of Section 65A into the EP&A Regulation 2021. This provision explicitly declares that for the purpose of assessing a development application, the *significant likely impacts of other development for which consent is not sought* are factors that are *not of relevance* to the assessment. Section 65A(2) defines "other development" as *that which is likely to be required as a result of the application currently under consideration, such as future residential construction following a subdivision.*

The subject application was lodged on 17 October 2025, prior to the commencement of these reforms on 15 December 2025. While Schedule 6, Part 15, Section 34 of the Regulation contains savings provisions, these are specifically limited to amendments made to the primary EP&A Act, such as the revised Objects of the Act under Section 1.3 or the Evaluation criteria under Section 4.15. These savings provisions do not apply to the new Section 65A of the Regulation. Consequently, Section 65A commenced without a transitional delay for pending applications and is a mandatory and relevant consideration for this assessment.

### Rural Fires Act 1997

The assessment of the subdivision proposal against the specific requirements of Section 100B of the *Rural Fires Act 1997* (NSW) is required as the development involves the subdivision of bush fire prone land that could lawfully be used for residential purposes.

The issuance of a Bush Fire Safety Authority (BFSA) by the NSW RFS confirms that the proposal, subject to the GTAs, meets the standards required to protect persons, property, and the environment from the danger of bush fire. The RFS has determined that the subdivision of the existing allotment into two separate lots is acceptable, provided that the portion of land zoned C4 Environmental Living (Proposed Lot 100) reverts to community land following the subdivision.

The comments provided by the Rural Fire Service are as follows:

> *The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, are now issued subject to the following conditions:*
>
> ***General conditions***
>
> *The C4 Environmental Living zoned portion of the land must revert to Community land per Ku-ring-gai Council's resolution. The Council will need to ensure that the reclassification of land occurs in a timely manner after the land has been subdivided.*

This condition is deemed a valid exercise of the Commissioner’s power under Section 100B(2), as the classification of land as "community" under the *Local Government Act 1993* directly influences the management of bush fire fuels and the potential uses of the site. While the GTAs do not specifically address proposed Lot 101, this is consistent with the fact that Lot 101 is located outside the designated bush fire prone buffer area. The absence of conditions for Lot 101 does not affect the validity of the authority issued under Section 100B.

**Environmental Planning and Assessment Act 1979**

The proposal constitutes Integrated Development under Division 4.8 of the *EP&A Act* because it requires both development consent and a Bushfire Safety Authority (BFSA) under Section 100B of the *Rural Fires Act 1997*. In accordance with Section 4.47(3) of the *EP&A Act*, any consent granted by the Council must be consistent with the GTAs provided by the RFS.

The assessment of likely impacts under Section 4.15(1)(b) is modified by Section 65A of the *EP&A Regulation 2021*, which stipulates that the impacts of future development for which consent is not currently sought, such as future residential construction or associated clearing are not relevant considerations for this subdivision. The evaluation focuses instead on the suitability of the site under Section 4.15(1)(c). The GTAs provided by the RFS have been included in the recommendations of this report to ensure the subdivision achieves the required bush fire safety outcomes while maintaining consistency with the mandatory statutory referrals.

To address the unique constraints of the site and the strategic requirements of the NSW RFS, the proposal is recommended for a deferred commencement development consent, pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This mechanism ensures that the development consent does not become operable until the administrative pathway for the land's status is legally established. By requiring a formal Council resolution pursuant to Section 33 of the *Local Government Act 1993* stipulating that proposed Lot 100 is to be reclassified from operational to community land upon the registration of the plan of subdivision, Council maintains an essential hold point. This approach prevents the legal activation of the subdivision until the long-term conservation and bushfire hazard management of the C4 zoned portion are formally secured via Council resolution.

**Local Government Act 1993**

The recommended deferred commencement development consent term requires the applicant to resolve, pursuant to Section 33 of the Local Government Act 1993, that Lot 100 be reclassified from operational to community land. Section 33 provides the appropriate legislative pathway for Council to dedicate land for public purposes via resolution. By specifying that this reclassification is to occur on the registration of the plan of subdivision, the term ensures the necessary legal transition. It prevents a scenario where the land is reclassified before the lot boundaries technically exist, while simultaneously guaranteeing that the land’s status is locked in as community land the moment the subdivision is legally created.

This recommendation is explicitly tied to the GTAs issued by the NSW RFS (Ref: CNR-88416). Under Section 100B of the Rural Fires Act 1997, the RFS requires the C4 zoned portion of the land to revert to community land to facilitate long term bushfire hazard management. The use of a deferred commencement development consent term serves as a legal safeguard; it ensures that the intent of the RFS to have the land managed under a public Plan of Management is satisfied before any physical works or further approvals can proceed. This approach balances the applicant's desire for subdivision with the public's need for permanent environmental protection and fire safety buffers.

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

The provisions of Chapter 4 (formerly SEPP 55) require Council to consider the potential for a site to be contaminated before granting development consent. The site is not identified as contaminated land on Council’s constraint maps. Given that the historical and current uses are limited to public recreation and light vehicle parking with no record of heavy industrial or high-risk chemical activity the site is considered suitable for the proposed subdivision.

As the application is for a paper subdivision only and does not involve any soil disturbance, excavation or change of use at this stage, the requirements of Chapter 4 are satisfied.

**State Environmental Planning Policy (Biodiversity & Conservation) 2021**

**Chapter 4 Koala habitat protection 2021**

Chapter 4 of the SEPP is applicable as the site is located within the Ku-ring-gai Local Government Area (LGA) which is within the Central Coast Koala Management Area. Due to the nature of the development, being for subdivision of land only, it will not interfere with the aims of this Chapter.

Furthermore, in accordance with Clause 4.10 which applies to land with an area of less than 1 hectare and does not have an approved Koala Plan of Management (KPOM), the consent authority is not prevented from granting consent if the land does not have an approved KPOM or that the consent authority is satisfied that the land is not core koala habitat. The consent authority may be satisfied that the site is not a core koala habitat.

**Chapter 6 Water catchments**

This chapter applies to the whole of the Ku-ring-gai LGA, with the north-eastern part situated in the Hawkesbury Nepean Catchment and the southern part in the Sydney Harbour Catchment. The objectives of this chapter are to maintain a healthy and sustainable waterway environment while establishing planning principles that protect the ecological viability of the catchment and foreshore.

A review of Council's mapping confirms that the subject site is not located within a mapped water catchment area. Consequently, the specific objectives and planning principles of Chapter 6, including the requirement to demonstrate a Neutral or Beneficial Effect (NorBE) on water quality, are not applicable to this development application.

Standard stormwater and water quality controls under Clause 6.5 of the KLEP 2015 and Part 24 of the KDCP remain the primary instruments for managing the site's hydrological impact. As the proposal is a paper subdivision involving no physical works or immediate changes to the land surface, it does not inherently degrade local water quality.

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

**Part 1 Preliminary:**

Aims of the KLEP

The Ku-ring-gai Local Environmental Plan 2015 is the primary planning instrument that applies to the subject site. In summary, the relevant aims seek to:

*(a) to guide the future development of land and the management of environmental, social, economic, heritage and cultural resources within Ku-ring-gai,*

*(b) to protect, enhance and sustainably manage the biodiversity, natural ecosystems, scenic values, water resources and ecological processes within the catchments of Ku-ring-gai for the benefit of current and future generations,*

*(e) to manage risks to the community and the environment in areas subject to natural hazards and risks,*

*(g) to ensure that development does not conflict with the hierarchy of commercial centres in Ku-ring-gai,*

*(j) to achieve land use relationships that promote the efficient use of infrastructure,*

*(k) to facilitate good management of public assets and promote opportunities for social, cultural and community activities,*

*(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 relevant aims of the KLEP are achieved because:

i. The application provides a formal legal framework for the land's future use by dividing the property into two allotments that reflect the existing zoning. This process ensures the orderly management of the site's economic and environmental resources as a prerequisite for any subsequent development.

ii. By proceeding as a paper subdivision with no physical works or tree removal proposed at this stage, the development maintains the current ecological integrity and current canopy cover of the site. The assessment focuses on the current suitability of the land rather than the impacts of future development, which are deferred to any future application.

iii. The proposal directly addresses bushfire risk through the referral to the NSW RFS and the subsequent issuance of a Bush Fire Safety Authority. Compliance is achieved by requiring Proposed Lot 100 to revert to community titled land to facilitate appropriate long-term hazard management.

iv. The subdivision formalises Proposed Lot 101 as an E1 Local Centre zone, ensuring that future commercial or community uses remain consistent with the established retail hierarchy and local economic needs.

v. The development promotes efficient infrastructure use by demonstrating that the new lots are capable of being independently serviced and accessed. This ensures the subdivision creates viable allotments rather than "sterile" lots that cannot support their zoned purpose.

vi. The development facilitates the management of public assets by incorporating the RFS requirement for the land to be reclassified following subdivision. This ensures the land's status under the *Local Government Act 1993* is adapted to protect persons and property.

vii. By requiring the reclassification of Proposed Lot 100 to community titled land, the proposal supports the long-term preservation of the site as a potential future "reserve," thereby enhancing the amenity of the surrounding residential area.

viii. The subdivision maintains the character of the East Killara area by ensuring the new lots meet minimum size requirements and remain compatible with the special aesthetic values of the C4 Environmental Living zone.

**Part 2 Permitted and prohibited development**

Clauses 2.1 – 2.3 Zoning & permissibility

The site is zoned part E1 Local Centre and part C4 Environmental Living. The proposed development is defined as a subdivision and does not contain any works. Subdivision is permissible with consent as per Clause 2.6 of the KLEP.

The objectives of zone E1 Local Centre are:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

Proposed Lot 101, which is zoned E1 Local Centre, is considered to meet the objectives of the zone for the following reasons:

i. The subdivision formalises a dedicated allotment for E1 land uses, which are intended to provide small-scale retail, business, and community services for the East Killara neighbourhood. The SEE notes that potential future uses for this lot include centre-based childcare, commercial premises, or community facilities.

ii. By creating a distinct legal parcel for the E1 portion of the site, the proposal facilitates future development that can serve the daily needs of people who live in, work in, or visit the surrounding area.

iii. The separation of the E1 land from the C4 environmental land encourages targeted investment in local commercial development. This legal partitioning is a prerequisite for generating future employment opportunities and local economic growth within the East Killara local centre.

iv. The subdivision is consistent with Council's strategic intent to manage its land assets and facilitate development that aligns with the established zoning hierarchy.

v. Assessment of the site indicates that Proposed Lot 101 is capable of independent serviceability and access, which are essential for enabling future buildings that feature active business, retail, or community uses on the ground floor.

The objectives of zone C4 Environmental Living 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 E1 National Parks and Nature Reserves or Zone E2 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.*

Proposed Lot 100, zoned C4 Environmental Living, is considered to meet the objectives of the zone for the following reasons:

i. The subdivision creates a legal allotment that reflects the C4 zoning, which is specifically designed for low-impact development in areas with special ecological and aesthetic values.

ii. As the proposal is a paper subdivision involving no physical works or tree removal at this stage, it ensures that the existing ecological, scientific, and aesthetic values of the site including the 99% canopy cover are not adversely affected by the act of partitioning the land.

iii. The subdivision formalises the existing zoning boundaries and does not involve any clearing or infrastructure works that would result in the fragmentation of ecological communities, biodiversity corridors, or significant habitat.

iv. The development directly addresses risks to life and property by complying with the NSW RFS GTAs. This includes a mandatory condition for the land to eventually revert to community land, which facilitates appropriate long-term bushfire hazard management for the protection of the environment and residents.

v. By requiring the reclassification of the land to community status following subdivision, the proposal ensures that the future use of the lot remains compatible with the conservation objectives of nearby natural areas and the existing environmental character of East Killara.

vi. The creation of a manageable lot under the C4 framework enables future potential land uses that can provide facilities or services tailored to the specific needs of the local residential population while maintaining the site's environmental living character.

**Part 4 Principal development standards**

| Development standard | Proposed | Complies |
|---|---|---|
| **Cl 4.1 - Minimum subdivision lot size:**<br>Minimum Lot Size – 1500m$^2$<br>C4 Environmental Living | 2,759m² | **YES** |
| **Cl 4.1 - Minimum subdivision lot size:**<br>No Minimum Lot Size<br>E1 Local Centre | 1,628m² | **YES** |

**Part 5 Miscellaneous provisions**

**Clause 5.10 – Heritage conservation**

The subject site does not contain a heritage item, is not located within 100 metres of an item, and is not within a heritage conservation area. The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance.

**Part 6 Additional local provisions**

**Clause 6.1 – Acid sulphate soils**

The subject site is identified as Class 5 Acid Sulfate Soils. The proposal does not include earthworks below 5 metres AHD within 500 metres of Class 1, 2, 3 or 4 land and does not include the lowering of the watertable on adjacent Class 1, 2, 3 or 4 land.

**Clause 6.2 – Earthworks**

No earthworks proposed.

**Clause 6.3 – Biodiversity protection**

The subject property is identified as supporting “Terrestrial Biodiversity” on the KLEP 2015 map, thus triggering the requirement for this assessment. The primary objective is to protect, maintain, and improve the diversity and condition of native vegetation and habitat.

The proposed development will not result in the removal of native vegetation from mapped lands. The proposal is consistent with the objectives this clause.

**Clause 6.4 – Riparian land and waterways**

The site is not mapped as riparian land and waterways.

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

As the application is for a subdivision *simpliciter* and does not involve the carrying out of development, no immediate construction work or changes to the existing stormwater system are proposed. However, the suitability of the site for future water management has been demonstrated through the following findings:

i. The site is not impacted by overland flows or flooding. Proposed Lot 100 naturally drains to Warrington Avenue, while proposed Lot 101 drains to the existing Council stormwater system in Koola Avenue.

ii. Both allotments can drain independently to the street without the need for inter-allotment drainage easements.

iii. Technical documentation, including stormwater drainage concept plans and OSD calculations prepared by a Civil Engineer, demonstrates that each lot can implement its own water management system in accordance with Part 24 (Water Management) of the KDCP.

The proposal satisfactorily meets the relevant provisions of Clause 6.5 of KLEP 2015. The conceptual design adequately demonstrates the site’s capability to manage water quality and control discharge volumes and frequency at the future construction stage.

**Ku-ring-gai Development Control Plan (KDCP)**

**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 acceptable in all relevant respects for the reasons given throughout this report.

Sections of the DCP relevant to the proposal include:

*Section A*
- *Part 2 – Site Analysis*
- *Part 3 – Land Consolidation and Subdivision*
- *Part 13 – Tree and Vegetation Preservation*

*Section B*
- *Part 15 – Land Contamination*
- *Part 16 – Bushfire Risk*
- *Part 18 – Biodiversity*

*Section C*
- *Part 21 – General Site Design*
- *Part 22 – General Access and Parking*
- *Part 24 – Water Management*
- *Part 25 – Waste Management*

**Part 2: Site analysis**

The table below addresses the assessment criteria contained under Section A, Part 2 – **Site Analysis.**

| **DCP COMPLIANCE TABLE SECTION A – Part 2: Site analysis** | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| **Part 2 Site Analysis** | | |
| Development applications are to contain a site analysis | A formal site analysis was not provided; however, the SEE and supporting survey plans provide sufficient context regarding site constraints, including the existing canopy cover and bushfire mapping. | **YES** |

**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 lot is generously sized (Lot 101: 1,628m²; Lot 100: | **YES** |

| COMPLIANCE TABLE | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| | 2,759m²). Technical investigations confirm both are physically capable of independent serviceability and supporting permitted E1 and C4 uses. | |
| ii. Protection of habitat and distinctive environmental features including:<br>- Cliffs and rock outcrops<br>- Remnant bushland and trees<br>- Tree hollows<br>- Natural watercourses | As a paper subdivision with no physical works or tree removal proposed, the existing canopy cover and remnant bushland are preserved in their current state. Future impacts are deferred to the construction stage per Section 65A of the Regulation. | **YES** |
| iii. Sharing of views. | The subdivision involves the legal partitioning of land only; no built form is proposed that would obstruct or impact existing view-sharing in the locality. | **YES** |
| iv. Avoiding the location of development on steep lands. | The site features manageable slopes. No development footprint is being approved on steep sections at this stage, ensuring compliance is maintained for future construction DAs. | **YES** |
| v. Protection and enhancement of the amenity, solar access, privacy, open space and views of the neighbouring lots. | The proposal maintains current boundaries and involves no physical changes to the land surface, ensuring no impact on the amenity of adjoining residential or commercial lots. | **YES** |
| vi. Minimisation of impacts of the development (including any asset protection zones required) on riparian or Greenweb lands.<br><br>Note: SEPP (Biodiversity & Conservation) may also apply. | No physical works are proposed within sensitive environmental zones. The recommended deferred commencement ensures Lot 100 reverts to community land before the subdivision operates, securing long-term protection. | **YES** |

| COMPLIANCE TABLE | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| vii. Incorporation of the principles of water sensitive urban design (WSUD). | While no works are currently proposed, the applicant has submitted high-level stormwater concept plans (including OSD and rainwater tanks) to demonstrate the site's capability for future WSUD compliance. | **YES** |
| viii. Easements and servicing requirements. | Preliminary utility surveys confirm the site is currently serviced and each lot is capable of independent connections. | **YES** |
| ix. Vehicular, pedestrian and bicycle access. | Access to constructed public roads is available for both lots (Koola, Warrington, and Reading Avenues). Existing access for the Lot 101 car park remains functional. | **YES** |
| x. Respect for and conservation of cultural heritage including any Aboriginal place or site of heritage significance.<br><br>Note: Refer to Part 20 for Subdivision and Consolidation for new development on a Heritage Item or a HCA. | The site is not identified as a heritage item or located within a heritage conservation area. No known Aboriginal sites are impacted by the partitioning. | **YES** |
| xi. Minimisation of the need for bushfire hazard reduction, while protecting life and property.<br><br>Note: See Part 17 Bush fire Risk for example design scenarios. | Compliance with RFS GTAs is achieved by requiring Lot 100 to revert to Community land. This allows for public land management of fire risks rather than intensive private clearing. | **YES** |
| The block width, dimension, orientation and layout are to consider the existing subdivision pattern of the locality. | The lot widths and dimensions are consistent with the established residential and commercial interface characteristic of the East Killara neighbourhood. | **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 feature substantial street frontages (34.53 metres to Koola Avenue and 79.78 metres to Warrington Avenue), allowing future development to address the public domain effectively. | **YES** |

| COMPLIANCE TABLE | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| | | |
| **3A.3 Building Footprint** | | |
| Potential building footprints are to be identified on the site plan of all consolidations and subdivisions. | Indicative building footprints of 562.6m² (Lot 100) and 663.8m² (Lot 101) were provided on the stormwater drainage concept plans. The applicant has clarified these are for contextual purposes only and are not intended to form part of the development consent. | **YES** |
| Building footprints are to be located outside areas of ecological or heritage significance and to avoid the loss of trees. | The site is not a heritage item. While the indicative footprints are located within areas of existing canopy cover, the subdivision is a paper subdivision only and does not authorise any tree removal. The recommended deferred commencement development consent term for reclassification to community land ensures Lot 100 remains a conservation reserve. | **NO** |
| The footprint is to be located in an accessible and practical location, preferably with relatively flat terrain, stable soil and geology.<br><br>Note: A geotechnical report may be required for steeper sites. | Each lot has direct frontage to a public road. The manageable cross-falls of 0.5 metres (Lot 101) and 5.5 metres (Lot 100) demonstrate that practical building locations exist on both allotments. | **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. | Given the generous sizes of the lots (1,628m² and 2,759m²), there is sufficient area to accommodate both a building footprint and compliant useable open space. | **YES** |
| The footprint is to be applied in accordance with the minimum building setbacks. | The indicative footprints provided demonstrate that a viable developable area exists on each lot that can respect statutory setbacks while maintaining separate land-use zones. | **YES** |

| COMPLIANCE TABLE | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| | | |
| Practical and suitable access is to be provided from a public road to the building footprint. | Proposed Lot 101 utilises the existing car park and street access from Koola Avenue. Proposed Lot 100 has frontages to Warrington Avenue and Reading Avenue, providing multiple options for future practical access. | **YES** |
| The building footprint must be located in accordance with the requirements in Part 24 of the KDCP. | Stormwater drainage concept plans including OSD have been submitted. These demonstrate that the lots can manage water in accordance with Part 24 requirements at the future construction stage. | **YES** |
| **3A.4 Trees and Vegetation** | | |
| ***General*** | | |
| Any subdivision or consolidation proposal must demonstrate that the location and design of:<br>i. building footprints;<br>ii. access ways;<br>iii. roadways, including perimeter roads or trails;<br>iv. services;<br>v. inter-allotment drainage easements; and<br>vi. asset protection zones<br>maximises the retention of and minimises impacts on existing significant trees and vegetation on or adjacent to the site. | The application is for a subdivision *simpliciter* and does not propose any physical works, tree removal, or land disturbance at this stage. High-level conceptual plans for drainage and vehicle crossings have been provided to demonstrate site capability without seeking approval for those specific layouts. Impact assessments for future construction are deferred to the building stage per legal requirements.<br><br>The documentation does not show the asset protection zones. | **NO** |
| 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. | The site contains significant native vegetation representative of Sydney Coastal Enriched Sandstone Forest. The proposal maintains the existing canopy cover by seeking no clearing authority. The planned reclassification of Proposed Lot 100 to community land | **YES** |

| COMPLIANCE TABLE | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| | provides a legal mechanism for the long-term protection of these features. | |
| Where a site is particularly constrained a more detailed layout of the potential development may be required | While the site is constrained by vegetation and bushfire risk, the applicant has provided sufficient conceptual information to demonstrate that each lot can support permitted uses. A detailed construction layout is not required for a subdivision that seeks no development consent for any physical work. | **YES** |
| **3A.5 Access** | | |
| ***Vehicular 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. | Each lot provides direct access from existing constructed public roads. Proposed Lot 101 has frontage to Koola Avenue and Reading Avenue. Proposed Lot 100 has frontage to Warrington Avenue and Reading Lane. | **YES** |
| Access for service vehicles, emergency vehicles and waste collection vehicles must be available.<br>Note: If access is to be provided from a main road it must be in compliance with Transport for NSW requirements. | Both lots have direct street access suitable for emergency and service vehicles. The existing car park on proposed Lot 101 currently accommodates service vehicle movement. | **YES** |
| ***Pedestrian and Bicycle Access*** | | |
| Movement areas are to incorporate convenient, obvious and safe pedestrian and bike links from the lot to public transport services and local facilities. | The site maintains existing safe pedestrian links, including the bushwalking track linking Warrington Avenue to the East Killara shops. Future pedestrian/bike links can be accommodated within the generous frontages. | **YES** |
| The design and location of footpaths and driveways are to provide opportunities for | No new driveways or footpaths are proposed for construction under this DA. | **YES** |

| COMPLIANCE TABLE | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| surveillance and allow safe movement of residents and visitors. | The applicant has submitted standard high level vehicle crossing profiles as indicative of the site's capability to support safe access in the future. | |
| **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.<br>Note: In Bush fire Prone Lands, services are to be provided in accordance with the requirements of Planning for Bush Fire Protection (PBP). | A utility services investigation confirms the presence of water, sewer, gas, and electrical infrastructure within the search area. The applicant has acknowledged that as the site is bushfire prone, future service connections must be underground in accordance with *Planning for Bushfire Protection*. | **YES** |
| Existing or planned allocation of services and street trees must be identified on the plan. | The applicant has provided a subsurface utility investigation report and stormwater drainage concept plans identifying existing service locations. While detailed allocation for new buildings is not shown, the applicant has demonstrated that the lots are capable of being independently serviced for contextual purposes. | **NO** |
| Water management facilities, such as:<br>• interallotment drainage for low level lots;<br>• on site detention for new roads and driveways;<br>• rain gardens or bio retention basins; are to be provided as required by Part 24 of the DCP. | Stormwater drainage concept plans have been submitted for both proposed lots. These plans include OSD and rainwater tanks, demonstrating that the site can support water management facilities as required by Part 24 of the DCP at the future construction stage. | **YES** |

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

Control 3A.3 Building Footprint

The primary point of contention involves the provision of Indicative building footprints under Control 3A.3. While the applicant has submitted plans showing a 562.6m² footprint for proposed Lot 100 and a 663.8m² footprint for proposed Lot 101, they have explicitly stated these are for indicative contextual purposes only and do not form part of the development seeking consent.

Under Section 65A of the *EP&A Regulation 2021*, the impacts of other development for which consent is not sought are not relevant to this subdivision. By utilising a deferred commencement development consent, Council ensures that a formal resolution is made pursuant to Section 33 of the *Local Government Act 1993* to reclassify proposed Lot 100 from Operational to Community land on the registration of the plan of subdivision. This mechanism ensures the administrative commitment to the land's conservation status is secured before the consent operates. This legally supersedes the indicative building footprints and provides a safeguard against the residential clearing, as the future use of the lot as a community reserve is locked in as a prerequisite to the creation of the new titles.

Control 3A.4 Trees and Vegetation

Regarding Control 3A.4, the non-compliance lies in the degree of technical assessment provided at the subdivision stage. The application is for a paper subdivision *simpliciter* that authorises no tree removal or physical works. The applicant's response confirms that the current canopy cover remains unaffected by the act of subdivision alone. The conflict is resolved by deferring detailed tree impact assessments to the construction stage, at which point a specific building footprint rather than a hypothetical one can be accurately assessed against the site's high-value vegetation.

Control 3A.6 Infrastructure

The infrastructure requirements under Control 3A.6 have been addressed through the submission of a subsurface utility investigation. The supplemental report, dated 15 May 2023 and prepared by Locaters Utility Surveys, confirms the presence of water, sewer, and electrical assets, demonstrating that both lots are capable of independent serviceability. The applicant’s acceptance of undergrounding services in accordance with Planning for Bush Fire Protection further ensures that the subdivision remains compatible with its environmental constraints. This transition from Operational to Community land for Lot 100 effectively manages the infrastructure burden by ensuring that the most sensitive portion of the site remains under management of Council.

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

**Section B**

**Part 15 – Land Contamination**

The site is not identified as contaminated land on Council’s constraint maps. Given that the historical and current uses are limited to public recreation and light vehicle parking with no record of heavy industrial or high-risk chemical activity, the site is considered suitable for the proposed subdivision. As the application is for a paper subdivision only and does not involve any soil disturbance, excavation, or change of use at this stage, the requirements of Part 15 are satisfied.

**Part 16 – Bushfire Risk**

The site is mapped as bush fire prone land.

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 are as follows:

> *The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, are now issued subject to the following conditions:*
>
> ***General conditions***
>
> *The C4 Environmental Living zoned portion of the land must revert to Community land per Ku-ring-gai Council's resolution. The Council will need to ensure that the reclassification of land occurs in a timely manner after the land has been subdivided.*

The proposed subdivision achieves the identified planning aims and bushfire controls by formalising the legal division of land into two allotments while maintaining the existing ecological integrity of the site. As the application is for a subdivision *simpliciter* involving no immediate physical works, land disturbance, or tree removal, it satisfies the objectives of the KLEP 2015 by preserving the existing canopy cover and protecting the low density character of the East Killara area. Compliance with Section 100B of the *Rural Fires Act 1997* is demonstrated through the issuance of GTAs from the NSW RFS, which are supported by a recommended term of deferred commencement development consent. This requires a formal Council resolution, pursuant to Section 33 of the *Local Government Act 1993*, to reclassify proposed Lot 100 from operational land to community titled land upon the registration of the plan of subdivision.

This reclassification ensures that the required APZ functions as a performance based management of understorey and ground fuels rather than a mandate for canopy removal, effectively securing long-term hazard management within a public conservation framework. The APZ serves as a demonstration of the site's capability to support a defendable space without necessitating the removal of existing trees at this stage, as the consent expressly excludes any physical works or clearing of vegetation.

Consistent with Section 65A of the *EPA Regulation 2021*, this assessment focuses on the current suitability of the land for subdivision rather than the impacts of other development, such as future residential construction or associated landscaping. By deferring detailed merit assessments of built form to the construction stage and securing the bushland buffer through the required Council resolution and subsequent public classification, the proposal provides a legal pathway for subdivision that remains compatible with the site's environmental constraints.

**Part 18 – Biodiversity**

The site is mapped as land comprising biodiversity significance. The proposed development does not propose any works within lands mapped under these parts as such the proposal is consistent with the objectives and controls under these parts.

**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:<br>• Stepping buildings down the site<br>• Locate finished ground level as close to the natural ground level as practicable<br>• Level changes to occur primarily within building footprint<br>• Minimum 0.6 metres width between retaining walls<br>• Maintain existing ground level within 2m from any boundary<br>• Limit slope for embankments to 1:6 (grassed) and 1:3 (soil stabilising vegetation)<br>• No fill and excavation within sensitive environments<br>• Minimise altered groundwater flows | No earthworks, excavation or fill are proposed. The subdivision maintains the existing natural ground level and topography. Detailed assessments of building stepping and internal level changes are deferred to a future application under Section 65A of the Regulation. | **YES** |
| **Part 22 - General access and parking** | | |
| **22.1 – Equitable Access** | | |
| Compliance with Disability Discrimination Act (DDA) demonstrated<br>Entry access ramps located within the site and does not dominate the front façade<br>Access ways for pedestrians and for vehicles are separated | No physical construction of ramps or building entries is proposed. The subdivision layout does not preclude future DDA-compliant access. Existing pedestrian links, such as the bushwalking track, remain unchanged. | **YES** |

| | | |
|---|---|---|
| **22.2 – General vehicle access** | | |
| • Minimise width and number of vehicle access points<br>• Access driveways set back at least 10m from street intersections and 3m from pedestrian entrances<br>• Vehicle and pedestrian access to buildings clearly distinguished and separated at l<br>• Vehicle crossing width is acceptable for intensity of use proposed<br>• Vehicles must exit in a forward direction<br>• Vehicle entries are integrated into the external façade and are finished in a high quality material<br>• Retaining walls associated with driveways maximum height of 1.2m<br>• No driveways are longer than 30m unless a passing bay is provided | No new vehicle access points or driveways are proposed for construction. The applicant has submitted indicative standard high level vehicle crossing profiles and subsurface utility investigations to demonstrate that both lots can achieve compliant, separated vehicle and pedestrian access in the future. | **YES** |
| **23.7 – Acoustic Privacy** | | |
| Design minimises impact of internal and external noise sources | No noise-generating plant or equipment is proposed. The creation of the lots does not inherently result in adverse acoustic impacts. Detailed acoustic assessments for specific land uses (e.g., child care or commercial) are deferred to future applications. | **YES** |
| **23.8 – Visual Privacy** | | |
| Visual privacy maintained for occupants and for neighbouring dwellings | As no buildings or window placements are proposed, current visual privacy for neighbouring dwellings is maintained in the status quo. | **YES** |

**Part 24 – Water management**

The site is capable of managing urban stormwater in accordance with objectives of Part 24. As the application is for a subdivision *simpliciter* involving no immediate carrying out of development, the proposal maintains the existing canopy cover and natural drainage paths. Council's Team Leader Development Engineers has verified that the site is not impacted by overland flows or flooding and that both proposed Lot 100 and proposed Lot 101 can drain independently to the street system without the need for inter-allotment easements.

Technical suitability is further demonstrated by the stormwater drainage concept plans and OSD calculations submitted by the applicant. These documents include provisions for rainwater tanks and bio-retention systems, proving that future development can meet water quality and discharge volume targets.

**Ku-ring-gai Contributions Plan 2010**

The development application involves the subdivision of one existing lot into two lots. While Lot 100 (zoned C4) is required to be reclassified to Community titled land, Lot 101 (zoned E1) is identified as being capable of residential or commercial use, thereby creating one net additional habitable lot. Pursuant to the Ku-ring-gai Contributions Plan 2010, Section 7.11 contributions apply to all forms of subdivision that increase demand for community infrastructure.

Per the Ku-ring-gai Contributions Plan 2010, the site is located within the Southern catchment area, outside the grandfathered town centre redevelopment catchments. Consequently, the development is subject to the s94E Ministerial Direction (dated 16 September 2010), which strictly caps residential subdivision contributions at $20,000 per lot. Absent the cap, the residential subdivision contribution would equate to $30,895.63. The proposal does not meet any standard exemptions under Section 1.25 of the 2010 Plan, such as those for alterations to an existing dwelling or secondary dwellings that do not create a net additional lot. Furthermore, no case for a merit-based exemption under Section 1.26 has been sought or demonstrated, as the creation of a new residential/commercial lot generates a quantifiable demand for local infrastructure and facilities and is capped at $20,000 **(Condition 12)**.

## REGULATION

The Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025 introduced Section 65A into the EPA Regulation 2021 to streamline the assessment of a subdivision *simpliciter*. This provision states:

> *65A Factors not of relevance to development application—the Act, s 4.15(1A)(b)*
>
> *(1) For the purpose of the consideration of a matter referred to in section 4.15(1)(b), the significant likely impacts of other development for which consent is not sought in the development application are declared to be factors that are not of relevance to the development the subject of the development application.*
>
> *(2) In this section—*
> *other development means development that is likely to be, or will be, required to be carried out as a result of the development that is the subject of the development application.*

While the subject DA was lodged on 17 October 2025, prior to the formal commencement of the reforms on 15 December 2025, the specific savings and transitional provisions inserted into Schedule 6 of the Regulation do not apply to Section 65A. The savings provisions (which allow pending DAs to be assessed under old rules for a 12-months grace period) are

expressly limited to amendments made to the primary EPA Act. Because Section 65A was introduced as a regulatory amendment rather than an amendment to the primary Act, it commenced without a transitional delay and applies to all pending determinations.

Section 65A effectively overrides this judicial approach by rendering the impacts of future development irrelevant to the mere legal partitioning of land. Consequently, this regulation supports the applicant's two-stage approach, allowing the creation of lots to proceed while legally deferring complex environmental merit assessments to the future construction stage.

Historically, authorities often relied on the principles of *Parrott v Kiama [2004]* to require detailed indicative building footprints and tree impact assessments at the subdivision stage to prove a lot could be developed without environmental harm. Section 65A effectively overrides this approach for a subdivision *simpliciter*. The Regulation supports the applicant's two stage approach, allowing the legal partitioning of land to proceed while deferring the complex environmental merit assessments associated with other development such as future dwellings and associated clearing to the construction stage.

## LIKELY IMPACTS

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

## SUITABILITY OF THE SITE

The site is suitable for the proposed development.

## PUBLIC INTEREST

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

## CONCLUSION

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

## RECOMMENDATION

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

A. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979 being satisfied that the proposed development would be in the public interest, grant deferred commencement development consent to eDA0548/25 for Torrens title subdivision of one lot into two lots (paper subdivision) at No 56-58 Koola Avenue, East Killara, subject to conditions. Pursuant to Section 4.53(6) of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years from the date on which the consent becomes operable.

**SCHEDULE A: Deferred Commencement – Term to be satisfied prior to the consent becoming operable**

The following deferred commencement term must be complied with to the satisfaction of Council within five years of the date of granting of this deferred commencement development consent:

**1. Reclassification of Proposed Lot 100**

The applicant must resolve pursuant to Section 33 of the *Local Government Act 1993* that Proposed Lot 100 (as identified on the Draft Plan of Subdivision, prepared by Aaron Fleury, Ref: 1622) is to be reclassified from operational land to community land on the registration of the plan of subdivision.

**Reason:** This condition is imposed to satisfy the General Terms of Approval issued by the NSW Rural Fire Service (Reference: (CNR-88416) (RFS reference DA20251024004296-Original-1) under Section 100B of the *Rural Fires Act 1997*, which requires the C4-zoned portion of the land to revert to community land to facilitate long-term bushfire hazard management.

Once the consent becomes operational, the conditions in Schedule B below will apply. Upon written receipt from the Council that the deferred commencement term in Schedule A has been satisfied, the following conditions will apply:

**SCHEDULE B: Conditions of consent**

**CONDITIONS THAT IDENTIFY THE APPROVED DEVELOPMENT:**

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

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

| Plan no. | Drawn by | Dated |
|---|---|---|
| *Architectural Plans* | | |
| Proposed Plan of Subdivision of Lot 3 in DP588630 Surveyor's Ref: 1622 | Aaron Fleury | 10 November 2021 |

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

**2. Inconsistency between documents**

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

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

**3. Scope of consent - no physical works are approved**

This development consent is for the Torrens title subdivision of the subject land into two allotments only. The following specified aspects of development do not form part of this Development Consent and are to be the subject of a further development application:

- The "carrying out of development" including construction of buildings, driveways, or infrastructure.
- Any earthworks, excavation, or land disturbance;
- Any removal, pruning, or lopping of existing trees or vegetation.
- Any specific use of the newly created lots (e.g., residential or commercial use).

**Reason:** To ensure the development is limited to a legal subdivision only, as the current application does not include an assessment of physical works or environmental impacts.

**4. Trees to be retained on bushfire prone land**

The trees as identified on the survey plan 1622Det2 Sheet 1 to 5 prepared by PINNACLE Land Surveyors, dated 15 December 2022, are to be retained on Lot 100 and L101.

**Reason:** To maintain the existing landscape character for conservation purposes and protect the environment.

**5. No storage or activities beneath trees**

No activities, soil compaction, storage of vehicles, or disposal of materials shall take place beneath the canopy of any tree protected under Council's Development Control Plan at any time.

**Reason:** To protect existing trees from accidental damage during the legal partitioning of the land.

**6. Underground services (future provision)**

While all new electrical and telecommunications services must eventually be placed underground, this consent does not authorise any trenching or excavation. Any physical works required by utility providers (such as Sydney Water, Ausgrid, or NBN) to satisfy serviceability for the new lots must be the subject of separate assessment or be undertaken in a manner that does not disturb existing vegetation or soil profiles.

**Reason:** To provide for future infrastructure capability while protecting the site from immediate physical disturbance.

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

**7. Sydney Water Section 73 compliance certificate**

Prior to the issue of a Subdivision Certificate, the Section 73 Sydney Water Compliance Certificate which refers to the subdivision application must be obtained and submitted to Council.

**Reason:** Statutory requirement.

**8. Issue of subdivision certificate**

The Subdivision Certificate must not be issued until all conditions of this Development Consent have been satisfied.

**Reason:** To ensure that the development is completed prior to transfer of responsibility for the site and development to another person.

**9. Submission of 88b instrument**

Prior to the issue of a Subdivision Certificate, an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, shall be submitted electronically to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the burdens.

**Reason:** To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

**10. Submission of plans of subdivision (Torrens title)**

For endorsement of a Subdivision Certificate, an original plan of subdivision, suitable for endorsement by Council shall be submitted to Council through the NSW Planning Portal. The following details must be submitted with the plan of subdivision and its copies:

1. The endorsement fee current at the time of lodgement.
2. The 88B instrument.
3. All surveyor's and/or consulting engineers' certification(s) required under this subdivision consent.
4. The Section 73 (Sydney Water) Compliance Certificate for the subdivision.
5. The payment of relevant Section 7.11 Contributions.

Council will check the conditions on the Development Consent for subdivision. Failure to submit the required information will delay endorsement of the subdivision plans and may require payment of rechecking fees.

**Reason:** Statutory requirement.

**11. Section 7.11 Contribution (subdivision or where no construction certificate is required)**

A contribution for the provision of 1 additional lot pursuant to Section 7.11 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Contributions Plan 2010 for the amount of $20,000 is required.

The contribution shall be paid to Council prior to the issue of a Subdivision Certificate or release of the linen plans or prior to occupation of the premises, whichever occurs first. The charges may vary at the time of payment in accordance with Council's Contributions Plan 2010 to reflect changes in land values, construction costs and the consumer price index. Prior to payment, the applicant is advised to check the contribution amount required with Council.

Copies of Council's Contribution Plans can be viewed at Council Chambers, 818 Pacific Hwy Gordon or on Council's website at www.krg.nsw.gov.au.

**Reason:** To ensure the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of the development.

**12. General easement/R.O.W. provision and certification**

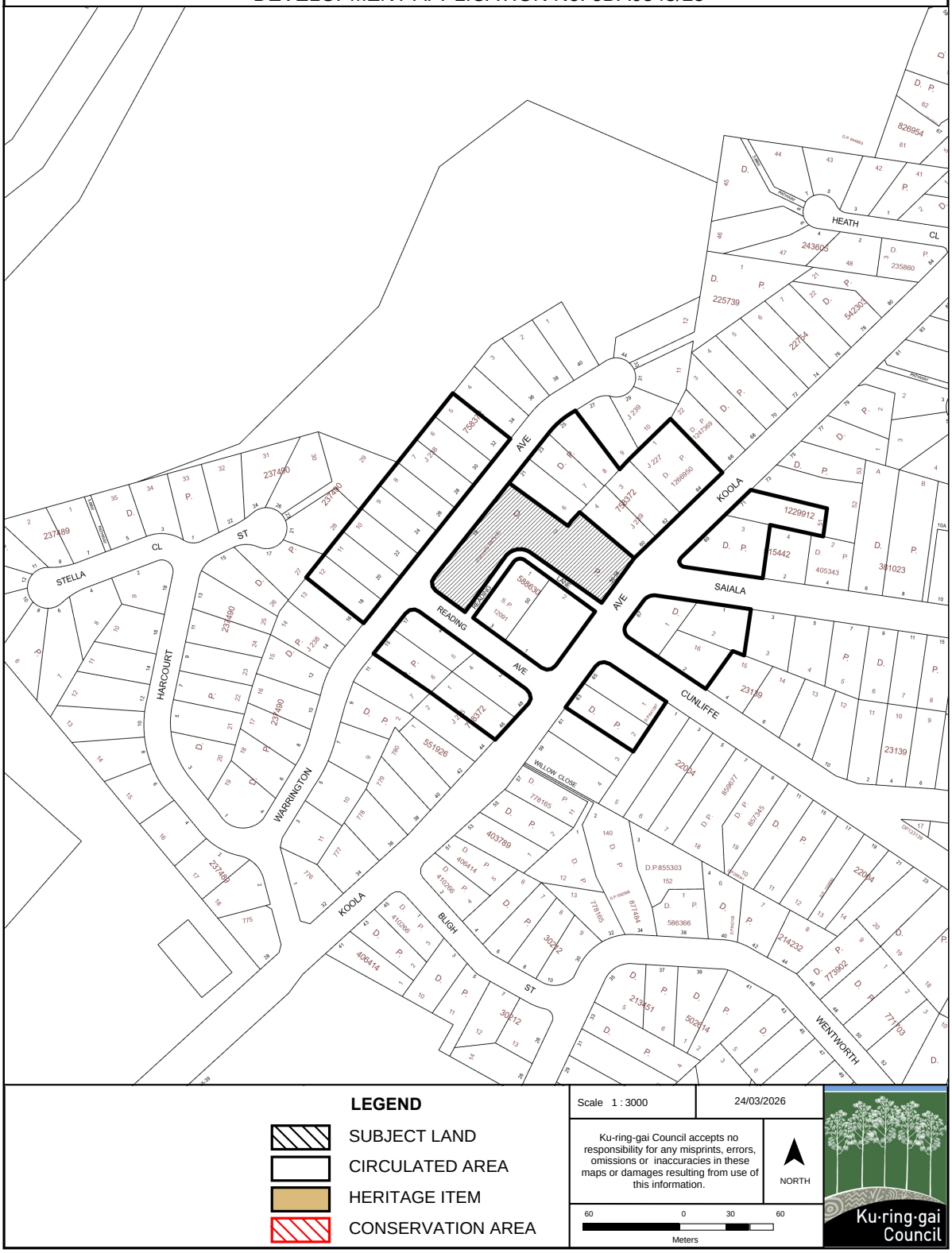
Prior to issue of a Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifier.

**Reason:** To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

# LOCATION SKETCH

56-58 Koola Avenue EAST KILLARA NSW 2071

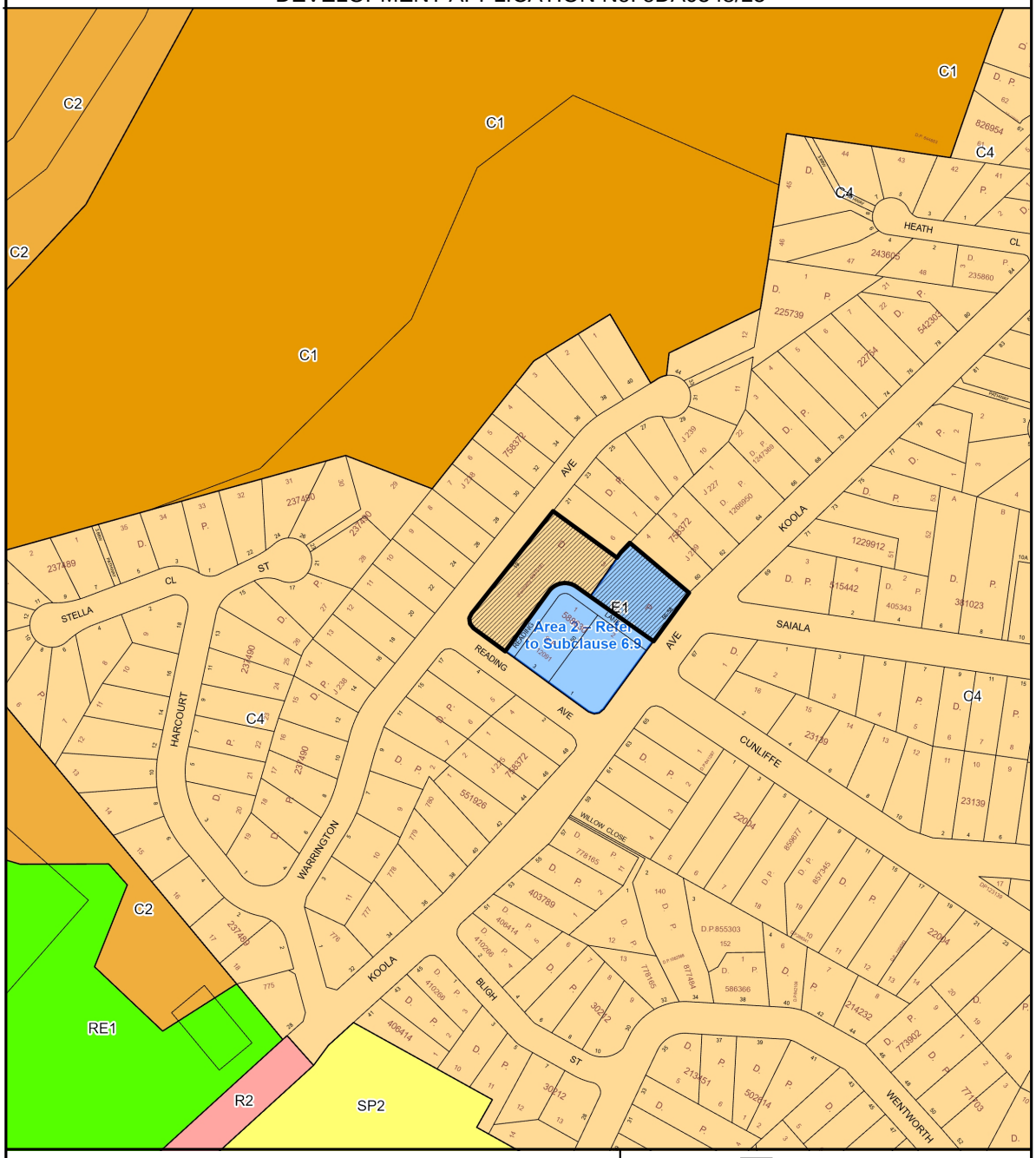
DEVELOPMENT APPLICATION No. eDA0548/25



# KU-RING-GAI LEP 2015 ZONING EXTRACT

56-58 Koola Avenue EAST KILLARA NSW 2071

DEVELOPMENT APPLICATION No. eDA0548/25




## Legend

Subject Land

**Zoning**

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

Scale 1 : 3000

Date: 24/03/2026

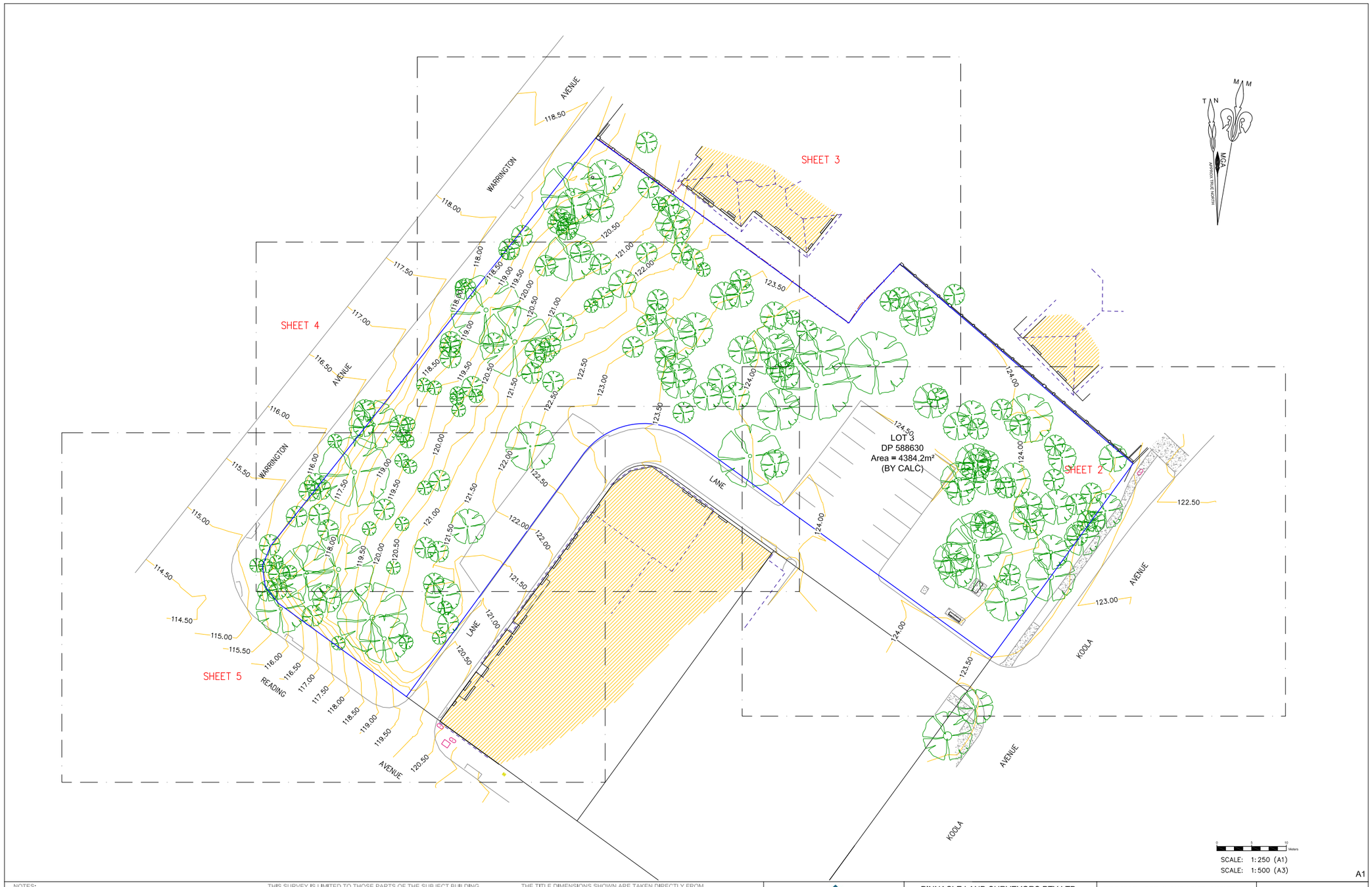
Ku-ring-gai Council accepts no responsibility for any misprints, errors, omissions or inaccuracies in these maps or damages resulting from use of this information.

NORTH

0 60 120

Meters

Ku·ring·gai Council

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**PROJECT :** DETAIL AND LEVEL SURVEY AT No. 56-58 KOOLA AVENUE, EAST KILLARA

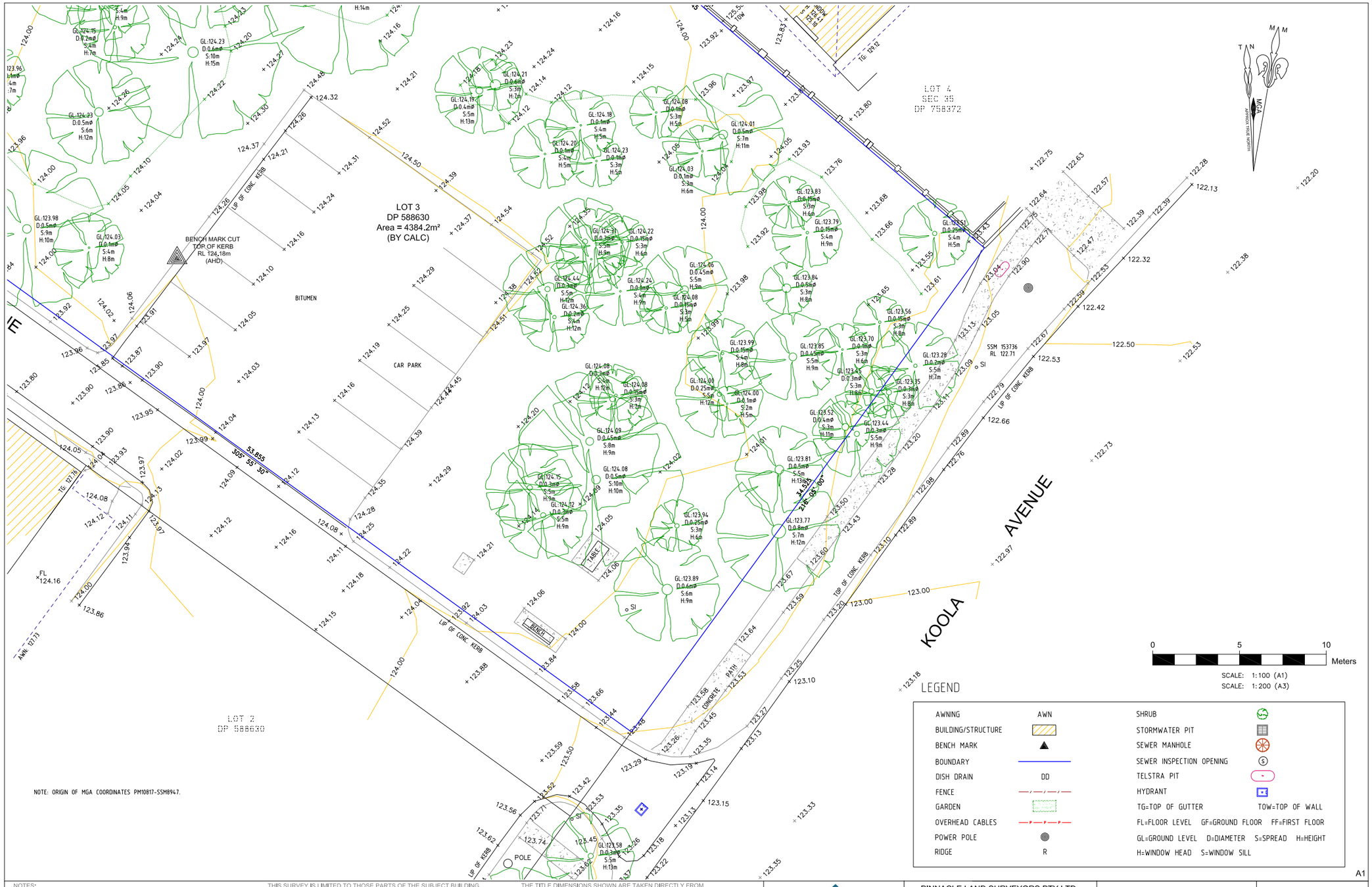
**CLIENT :** THE COUNCIL OF THE MUNICIPALITY OF KU-RING-GAI

**SHEET** 1 OF 5

**DRAWING No. :** 1622Det2.dwg

JOB REF : 1622Det2

**DATE :** 15 December 2022

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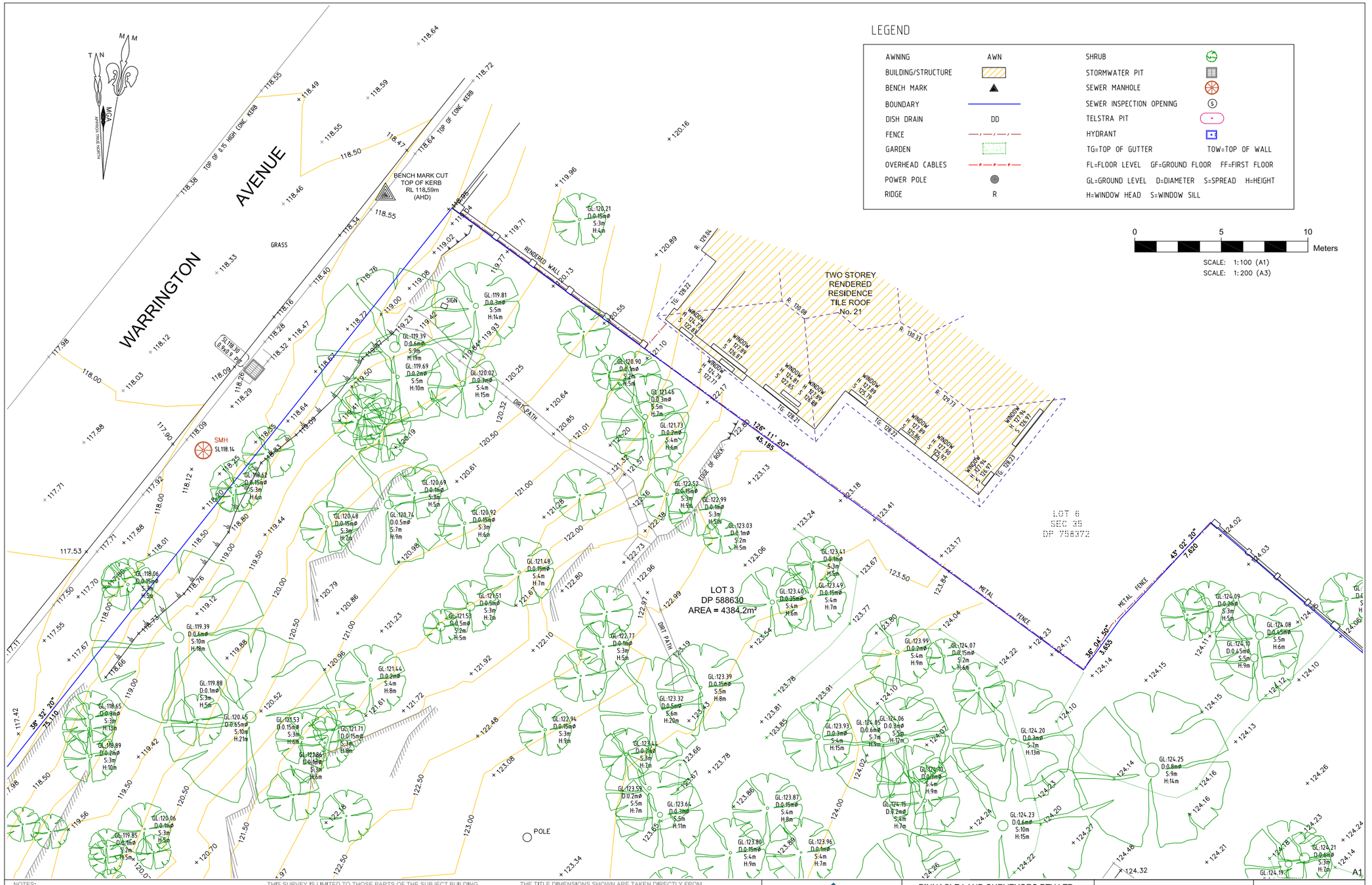


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**SHEET** 3 OF 5
**DRAWING No. :** 1622Det2.dwg
JOB REF : 1622Det2
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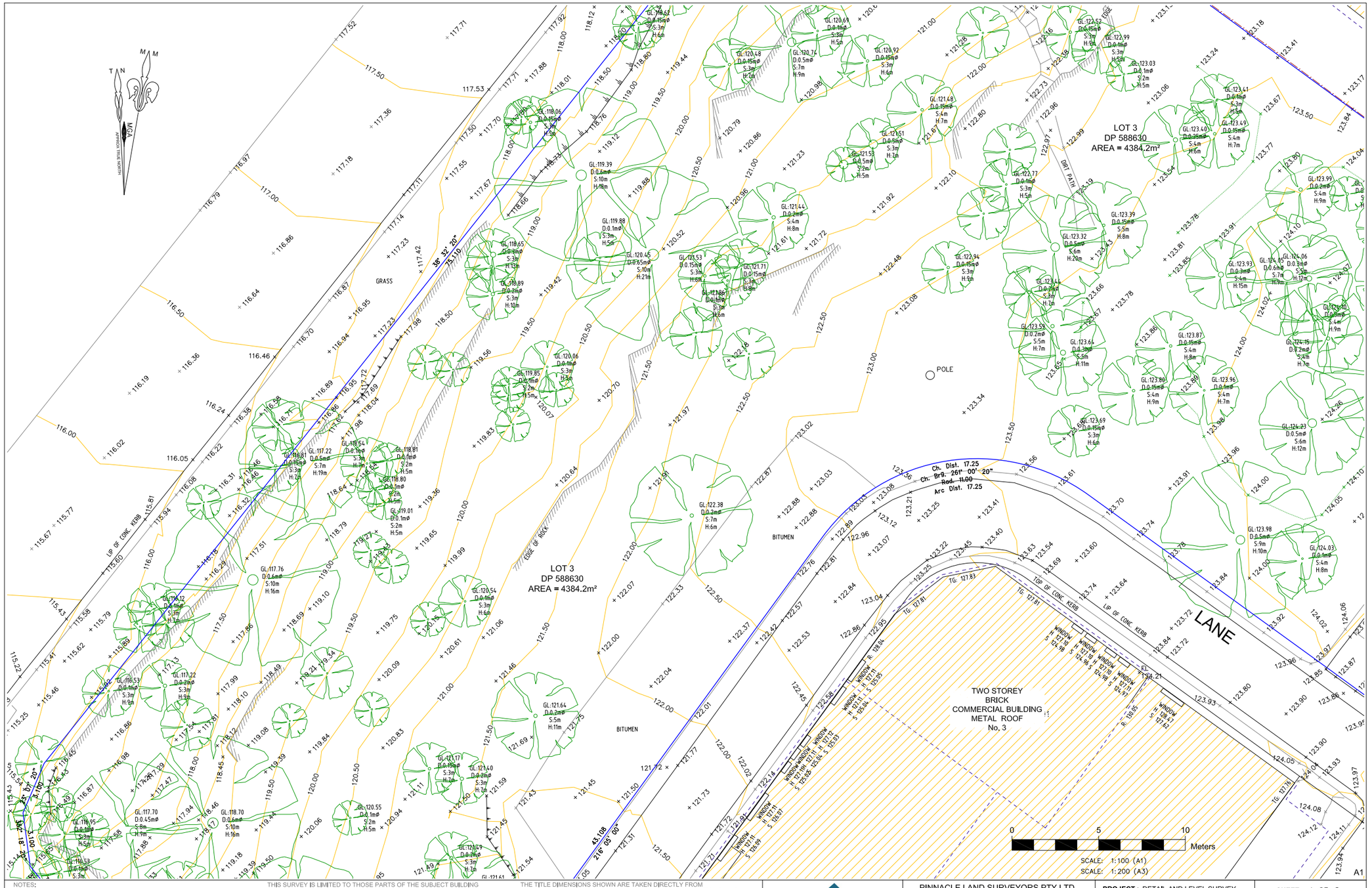


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**PROJECT :** DETAIL AND LEVEL SURVEY AT No. 56-58 KOOLA AVENUE, EAST KILLARA

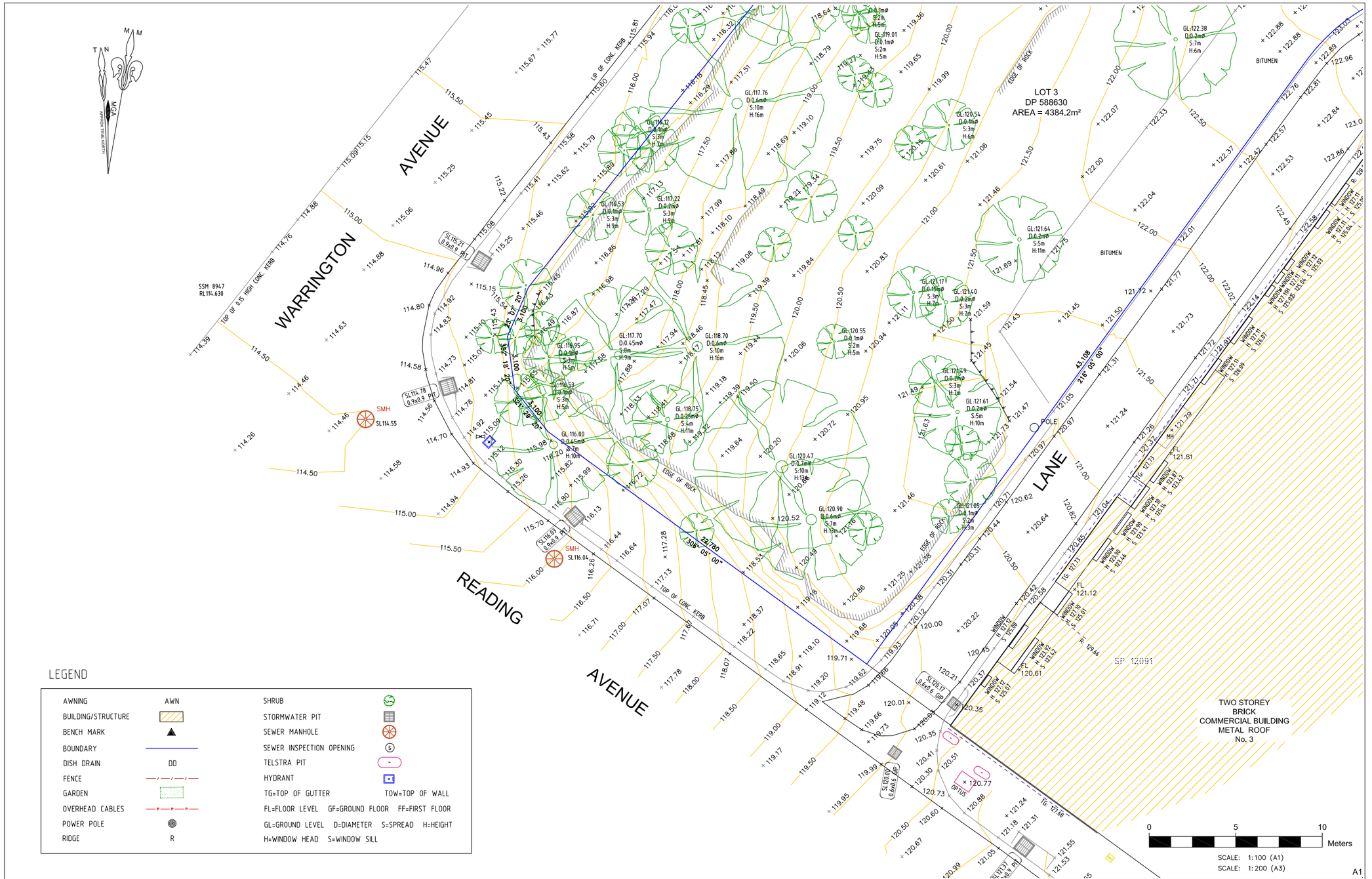
**CLIENT :** THE COUNCIL OF THE MUNICIPALITY OF KU-RING-GAI

**SHEET** 4 OF 5

**DRAWING No. :** 1622Det2.dwg

JOB REF : 1622Det2

**DATE :** 15 December 2022




LEGEND

| | | | |
|---|---|---|---|
| AWNING | AWN | SHRUB | |
| BUILDING/STRUCTURE | | STORMWATER PIT | |
| BENCH MARK | ▲ | SEWER MANHOLE | |
| BOUNDARY | | SEWER INSPECTION OPENING | S |
| DISH DRAIN | DD | TELSTRA PIT | |
| FENCE | | HYDRANT | |
| GARDEN | | TG=TOP OF GUTTER | TOW=TOP OF WALL |
| OVERHEAD CABLES | | FL=FLOOR LEVEL GF=GROUND FLOOR FF=FIRST FLOOR | |
| POWER POLE | | GL=GROUND LEVEL D=DIAMETER S=SPREAD H=HEIGHT | |
| RIDGE | R | H=WINDOW HEAD S=WINDOW SILL | |

NOTES:

0.5m AND 1m CONTOURS SHOWN.

THIS PLAN IS PREPARED FOR DETAIL AND LEVEL PURPOSES ONLY AND THE BOUNDARIES OF THE LAND HAVE NOT BEEN FIXED BY SURVEY, THE INFORMATION SHOWN ON THIS PLAN MUST NOT BE USED FOR CONSTRUCTION SETOUT.

THIS IS NOT A "SURVEY" AS DEFINED UNDER THE SURVEYING AND SPATIAL INFORMATION ACT 2002.

THIS SURVEY IS LIMITED TO THOSE PARTS OF THE SUBJECT BUILDING AND OTHER IMPROVEMENTS THAT WERE VISIBLE AND ACCESSIBLE AT THE TIME OF SURVEY.

ANY STRUCTURES RELATED TO PHYSICAL FEATURES SUCH AS BUILDINGS, POOLS, DRIVEWAYS, TREES, WALLS AND STAIRS MUST BE CONFIRMED PRIOR TO FINAL DESIGN.

ONLY VISIBLE SERVICES HAVE BEEN LOCATED AND NO DBYD INFORMATION HAS BEEN INVESTIGATED. ALL SERVICES MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

THE TITLE DIMENSIONS SHOWN ARE TAKEN DIRECTLY FROM INFORMATION PROVIDED BY LAND AND PROPERTY INFORMATION PLANS AND ARE SHOWN ON THE ORIENTATION SPECIFIED ON THIS PLAN. THESE DIMENSIONS ARE SUBJECT TO CHANGE ON COMPLETION OF A FINAL SURVEY.

NEIGHBOURING HOUSES, ROOF POSITIONS, RIDGE POSITIONS AND WINDOW DETAILS ARE APPROXIMATE ONLY.

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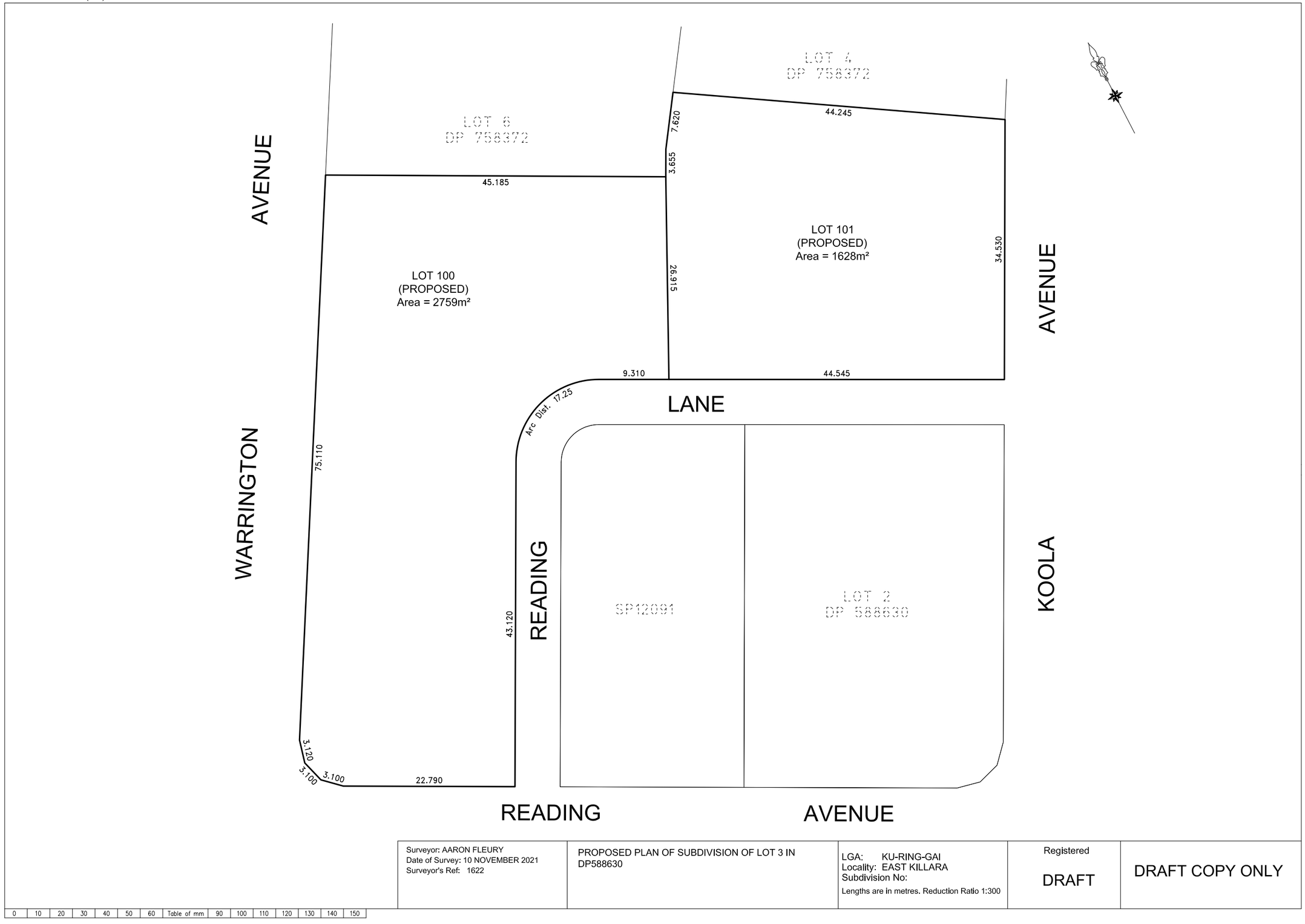


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| Surveyor: AARON FLEURY<br>Date of Survey: 10 NOVEMBER 2021<br>Surveyor's Ref: 1622 | PROPOSED PLAN OF SUBDIVISION OF LOT 3 IN DP588630 | LGA: KU-RING-GAI<br>Locality: EAST KILLARA<br>Subdivision No:<br>Lengths are in metres. Reduction Ratio 1:300 | Registered<br>DRAFT | DRAFT COPY ONLY |

0 | 10 | 20 | 30 | 40 | 50 | 60 | Table of mm | 90 | 100 | 110 | 120 | 130 | 140 | 150

# Statement of Environmental Effects




**Proposed Subdivision**

Lot 3 DP 588630 Nos. 56-58 Koola Avenue, East Killara

| | |
|---|---|
| Prepared for: | Ku-ring-gai Council |
| Project No: | 0252B |
| Date: | May 2025 |

**Statement of Environmental Effects**
56 - 58 Koola Avenue, East Killara

### Document History and Status

| Version | Issued To | Qty | Date | Reviewed |
|---|---|---|---|---|
| Draft | Project Manager | 1 | 08/05/2025 | V. Rago |
| Final | Council | 1 | 08/05/2025 | J. McFadden |

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# 1 Introduction

## 1.1 Commission

State Planning Services Pty Limited (**SPS**) has been commissioned by Ku-ring-gai Council (**Council**) to prepare a Statement of Environmental Effects (**this report**) for the proposed Torrens title subdivision of one allotment into two separate lots (**proposal**) on the subject site at Lot 3 in Deposited Plan (**DP**) No. 588630 Nos. 56-58 Koola Avenue, East Killara (**site**).

## 1.2 Purpose of this Statement

This statement accompanies a development application (**DA**) to Ku-ring-gai Council (**Council**) with the main purpose being to address:

(a) section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (**EPA Act**);

(b) clause 24 of the *Environmental Planning and Assessment Regulation 2021* (**EPA Regulation**); and

(c) clause 2.6(1) of the Ku-ring-gai Local Environmental Plan 2015 (**KLEP**).

## 1.3 Type of Application

The proposal is defined as 'development' for the purposes of s.1.5(1)(b) of the EPA Act as it involves 'the subdivision land'. The proposal **does not** propose any physical works to the site as it is merely a 'paper subdivision' to formalise the existing zoning division of the site which is currently C4 – Environmental Living for Proposed Lot 100 and E1 – Local Centre for Proposed Lot 101.

Pursuant to s.1.5(3) of the EPA Act, the proposal **does not** involve the 'carrying out of development'. Accompanying this application is legal advice from Shaw Reynolds Lawyers which confirms that the proposal involves 'the subdivision of land' only.

The proposal is Integrated Development under s.100B of the *Rural Fires Act 1997* and s.4.46 of the EPA Act. Accompanying this application is a statement by Bushfire Hazard Solutions to address the requirement for General Terms of Approval (**GTAs**) as part of the Bush Fire Safety Authority (**BFSA**) to be issued by the NSW Rural Fire Service (**RFS**).

The estimated development cost (**EDC**) of the proposal is below $5 million and therefore the application is not 'Regionally Significant Development' pursuant to clause 2.19 and Schedule 6(3) of *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP Planning Systems**).

## 1.4 Background

In 2015, Council commissioned independent town planning consultants to prepare a planning proposal for the reclassification of 3 parcels of land in the municipality, inclusive of the site. The planning proposal sought to reclassify the land from 'community' land to 'operational' land.

The reclassification to 'operational' land was necessary to allow the subdivision of the land to proceed.

On 26 May 2015, a report was considered at the Ordinary Meeting of Ku-ring-gai Council regarding the reclassification of various parcels of land including 56-58 Koola Ave, East Killara.

One of the resolutions in relation to the site at 56-58 Koola Avenue was:-

> *'That, following gazettal of the rezoning and reclassification for Part 56-58 Koola Avenue, that the General Manager be authorised to proceed with the preparation and lodgement of a subdivision plan for the property to divide the property along the present zoning line and that, on creation, the allotment of land that is zoned as existing open space be given a community classification with the remainder of the property to be classified operational*.

It has consistently been Council's intention (following subdivision) to reclassify the greater portion of the site (Proposed Lot 100) back to 'Community' land and retain it as open space/reserve, with the part which was previously zoned B1- Business Neighbourhood (Proposed Lot 101) and currently zoned E1 - Local Centre to be classified as 'Operational' land to enable this smaller parcel to be used for a variety of purposes.

On 2 December 2016, Ku-ring-gai Local Environmental Plan 2015 (Amendment No 6) was gazetted in order to give effect to the above reclassification. However, the land is still held on one title despite having the following two (2) zones under KLEP:

- E1 – Local Centre
- C4 - Environmental Living

The proposed new common lot boundary will align with the above zones, so that each respective new lot will have its own individual zone, rather than a split zone. No change to the existing zoning of the site is required in order to give effect to the proposal on the site.

On 21 October 2024, the Ku-ring-gai Local Planning Panel (**LPP**) determined eDA0177/24 by refusing consent under section 4.16(1)(b) of the EPA Act for the following reasons:

1. The lack of power to approve an application that is inconsistent with the general terms of approval by the NSW Rural Fire Service.
2. Biodiversity impacts
3. Tree preservation
4. Utility services

The Statement of Environmental Effects submitted with eDA0177/24 noted that no construction work, drainage or tree removal was proposed for the purposes of the DA. On 2 September 2024, this was further emphasised in written correspondence uploaded to the NSW Planning Portal which highlighted the need for the NSW RFS GTAs to be reviewed and updated.

This DA addresses the concerns raised with eDA0177/24 including a revised Bushfire statement and legal advice from Council's lawyers which identifies that the LPP does have the power to determine the application for the 'subdivision of land' only without the 'carrying out of development'.

## 1.5 Material Relied Upon

SPS has inspected the site and reviewed the supporting documentation which has been uploaded to the NSW Planning Portal.

# 2 Context

## 2.1 Subject Site

The site is described as Lot 3 DP 588630 Nos. 56-58 Koola Avenue, East Killara and is located within the Ku-ring-gai Local Government Area (**LGA**). The *Ku-ring-gai Local Environmental Plan 2015* (**KLEP**) indicates that the site is located within two zones – partly within the C4 – Environmental Living zone and partly within the E1- Local Centre zone (**Figure 1**). These zones were previously known as E4 and B1 zones, respectively prior to amendments being adopted under KLEP.

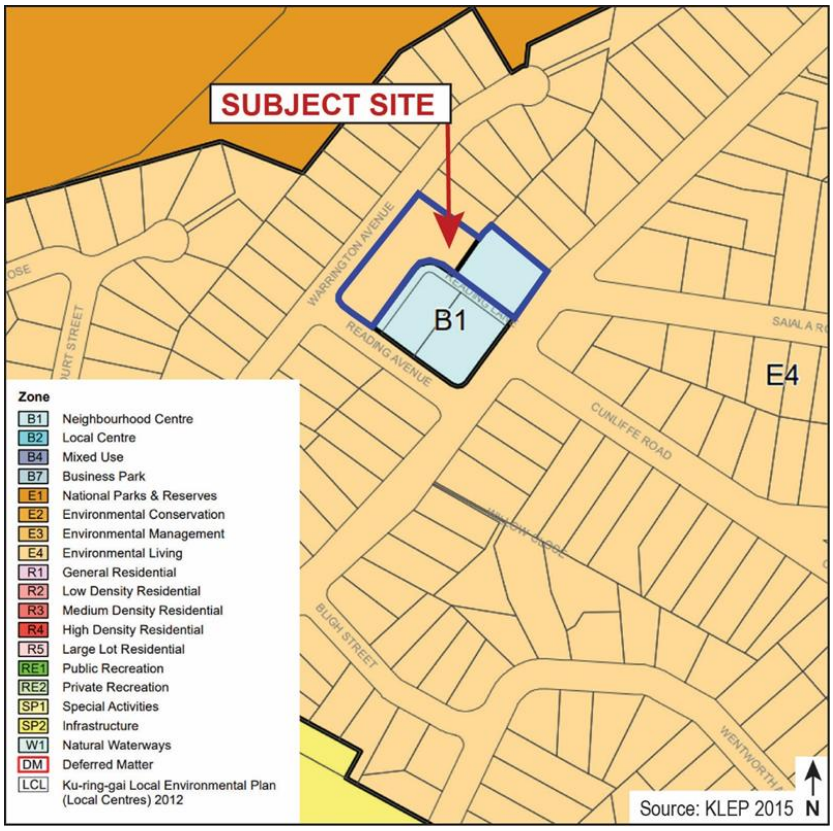


*Figure 1 Zoning Extract*

The site is an irregular 'L' shaped allotment which comprises a 34.53 metre (**m**) primary frontage to Koola Avenue, a 22.79m (excl. splay) frontage to Reading Avenue and a 75.11m (excl. splay) frontage to Warrington Avenue. The Deposited Plan indicates a site area of 4,384m$^2$ although the Site Survey Plan has found the site area to be 4,387m$^2$.

A title search indicates that the site is owned by 'The Council of the Municipality of Ku-ring-gai' and is relatively free of any significant encumbrances.

The site is 15km by road from the Sydney Central Business District (**CBD**) and is linked to the Gore Hill Freeway via the Pacific Highway (and also via the Penshurst Street and Willoughby Road route). The site is located immediately adjacent to the East Killara neighbourhood shopping centre at No. 50 Koola Avenue, East Killara. Public transport bus routes service the site along Koola Avenue.

The site is comprised of generally native bushland with rock outcrops on the western part of the site (known as Reading Reserve), with a sealed carpark, a mixture of native trees and shrubs and lawn areas on the eastern part of the site (which has frontage to Koola Avenue).

## 2.2 Surrounding Development

Development surrounding the site is predominantly characterised by detached residential dwelling houses generally up to 2-storeys in height with a neighbourhood shopping centre located to the south (**Figure 2**).




*Figure 2 Aerial Photograph*

# 3 Proposal

## 3.1 Subdivision

The proposal is for the subdivision of land only and does not involve the carrying out of development.

In particular, the proposal involves the Torrens-title subdivision of one (1) allotment into two (2) lots at Nos. 56 - 58 Koola Avenue, East Killara (**Figure 3**).

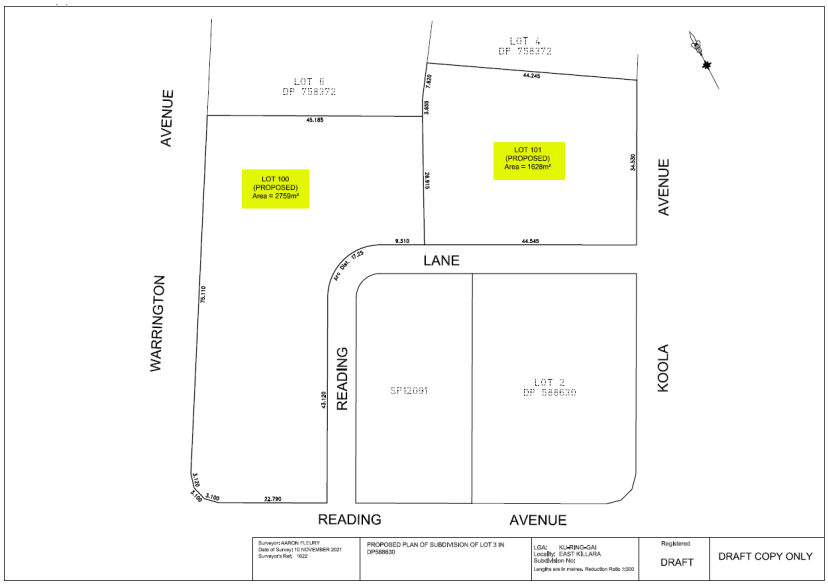


*Figure 3 Proposed Two Lot Subdivision - Proposed Lots 100 and 101*

The proposed configuration of the 4,387m$^2$ site is noted below:

- Proposed Lot 100 (Zoned C4 - Environmental Living) 2,759m$^2$
- Proposed Lot 101 (Zoned E1 – Local Centre) 1,628m$^2$

Proposed Lot 100 is to revert to a 'community' classification following subdivision – consistent with Council's 2015 resolution.

Proposed Lot 101 will retain its 'operational' classification as it contains an existing car park and future commercial development is likely to be the subject of a separate DA.

No construction work, drainage or tree removal is proposed for the purposes of the DA as this application does not involve the 'carrying out of development'. A plan of subdivision has been prepared by Pinnacle Land Surveyors.

The mere subdivision of land does not automatically imply any use of the land as supported by caselaw in the following example:-

In Wehbe v Pittwater Council [2007] NSWLEC 827 Chief Judge Preston found that:-

> *'As to the latter, subdivision itself does not involve any use of land: see Smith v Randwick Municipal Council (1950) 17 LGR (NSW) 246 at 250; Nancy Shetland Pty Ltd v Melbourne and Metropolitan Board of Works (1974) 34 LGRA 151 at 152 and Lyne v Moree Plains Shire Council (1999) 110 LGERA 120. Furthermore, consent for subdivision of land is consent for subdivision simpliciter and does not import any approval*

*for subsequent use for any purpose. In Smith v Randwick Municipal Council (1950) 17 LGR (NSW) 246 at 250, Sugerman J noted:*

"*Approval of subdivision is approval of subdivision simpliciter and not approval of subdivision for any particular purpose, or with a view to the erection of some particular sort of building, either in the sense that it alone restricts the owners or in the sense that, by approving the particular subdivision, the Council must be taken to have approved of some particular sort of building being erected upon or some particular use being made of, the land".*

Shaw Reynolds Lawyers has provided legal advice to Council confirming that the subdivision is able to proceed even though it involves no physical works. In particular, it is stated that:-

*'a. Pursuant to the Environmental Planning and Assessment Act 1979 (NSW) (EPA Act), there is a difference between "development" and "carrying out of the development."*

*b. The subdivision as sought under the DA is classified as "development" however as no physical works are proposed, there is no "carrying out of the development." The Council's attempt to request future potential works to be included as part of the DA blurs this distinction.'*

The current proposal is for development for the purpose of subdivision of land only without the carrying out of development. Subsequent development applications would be required in order to give effect to any change of use or construction work on the site.

# 4 Evaluation

An evaluation of the relevant matters for consideration under section 4.15 of the EPA Act is provided below.

## 4.1 Section 4.15(1)(a) - Environmental Planning Instruments

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

Clause 2.6 of KLEP pertains to 'subdivision-consent requirements' as follows:

*'Land to which this Plan applies may be subdivided, but only with development consent.'*

This application responds directly to clause 2.6 of KLEP and is requesting consent for the subdivision of land and specifically only the 'subdivision of land' in accordance with s.4.12(2) of the EPA Act.

### 4.1.3 Clause 2.2 - Zoning

The KLEP indicates that the site is located within two zones – partly within the C4 – Environmental Living zone and partly within the E1- Local Centre zone (**Figure 4**). These zones were previously known as E4 and B1 zones, respectively prior to amendments being adopted under KLEP.

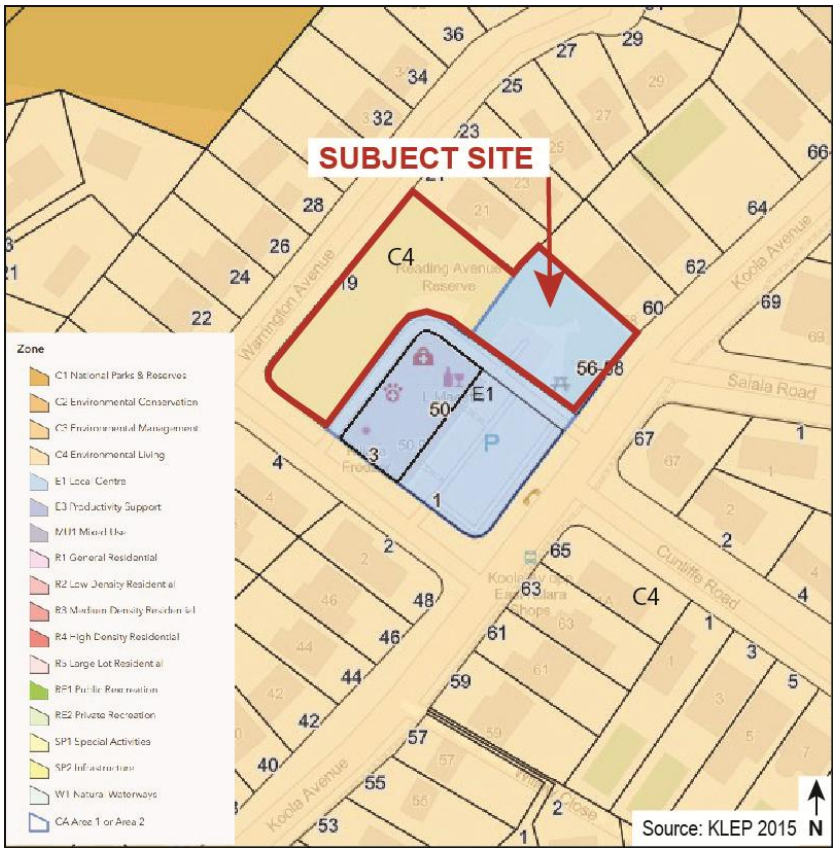


*Figure 4 KLEP Zoning Extract*

Clause 2.3(2) of KLEP states that: *'the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.'*

**Proposed Lot 100 - C4 - Environmental Living**

The objectives of the E4 - Environmental Living zone under KLEP 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 subdivision is consistent with the above objectives of the C4 zone under KLEP.

In the event the application for subdivision is approved, Proposed Lot 100, which is zoned C4 - Environmental Living under KLEP will be reclassified community land in accordance with the Council resolution of 26 May 2015.

No building or construction work is proposed on Proposed Lot 100 as part of this application.

**Proposed Lot 101 - E1 – Local Centre**

The objectives of the E1 – Local Centre zone under KLEP are:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

The proposed subdivision is consistent with the above objective of the E1 zone under KLEP.

**Possible Development for Proposed Lot 101**

Development that is 'permitted without consent' in the E1 – Local Centre zone under KLEP (referred to as Item 2) includes *'Home occupations'*.

Development that is 'permitted with consent' in the E1 – Local Centre zone under KLEP (referred to as Item 3), includes:

> *'Amusement centres; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Group homes (permanent); Hotel or motel accommodation; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Water reticulation systems; Any other development not specified in item 2 or 4'*

Development that is 'prohibited' in the E1 – Local Centre zone under KLEP (referred to as Item 4), includes a wide range of uses, namely:-

*'Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Sewerage systems; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies'*

In the event that the application for subdivision is approved, a range of uses such as centre-based child care facilities, commercial premises, or community facilities (or other permissible uses in the zone) are likely possible uses on Proposed Lot 101 (subject to a separate DA being lodged and assessed for this purpose).

### 4.1.3 Clause 4.1 - Minimum Lot Size

Clause 4.1(3) of KLEP prescribes a minimum lot size of 1,500m$^2$ for that part of the site that is zoned C4 – Environmental Living (**Figure 5**).

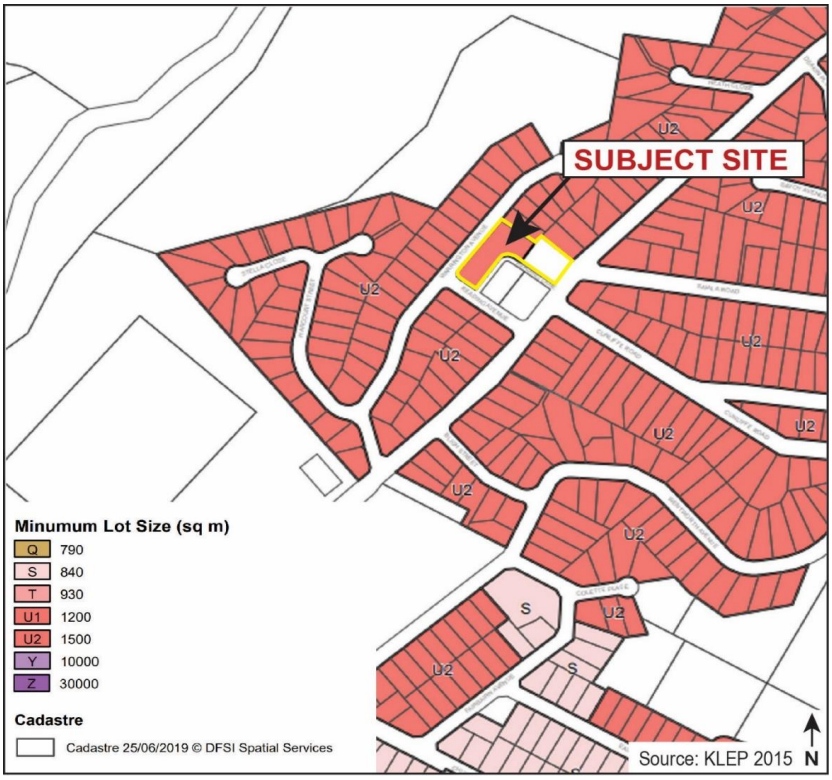


*Figure 5 - KLEP Minimum Lot Size Map Extract*

The current total site area is 4,387m$^2$, and post-subdivision, the western Proposed Lot 100 (zoned C4 - Environmental Living) will be 2,759m$^2$ - well above the minimum 1,500m$^2$ requirement. Therefore, the proposal complies with the minimum lot size development standard of KLEP.

There is no minimum lot size development standard applicable to the E1 – Local Centre portion of the site (which contains an area of 1,628m$^2$).

#### 4.1.4 Clause 4.3 - Height of Buildings

Clause 4.3 of KLEP prescribes a maximum 9.5m building height control for the site, but this is not applicable as no building or construction work is proposed and there are no buildings currently on either of the proposed lots.

A building height of 9.5m will generally allow for buildings on Proposed Lot 101 that are up to two storeys in height, consistent with current surrounding development in the locality. The proposed subdivision will neither conflict with, nor interfere with this development standard as the future development of the land will be the subject of a separate DA.

#### 4.1.5 Clause 4.4 - Floor Space Ratio

Under clause 4.4(2) of the KLEP a maximum FSR of 0.75:1 applies to Proposed Lot 101 on the eastern side of the site (zoned E1 – Local Centre), whilst Proposed Lot 100, on the western part of the site (Zoned C4 – Environmental Living), has a maximum FSR of 0.2:1.

No structures which comprise 'gross floor area' (**GFA**) currently exist on either of the proposed lots, but future development on Proposed Lot 101 that complies with Council's environmental planning instruments and controls is able to occur on the site (subject to lodgement of a separate DA) post-subdivision.

#### 4.1.6 Clause 5.10 - Heritage

The site is not identified in Schedule 5 of KLEP as containing any item of heritage significance. Likewise, the site is not located within a heritage conservation area, or in the vicinity of an item of heritage significance (the closest heritage item (i1107) being over 600m away).

Notwithstanding the above, an Aboriginal Archaeological Assessment has been prepared by Tory Stening from 'Unearthed Archaeology & Heritage' in accordance with 5.10 of the Ku-ring-gai Local Environmental Plan 2015 (KLEP) to investigate if any items of Aboriginal archaeological significance exist on the site.

The reports states that:-

*'A search of the Aboriginal Heritage Information Management System (AHIMS) on 6th September 2022 indicates that there are five registered Aboriginal sites within 1km of the study area.'*

The report also states that:-

*'The site inspection was undertaken on 8th September 2022 and the whole of the study area was inspected on foot with particular attention being paid to the historic topography and the disturbance from European development. No Aboriginal objects or sites were recorded during the site inspection. An AHIMS search dated 6th September 2022 indicates that no Aboriginal sites had previously been recorded within the study area. No Aboriginal objects or evidence of Aboriginal occupation was recorded during the site inspection.'*

The report made the following 5 recommendations:-

1. *There is no objection to the proposed subdivision on Aboriginal archaeological grounds;*
2. *No Aboriginal objects were recorded during the site inspection. It is considered highly unlikely that any archaeological deposits exist within the study area or would be impacted upon by the proposed subdivision of the study area;*
3. *No further investigation in respect of Aboriginal archaeology or cultural heritage is required;*
4. *It is not necessary to undertake consultation with the Aboriginal community in accordance with the Aboriginal cultural heritage consultation requirements for*

*proponents 2010 or prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR);*

5. *If, during the proposed works, any Aboriginal objects or evidence of Aboriginal occupation are uncovered, all work must cease in the vicinity of the suspected Aboriginal objects or evidence of occupation, and further advice should be sought from a qualified and experienced archaeologist.*

The proposed subdivision of land is acceptable in terms of Aboriginal heritage significance. However, Recommendation No. 5 could be imposed by Council as a condition of any future development applications lodged on Proposed Lot 101.

**4.1.7 Clause 6.1 - Acid Sulfate Soil**

N/A - the proposal is for the subdivision of land only and does not include any earthworks or excavation.

**4.1.8 Clause 6.2 - Earthworks**

N/A - the proposal is for the subdivision of land only and does not include any earthworks or excavation.

**4.1.9 Clause 6.3 - Biodiversity Protection**

The site is identified as containing biodiversity, yet does not propose any tree removal or destruction of habitat as no works are proposed.

Reason for Refusal No. 2 of eDA0177/24 referred to biodiversity impacts, but it is noted that an APZ is relevant where the carrying out of development is proposed.

The proposed development is for paper subdivision only and no development of either lot is proposed (especially Proposed Lot 100 which is unlikely to have development for any purposes in the foreseeable future).

The BDAR submitted with eDA0177/24 noted that 0.25ha (2,500m$^2$) of clearing is the threshold for entry into the BOS (NSW Biodiversity Offsets Scheme). Given that Proposed Lot 100 (2,759m$^2$) is to be retained as public reserve and any future clearing works would be limited to the smaller Proposed Lot 101 (1,628m$^2$), it is noted that this smaller lot has already been partly cleared in the past for the carpark. Therefore, the need for vegetation removal as part of any future development application is significantly reduced for the site as a whole.

It has consistently been Council's intention that the land associated with Proposed Lot 100 be retained as a bushland reserve as exemplified by the report to Council following the public hearing into reclassification of the site:-

*'It is reiterated that there is no intention to rezone the bushland area that is currently zoned open space. This area is to be subdivided along the present zoning line from the area currently zoned for commercial purposes and comprising a small carpark and grassland area. The bushland is to revert to a community classification on registration of the subdivision.'*

(***Ordinary Meeting of Council - 26 May 2015***)

Whilst it is acknowledged that both proposed lots are identified on Council's Biodiversity Map, the larger part of the site (Proposed Lot 100) will be retained as a reserve. The smaller, more disturbed portion of the site, Proposed Lot 101 is already zoned for commercial purposes (E1- Local Centre under KLEP) and is only likely to be redeveloped subject to a separate DA.

The refusal determination associated with eDA0177/24 was formulated on the basis of development for the purposes of tree clearing being carried out on the site. However, taking into consideration Proposed Lot 100 being retained as 'community' land (and therefore unable to be developed or disposed of for private purposes), vegetation removal is not proposed on this lot.

As the new 2024 Bushfire Prone Land Map vegetation buffer area no longer extends over Proposed Lot 101, if/when a subsequent development application is prepared for that lot in the future it will be unaffected by bushfire. A revised bushfire statement has been prepared by Bushfire Hazard Solutions and accompanies this application.

The majority of the site (Proposed Lot 100) is to be retained as a reserve, and the following resolutions of the Ordinary Meeting of Council dated 26 May 2015 included:-

***'K. That the bushland area that is zoned open space be referred to the appropriate section of Council for general maintenance with a view to rendering the area more accessible and reducing the fuel load while retaining the natural remnant bushland character.***

***L. That action be taken to reactivate the local bushcare group.'***

It is not considered that the proposal is at fundamental odds to the above objectives. Proposed Lot 101 is already heavily disturbed and is located on the periphery of the land mapped. The carrying out of development is not proposed at this stage and any future proposal will address the protection of significant trees/vegetation.

The proposed subdivision is located on land identified on the Greenweb map. However, the site is relatively isolated from the more significant bush areas to the northwest (**Figure 6**) and the majority of the site would be retained as per Council's resolutions.



***Figure 6*** – Greenweb map extract showing isolated nature of the site.

The part of the site that is proposed to permit future development, Proposed Lot 101, is on the periphery of the isolated site that is zoned E1 - Local Centre and although no physical development is currently proposed, it is noted that a car park is currently located on this site. If need be, a vegetation management plan could be required as a part of any future development application.

The overall site contains both core biodiversity and buffer land, although only the smaller disturbed and partly developed section of the site is likely to ever be redeveloped. No physical development is proposed at this stage and it is considered that sensitive design, planting, landscaping and revegetation of the site as required by the above controls, is able to be satisfied as part of any future development application for Proposed Lot 101.

As it has been established that Council intends to retain the larger portion of the site as reserve with reinstatement of a community classification with only the already partially developed land in the south east side of the site likely to be the subject of a development application for future development. In this instance the broad objectives above can generally be met. Objective 4 states that it '*allows for reasonable development*…..' and the subdivision would retain the majority of the site as a reserve maintaining biodiversity on the overall site.

Although the current proposal is only for the subdivision of land, it is clear that any future development can be managed on Proposed Lot 101 to ensure that no net loss in biodiversity occurs.

#### 4.1.10 Clause 6.4 - Riparian Land and Adjoining Waterways

The site is not identified on the KLEP Riparian Lands and Watercourses Map as being affected by containing Riparian lands or adjoining waterways.

#### 4.1.11 Clause 6.5 - Stormwater and Water Sensitive Urban Design

Clause 6.5 of KLEP provides the following objective in regard to 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."*

Clauses 6.5(2) and 6.5(3) of KLEP provide that:

*"(2) Before granting development consent to development on any land to which this Plan applies, the consent authority must be satisfied that:*

*(a) water sensitive urban design principles are incorporated into the design of the development, and*

*(b) riparian, stormwater and flooding measures are integrated, and*

*(c) the stormwater management system includes all reasonable management actions to avoid any adverse impacts on the land to which the development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems, and*

*(d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways and groundwater systems.*

*(3) For the purposes of subclause (2) (a), the water sensitive urban design principles are:*

*'(a) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments,*

*(b) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes,*

*(c) integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space, and recreational and visual amenity,*

*(d) retention, where practical, of on-site stormwater for use as an alternative supply to mains water, groundwater or river water."*

The site is not impacted by overland flows/flooding. The larger Proposed Lot 100 slopes away to the northwest and drains to Warrington Avenue, whilst Proposed Lot 101 which contains a slight fall to the southeast, drains to Council's stormwater system in Koola Avenue.

Further, any future DA involving construction work will need to adhere to Council's Water Management controls for site stormwater management.

#### 4.1.12 Clause 6.7 - Active Street Frontages in Zones E1 and MU1

This clause applies to land in the E1- Local Centre zone and the following objective applies:

> *'..to promote uses that attract pedestrian traffic along ground floor street frontages in certain business zones'.*

Clause 3 sets out requirements in that :-

*'(3) Development consent must not be granted for the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that after its erection or change of use the ground floor of the building—*

*(a) will not be used for the purposes of residential accommodation or a car park or to provide ancillary car parking spaces, and*

*(b) will consist of design elements that encourage interaction and flow between the inside of the building and the external public areas of the building, and*

*(c) will be used for purposes that encourage the movement and flow of people between the internal and the external public areas of the building.'*

The clause does not affect the current proposal for land subdivision. However, any future proposals for the E1 Local Centre zoned lot would require consideration of this clause.

**4.1.13 Clause 6.9 - Development for commercial premises**

KLEP contains a special provision relating to the E1 – Local Centre zone and it is noted that the *'objective of this clause is to maintain the commercial hierarchy of Ku-ring-gai by encouraging retail development of an appropriate scale within commercial centres.'*

The clause requires that :

*'(2) Development consent must not be granted to development for the purposes of commercial premises on land identified as "Area 2" on the Key Sites Map if the development would result in the premises having a gross floor area of more than 1,000 square metres.*

*(3) In deciding whether to grant development consent referred to in subclause (2) to development for the purposes of commercial premises having a gross floor area of 500 square metres or more, in either one separate tenancy or any number of tenancies, the consent authority must consider the economic impact of the development.*

*(4) Subclauses (2) and (3) do not apply to any development undertaken in a building that existed immediately before the commencement of this Plan.'*

As with the previous clause, this clause does not affect the current proposal for a land subdivision. However, any future proposal for the E1 – Local Centre zoned lot would require consideration of this clause.

**State Environmental Planning Policy (Resilience and Hazards) 2021**

*State Environmental Planning Policy (Resilience and Hazards) 2021* (**SEPP)** requires the consent authority to consider the likelihood of contamination on the site together with the need for remediation.

The 2015 planning proposal to reclassify the site commissioned a Phase 1 Environmental Site Assessment which was undertaken by C.M. Jewell & Associates. The Phase 1 report found that there is a low risk of contamination of site soils arising from previous land uses and that no further investigation of the site is recommended.

For the purpose of the proposed land subdivision, it is considered that the previous Phase 1 report is acceptable for the current subdivision as no changes to the site have occurred since 2015 and no physical works are proposed by the current subdivision application. Any future development proposal on Proposed Lot 101 may require further investigation in order to address the Resilience and Hazards SEPP depending on the intended usage.

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

*State Environmental Planning Policy (Biodiversity and Conservation)* (**Biodiversity and Conservation SEPP**) regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that requires development consent.

The current proposal to subdivide the site does not seek the removal of any trees or vegetation. However, any future development application on Proposed Lot 101 will require consideration of this SEPP (although the site is already substantially cleared for the purposes of a car park).

The SEPP also contains provisions of the repealed *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*, The site is not within the foreshore or waterway area. However, stormwater concept management plans would need to accompany any DA for works on Proposed

Lot 101 and would need to provide for the ultimate flow of quality stormwaters into Rocky Creek/Middle Harbour and minimise the impacts on the Sydney Harbour catchment.

**State Environmental Planning Policy (Planning Systems) 2021**

*State Environmental Planning Policy (Planning Systems) 2021* (**Planning Systems SEPP**) has repealed the previous SEPP (State and Regional Development) 2011 however the provisions are generally transferred to the new SEPP. In this regard it is noted that the proposal will have an EDC of less than $5 million and therefore is not 'Regionally Significant Development' pursuant to the SEPP.

## 4.2 Section 4.15(1)(a)(ii) – Proposed Instruments

No relevant draft environmental planning instruments are known to apply to the site or the proposed subdivision development in Ku-ring-gai LGA as confirmed by Council's s.10.7(2)&(5) Planning Certificate.

The *North District Structure Plan 2036* does not identify the site as having any significant rezoning potential. Consequently, the site is not identified for future rezoning opportunities under the strategic plans that apply at a state level.

## 4.3 Section 4.15(1)(a)(iii) - Development Control Plans

Ku-ring-gai Development Control Plan (**KDCP**) applies to the site and primary controls are summarised in **Table 1**.

**Table 1 Ku-ring-gai Development Control Plan**

| Description | Control | Comment |
|---|---|---|
| **Part 2 Site Analysis** | A site analysis establishes the context of a proposed development by showing graphically the constraints and opportunities on the site, its immediate locality and the wider environment, and includes both natural and built elements.<br><br>The site analysis will influence how the design optimises site attributes and complements neighbourhood character whilst preserving the amenity of adjoining developments. A good site analysis is therefore essential in achieving a sustainable, responsive and sensitive development. | The proposed location of the subdivision boundary is the most appropriate location for this site as it aligns with the change in zoning.<br><br>Future developments on the two lots would be required to prepare their own separate Site Analysis dependent on the developments proposed. |
| **Part 3A – Land Consolidation & Subdivision** | | |
| **General Controls** | 1.Lot shape, orientation and design of subdivided lots is to demonstrate:<br><br>i) Ability for the lot to support the land use permitted under the zoning;<br>ii) Protection of habitat and distinctive environmental features including:<br>- Cliffs and rock outcrops<br>- Remnant bushland and trees<br>- Tree hollows<br>- Natural watercourses<br>iii) Sharing of views;<br>iv) Avoiding the location of development on steep lands;<br>v) Protection and enhancement of the amenity, solar access, privacy, open space and views of the neighbouring lots;<br>vi) Minimisation of impacts of the development (including any asset protection zones required) on riparian or Greenweb lands;<br>vii) Incorporation of the principles of water sensitive urban design; | Subdivision of land only.<br><br>No change proposed to the existing land use.<br><br>No significant views have been identified.<br><br>Lot design guided by zoning boundary.<br><br>Can comply.<br><br>The site is suitable for subdivision.<br><br>No drainage easements would be required.<br><br>Each lot would have good access opportunities. |

| Table 1 Ku-ring-gai Development Control Plan | | |
|---|---|---|
| **Description** | **Control** | **Comment** |
| | viii) Easements and servicing requirements;<br>ix) Vehicular, pedestrian and bicycle access;<br>x) Respect for and conservation of cultural heritage including any Aboriginal place or site of heritage significance; and<br>xi) Minimisation of the need for bush fire hazard reduction, while protecting life and property.<br><br>2. The block width, dimension, orientation and layout are to consider the existing subdivision pattern of the locality.<br><br>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.<br><br>4. Gated communities will not be permitted. | Archaeological report has found no items of significance at this time.<br><br>Bush fire report supports the proposed subdivision of land.<br><br>Lot boundary guided by existing zoning boundaries.<br><br>Complies.<br><br>Not proposed |
| **Minimum Lot Depth for Bush Fire Prone Land** | Applies to applies to the subdivision of land identified on the "Minimum Lot Depth Map" maps in 3R.1 of the DCP. | N/A - The site is <u>outside</u> the land identified as bush fire prone in '*Minimum Lot Depth Map - Sheet 014*' |
| **Building footprint** | 1.Potential building footprints are to be identified on the site plan of all consolidation and subdivisions.<br>2. Building footprints are to be located outside areas of ecological or heritage significance and to avoid the loss of trees.<br>3. The footprint is to be located in an accessible and practical location, preferably with relatively flat terrain, stable soil and geology.<br>Note: A geotechnical report may be required for steeper sites.<br>4. 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.<br>5. The footprint is to be applied in accordance with the minimum building setbacks.<br>6. Practical and suitable access is to be provided from a public road to the building footprint.<br>7. The building footprint must be located in accordance with the requirements in Part 24 of this DCP. | N/A – no carrying out of development proposed.<br><br>A Survey Plan with spot levels and contours has been prepared for submission with the subdivision DA. |
| **Trees and vegetation** | Any subdivision proposal must demonstrate that the location and design of:<br>i) building footprints;<br>ii) access ways;<br>iii) roadways, including perimeter roads or trails;<br>iv) services;<br>v) inter-allotment drainage easements; and<br>vi) asset protection zones<br><br>maximises the retention of, and minimises impacts on existing significant trees and vegetation on or adjacent to the site.<br><br>For the purposes of 3A.4 (1) above, significant trees and vegetation includes but is not limited to cultural plantings, large and visually prominent trees, bushland and endangered ecological communities. | N/A – no carrying out of development proposed. |

| Table 1 Ku-ring-gai Development Control Plan | | |
|---|---|---|
| **Description** | **Control** | **Comment** |
| | Where a site is particularly constrained a more detailed layout of the potential development may be required.<br><br><u>Street trees</u><br><br>Street trees are to be planted where new roads are proposed or where the likely location of driveway crossings will result in loss of existing street trees.<br><br>Trees are to be located:<br><br>i) to avoid conflict with the positioning of underground services;<br>ii) a minimum of 0.6m behind the kerbline to allow access to vehicles;<br>iii) no closer to street lights than the radius of the tree canopy at maturity. The location of trees in relation to street lights is to consider the height of the tree and the radius of the canopy at maturity to ensure that lighting is not obscured by the vegetation.<br>.<br>6 The canopy is to be capable of being maintained at a minimum of 4.3 metres above the road surface to provide clearance for larger vehicles.<br>7 Species are to be selected to minimise leaf drop and to avoid blockage of drainage systems. | Street plantings (if required) can be conditioned as part of future consents. |
| **Access** | <u>Vehicular Access</u><br><br>1 Each lot must provide access from a constructed or dedicated public road.<br>2 The minimum width of an access handle to a battle-axe allotment is 4.6 metres.<br>Note: Australian Standard 2890.1 2004 Off Street Car Parking applies.<br>3 The maximum number of lots to be served by a single access handle connected to a public road is 3 lots.<br>4 Access for service vehicles, emergency vehicles and waste collection vehicles must be available.<br><br><u>Pedestrian and Bicycle Access</u><br><br>5 Movement areas are to incorporate convenient, obvious and safe pedestrian and bike links from the lot to public transport services and local facilities.<br>6 The design and location of footpaths and driveways are to provide opportunities for surveillance and allow safe movement of residents and visitors.<br><br><u>Roads</u><br><br>7 Street and footpath design and on street car parking are to be provided and designed in accordance with AMCORD Guidelines: Element 2.1 Street Design and On-Street Car Parking.<br>8 Road design is to consider the incorporation of water sensitive urban design elements (see Figure 3A.5-2). | Each lot has more than one frontage, but no new access proposed.<br><br>No change.<br><br>N/A - No new roads required for subdivision. |

| Table 1 Ku-ring-gai Development Control Plan | | |
|---|---|---|
| **Description** | **Control** | **Comment** |
| | Road Grades<br><br>Turning circles<br><br>Names of Roads<br><br>Location and design of roads | N/A - No new roads required for subdivision.<br><br>N/A<br><br>N/A<br><br>N/A |
| **Infrastructure** | Services<br><br>All lots shall be provided services such as electricity, gas, town water supply, sewerage and communications.<br><br>Street trees, street lighting,<br><br>Water management facilities, such as:<br>i) interallotment drainage for low level lots;<br>ii) on site detention for new roads and driveways;<br>iii) raingardens or bioretention basins are to be provided as required by Part 24 of this DCP. | Proposed subdivision is in a serviced area.<br><br>Existing facilities.<br><br>Both Lots already drain to the street and an easement is not required through the C4 Environmental Living lot.<br><br>Detention as per Council's requirements to be provided with future DA's. |
| **Part 4 Dwelling Houses** | | |
| N/A | N/A | N/A – Proposed Lot 100 to revert to community land classification following subdivision as per Council's resolution dated 26 May 2015. |
| | | |
| **Part 5 Secondary Dwellings** | | |
| N/A | N/A | N/A – Proposed Lot 100 to revert to community land classification following subdivision as per Council's resolution dated 26 May 2015. |
| | | |

The proposal is satisfactory having regard to the controls identified in **Table 1**.

The controls in **Table 2** are likely to apply to future development on Proposed Lot 101 which will be the subject of a separate DA.

| Table 2 Ku-ring-gai Development Control Plan | | |
|---|---|---|
| **Part 8 – Mixed Use Development** | | |
| **Description** | **Control** | **Comment** |
| **Site Design** | | |
| Local Character and Streetscape | Designed by an Architect<br>Visual Character Maintain the local visual character, scale and layout of the streetscape; | Architect/designer to address as part of future DA submission. |
| Public Domain and Communal Space | Integrate with surrounding sites by:<br>1)Being of an appropriate scale when viewed from the street, public domain or adjoining development;<br>2) Minimising overshadowing;<br>3) Integrating built form and soft landscaping within the tree canopy that | Architect/designer to address as part of future DA submission. |

| Table 2 Ku-ring-gai Development Control Plan | | |
|---|---|---|
| **Part 8 – Mixed Use Development** | | |
| **Description** | **Control** | **Comment** |
| | links the public and private domain throughout Ku-ring-gai. | |
| Visually Prominent Sites | Development to:<br>i) be of high architectural/aesthetic quality;<br>ii) be integrated into the existing landscape and avoid tall and bulky structures;<br>iii) have external colours and finishes that are sensitive to the site and locality;<br>iv) retain significant landscape and vegetation elements;<br>v) consider views to/from the site; and<br>vi) soften visual impact by extensive landscaping including larger trees and shrubs. | Architect/designer to address as part of future DA submission. |
| **Site Layout** | | |
| | 1) The site layout is to demonstrate a clear and appropriate design<br>strategy and arrangement of building mass in response to Part 2 of this DCP. Site Analysis is to include:<br>i) building location and orientation on the site optimising the northern aspect, & relating to neighbouring developments, geographical aspect, views, access etc;<br>ii)response of development in maintaining site characteristics within the subject site, such as topography, vegetation, significant trees, any special features, etc.<br>iii) internal layouts of buildings that respond to (i) above and be consistent with the requirements of the DCP<br>iv) limited apartments with no direct sunlight.<br>2) A drawing and supporting written information is to demonstrate how the building and its layout has applied and responded to the site analysis conducted in Part 2 of this DCP.<br>3) N/A<br>4) Any building with a frontage to the street is to address that street.<br>5) Where a site has two or more frontages, the buildings are to address and provide entry points from all street frontages.<br>6) Onsite buildings and fences/courtyard walls are to be staggered and provide landscaping, including canopy trees, in between them.<br>7) Hard landscaping is to be minimised and to maximise opportunities for landscape planting.<br>8) Long straight driveways are not permitted. Driveways are to be designed to be of minimal visual impact and minimal heat emission.<br>9) Provide a single pedestrian entry point from the street. Other<br>entries may be permitted where several buildings address the street along an extended street or dual frontage sites. | Architect/designer to address as part of future DA submission. |
| **Building Setbacks** | | |
| **Street setbacks** | In B1, B2 and B4 zones, mixed use buildings are required to be built to the street alignment with a zero setback, except when variations are stated in Part 14 Urban Precincts and Sites. These variations facilitate building articulation, modulation, the provision of landscaped setbacks and the development of | Architect/designer to address as part of future DA submission. |

| Table 2 Ku-ring-gai Development Control Plan | | |
|---|---|---|
| **Part 8 – Mixed Use Development** | | |
| **Description** | **Control** | **Comment** |
| | appropriate building forms. Setbacks within B1 zones warrant merit consideration. | |
| **Side and rear setbacks** | In B1, B2 and B4 zones, mixed use buildings are generally not required to provide side and rear setbacks, except where variations<br>are required as specified in Part 14 Urban Precincts and Sites of this<br>DCP. These variations are designed to facilitate building articulation, modulation and the provision of new or widened streets and through site pedestrian walkways.<br>Where building separation is provided for residential components, it is to meet building separation controls under Part 8A.4. | Architect/designer to address as part of future DA submissions. |
| **Building Separation** | Various minimum separation controls within the development site. | Not strictly applicable to site, setback controls above would cover future development on the site. |
| **Wind Impact** | Various controls. (more relevant to multi-storey development) | 9.5m/2-storey height limit would mitigate any impact. Can comply. |
| **Site Coverage** | The controls are applicable only to mixed use buildings in R4<br>High Density Residential zones: | N/A |
| **Deep Soil Landscaping** | <u>Design</u><br>This section applies to all development that:<br>i) does not provide commercial uses to the entire ground floor street frontage with associated active street frontages;<br>ii) provides any residential dwelling on the ground floor street frontage;<br>iii) is a mixed use building within the R4 High Density Residential<br>zone.<br><br><u>Tree Replenishment and Planting</u><br><br>Lots with the following sizes are to support a minimum number of tall trees capable of attaining a mature height of at least 18m on shale, transitional soils and 15m on sandstone derived soils:<br><br>1,200m2 or less - 1 per 400m2 site area<br>1,201m2 -1,800m2 - 1 per 350m2<br>1,801m2 + - 1 per 300m2<br><br>In addition to the tall trees, a range of medium trees, small trees<br>and shrubs are to be selected to ensure that vegetation softens the<br>building form and creates a garden setting.<br>At least 50% of all tree plantings are to be locally occurring trees and spread around the site.<br>Trees are to be planted within all setback areas. At least 30% of tall<br>trees are to be planted within the front setback. | May not be applicable to any future development of the E1 Local Centre site.<br><br>N/A<br><br>Able to comply |
| **Access and Parking**<br><br>**Vehicle and Service Access and loading facilities** | Vehicle access points are not to be located along principal active<br>street frontages unless otherwise specified in Part 14 of this DCP.<br>2 All developments are to provide a shared vehicle entry/exit point for<br>different uses (eg. retail, commercial and residential). | Architect/designer to address as part of future DA submission. |

| Table 2 Ku-ring-gai Development Control Plan | | |
|---|---|---|
| **Part 8 – Mixed Use Development** | | |
| **Description** | **Control** | **Comment** |
| | Note: Any proposal seeking to provide separate vehicle entry / exit points on large developments must justify this variation by demonstrating the combined effect does not dominate the building facade or streetscape.<br>3 Where retail, commercial and residential uses share the same<br>Vehicle entry/exit,clear demarcation of parking areas is to be made. Residential parking is to be secure and separate from retail/commercial parking.<br><br>Various controls | Architect/designer to address as part of future DA submission. |
| **Service access**<br><br>**Loading facilities** | On-site internal loading facilities are to be provided for all developments with loading/unloading requirements.<br>Various other controls. | Architect/designer to address as part of future DA submission. |
| **Car Parking Provision** | <u>Car parking design:</u><br>All car parking areas are to be provided within the basement of a development.<br>Various controls.<br><br><u>Car parking rates</u><br>(GFA -Gross Floor Area)<br><br>Commercial:<br>1 space per 33m2 office GFA<br>1 space per 17m2 retail/cafe GFA<br><br>Residential (mixed devt):<br>Studio unit: 0.5 space/unit<br>1 bedroom unit: 1 space/unit<br>2 bedroom unit: 1.25 space/unit<br>3 bedroom unit: 2 space/unit<br>Visitor parking: 1 space/4 units<br>(other uses Part 22R of KDCP). | N/A – no change to existing car park.<br><br>Architect/designer to address as part of future DA submission. |
| **Bicycle Parking & Support Facilities Provision.** | Secure bicycle parking spaces and storage are to be provided on<br>site at the following rates;<br><br>Retail and commercial uses:<br><br>i) 1 bicycle locker per 600m2 of GFA for staff; and<br>ii) 1 bicycle parking space (in the form of a bicycle rail) per 2500m2<br>GFA for visitors.<br><br>Residential uses:<br><br>i) 1 bicycle parking space per 5 units or part thereof for residents<br>within the residential car park area; and<br>ii) 1 bicycle parking space per 10 units (in the form of a bicycle rail)<br>for visitors in the visitor car park area.<br>(Various other controls) | Architect/designer to address as part of future DA submission.<br><br>Architect/designer to address as part of future DA submission. |

## 4.4 Section 4.15(1)(a)(iiiia) – Planning Agreement

It is understood that no Planning Agreement (**PA**) or draft PA is relevant to the site under the provisions of s.7.4 of the EPA Act.

## 4.5 Section 4.15(1)(a)(iv) - Regulations

**Information and Documentation**

The development application has provided information which is consistent with s.4.15 of the EPA Act and clause 24 of the EPA Regulation as well as Council's DA lodgement requirements.

**National Construction Code**

The proposal does not propose any construction. However, future development of the lots would be required to satisfy either the deemed-to-satisfy provisions and/or the performance requirements of the *National Construction Code* (**NCC**).

**AS 2601 – Demolition of Structures**

Although the site is generally vacant, a current site survey plan has been prepared to ensure that no boundary encroachments occur. Any future demolition will be able to satisfy clause 61 of the EPA Regulation which designates *AS 2601-2014: The Demolition of Structures* as a matter for consideration.

## 4.6 Section 4.15C(1)(b) – Impacts

### 4.6.1 Built Environment Impacts

The proposed subdivision has been appropriately designed on the site having regard to the impact on the built environment with respect to lot layout. In the absence of any 'carrying out of development' there will be no change to streetscape or character.

The subdivision has been proposed in the most practical shape, orientation and design for the site. Only one new boundary is proposed and that is aligned with the existing zoning boundary between the C4 - Environmental Living and E1- Local Centre zones. The Proposed Lot 101 is also heavily disturbed as a significant portion of this area has been cleared for a carpark. Although a number of trees remain, the understorey has generally been cleared and substituted with substantial areas of lawn.

### 4.6.2 Natural Environment Impacts

N/A – the proposal involves the subdivision of land only and does not involve tree removal or drainage associated with 'the carrying out of development'.

Ku-ring-gai Council's resolutions to reclassify the land that is identified as Proposed Lot 100 back to 'community land' and retain it as open space, will eliminate the need for any tree/vegetation removal on this part of the site.

Council's street drainage and pit upgrade diagram indicates that both lots can be serviced without the need for an inter-allotment drainage easement (**Figure 7**).

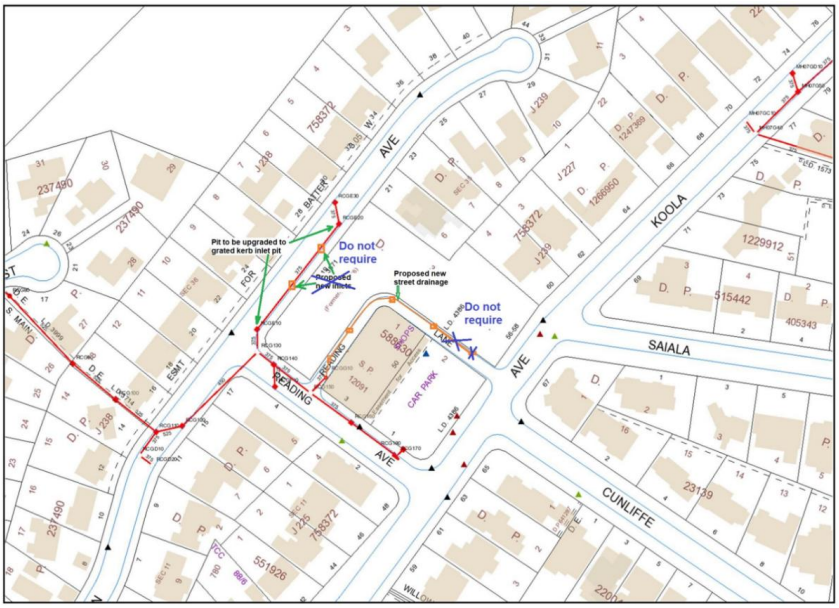


*Figure 7 – Street Drainage and Pit Upgrades*

### 4.6.6 Social and Economic Impacts

The social and economic impact of the proposed subdivision of land is likely to be minor, yet acceptable as it will remove the current situation of two zonings on one parcel of land.

Proposed Lot 100 will revert to a reserve together with a community classification and Proposed Lot 101 could be used in the future for commercial and/or community uses, so the proposal will have a positive contribution to the local area from better utilisation of a largely vacant site.

## 4.7 Section 4.15(1)(c) – Suitability of the Site for Development

### 4.7.1 Bushfire Prone Land

Reason for Refusal No. 1 of eDA0177/24 was associated with the General Terms of Approval (**GTAs**) issued by the NSW RFS which incorrectly assumed that the proposal also involved 'the carrying out of development'.

Proposed Lot 101 (i.e. the smaller of the two lots) already contains a carpark and is proposed to be retained as 'Operational' land for subsequent development purposes. It has been Council's consistent aim to retain the larger, Proposed Lot 100 as a reserve/open space and to reclassify the land back to 'Community' land following the subdivision process.

If necessary, a Restriction on the use of land vested in Council as a prescribed authority is possible under s88D(3) of the *Conveyancing Act 1919* and this could be imposed as a condition of any consent to a subdivision granted to prevent residential development of Proposed Lot 100.

As no development is proposed for Proposed Lot 100, it is requested that the RFS note that the implementation of an APZ over both the proposed lots (as a condition of consent) would not be required at this stage as no development (other than subdivision) is proposed and Proposed Lot 100 is not likely to have any residential development undertaken on it now, or, in the foreseeable future.

It is requested that the subdivision proposal be viewed in light of the above, with any Asset Protection Zones implemented as conditions of approval of any future development applications for use of the lots. Council's legal advice from *Shaw Reynolds Lawyers* supports this position as:-

> *'Furthermore, case law has established it is open to any applicant to choose a two-stage approach – being approval for subdivision and, subsequently (and only if subdivision was approvable and was approved), an application for development consent for any proposed use(s) of the land as subdivided.'* (Williams v Shellharbour City Council [2020] NSWLEC 3)'

In addition to the above, following the original lodgement of eDA0177/24 the Bushfire Prone Land maps for Ku-ring-gai have been updated and the land that is known as Proposed Lot 101 will now fall outside the area mapped as buffer area (**Figure 8**). This is relevant and is taken into account in a revised bushfire statement which requests the NSW RFS GTAs.

The current 2024 Bushfire Prone Land Map indicates that of the new lots created, Proposed Lot 100, (already Bushfire prone buffer area), would retain the 'status quo'. However, Proposed Lot 101 would now be entirely outside the Bushfire Buffer zone.

The building footprint proposed in the indicative plan (as required by the DCP) is irrelevant for Proposed Lot 100 as this lot is to be reclassified 'Community' land and retained with a community classification. Proposed Lot 101, is however, likely to be redeveloped in the future and any future building is likely to be located over the existing hardstand carpark. No footprint is required in this instance as this can be reassessed at DA stage for any future 'physical' development.

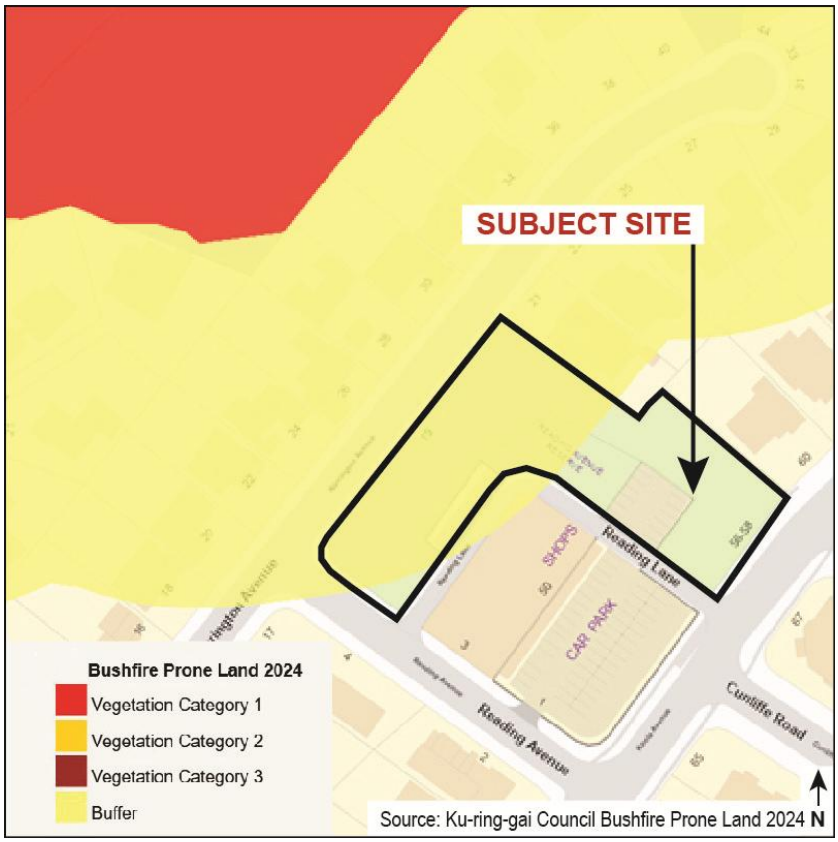


*Figure 8 – Updated 2024 Ku-ring-gai Bushfire Prone Land Map*

In view of the Council's resolutions to retain Proposed Lot 100 as a reserve (with reinstatement of the community land classification) and current Bushfire Prone Land mapping, the need to remove trees is not applicable. The current proposal is only for paper subdivision with no proposed physical works, so this can be assessed when a DA is lodged associated with any future use.

No additional infrastructure would be required for Proposed Lot 100 as this lot is to be reclassified as 'Community' land and retained as open space. Proposed Lot 101 is serviced by existing infrastructure such as electricity and sewer which are available in Koola Avenue, with stormwater drainage also available to Koola Avenue due to the fall in the land to the east.

Taking into consideration the current 2024 Bushfire Prone Land Map (which came into effect well after eDA0177/24 was lodged), Proposed Lot 101 is now outside the Bushfire Buffer zone. An amended Bushfire assessment has been prepared with this application and is to be considered by the RFS.

It is clear from the current Bushfire Prone Land Map that the area of the site affected by the buffer category has significantly reduced and Proposed Lot 101, once subdivided, would not be bushfire affected and this lot already contains a car park.

#### 4.7.2 Site Stability

*A Geotechnical Slope Stability Risk Assessment Report* has been carried out by JK Geotechnics Pty Ltd, dated 15 June 2022 to assess geotechnical slope stability hazards at the site and the risk imposed by those hazards.

The report concluded as follows: -

> *Our risk assessment has shown that the proposed subdivision can be completed to achieve an 'acceptable' level of risk in relation to slope instability.*
>
> *Since no development of either lot is proposed at this stage no specific geotechnical comments and recommendations are required at this time. However, in future if either lot is to be developed specific geotechnical advice should be obtained once the development details are known. This may require a geotechnical investigation of the site, the scope of which should be determined by the geotechnical engineer once the development is known.'*

#### 4.7.2 Services

No additional infrastructure would be required for Proposed Lot 100 as this lot is to be reclassified as 'Community' land and retained as open space. Proposed Lot 101 can be serviced by existing infrastructure and it is noted that electricity and sewer are already available in Koola Avenue, with stormwater drainage also available to Koola Avenue due to the fall in the land to the east.

Proposed Lot 100 is to be retained as community land, so no new vehicular access is required. Proposed Lot 101 already has level access via the existing carpark entry from Reading Lane.

## 4.8 Section 4.15C(1)(d) – Submissions

Pursuant to s.4.15(1)(d) of the EPA Act, Council is to give due consideration to any submissions made during the prescribed notification period.

## 4.9 Section 4.15C(1)(e) – Public Interest

The proposal is consistent with the relevant objectives of the C4 - Environmental Living and E1 – Local Centre zones under the KLEP and will not have any significant adverse impacts on the environment.

The subdivision proposal is considered to uphold the 'Objects of Act' of section 1.3 of the EPA Act which include:

*(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources;*

*(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;*

*(c) to promote the orderly and economic use and development of land;*

*(d) to promote the delivery and maintenance of affordable housing;*

*(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats;*

*(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage);*

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

*(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants;*

*(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State; and*

*(j) to provide increased opportunity for community participation in environmental planning and assessment.*

Accordingly, there is no reason which is in the public interest that would serve to preclude the favourable determination of the proposal.

# 5 Conclusion

SPS has prepared this Statement of Environmental Effects on behalf of Ku-ring-gai Council to address the proposed Torrens title subdivision of one allotment into two separate lots on the subject site at Lot 3 in Deposited Plan No. 588630 Nos. 56-58 Koola Avenue, East Killara.

The proposal is defined as 'development' for the purposes of s.1.5(1)(b) of the EPA Act as it involves 'the subdivision land'. The proposal **does not** propose any physical works to the site and is consistent with previous Council resolutions to formalise the existing zoning division of the site which is currently C4 – Environmental Living for Proposed Lot 100 and E1 – Local Centre for Proposed Lot 101.

The proposal seeks to subdivide a 4,387m$^2$ parcel of land currently on one title that comprises two (2) distinct zones under the KLEP as follows:

- Proposed Lot 100 (Zoned C4 - Environmental Living) 2,759m$^2$
- Proposed Lot 101 (Zoned E1 – Local Centre) 1,628m$^2$

The proposed new common lot boundary will align with the above zones, so that each respective new lot will have its own individual zone, rather than a split zone – consistent with the resolution of the Ordinary Meeting of Ku-ring-gai Council held on 26 May 2015 as follows:

> *'That, following gazettal of the rezoning and reclassification for Part 56-58 Koola Avenue, that the General Manager be authorised to proceed with the preparation and lodgement of a subdivision plan for the property to divide the property along the present zoning line and that, on creation, the allotment of land that is zoned as existing open space be given a community classification with the remainder of the property to be classified operational*.

It has consistently been Council's intention (following subdivision) to reclassify the greater portion of the site (Proposed Lot 100) back to 'Community' land and retain it as open space/reserve, with the part which was previously zoned B1- Business Neighbourhood (Proposed Lot 101) and currently zoned E1 - Local Centre, to be classified as 'Operational' land to enable this smaller parcel to be used for a variety of purposes. In the interim it has been necessary to reclassify the site as 'Operational' land, so that the subdivision of the site could proceed.

Pursuant to section 1.5(3) of the EPA Act, the proposal does not involve the 'carrying out of development' and legal advice from Shaw Reynolds Lawyers accompanies this application which confirms that the proposal involves the subdivision of land only.

The proposal is satisfactory having regard to s.4.15(1) of the EPA Act and clause 24 of the EPA Regulation. The proposal conforms to the requirements of KLEP and is consistent with the objectives of the C4 - Environmental Living and E1 – Local Centre zones under the KLEP and the planning objectives of Ku-ring-gai DCP.

The revised Bushfire Statement clarifies that no works are proposed and suggests alternate wording for the BFSA, so that updated GTAs can be issued by RFS as part of this application. The amended bushfire statement accompanying this application takes into consideration the current 2024 Bushfire Risk Assessment map which was not available prior to lodgement of eDA0177/24 and also Council's resolution of 26 May 2025 to reclassify Proposed Lot 100 to 'Community land' in the form of open space following subdivision of the land.

No tree removal or impact on biodiversity will occur in association with this proposal. Any future building works will be assessed separately in a subsequent development application under s.4.15 of the EPA Act. No changes to any existing utility services are applicable to the proposal and no utility/infrastructure services are proposed in which to facilitate the proposed development as s.1.5(3) of the EPA Act does not apply in this instance.

The proposal will have no discernible impact on the natural and built environment and a negligible social and economic impact. The site is suitable for the development as the proposal will provide better utilisation of the two new lots with the retention of the larger lot solely as a reserve and not encumbered by a portion of the site which permits development, and, the separation of the already disturbed (and partially developed) smaller lot able to be utilised for E1- Local Centre uses that it has been zoned for (as part of a separate future development application).

On balance, it is considered that favourable consideration of the proposal is within the public interest and worthy of support by the Ku-ring-gai Local Planning Panel.

RFS

NSW GOVERNMENT

Ku-ring-gai Council
Locked Bag 1006
GORDON NSW 2072

Your reference: (CNR-88416) eDA0548/25
Our reference: DA20251024004296-Original-1

**ATTENTION:** Luke Donovan

Date: Wednesday 24 December 2025

Dear Sir/Madam,

**Integrated Development Application**
**s100B – Subdivision – Subdivision**
**56-58 Koola Avenue East Killara 2071, 3//DP588630**

I refer to your correspondence dated 30/10/2025 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

**General Conditions**
The C4 Environmental Living zoned portion of the land must revert to Community land per Ku-ring-gai Council's resolution. The Council will need to ensure that the reclassification of land occurs in a timely manner after the land has been subdivided.

For any queries regarding this correspondence, please contact Simon Derevnin on 1300 NSW RFS.

Yours sincerely,

Joshua Calandra
**Manager Planning & Environment Srv (Est)**
**Built & Natural Environment**



**Postal address**

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
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RFS

NSW GOVERNMENT

# BUSH FIRE SAFETY AUTHORITY

Subdivision – Subdivision
56-58 Koola Avenue East Killara 2071, 3//DP588630
RFS Reference: DA20251024004296-Original-1
Your Reference: (CNR-88416) eDA0548/25

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997.*

Joshua Calandra
**Manager Planning & Environment Srv (Est)**
**Built & Natural Environment**

Wednesday 24 December 2025

# DEVELOPMENT APPLICATION

# ASSESSMENT REPORT

| | |
|---|---|
| **REPORT TITLE** | 69 Stanhope Road, Killara - Alterations and additions to an existing dwelling house |

| | |
|---|---|
| **APPLICATION NO** | eDA0710/25 |
| **PROPERTY DETAILS** | 69 Stanhope Road, Killara<br>Lot 3 DP 332457<br>Lot A DP 332798<br>2,905.00m²<br>Part R2 Low Density Residential<br>Part C4 Environmental Living<br>Part C2 Environmental Conservation |
| **WARD** | Roseville |
| **PROPOSAL/PURPOSE** | Alterations and additions to an existing dwelling house |
| **TYPE OF DEVELOPMENT** | Local |
| **APPLICANT** | Joonkie Chen |
| **OWNER** | J Chen |
| **DATE LODGED** | 19 January 2026 |
| **RECOMMENDATION** | Deferred Commencement Development Consent |

## PURPOSE OF REPORT

To determine Development Application No. eDA0710/25 for alterations and additions to an existing dwelling house at No. 69 Stanhope Road, Killara.

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** | Unauthorised works – concurrent Building Information Certificate<br>Clause 4.6 variation request – maximum building height |
| **Submissions** | Nil |
| **Land and Environment Court** | N/A |
| **Recommendation** | Deferred Commencement Development Consent |

## 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.

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

| Type | Application | Description | Decision | Date |
|---|---|---|---|---|
| | | | | |
| eDA | eDA0152/24 | Construction of a driveway, cabana, front entry gate, retaining walls and associated landscaping works - Heritage Conservation Area | Approved | 22/11/2024 |
| CC | CCPCA0205/25 | Construction of a driveway, cabana, front entry gate, retaining walls and associated landscaping works | Issued | 01/08/2025 |
| BIC (Building Information Certificate) | eBCU0117/25 | Unauthorised works to the dwelling, specifically –<br>1. Excavation of approximately 400mm in the lower ground floor garage area, resulting in floor levels being lowered from RL 92.22 to RL 91.82 at front of garage and from RL 91.88 to RL 91.48 at rear of garage, and from RL 92.22 to RL 91.82 in the laundry area;<br>2. Installation of unauthorised stud walls in the lower ground floor;<br>3. Removal of windows and doors on the lower ground floor; and<br>4. Removal of kitchen fittings on the ground floor and a bench on the first floor.<br><br>This is referred to as the Building Information Certificate (BIC) within this report. | Undetermined | |

**Current Development Application History**

| Date | Action |
|---|---|
| 19 January 2026 | Application lodged. |
| 29 January 2026 | The application was notified for a period of 14 days, between 5 February 2026 and 18 February 2026, to neighbouring property owners. No submissions were received. |
| 18 March 2026 | The applicant corrected minor errors on the plans, specifically – |

| | |
|---|---|
| | - the rear window to the lower ground floor garage was omitted from the original plans. The amended plans now indicate this window.<br>- the cabinetry exists within the kitchen on the ground floor. A note was included that this will be demolished and replaced. |

**THE SITE**



***Figure 1: Aerial photograph of subject site, as marked in red, and surrounding development (Source: Geocortex)***

**Site description**

The subject site is described as Lot 3 in DP 332457 and Lot A in DP 332798 and is more commonly known as No. 69 Stanhope Road, Killara **(Figure 1)**. The subject site is irregular in shape, with a frontage of approximately 28.32 metres to Stanhope Road and a total area of 2,905m². Lot 3 in DP 332457 is the front allotment and contains a dwelling house, swimming pool, cabana and driveway. Lot A in DP 332798 is the rear allotment and contains a tennis court with bushland beyond. The site falls from the front, north-western, corner to the rear, south-eastern, corner. The site is located on the low or southern side of Stanhope Road.

The site is unique in that is contains a large landscaped front garden, with several retaining structures, a swimming pool close to the front boundary and a part three-storey dwelling set back deep in the centre of the site. A long driveway runs adjacent to the eastern boundary of the site and provides access to the lower ground level garages (front and rear). To the rear of the dwelling is a grass tennis court with bush beyond that appears largely inaccessible.



*Figure 2: Front of the subject site*



*Figure 3: North-eastern elevation of the subject dwelling house*



*Figure 4a: Lower level rear garage of the subject dwelling house*



*Figure 4b: Lower level front garage of the subject dwelling house*

| Constraint: | Application: |
|---|---|
| Visual character study category | 1920-1945 |
| Easements/rights of way | Yes - Drainage easement adjacent to the eastern boundary |
| Heritage Item - Local | No |
| Heritage Item - State | No |
| Heritage conservation area | Yes – C22 'Crown Blocks Conservation Area' |
| Within 100m of a heritage item | Yes – Nos. 66 and 77 Stanhope Road |
| Bush fire prone land | Yes – part 'Vegetation Category 2' and part 'Buffer zone' |
| Natural Resources Biodiversity | Yes – rear of site mapped |

| | |
|---|---|
| Natural Resources Greenweb | Yes – part 'Biodiversity Corridors and buffer areas' and part 'Support for Core Biodiversity Lands' |
| Natural Resources Riparian | Yes – rear of site mapped |
| Within 25m of Urban Bushland | Yes |
| Contaminated land | No |

**Surrounding development**

Surrounding development predominantly consists of dwelling houses on large, landscaped allotments. To the west of the site at No. 67 Stanhope Road, Killara, is a seniors living development commonly known as 'Swains Manor', which is zoned C4 Environmental Living. To the east of the site at No. 71 Stanhope Road, Killara, is a two-storey dwelling house, with an attached front garage and several well-maintained hedges within the front garden. This site is zoned R2 Low Density Residential. The streetscape is generally characterised by Federation, Inter-war and Post-war period homes. Council's road reserve along Stanhope Road predominately contains small to medium sized trees, with an intermittent dispersal of several large trees throughout which form the tree canopy for the streetscape.

To the south-east of the site is 'Swain Gardens' which is zoned RE1 Public Recreation and further to the south-west of the site is Wombin Reserve which is zoned C2 Environmental Conservation. A number of the properties surrounding these reserves, particularly those fronting Northcote Road are zoned C4 Environmental Living. The Newington College Preparatory School is located adjacent to Swain Gardens with access from Northcote Road.

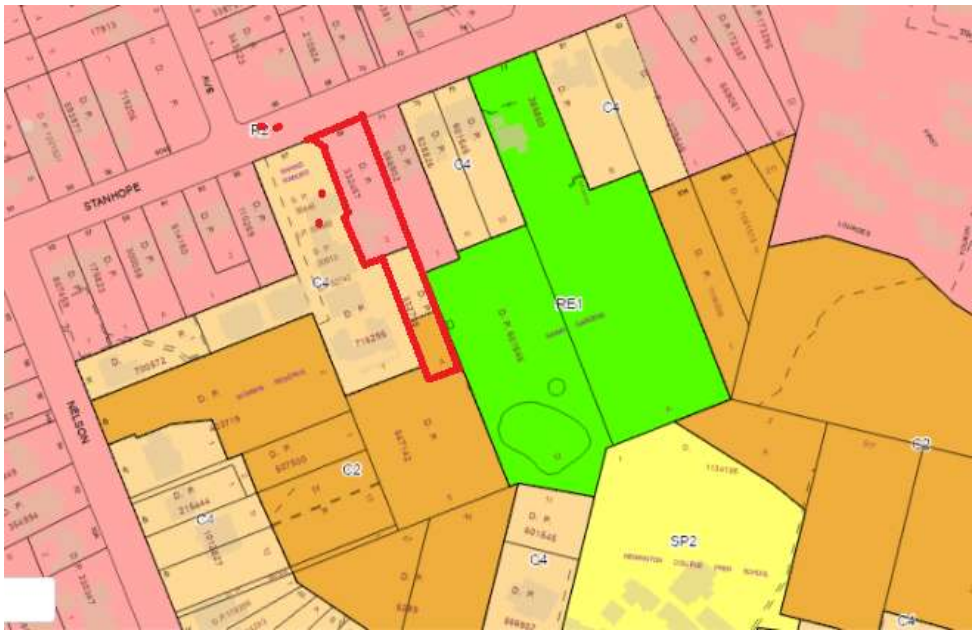



***Figure 5: Extract from Ku-ring-gai Local Environmental Plan (KLEP) zoning map (subject site in red outline)***

**THE PROPOSAL**

The application proposes alterations and additions to the dwelling house, specifically –

- The replacement of roof tiles to the dwelling house. The roof tiles are to match the existing glazed terracotta Marseille tiles.

- Internal works are proposed as follows:

  Lower ground floor –
  - new garage doors, new windows to garages, laundry and store rooms;
  - existing door to eastern side of garage to be removed and replaced with a new window;
  - use of parts of the lower ground floor for the purposes of a laundry and store/storage rooms;
  - provision of a bench and sink in the laundry;
  - construction of a new wall and door to the store room;

  Ground floor –
  - demolition of an internal section of wall within the bathroom and new bathroom fittings;
  - provision of new kitchen fittings;

  First floor –
  - provision of a bar room with a new bench;
  - provision of a new watercloset (WC);
  - demolition of sections of existing wall and fittings within bathroom demolished and replaced with new bathroom fittings.

**Note** – At the site visit, the following was observed –
- the existing external openings at the lower ground floor (south-western and south-eastern sides) do not currently contain any existing windows (see ***Figures 6 a, b, c and d*** below);
- no garage doors exist;
- The existing bathrooms and WC contain the original bathrooms fittings (see ***Figures 7 a, b***, ***c and d*** below); and cabinetry exists within the kitchen (see ***Figure 8*** below).



***Figure 6a: Looking north-east towards the rear of the existing garage which shows the existing two window openings***



***Figure 6b: Looking east towards the rear of the existing garage which shows the existing window opening and existing door***



*Figure 6c: Looking east towards the proposed laundry which shows the existing window opening*



*Figure 6d: Looking east towards the proposed storage room which shows the existing window opening*



*Figure 7a: The existing ground floor bathroom*



*Figure 7b: The existing first floor bathroom*



*Figure 7c: The existing first floor bathroom*



*Figure 7d: The existing first floor WC*



***Figure 8: New cabinetry within the kitchen***

## CONSULTATION

### Community

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

### Amended Plans dated 18 March 2026

The amended plans were not required to be notified as the proposed amendments, as determined by the Team Leader Development Assessment, do not result in a greater environmental impact than the original proposal.

### Internal Referrals

### Heritage

The subject site is situated within a heritage conservation area.

Council's Heritage Advisor commented on the proposal as follows:

> ***Ku-ring-gai Local Environmental Plan (KLEP) 2015***
>
> *Clause 5.10 of the KLEP 2015 requires that before granting consent to the proposed works Council must consider the effect of the works on the heritage item, nearby items or conservation area concerned. Clause 5.10 (5) allows Council to require a Heritage Impact Statement before granting consent.*

| | |
|---|---|
| *Local Heritage Item* | *No* |
| *Heritage Conservation Area* | *C22 – 'Crown Blocks Conservation Area'* |
| *Immediate vicinity of a heritage item* | *No. 66 Stanhope Road* |

| | |
|---|---|
| | *No. 77 Stanhope Road* |
| *Immediate vicinity of a HCA* | *C21- 'Springdale Conservation Area'*<br>*C26 – 'Oliver Grant Conservation Area'* |

***Statement of Significance***

*Council's heritage inventory sheet has the following statement of significance for the Crown Blocks Conservation Area - C22*

*The Crown Blocks Conservation Area has historic significance as Crown Blocks which sold in the1890s whose boundaries are evident through the following streets: Tryon Road and Nelson Road. The area has historic significance for the further subdivision of Crown Blocks as Mackenzie Estate in 1907, Lightcliff Avenue and Slade Avenue in 1916 and Belhelvie Estate in 1919. The area has aesthetic significance for the intact Federation and Inter-war houses, with some examples of mid to late twentieth century development. Nelson Road consists mainly of Federation period houses with consistent siting, massing and architecture. Lightcliff Avenue represents a significant example of cohesive subdivision and development with housing styles including Inter-war Mediterranean and Old English. The Seven Little Australians Park and Killara Oval are important inclusions to the HCA, providing large landscape elements of high visual amenity.*

***Controls***
*The following objectives and controls of the Ku-ring-gai Development Control Plan 2024 (KDCP) apply:*

| ***Development Controls*** | ***Complies*** |
|---|---|
| ***19B. DEMOLITION WITHIN HCAs AND DEMOLITION RELATED TO A HERITAGE ITEM*** | |
| ***19B.1 Demolition within HCAs*** | |
| *1. In accordance with the Ku-ring-gai Local Environmental Plan, development consent is required for demolishing or moving a building, work, relic or tree within a conservation area.* | ***YES*** |
| *2. The demolition of Heritage Items and contributory properties within HCAs is not supported.* | ***YES*** |
| *4. In considering applications for partial demolition of buildings, structures and landscape features (including significant trees) within HCAs, Council will assess:*<br>*i) the significance of the building part or structure and/or landscape feature and whether its retention is considered necessary;*<br>*ii) its contribution to the streetscape;*<br>*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;*<br>*iv) opportunities for adaptive re-use of the building.* | ***YES*** |

| Development Control | Complies |
|---|---|
| **19C.4 Access and Parking** | |
| **New Garages and Carports** | |
| 15. New double garage doors are to be divided by a central mullion or constructed as two doors separated by a pier. | **NO** |

*The following is an assessment of the non-compliance.*

***19C.4 Access and Parking***

***Equitable Access***

*Objective*

1. *To ensure that modifications to provide access do not adversely affect significant built fabric of either individual buildings or the HCA as a whole.*

*Objectives relevant to new garages and carports*

8. *To allow for on-site car parking where possible while retaining the character of the property, the streetscape and significance of the HCA.*
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.*
10. *To minimise the visual impact of new car parking by locating garages and carports at the side or rear of properties, where possible.*
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.*

*For the following reasons, the objectives of the controls are achieved despite the variation to the design control Part 19C.4 – (15) –*

- *The proposed double garage door replaces an earlier garage door, is located on the side elevation and is not highly visible from the public domain given the setback of the dwelling from the street. The proposed double garage door is therefore acceptable.*

| Development Control | Complies |
|---|---|
| **19C.6 Roof Forms and Structures Attached to Roofs** | |
| **Roofs, Chimneys, Dormers, and Skylights** | |
| 1. Fireplaces and chimneys are important building elements within HCAs and are to be retained. | **YES** |
| 2. Roof forms and details vary widely according to building type and architectural style, and this variety of forms makes an important contribution to the visual complexity of the HCA and are to be retained | **YES** |
| 3. The existing principal roof form is to be retained to the extent that it can be interpreted. The roofs of alterations and additions are to have a separate linked section. New roof forms for new work will be considered where they are complementary in design, not visible from the public domain (No pop tops) and follow historic practices, such as rear skillion roofs. | **YES** |
| 7. Appropriate roofing materials are profiled terracotta tiles, slate and other original roofing materials. Replica flat slate and concrete roof tiles are not permitted. | **YES** |

| *Development Control* | *Complies* |
|---|---|
| ***19F. DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS OR HERITAGE CONSERVATION AREAS (HCAS)*** | |
| ***19F.1 Local Character and Streetscape*** | |
| *General*<br>*1. All development in the vicinity of a Heritage Item or HCA is to include a Heritage Impact Statement (HIS). The HIS is to address the effect of the proposed development on a Heritage Item or HCA and demonstrate that the proposed works will not adversely impact upon significance, including any related heritage features within the identified curtilage and setting.* | ***YES*** |
| ***Built Form*** | |
| *2. Development on sites that either directly adjoin or are in the vicinity of a Heritage Item or an HCA is to have regard to:* | |
| *i) the form of the existing building or buildings including height, roofline, setbacks and building alignment;* | ***YES*** |
| *iv) materials and colours;* | ***YES*** |

***Conclusion***

*The proposed replacement roof, garage doors, windows and internal fittings and fixtures will have a minimal impact on the heritage conservation area and items in the vicinity and are acceptable from a heritage perspective.*

The above referral comments have been considered, and it is agreed that the proposal will not have an adverse impact on the heritage conservation area or nearby heritage items.

## External Referrals

### NSW Rural Fire Service

In accordance with Section 4.14 of the *Environmental Planning and Assessment Act 1979*, Council has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements. The Bushfire Risk Assessment states that the development conforms to the relevant specifications and requirements. As such, the application does not require a referral to Rural Fire Services.

Council has considered the measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. The recommendations of the Bushfire Report are included as a condition of consent (**Conditions 1, 14, 37 and 38***).*

## 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.

**Climate Change and Natural Hazards State Environmental Planning Policy**

The Climate Change and Natural Hazards SEPP was publicly exhibited between 17 February and 16 March 2026. The submissions are currently under consideration by the Department. The Climate Change and Natural Hazards SEPP is intended to replace the Resilience and Hazards SEPP. This SEPP is intended to address risks associated with climate change, urban heat, bushfire, coastal hazards and flooding. The proposed works are confined to the existing dwelling house and will not create any additional risks that would be contrary to this SEPP.

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

The provisions of Clause 6.6 'Water quality and quantity' have been considered in the assessment of the proposal. The application does not seek any change to the existing stormwater system. The proposal therefore satisfies the requirements of Clause 6.6.

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

A valid BASIX certificate has been submitted, and the proposal is consistent with commitments identified in the certificate. As per the requirements of Clause 2.1(5), the consent authority may be satisfied that the application includes information in which the embodied emissions attributable to the development have been quantified.

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

**Clause 1.2 Aims of the Plan**

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

**Zoning and permissibility**

The site has a split zoning as detailed below and indicated in **Figure 5** earlier within this report –

- Front half of site (Lot 3 DP 332457) – R2 Low Density Residential
- Rear half of site (Lot A DP 332798) – split between C4 Environmental Living (location of tennis court) and C2 Environmental Conservation (bushland at rear)

The proposed development is confined only to the existing dwelling house, and this part of the site is zoned R2 Low Density Residential. The proposed development is permissible with development consent. There are no proposed works on either the C4 Environmental Living or C2 Environmental Conservation parts of the site.

**Zone objectives**

The objectives of zone R2 Low Density Residential 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 provide for the housing needs of the residents, noting the dwelling is currently not occupied; and
- involves only minor works that will not materially alter the form, massing or scale of the dwelling. The works will remain compatible with the existing built character along this part of Stanhope Road.

The proposed development therefore upholds the R2 Low Density Residential zone objectives.

**Development standards**

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

| Development standard | Proposed | Complies |
|---|---|---|
| **Cl 4.3 - Height of buildings:**<br>Maximum Building Height - 9.5 metres | 11.43 metres (to ridge (RL102.91) of replacement roof).<br>*20.3% variation*<br>See **Note 1** below | **NO** |
| **Cl 4.4 - Floor space ratio (FSR):**<br>Subclause 2A Calculation 0.3:1<br>Gross Floor Area = 538.8m² (see **Note 2** below) | Lower Ground Floor –79.2m² (excluding 31m² of garage)<br>See **Note 3** below<br>Ground Floor – 136m²<br>First Floor – 150.1m²<br>External cabana – 9.02m²<br>**Total GFA** – 374.32m²<br>**FSR** – 0.208:1 | **YES** |

**Note 1** - the proposed building height is based on the existing ground level directly below the ridge which is RL91.48 (which is the existing unauthorised floor level of the garage).
**Note 2** – the FSR is based on only the R2 portion of the site wherein the dwelling is erected and the works proposed. This part of the site has an area of 1,796m².
**Note 3** – the proposed front storage area is excluded as it is defined as basement as per the KLEP. This is because the external ground level is less than 1 metre to the ground floor level of the dwelling.

**Clause 4.6 Exceptions to development standards**

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

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

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

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

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

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

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

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

***5.3.1. First Way: Objectives of the Development Standard are achieved***

*The objectives of Section 4.3 of the Ku-ring-gai Local Environmental Plan 2015 are achieved despite the non-compliance with the maximum building height limit. Those objectives are extracted below:*

*"4.3 Height of buildings*
*1) The objectives of this clause are as follows—*
*a. to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres,*
*b. to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,*
*c. to enable development with a built form that is compatible with the size of the land to be developed.*
*2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map."*

*In Wehbe at [43], Chief Justice Preston explained:*

*"43 The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."*

*The objectives of section 4.3 are addressed in turn below.*

*5.3.1.1.* ***Objective (a): To ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres***

*The dwelling is not located within an area identified as a centre and the height of the building is appropriate for its locality and matches the original roof design. The visual, scenic and environmental qualities [of] the subject site will be maintained when viewed from the street as the development would maintain its two storey character.*

*5.3.1.2.* ***Objective (b): To establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity***

*Since the building envelope will remain unchanged, the local amenity and the Heritage Conservation Area will continue to be protected with no increase in visual impact, loss of privacy or loss of solar access to surrounding development.*

*5.3.1.3.* ***Objective (c): To enable development with a built form that is compatible with the size of the land to be developed***

*The built form of the existing dwelling will remain substantially the same and be compatible with the size of the subject site which has a total site area of 2,905m². Strict compliance with the numerical development standard is considered to be unreasonable and unnecessary in the current circumstances as the size of the development is proportionate to the size of the site and existing building.*

Whilst the applicant has characterised the dwelling house as two-storeys, it is noted that the dwelling house is partly three storeys. Nevertheless, the grounds put forward by the applicant are concurred with. It is agreed that the new roof will match the existing height of the dwelling house and will remain unchanged when viewed from adjoining properties and Stanhope Road. The additional height is technical in nature and a result of the unauthorised internal excavation at lower ground floor level. It is also agreed that the bulk and scale of the dwelling house will not be altered and that there will be no impacts on privacy or solar access for adjoining properties. The built form is therefore compatible with the size of the site. Strict compliance with the height of building standard is therefore unreasonable and unnecessary in the site circumstances.

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

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

*(1) The building height is already exceeded as a result of the existing roof.*
*(2) The new roof height and tiles will be the same height and material as the existing roof.*
*(3) The front elevation of the dwelling is below the maximum building height and exceedance of the development standard is limited to only the side and rear of the dwelling.*
*(4) No additional bedrooms or dwelling GFA is created as a result of the building height.*
*(5) The variation to the development standard will not increase amenity impacts to adjoining properties.*

*For the above reasons it is considered that there are sufficient environmental planning grounds consistent with Clause 4.6(3)(b) to warrant support from Council.*

Environmental planning grounds numbered 1, 2, 3 and 5 (as identified above) are agreed with and are sufficient to warrant the proposed variation to the height of building standard. Environmental planning ground number 4 is not agreed with as additional GFA is technically provided within the new laundry at the lower ground floor level. This laundry is not located within a basement, as defined in the KLEP.

**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 but is located within 100 metres of several items and is within a heritage conservation area. The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance.

The proposed development will have minimal impact on the heritage conservation area and items in the vicinity and will therefore satisfy the objectives in Clause 5.10 in KLEP.

**Part 6 Additional local provisions**

**Clause 6.1 – Acid sulphate soils**

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The land is mapped as Class 5 Acid sulphate 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 does not involve any earthworks. The unauthorised earthworks will be considered as part of the Building Information Certificate (BIC).

**Clause 6.3 - Biodiversity protection**

The rear part of the of the site is mapped on the ‘Terrestrial biodiversity’ map. This mapping is confined to only the part of the site that contains the tennis court and bushland. There are no proposed works in this area. The part of the site that contains the dwelling house is not mapped.

**Clause 6.4 - Riparian land and adjoining waterways**

The rear part of the of the site is mapped on the 'Riparian Land' maps. This mapping is confined to only the part of the site that contains the tennis court and bushland. The part of the site that contains the dwelling house is not mapped.

The proposed development is limited to minor works to the dwelling house and will not result in impacts on the riparian land.

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

The proposed development does not alter the existing stormwater management system. Subject to a condition requiring drainage to be directed to the existing system (**Condition 28**), the proposed development would be consistent with the objectives of this clause.

**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 acceptable in all relevant respects for the reasons given throughout this report.

**Part 2: Site analysis**

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

**Part 4: Dwelling Houses**

The table below addresses the relevant 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***<br>Design components of new development are to be based on the existing predominant and high quality visual character of the local neighbourhood. | The proposed works are consistent with the visual character of the area. | **YES** |
| The appearance of the dwelling is to maintain the local visual character by considering the following elements:<br><br>i) visibility of on-site development when viewed from the street, public reserves and adjacent properties; and<br><br>ii) relationship to the scale, layout and character of the tree dominated streetscape of Ku-ring-gai. | The appearance of the dwelling will remain largely unchanged when viewed from adjoining properties and Stanhope Road. | **YES** |

| DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| The prominent and high quality characteristics of the neighbourhood are to be identified and considered as part of the site analysis. | The key characteristics are identified as part of the site analysis. | **YES** |
| ***Public Domain and Communal Space***<br>Development is to integrate with surrounding sites by:<br><br>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;<br><br>ii) minimising overshadowing; and<br><br>iii) integrating built form and soft landscaping (gardens and trees) within the tree canopy that links the public and private domain throughout Ku-ring-gai. | The scale of the dwelling remains unchanged when viewed from Stanhope Road and adjoining properties. There will be no additional overshadowing impacts. | **YES** |
| 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 colours of the materials are in harmony with the heritage conservation area | **YES** |
| **4B – Access and Parking** | | |
| **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. | 3 spaces are maintained. | **YES** |
| Where more than 2 car spaces are proposed, triple (or greater width) garage openings within the front elevation are not permitted. | A single garage and a double garage is maintained. | **YES** |
| Provision of more than 2 car spaces is discouraged in locations where there is availability of public transport. | 3 spaces are maintained which is acceptable given the distance to Killara Train Station. | **YES** |
| The minimum dimensions of a residential parking space are to be:<br><br>ii) unobstructed single garage 3.0 x 5.4 m<br><br>iii) double garage 5.4 x 5.4m | No change to existing garage dimensions.<br>*Southern garage* – 3 metres x 5.6 metres<br>*Northern garage* – 4.6 metres x 5.9 metres.<br>Although, the northern garage is technically non-compliant with one of its dimensions, it's an existing parking space. The application does not propose any change to the dimensions, to require changes would be | **YES** |

| DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| | unreasonable and unrelated to the application, consequently on merit it is acceptable. | |
| The area of garages in excess of 31m$^2$ is included in floor space calculations. | The gross floor area of the garage exceeds 31m$^2$ and the excess floor area has been included in the floor space calculation. | **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. | The spaces are located behind the front building line. | **YES** |
| The scale and design of carport and garage structures are:<br><br>i) to be sympathetic to existing development on-site;<br><br>ii) to consider adjacent buildings;<br><br>iii) to consider proximity to drainage systems;<br><br>iv) to be integrated into the building design; and<br><br>v) not to dominate the site, dwelling and landscape, or the streetscape. | The garages remain integrated within the lower ground floor of the dwelling. | **YES** |
| Works should not prevent ability to provide 2 spaces behind building line | 2 spaces remain located behind the building line. | **YES** |
| 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) | The garage doors are not visible from Stanhope Road. | **YES** |
| **4C – Building Design and Sustainability** | | |
| **4C.1 Building Envelopes** | | |
| The maximum height of a dwelling is 9.5m (including any garage, basement or the like) and present as a 2 storey dwelling house. | 11.43 metres and continues to present as part two, part three storeys. Refer to discussion below. | **NO** |
| The following matters are to be considered with regard to the potential impact on neighbouring properties and local character: | The proposed development does not impact the amenity of neighbouring properties and the streetscape character. | **YES** |

| DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| i) opportunities to minimise overshadowing of living and private open space areas and solar panels;<br><br>ii) opportunities to minimise overlooking of living and private open space areas;<br><br>iii) opportunities to minimise adverse impacts on any significant bushland, or distant views;<br><br>iv) the relationship with the streetscape. | | |
| Development is to avoid the creation of an overbearing effect upon adjoining development by:<br><br>i) ensuring appropriate side setbacks and landscaping are incorporated in the design;<br><br>ii) ensuring all built structures are within the building height plane as illustrated in Figure 4C.1-2 of the DCP (4m @ 45°);<br><br>iii) the relationship with the streetscape. | No changes to the building envelope. The replacement roof tiles are to match existing, ensuring there is no impact on the streetscape or adjoining properties. | **YES** |
| **4C.2 Building facades** | | |
| 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 changes to the façade at lower ground floor level with the new windows and doors will not add to the massing of the dwelling. | **YES** |
| Alterations and additions to an existing dwelling are to be:<br><br>i) designed so that they are integrated into the existing building;<br><br>ii) result in the new and old structures appearing as one building from the street.<br><br>This may be achieved through the choice of materials, detailing, building proportion and configuration. | The additions are integrated into the existing dwelling house. | **YES** |

| 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. | No changes are proposed to the bulk or scale at the first floor level. | **YES** |
| ***Roof line*** | | |
| Roof structures are to be designed to minimise bulk and overshadowing of neighbouring buildings and open spaces by:<br><br>i) considered selection of material, colour and pitch;<br><br>ii) use of low-angled pitched roofs providing that they are compatible with existing development and the streetscape character; or<br><br>iii) inclusion of habitable rooms within the roof space. | The roof structure including material, colour and pitch match existing. Requiring a low roof pitch would not be consistent with the streetscape character. | **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:<br><br>i) consideration of siting and orientation of buildings;<br><br>ii) use of setbacks which increase with building heights;<br><br>iii) landscape design and location of vegetation including deciduous or tall trees;<br><br>iv) consideration of window locations and size. | No impacts on solar access to adjoining properties as the proposal maintains the same ridge height and roof pitch. | **YES** |
| **4C.6 Natural Ventilation** | | |
| Building design is to incorporate measures for natural cross ventilation as specified in Control 1. | Natural cross ventilation is maintained within the dwelling. | **YES** |
| **4C.9 Waste Management** | | |
| During the design of the development, construction waste is to be minimised by:<br><br>i) using recycled materials, selecting materials that reduce waste or do not | A satisfactory waste management plan has been submitted with the application. | **YES** |

| DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| require disposal, or can be reused or recycled in the future;<br><br>ii) designing with minimal site disturbance by avoiding unnecessary excavation or fill. | | |
| **4C.10 Materials and Finishes** | | |
| Where additions and alterations are proposed, external materials and finishes must complement the existing building. | The new roof, window and door materials will match existing. | **YES** |

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

**4C.1 Building Envelopes**

The maximum height of the dwelling is 11.43 metres and will present as part 2 and part 3 storeys. This is non-compliant with Control 1, Part 4C.1 in KDCP which states that the maximum height of a dwelling is 9.5 metres and that the dwelling is to present as a 2 storey dwelling house.

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

1 *To limit the height and bulk of buildings so that they do not dominate the natural landscape or the tree canopy.*
2 *To ensure that buildings are responsive to the site.*
3 *To maintain the integrity of the existing streetscape.*
4 *To provide for quality interior spaces while considering the external building form requirements.*
5 *To limit the extent of visual and noise intrusion on the private spaces of neighbouring properties.*
6 *To allow adequate daylight, sunlight and ventilation to habitable rooms and private open spaces for new and neighbouring dwellings of the site and of neighbouring sites.*
7 *To ensure that significant views from neighbouring dwellings and public reserves are not adversely impacted.*

For the following reasons, the objectives are achieved notwithstanding the numerical non-compliance with the control –

i. There will be no external change to the existing height of the dwelling. The change to the height of the dwelling is internal and is a consequence of the unauthorised excavation at the lower ground floor level.

ii. The dwelling will continue to present as 2 storeys when viewed from Stanhope Road.

iii. The 3-storey presentation is confined only to the side and rear of the dwelling house and can only be observed from parts of the adjoining properties at Nos. 67 and 71 Stanhope Road. There is no material change to the presentation of the dwelling house when viewed from these adjoining properties.

iv. The dwelling house maintains the integrity of the streetscape and adjoining properties will not be adversely affected.

**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.

**Part 16 – Bushfire Risk**

The site is mapped as bush fire prone land.

In accordance with the provisions of Section 4.14 of the *Environmental Planning and Assessment Act 1979*, Council has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements. The Bushfire Risk Assessment also states that the development conforms to the relevant specifications and requirements. As such, the application does not require a referral to Rural Fire Services.

Council has considered the measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. The recommendations of the Bushfire Report are included as conditions of consent (**Conditions 1, 14, 37 and 38**).

**Part 19 – Heritage and Conservation Areas**

The site is within a heritage conservation area and is within 100 metres of other heritage items at Nos 66 and 77 Stanhope Road, Killara, but is not listed as a heritage item.

The proposed development will have minimal impact on the heritage conservation area and items in the vicinity and will therefore satisfy the relevant controls in Part 19 of the KDCP. Refer to detailed comment in the Heritage referral section earlier within this report.

**Section C**

| Development Control | Proposed | Complies |
|---|---|---|
| **Part 21 General Site Design** | | |
| **21.1 – Earthworks and slope** | | |
| Development considers site topography, drainage, soli landscapes, flora, fauna and bushfire hazard by:<br>• Stepping buildings down the site<br>• Locate finished ground level as close to the natural ground level as practicable<br>• Level changes to occur primarily within building footprint | The proposed development does not alter the topography of the site. | **YES** |
| **Part 23 – Building Design and Sustainability** | | |
| **23.7 – Acoustic Privacy** | | |
| Design minimises impact of internal and external noise sources | Acoustic privacy is maintained. | **YES** |
| Noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of | Conditions relating to noise levels associated with mechanical | **YES** |

| | | |
|---|---|---|
| equipment or in combination shall not be audible within any habitable room in any residential premises before 7am and after 10pm. Outside of these restricted hours noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of equipment or in combination shall not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the boundary of the nearest potentially affected neighbouring properties. The background (LA90, 15 min) level is to be determined without the source noise present.<br>Note: Council requires an acoustic assessment be undertaken for multi-dwelling housing, residential flat buildings, mixed-use development, non-residential buildings, and child care centres. Council may require an acoustic assessment be undertaken for dwelling houses and secondary dwellings. Assessment must be undertaken by a suitably qualified acoustic consultant to assess compliance with the above criteria. Recommended noise attenuation measures must be included in this report where applicable. | ventilation to new kitchen fittings are recommended (**Conditions 36 and 39**). | |
| **23.8 – Visual Privacy** | | |
| Visual privacy maintained for occupants and for neighbouring dwellings | The new windows to the lower ground floor will maintain privacy for adjoining properties. | **YES** |

**Part 24 – Water management**

The proposed development does not alter the existing stormwater management system. Subject to a condition requiring drainage to be directed to the existing system (**Condition 28**) the proposed development is consistent with the objectives of this Part.

Other matters

*Use of lower ground floor*

The use of part of the lower ground floor for a laundry and storage area is acceptable. These spaces are non-habitable, confined to the existing building footprint and will not reduce amenity for adjoining properties. The existing plumbing associated with the laundry, as evidenced in **Figure 6c**, will need to form part of the BIC. No concerns are raised with the new bench, sink and appliances as they do not exist and can form part of this DA.

*Kitchen cabinetry*

The new cabinetry in the kitchen exists as evidenced by **Figure 8**. The cabinetry and the fittings would be Exempt Development, pursuant to Part 2, Division 1, Subdivision 26, Section 2.51 of SEPP (Exempt and Complying Development) 2008.

*New bar at first floor level*

The bar with bench at first floor level is limited in detail and could potentially be used for the purposes of another kitchen. To avoid this, it is recommended as a condition of consent that this building only be used as a single occupancy (**Condition 40**).

*Unauthorised works and the BIC*

To ensure the orderly development of the land, it is recommended that a deferred commencement condition be imposed requiring that a BIC to be issued to regularise the unauthorised works at the lower ground floor level of the dwelling before this consent can become operational (**Deferred Commencement Condition 1**). That is because the works the subject of this DA, in part, rely on the regularisation of these works, including but not limited to the excavation at lower ground floor level and the stud walls to the lower ground floor spaces.

**Ku-ring-gai Section 7.12 Contributions Plan 2023**

In accordance with *Ku-ring-gai Section 7.12 Contributions Plan 2023*, the development attracts a Section 7.12 Contribution of $852.94 which is required to be paid prior to the issue of any Construction Certificate **(Condition 15)**.

## REGULATION

Section 61(1) of the Environmental Planning & Assessment Regulation 2021 requires the consent authority to consider the provisions of *Australian Standard AS 2601-2001: The demolition of structures.* The partial demolition of the existing structure(s) will be carried out in accordance with a work plan and statement of compliance that will be required to be submitted to the Principal Certifier prior to the commencement of any works (**Condition 10**). A condition to this effect has been included in the recommendation section of this report.

## LIKELY IMPACTS

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

## SUITABILITY OF THE SITE

The site is suitable for the proposed development.

## PUBLIC INTEREST

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

## CONCLUSION

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

**RECOMMENDATION**

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

A. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, is satisfied that the request submitted under Clause 4.6 to vary the maximum height of building development standard in Clause 4.3 of the KLEP has met the requirements of Clause 4.6(3). The Panel is also of the opinion that strict compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the variation to the development standard.

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 being satisfied that the proposed development would be in the public interest, grant deferred commencement development consent to eDA0710/25 for alterations and additions to an existing dwelling house at No. 69 Stanhope Road, Killara. Pursuant to Section 4.53(6) of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years from the date on which the consent becomes operable.

**SCHEDULE A: Deferred Commencement Term(s) to be satisfied prior to the consent becoming operable**

***The following deferred commencement term(s) must be complied with to the satisfaction of Council within 24 months of the date of granting of this deferred commencement development consent:***

**1. Building Information Certificate**

A Building Information Certificate for the regularisation of the relevant unauthorised parts of the dwelling house is to be obtained by the applicant prior to this development consent becoming operational. This Building Information Certificate must be obtained within 24 months of the date on which this deferred commencement development consent was granted.

**Reason:** To ensure the orderly development of this part of the site and to ensure that the structures that are sought to be relied upon for this consent are the subject of an issued Building Information Certificate.

***Once the consent becomes operational, the conditions in Schedule B below will apply. Upon the procurement of the Building Information Certificate referred to in Condition 1, the consent will become operational.***

**SCHEDULE B: The standard conditions of consent are set out as follows**
**CONDITIONS THAT IDENTIFY APPROVED PLANS:**

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

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

| Plan no. | Drawn by | Dated |
|---|---|---|
| *Architectural Plans* | | |
| A03 – Proposed Front Site Plan, Rev A | Innovix | 10/09/2025 |
| A04 – Proposed Rear Site Plan, Rev A | Innovix | 10/09/2025 |
| A05 – Lower Ground Floor Plan, Rev B | Innovix | 18/03/2026 |
| A06 – Ground Floor Plan, Rev B | Innovix | 18/03/2026 |
| A07 – First Floor Plan, Rev A | Innovix | 10/09/2025 |
| A08 – Roof Plan, Rev A | Innovix | 10/09/2025 |
| A09 – Main Dwelling Elevations, Rev A | Innovix | 10/09/2025 |
| A10 – Main Dwelling Elevations, Rev B | Innovix | 18/03/2026 |
| A11 – Main Dwelling Sections, Rev A | Innovix | 10/09/2025 |
| A13 – BASIX Commitment, Rev A | Innovix | 10/09/2025 |

| Document(s) | Dated |
|---|---|
| Basix certificate No. A509041_03 | 07/12/2025 |
| Bush fire risk assessment and certification prepared by: Sydney Bushfire Consultants. Ref: 9BA – 2924 – 4 | 10/12/2025 |
| Waste Management Plan prepared by: Innovix Consulting Pty Ltd | undated |

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

**2. Inconsistency between documents**

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

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

**3. No demolition of extra fabric**

Alterations to, and demolition of, the existing building shall be limited to that part of the existing building as documented on the approved plans (by way of notation or otherwise). No approval is given for removal and/or rebuilding of any part of the existing building which is shown to be retained by the approved plans.

**Reason:** To ensure compliance with the Development Consent.

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

**4. Asbestos works**

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

**Reason:** To ensure public safety.

**5. Notice of commencement**

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

**Reason:** Statutory requirement.

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

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

**Reason:** Statutory requirement.

**7. Structural adequacy (alterations and additions)**

Prior to commencement of any works, the Principal Certifier shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifier.

**Reason:** To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the Development Consent.

**8. Swimming pool maintenance**

Prior to the commencement of any works the Principal Certifier is to be satisfied that, if any water is held within the swimming pool:

a) the quantity of water in the pool is maintained at a minimum of 50% of the capacity of the pool; and
b) the clarity of the water in the pool is maintained through chlorination either by automatic or manual dosing; and
c) a swimming pool barrier is in place and maintained in accordance with the NSW Swimming Pools Act 1992.

**Reason:** To ensure the swimming pool does not present a risk to health or safety.

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

**9. Compliance with BASIX Certificate**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all commitments listed in the approved BASIX Certificate (referred to under Condition 1) are detailed on the plans forming the Construction Certificate.

**Reason:** Statutory requirement.

**10. Statement of compliance with Australian Standards**

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The applicant must provide work plans required by AS2601: 2001 and a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the

statement of compliance shall be submitted to and approved by the Certifier prior to the commencement of any demolition works.

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

**11. Builder's indemnity insurance**

The Applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Certifier for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the Applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of $20,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than $20,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

**Reason:** Statutory requirement.

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

**12. Infrastructure damage security bond and inspection fee**

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

(a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.

(b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.

(c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of any Construction Certificate and the commencement of any earthworks or construction.

(d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.

(e) **Release of the bond** – Upon receipt by Council of an Occupation Certificate, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

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

(f) In this condition:

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

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

**Reason:** To maintain public infrastructure.

**13. Construction Certificate plans**

The Construction Certificate plans must be consistent with the approved plans and documents referred to in Condition No. 1 of this Development Consent, as modified by any conditions of consent.

**Reason:** To ensure that the works are carried out in accordance with the Development Consent.

**14. Bush fire risk certification**

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

| Document title | Prepared by | Dated |
|---|---|---|
| Bushfire Assessment Report,<br>Ref: 79BA – 2924 – 4, Version 4 | Sydney Bushfire Consultants | 10 December 2025 |

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

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

**15. Section 7.12 fixed development consent levy contributions**

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979 and Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023, **$852.94** based on development costs of **$170,588.00,** shall be paid to Council to provide for additional local infrastructure improvements in accordance with the works programme listed in the s7.12 Contributions Plan.

Contributions payable will be adjusted in accordance with the provisions of the Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023 and inflated by the Consumer Price Index (All Groups Sydney) until they are paid. Contact Council to ensure your payment is current prior to payment. See Council's website for more information about inflation and paying contributions.

(a) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
(b) prior to the issue of the first Construction Certificate where the development is for building work; or
(c) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
(d) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023 may be viewed at on Council's webpage at www.krg.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

**Reason:** To cater for the increased demand for upgrades in the public domain resulting from cumulative developments in accordance with Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023.

**16. Roof tiles**

The new and replacement roof cladding is to be glazed Terracotta Marseille tiles that generally matches the existing.

**Reason:** To protect the historic and aesthetic significance of the heritage conservation area.

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

**17. Prescribed conditions**

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

**Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989**

1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the *Home Building Act 1989*, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.

3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.

4) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.

5) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.

6) This section does not apply -

   (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or

   (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

7) ***relevant date*** has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.

**Erection of signs**

1) This section applies to a development consent for development involving building work, subdivision work or demolition work.

2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out -

   (a) showing the name, address and telephone number of the principal certifier for the work, and

   (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and

   (c) stating that unauthorised entry to the work site is prohibited.

3) The sign must be -

   (a) maintained while the building work, subdivision work or demolition work is being carried out, and

   (b) removed when the work has been completed.

4) This section does not apply in relation to -

   (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or

   (b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

**Notification of Home Building Act 1989 requirements**

1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.

2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following -

(a) for work that requires a principal contractor to be appointed -

i. the name and licence number of the principal contractor, and
ii. the name of the insurer of the work under the *Home Building Act 1989*, Part 6,

(b) for work to be carried out by an owner-builder -

i. the name of the owner-builder, and
ii. if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989* - the number of the owner-builder permit.

3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.

4) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

**Fulfilment of BASIX commitments**

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled -

a) BASIX development,
b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

**Reason:** Statutory requirement.

**18. Hours of work**

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

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

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

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

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

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

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

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

**20. Site notice**

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifier and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at height of 1.6 metres above natural ground on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

**Reason:** To ensure public safety and public information.

**21. Dust control**

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

- physical barriers shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out at least daily
- no advertising or signage is permitted to be attached to dust cloth material.

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

**22. Use of road or footpath**

During excavation, demolition and construction phases, no building materials, plant or the

like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The footpath shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost of rectification against the applicant/owner/builder or any other responsible person, as the case may be.

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

**23. Toilet facilities**

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

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

**Reason:** Statutory requirement.

**24. Recycling of building material (general)**

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

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

**25. Garbage receptacle**

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

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

**26. Construction signage**

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m$^2$
- are removed within 14 days of the completion of all construction works

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

**27. Services**

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

**Reason:** Provision of utility services.

**28. Drainage to existing system**

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

**Reason:** To protect the environment.

**29. No storage of materials beneath trees**

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

**Reason:** To protect existing trees.

**30. Removal of refuse**

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

**Reason:** To protect the environment.

**31. On site retention of waste dockets**

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

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

**Reason:** To protect the environment.

**32. Maintenance of site**

All materials and equipment must be stored wholly within the work site unless an approval to

store them elsewhere is held.

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

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

During construction:

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

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

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

**33. Swimming pool maintenance**

During demolition, excavation or construction if water is held within the swimming pool:

a) the quantity of water in the pool is maintained at a minimum of 50% of the capacity of the pool; and
b) the clarity of the water in the pool is maintained through chlorination either by automatic or manual dosing; and
c) a swimming pool barrier is in place and maintained in accordance with the NSW Swimming Pools Act 1992.

**Reason:** To ensure the swimming pool does not present a risk to health or safety.

**34. Site fencing**

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

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

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

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

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

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

**Reason:** To ensure public safety.

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

**35. Compliance with BASIX certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all commitments listed in approved BASIX Certificate (referred to under Condition No 1) have been complied with.

**Reason:** Statutory requirement.

**36. Mechanical ventilation**

Following completion, installation and testing of all the mechanical ventilation systems the installation and performance of these systems must comply with:

- The National Construction Code
- Australian Standard 1668
- Australian Standard 3666 where applicable.

The Principal Certifier shall be satisfied of the above prior to the issue of any Occupation Certificate.

**Reason:** To protect the amenity of occupants and neighbouring properties.

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

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

| Document title | Prepared by | Dated |
|---|---|---|
| Bushfire Assessment Report,<br>Ref: 79BA – 2924 – 4, Version 4 | Sydney Bushfire Consultants | 10 December 2025 |

**Reason:** Statutory requirement.

**CONDITIONS TO BE SATISFIED AT ALL TIMES:**

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

All ongoing recommendations listed in the bush fire risk assessment and report below, must be complied with at all times.

| Document title | Prepared by | Dated |
|---|---|---|
| Bushfire Assessment Report,<br>Ref: 79BA – 2924 – 4, Version 4 | Sydney Bushfire Consultants | 10 December 2025 |

**Reason:** To ensure the continual implementation of measures to manage bushfire risk.

**39. Noise control - mechanical exhaust ventilation**

Noise levels associated with mechanical exhaust ventilation installed on the premises must not be audible within any habitable room in any other neighbouring residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with mechanical exhaust ventilation installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of neighbouring residential occupants and neighbouring properties.

**40. Single occupancy restriction**

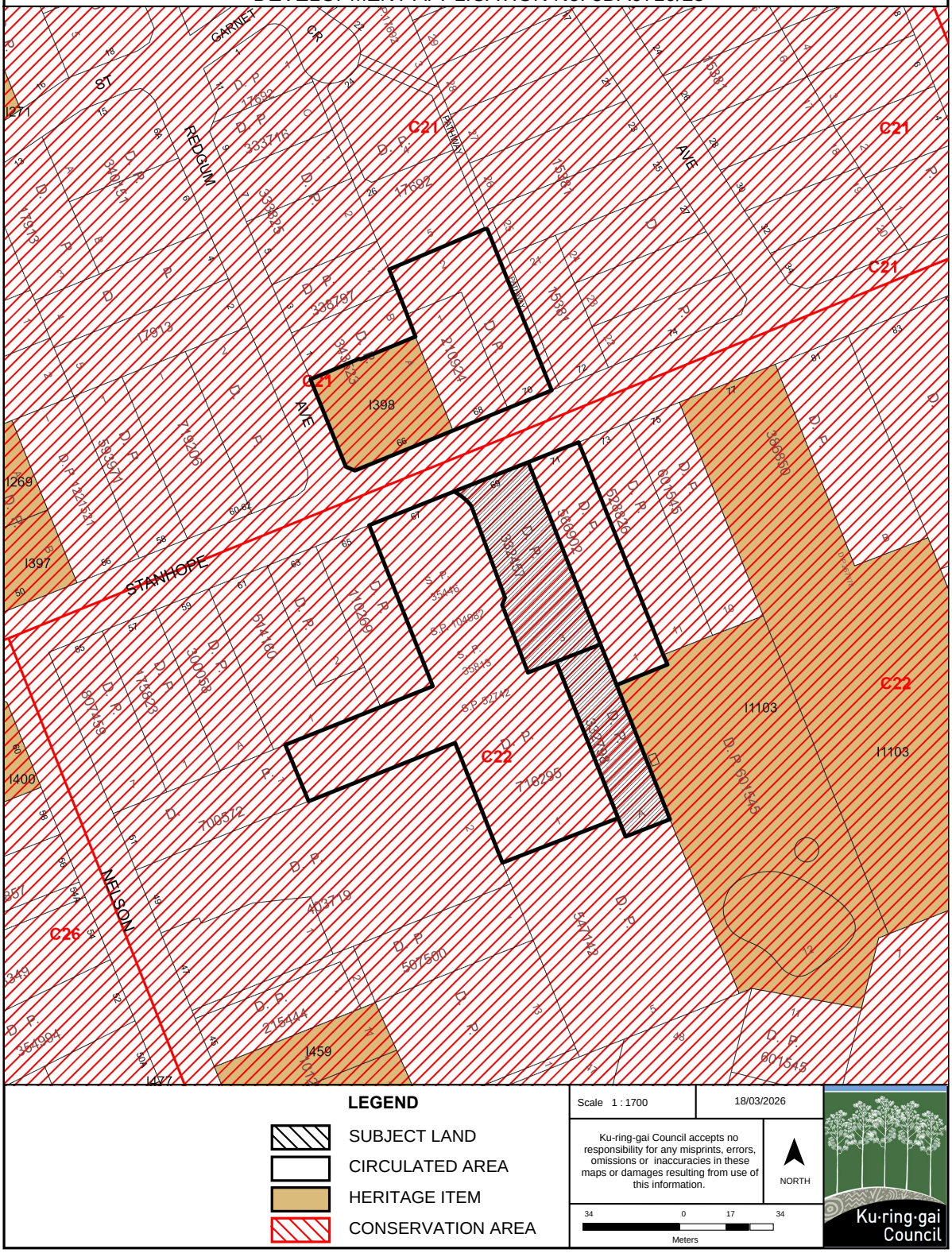
Nothing in this Development Consent authorises the use of the premises other than for a single dwelling house. No kitchen facilities are to be installed in the bar room at first floor level including any appliance, fixtures or fittings so as to alter the nature of the approved purpose, being for a single dwelling.

**Reason:** To ensure the premises is occupied in compliance with the Development Consent.

# LOCATION SKETCH

69 Stanhope Road KILLARA NSW 2071

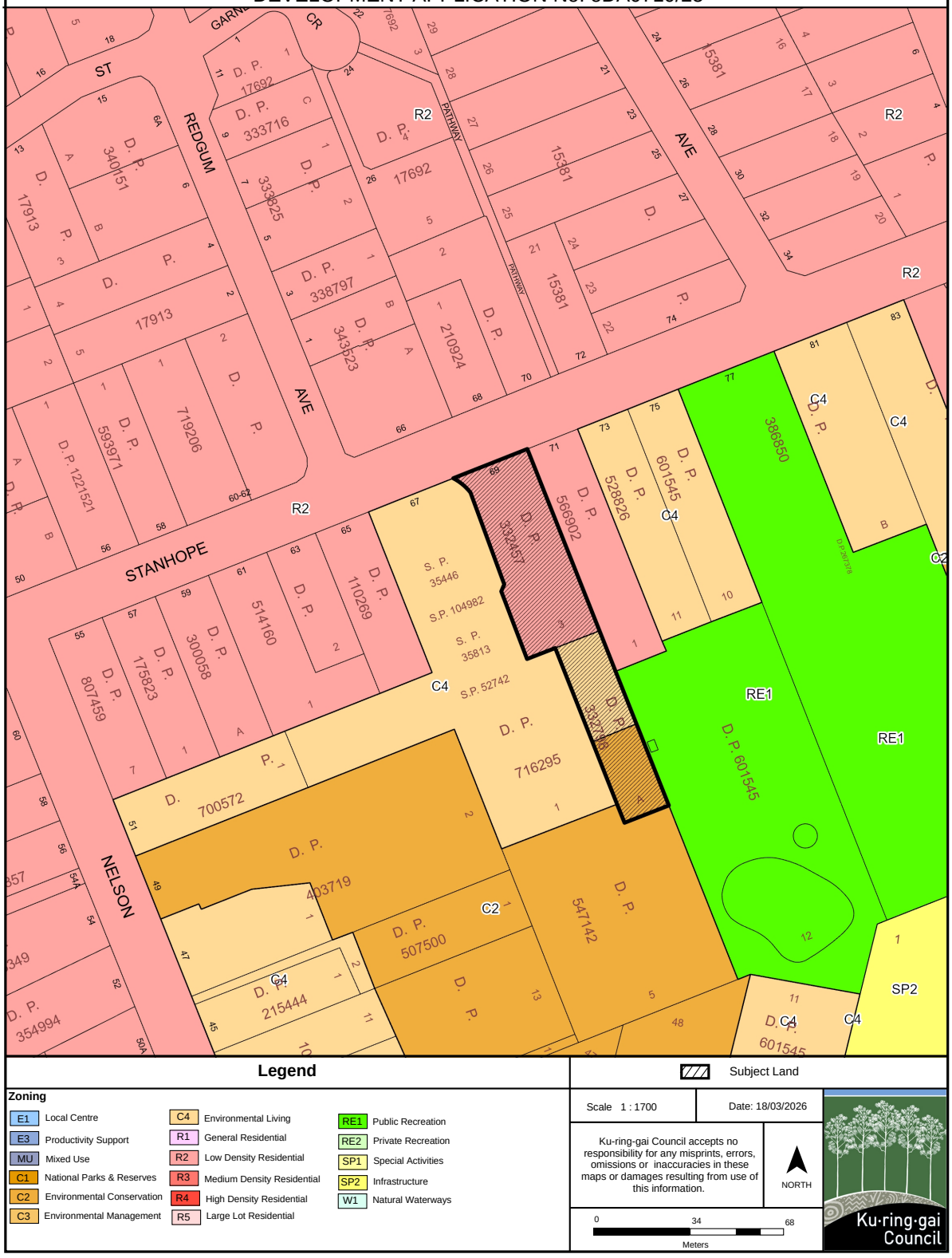
DEVELOPMENT APPLICATION No. eDA0710/25



# KU-RING-GAI LEP 2015 ZONING EXTRACT

69 Stanhope Road KILLARA NSW 2071

DEVELOPMENT APPLICATION No. eDA0710/25




## 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 : 1700

Date: 18/03/2026

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NORTH

0 34 68

Meters

Ku·ring·gai Council

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Website: www.innovixconsulting.com.au

# DEVELOPMENT APPLICATION

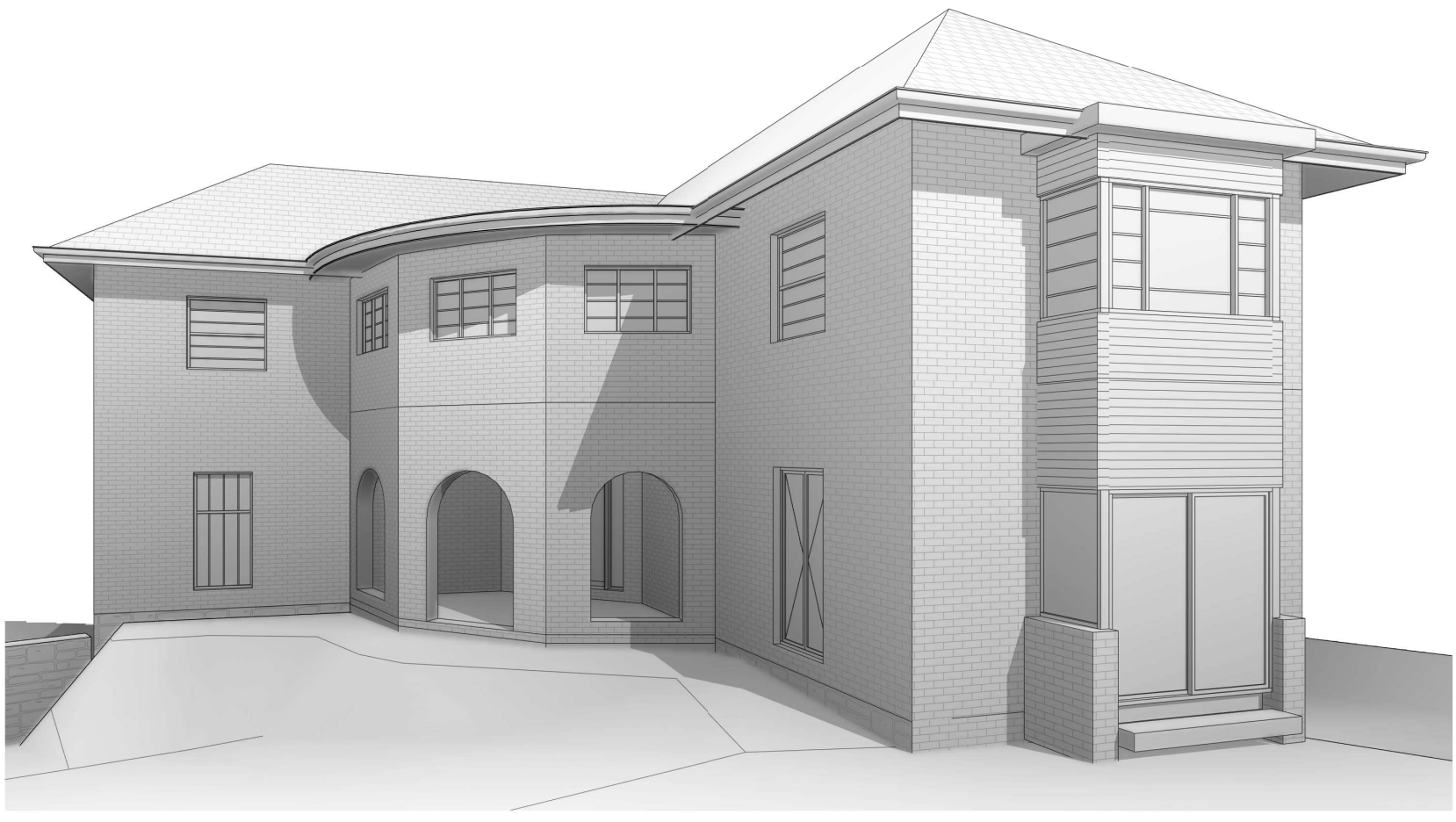
| DRAWING NO. | DRAWING NAME | REVISION | DATE |
|---|---|---|---|
| A01 | COVER SHEET | B | 18.03.2026 |
| A02 | EXISTING SITE PLAN & SITE ANALYSIS PLAN | A | 10.09.2025 |
| A03 | PROPOSED FRONT SITE PLAN | A | 10.09.2025 |
| A04 | PROPOSED REAR SITE PLAN | A | 10.09.2025 |
| A05 | LOWER GROUND FLOOR PLAN | B | 18.03.2026 |
| A06 | GROUND FLOOR PLAN | B | 18.03.2026 |
| A07 | FIRST FLOOR PLAN | A | 10.09.2025 |
| A08 | ROOF PLAN | A | 10.09.2025 |
| A09 | MAIN DWELLING ELEVATIONS | A | 10.09.2025 |
| A10 | MAIN DWELLING ELEVATIONS | B | 18.03.2026 |
| A11 | MAIN DWELLING SECTIONS | A | 10.09.2025 |
| A12 | GROSS FLOOR AREA CALCULATION PLAN | A | 10.09.2025 |
| A13 | BASIX COMMITMENT | A | 10.09.2025 |

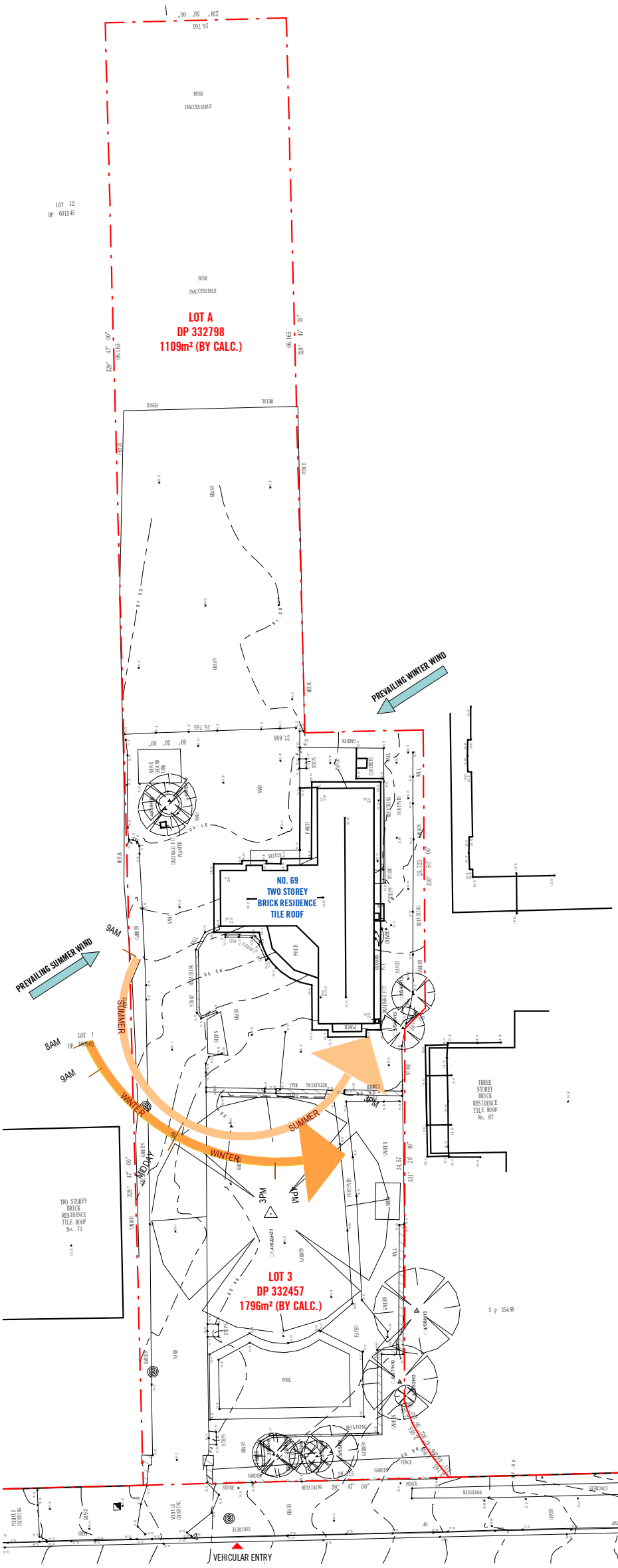
## Alteration & Addition to Existing Dwelling

69 STANHOPE ROAD, KILLARA, NSW 2071
LOT 3 DP 332457

CLIENT JuanQi Chen

| SITE CALCULATIONS | | |
|---|---|---|
| ITEMS | EXISTING | PROPOSED |
| TOTAL SITE AREA | 2905.00 sqm | NO CHANGE |
| TOTAL GROSS FLOOR AREA | 332.79 sqm | NO CHANGE |
| FLOOR SPACE RATIO | 0.115 : 1.0 | NO CHANGE |
| BUILD-UPON AREA | 985.11 sqm (33.91%) | NO CHANGE |
| FRONT SETBACK BUA | 442.58 sqm (42.95%) | NO CHANGE |






1 | EXISTING SITE PLAN & SITE ANALYSIS PLAN

SCALE: 1 : 400

FOR DA SUBMISSION

**REFERENCES**

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DRAWINGS TO BE READ IN CONJUNCTION WITH BUT NOT LIMITED TO ALL INTERIOR & EXTERIOR FINISHES SCHEDULE, STRUCTURALENGINEERS, STORMWATER ENGINEERS, LANDSCAPE ARCHITECTS,
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**SITE ANALYSIS LEGEND**

- SITE BOUNDARY
- VEHICULAR ENTRY
- NEIGHBOURHOOD WINDOWS FACING SITE
- PREVAILING WINDS
- POTENTIAL VIEWS
- DISTANCE TO NEARBY LOCATIONS
- POTENTIAL NOISE SOURCE

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| Rev | Date | Reason for issue |
|---|---|---|
| A | 10.09.2025 | For DA Submission |

Scale: m 0 1 2 3 4 — 1:100 at A3 1:50 at A1

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## Alteration & Addition to Existing Dwelling

**Address** G9 STANHOPE ROAD, KILLARA, NSW 2071
LOT 3 DP 332457

**Client** JuanQi Chen

**Drawing Name**

## EXISTING SITE PLAN & SITE ANALYSIS PLAN

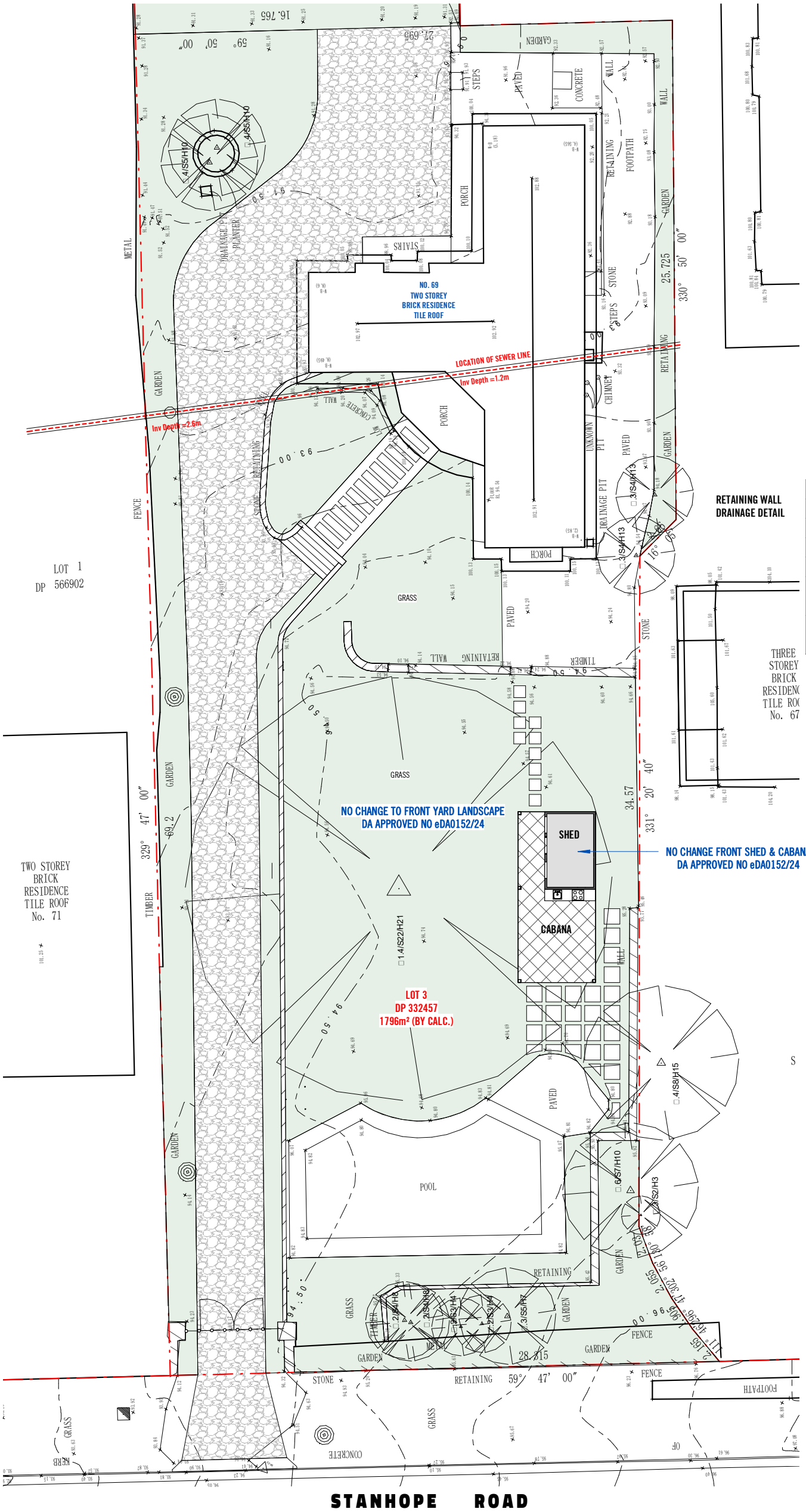
SCALE@A3 As indicated

**DEVELOPMENT APPLICATION**

| Project Number | Drawing Number | Rev |
|---|---|---|
| J23011 | A02 | A |

| Drawn By | Checked By | Approved By |
|---|---|---|
| DD | | |

18/3/2026 下午 6:21:27 A3




RETAINING WALL
DRAINAGE DETAIL

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**SITE CALCULATIONS**

| ITEMS | EXISTING | PROPOSED |
|---|---|---|
| TOTAL SITE AREA | 2905.00 sqm | NO CHANGE |
| TOTAL GROSS FLOOR AREA | 332.79 sqm | NO CHANGE |
| FLOOR SPACE RATIO | 0.115 : 1.0 | NO CHANGE |
| BUILD-UPON AREA | 985.11 sqm (33.91%) | NO CHANGE |
| FRONT SETBACK BUA | 442.58 sqm (42.95%) | NO CHANGE |

**LEGEND**

| ITEM | STRUCTURE |
|---|---|
| PROPOSED DEMOLITION | |
| PROPOSED STRUCTURE | |
| UNAUTHORISED DEMOLITION | |
| UNAUTHORISED STRUCTURE TO REMAIN | |

1 | PROPOSED FRONT SITE PLAN
SCALE: 1 : 200

FOR DA SUBMISSION

| Rev | Date | Reason for issue |
|---|---|---|
| A | 10.09.2025 | For DA Submission |

Scale
m 0 1 2 3 4
1:100 at A3 1:50 at A1

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**Address** 69 STANHOPE ROAD, KILLARA, NSW 2071
LOT 3 DP 332457

**Client** JuanQi Chen

**Drawing Name**
PROPOSED FRONT SITE PLAN

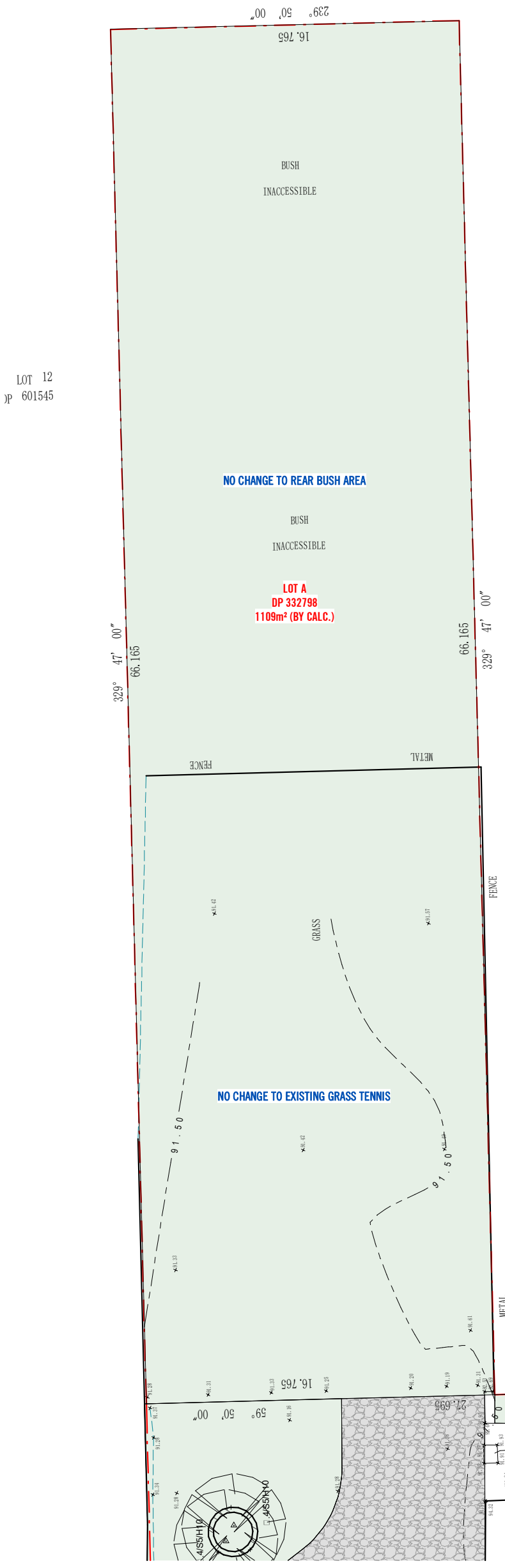
SCALE@A3 As indicated

DEVELOPMENT APPLICATION

| Project Number | Drawing Number | Rev |
|---|---|---|
| J23011 | A03 | A |

| Drawn By | Checked By | Approved By |
|---|---|---|
| DD | | |

18/3/2026 下午 6:21:28 A3




1 | PROPOSED REAR SITE PLAN

SCALE: 1 : 200

FOR DA SUBMISSION

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| SITE CALCULATIONS | | |
|---|---|---|
| ITEMS | EXISTING | PROPOSED |
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| LEGEND | |
|---|---|
| ITEM | STRUCTURE |
| PROPOSED DEMOLITION | |
| PROPOSED STRUCTURE | |
| UNAUTHORISED DEMOLITION | |
| UNAUTHORISED STRUCTURE TO REMAIN | |

| Rev | Date | Reason for issue |
|---|---|---|
| A | 10.09.2025 | For DA Submission |

Scale
m 0 1 2 3 4
1:100 at A3 1:50 at A1

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## Alteration & Addition to Existing Dwelling

**Address** 69 STANHOPE ROAD, KILLARA, NSW 2071
LOT 3 DP 332457

**Client** JuanQi Chen

**Drawing Name**

## PROPOSED REAR SITE PLAN

SCALE@A3 As indicated

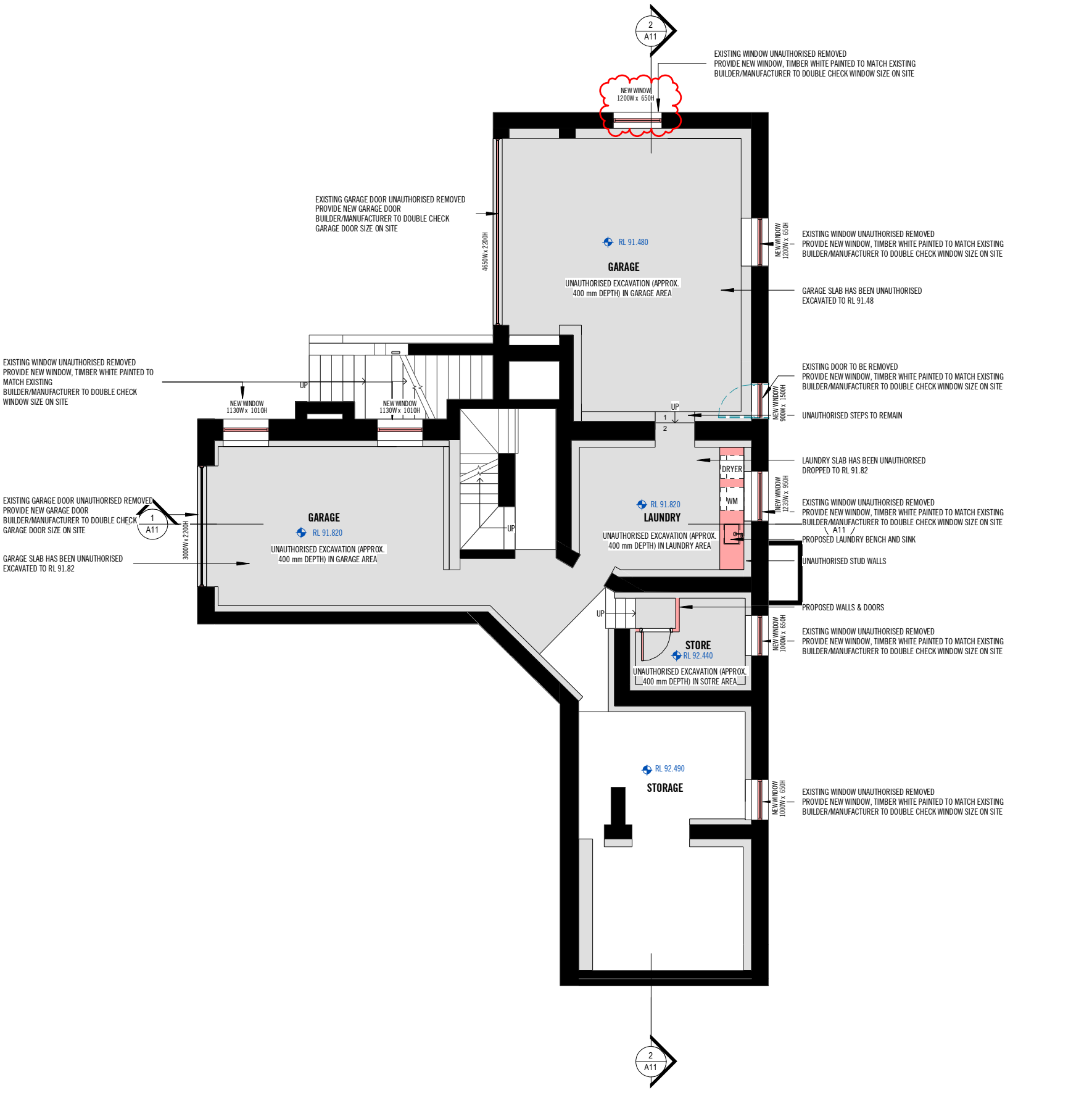
## DEVELOPMENT APPLICATION

| Project Number | Drawing Number | Rev |
|---|---|---|
| J23011 | A04 | A |

| Drawn By | Checked By | Approved By |
|---|---|---|
| DD | | |

18/3/2026 下午 6:21:29 A3

| LEGEND | |
|---|---|
| **ITEM** | **STRUCTURE** |
| PROPOSED DEMOLITION | |
| PROPOSED STRUCTURE | |
| UNAUTHORISED DEMOLITION | |
| UNAUTHORISED STRUCTURE TO REMAIN | |




## LOWER GROUND FLOOR PLAN

Scale 1 : 100

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**FOR DA SUBMISSION**

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**Alteration & Addition to Existing Dwelling**

**Address** 69 STANHOPE ROAD, KILLARA, NSW 2071
LOT 3 DP 332457

**Client** Juan Qi Chen

| Project Number | Drawing Number | Rev |
|---|---|---|
| J23011 | A05 | B |
| Drawn By | Checked By | Approved By |
| DD | | |

**DEVELOPMENT APPLICATION**

**Drawing Name**
LOWER GROUND FLOOR PLAN

SCALE@A3 1 : 100

Scale m 0 1 2 3 4
1:100 at A3 1:50 at A1

| Rev | Date | Reason for issue |
|---|---|---|
| A | 10.09.2025 | For DA Submission |
| B | 18.03.2026 | Amendments as council's request |

18/3/2026 下午 6:21:30

| LEGEND | |
|---|---|
| **ITEM** | **STRUCTURE** |
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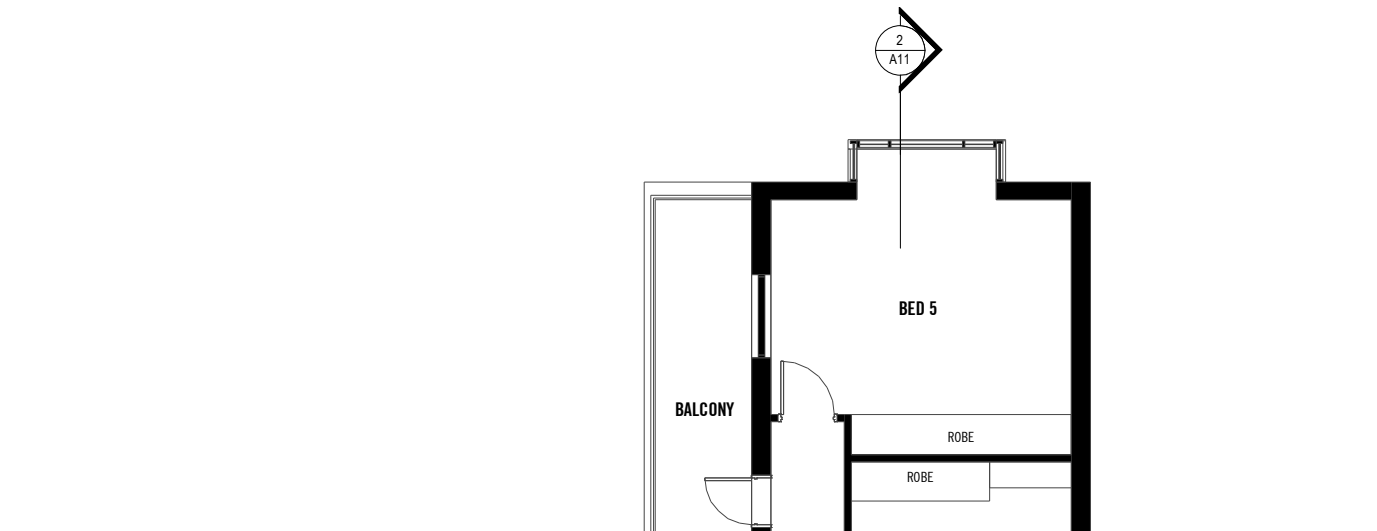
| PROPOSED STRUCTURE | |
| UNAUTHORISED DEMOLITION | |
| UNAUTHORISED STRUCTURE TO REMAIN | |




## GROUND FLOOR PLAN

Scale 1 : 100

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**Client** Juan Qi Chen

| Project Number | Drawing Number | Rev |
|---|---|---|
| J23011 | A06 | B |
| Drawn By | Checked By | Approved By |
| DD | | |

**DEVELOPMENT APPLICATION**

**Drawing Name**
**GROUND FLOOR PLAN**

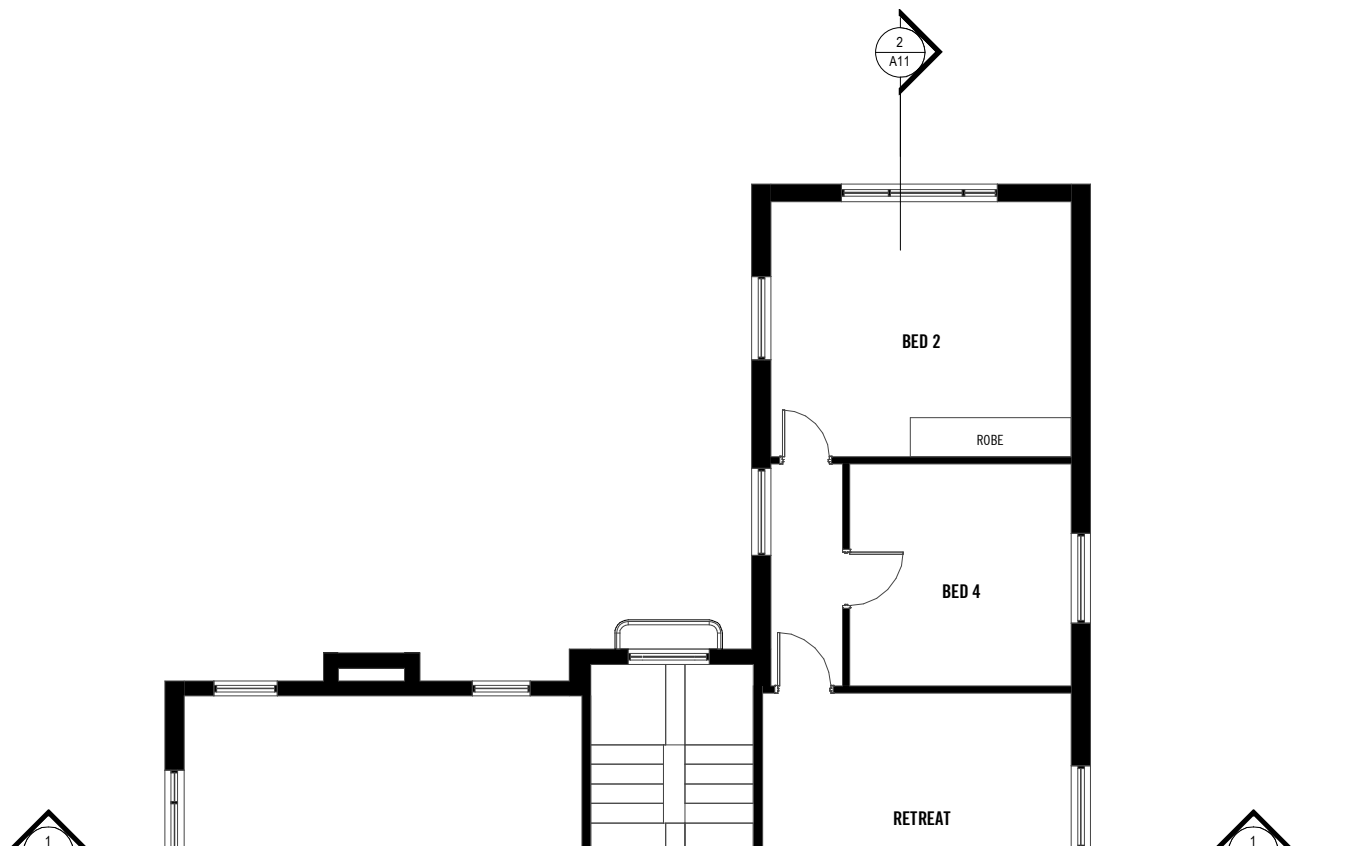
SCALE@A3 1 : 100

Scale m 0 1 2 3 4
1:100 at A3 1:50 at A1

| Rev | Date | Reason for issue |
|---|---|---|
| A | 10.09.2025 | For DA Submission |
| B | 18.03.2026 | Amendments as council's request |

18/3/2026 下午 6:21:32

| LEGEND | |
|---|---|
| **ITEM** | **STRUCTURE** |
| PROPOSED DEMOLITION | |
| PROPOSED STRUCTURE | |
| UNAUTHORISED DEMOLITION | |
| UNAUTHORISED STRUCTURE TO REMAIN | |




**FIRST FLOOR PLAN**

Scale 1 : 100

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**FOR DA SUBMISSION**

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**Address** 69 STANHOPE ROAD, KILLARA, NSW 2071
LOT 3 DP 332457

**Client** JuanQi Chen

| Project Number | Drawing Number | Rev |
|---|---|---|
| J23011 | A07 | A |

| Drawn By | Checked By | Approved By |
|---|---|---|
| DD | | |

**DEVELOPMENT APPLICATION**

**Drawing Name**
**FIRST FLOOR PLAN**

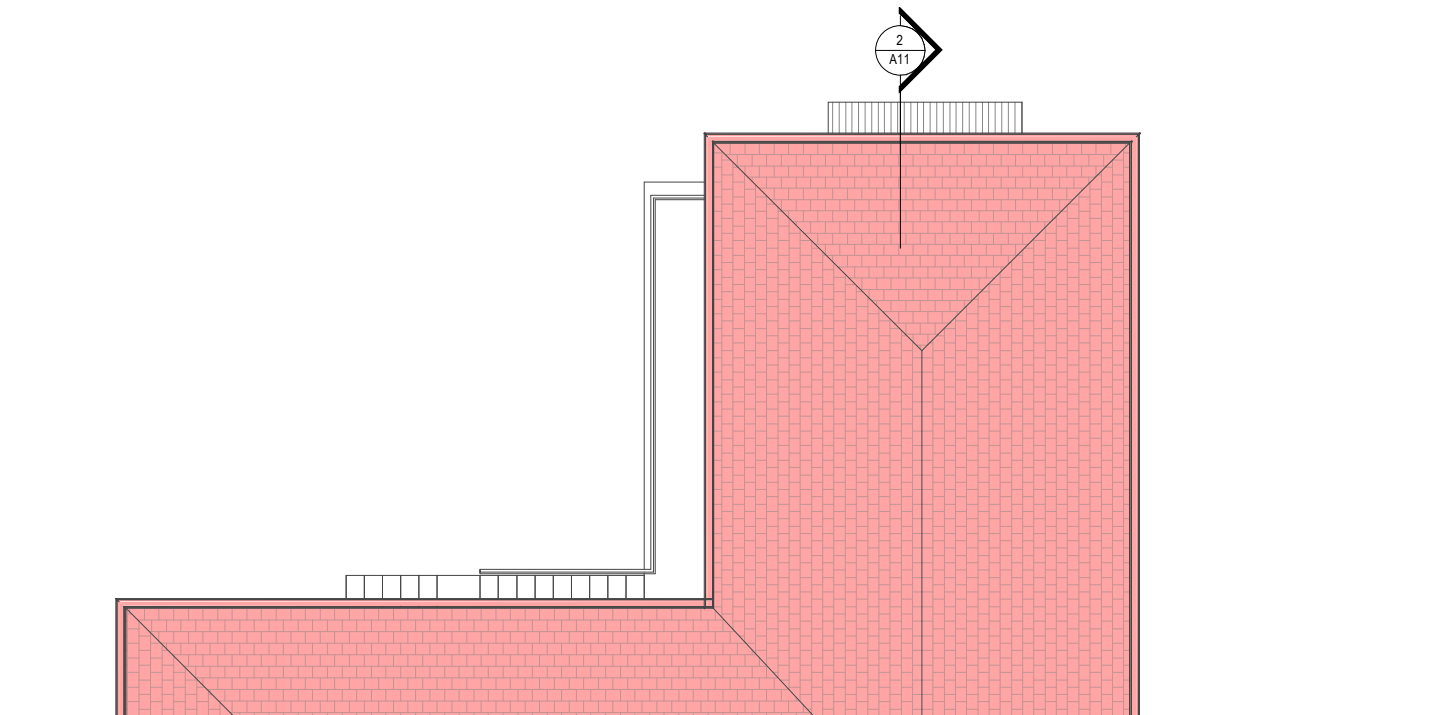
SCALE@A3 1 : 100

**Scale** m 0 1 2 3 4
1:100 at A3 1:50 at A1

| Rev | Date | Reason for issue |
|---|---|---|
| A | 10.09.2025 | For DA Submission |

18/3/2026 下午 6:21:34

| LEGEND | |
|---|---|
| **ITEM** | **STRUCTURE** |
| PROPOSED DEMOLITION | |
| PROPOSED STRUCTURE | |
| UNAUTHORISED DEMOLITION | |
| UNAUTHORISED STRUCTURE TO REMAIN | |

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**Alteration & Addition to Existing Dwelling**

**Address** 69 STANHOPE ROAD, KILLARA, NSW 2071
LOT 3 DP 332457

**Client** JuanQi Chen

| Project Number | Drawing Number | Rev |
|---|---|---|
| J23011 | A08 | A |
| **Drawn By** | **Checked By** | **Approved By** |
| DD | | |

**DEVELOPMENT APPLICATION**

**Drawing Name**
**ROOF PLAN**

SCALE@A3 1 : 100

**Scale** m 0 1 2 3 4
1:100 at A3 1:50 at A1

| Rev | Date | Reason for issue |
|---|---|---|
| A | 10.09.2025 | For DA Submission |

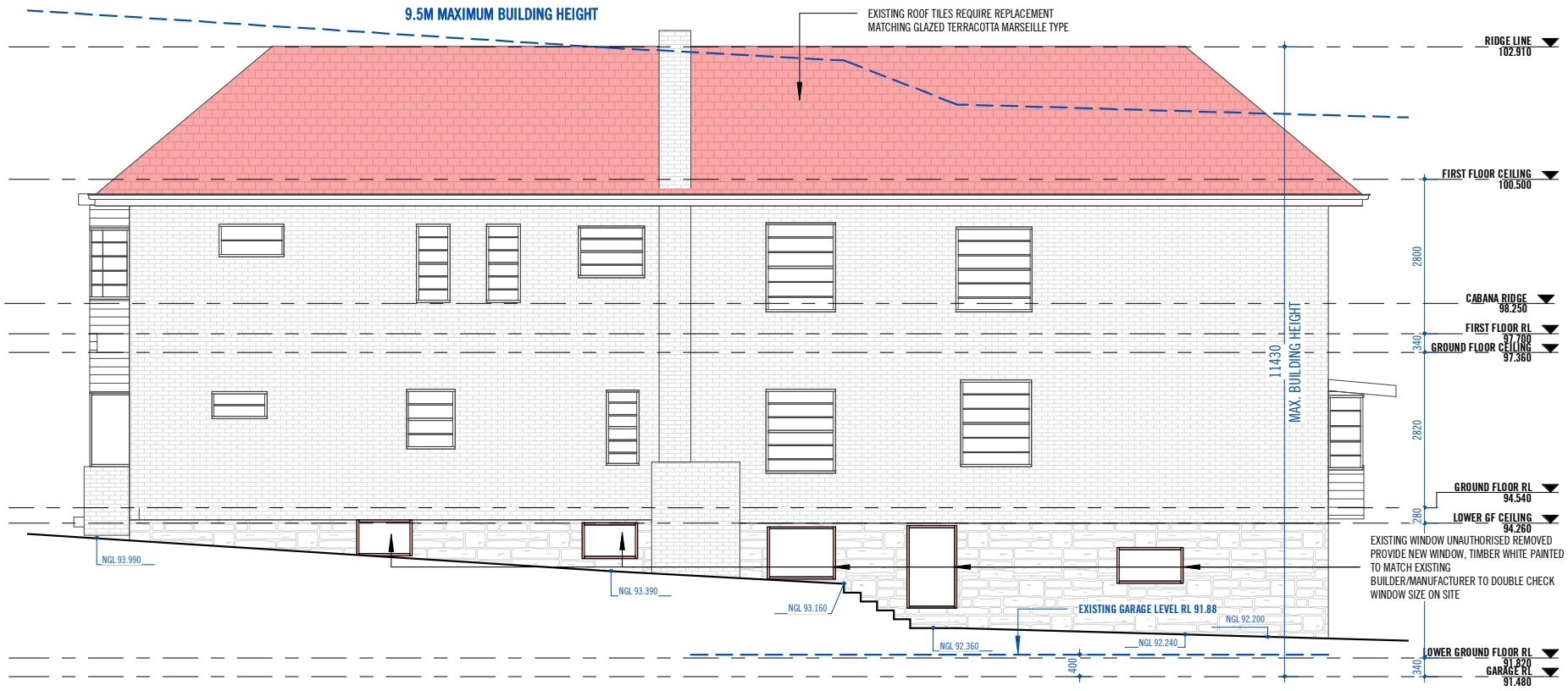
18/3/2026 下午 6:21:37




| LEGEND | |
|---|---|
| **ITEM** | **STRUCTURE** |
| PROPOSED DEMOLITION | |
| PROPOSED STRUCTURE | |
| UNAUTHORISED DEMOLITION | |
| UNAUTHORISED STRUCTURE TO REMAIN | |

## 1 | NORTH WEST ELEVATION

SCALE: 1 : 100




## 2 | SOUTH WEST ELEVATION

SCALE: 1 : 100

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**Alteration & Addition to Existing Dwelling**

**Address** 69 STANHOPE ROAD, KILLARA, NSW 2071
LOT 3 DP 332457

**Client** Juan Qi Chen

| Project Number | Drawing Number | Rev |
|---|---|---|
| J23011 | A09 | A |
| Drawn By | Checked By | Approved By |
| DD | | |

**DEVELOPMENT APPLICATION**

**Drawing Name**
**MAIN DWELLING ELEVATIONS**

SCALE@A3 1 : 100

Scale m 0 1 2 3 4
1:100 at A3 1:50 at A1

| Rev | Date | Reason for issue |
|---|---|---|
| A | 10.09.2025 | For DA Submission |

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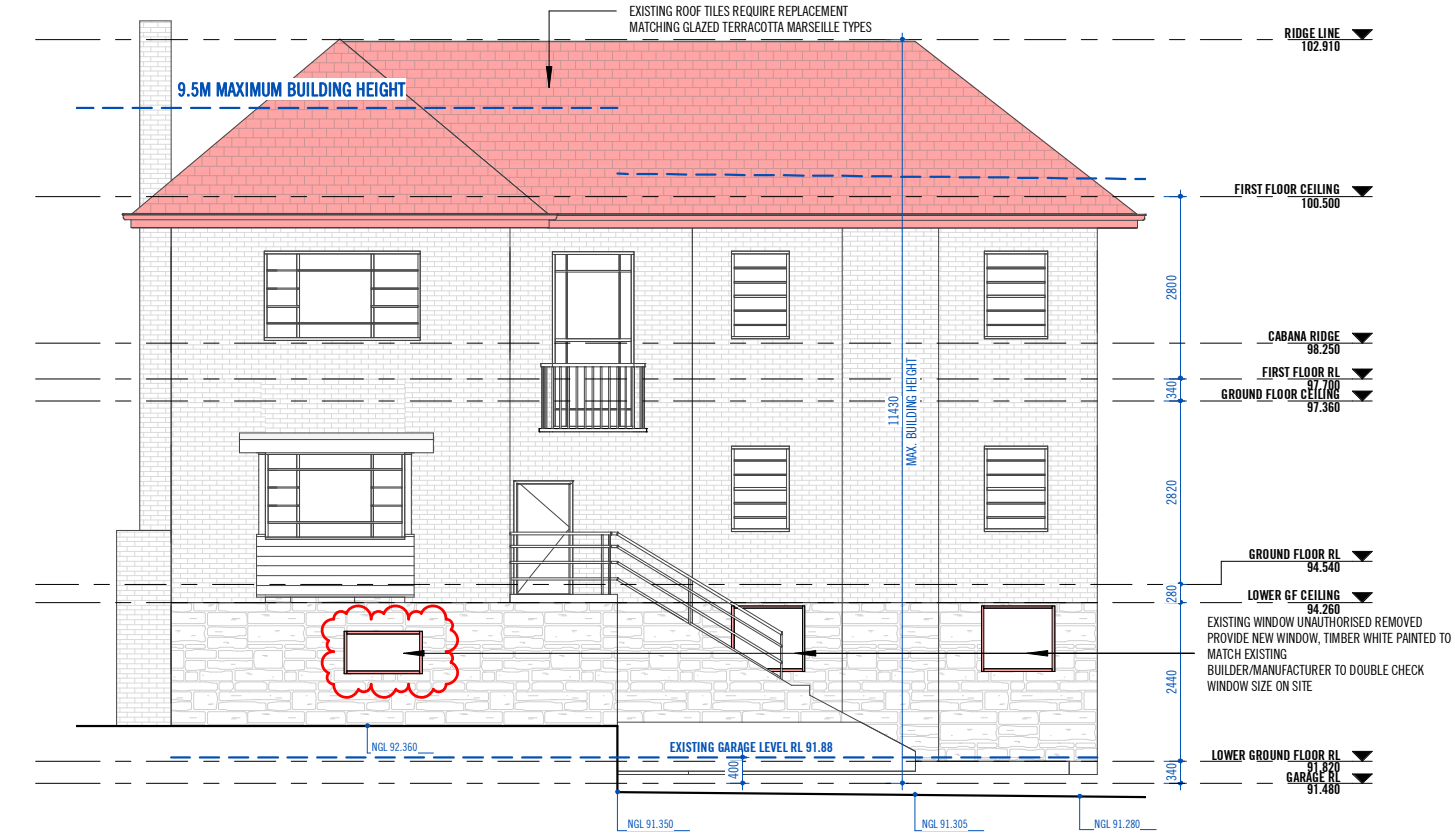
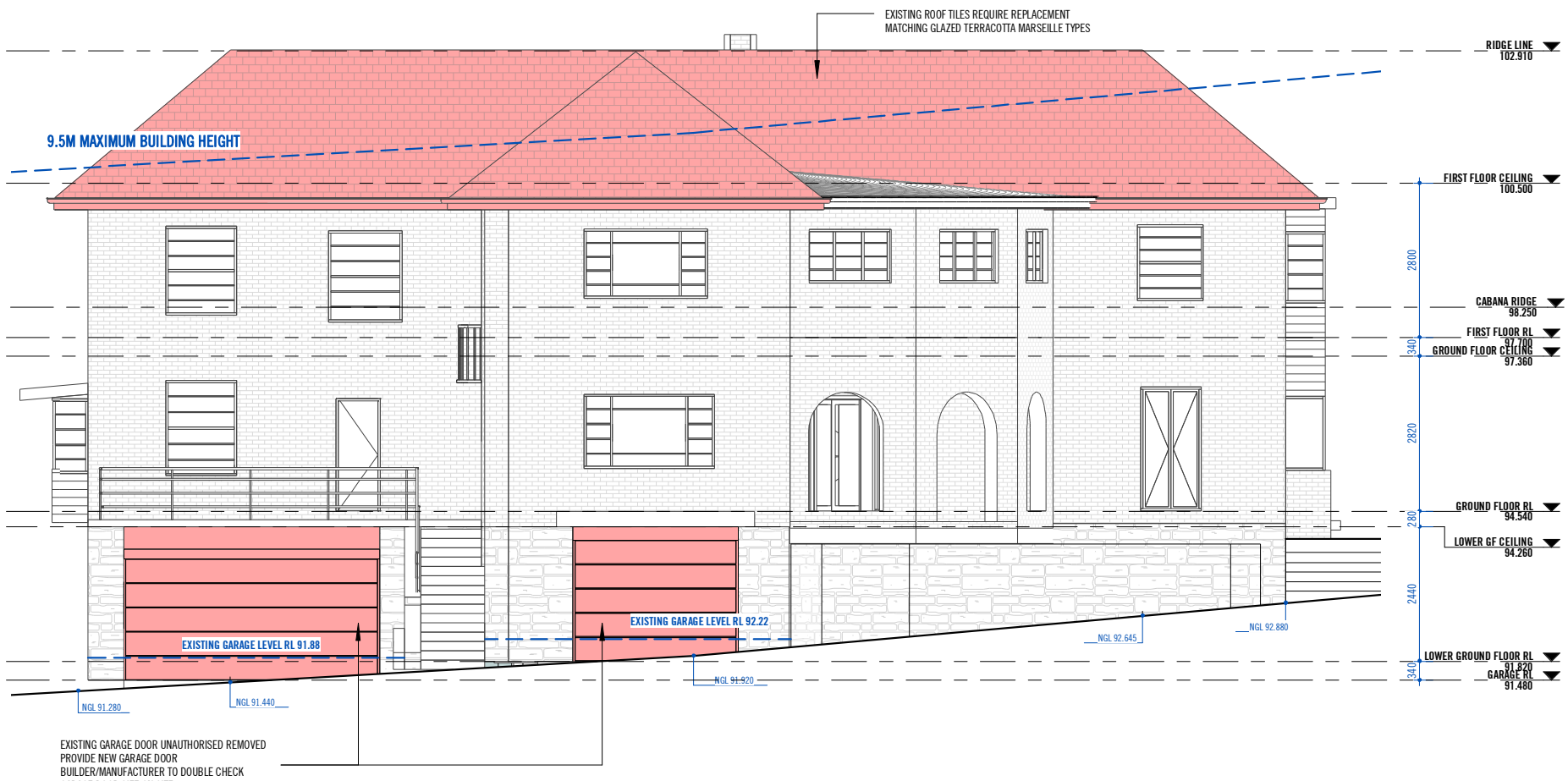
18/3/2026 下午 6:21:41

| LEGEND | |
|---|---|
| **ITEM** | **STRUCTURE** |
| PROPOSED DEMOLITION | |
| PROPOSED STRUCTURE | |
| UNAUTHORISED DEMOLITION | |
| UNAUTHORISED STRUCTURE TO REMAIN | |




### 3 | SOUTH EAST ELEVATION

SCALE: 1 : 100




### 1 | NORTH EAST ELEVATION

SCALE: 1 : 100

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**Alteration & Addition to Existing Dwelling**

**Address** 69 STANHOPE ROAD, KILLARA, NSW 2071
LOT 3 DP 332457

**Client** JuanQi Chen

| Project Number | Drawing Number | Rev |
|---|---|---|
| J23011 | A10 | B |
| Drawn By | Checked By | Approved By |
| DD | | |

**DEVELOPMENT APPLICATION**

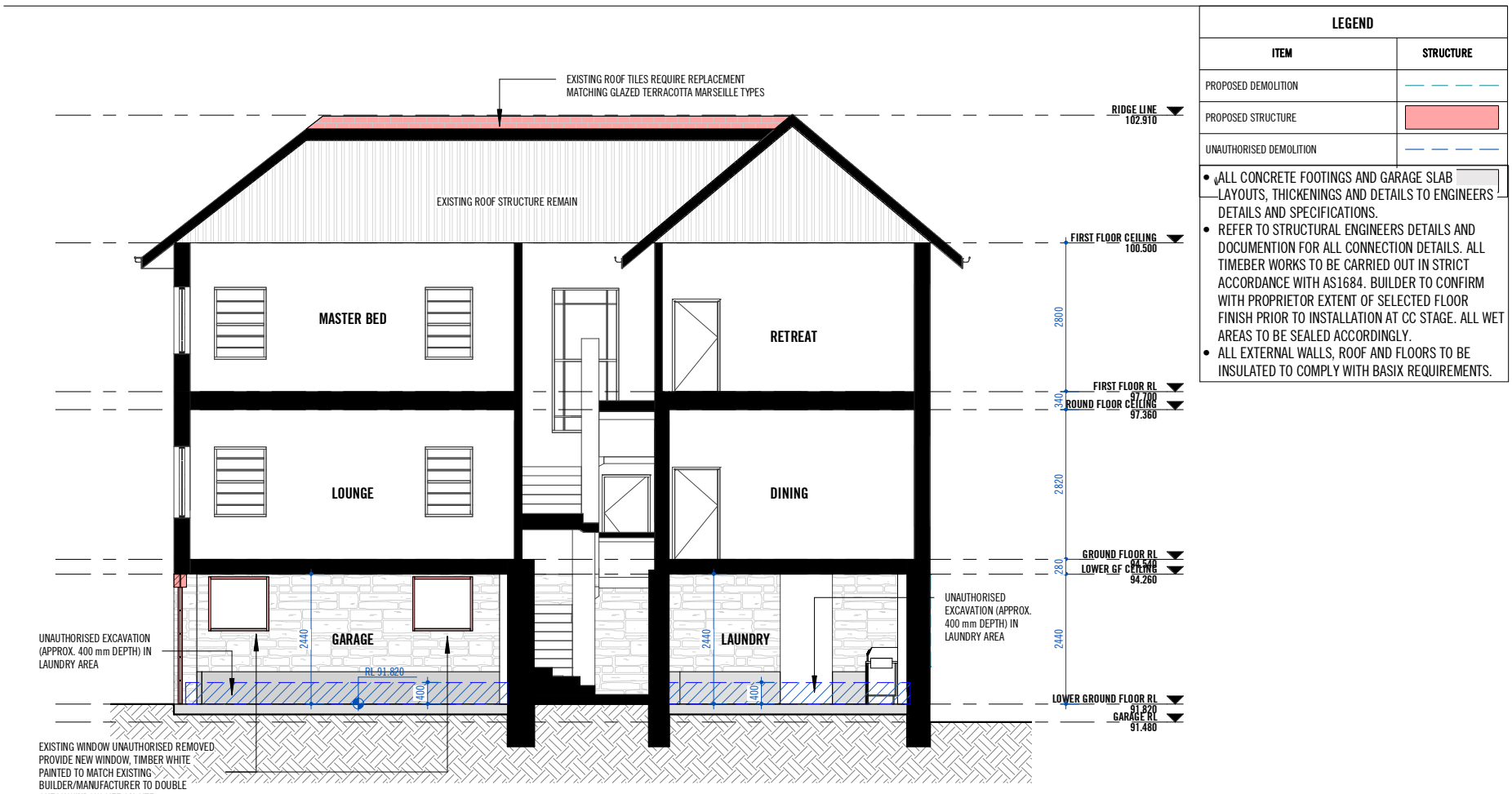
**Drawing Name**
**MAIN DWELLING ELEVATIONS**

SCALE@A3 1 : 100

**Scale** m 0 1 2 3 4 — 1:100 at A3 1:50 at A1

| Rev | Date | Reason for issue |
|---|---|---|
| A | 10.09.2025 | For DA Submission |
| B | 18.03.2026 | Amendments as council's request |

18/3/2026 下午 6:21:44



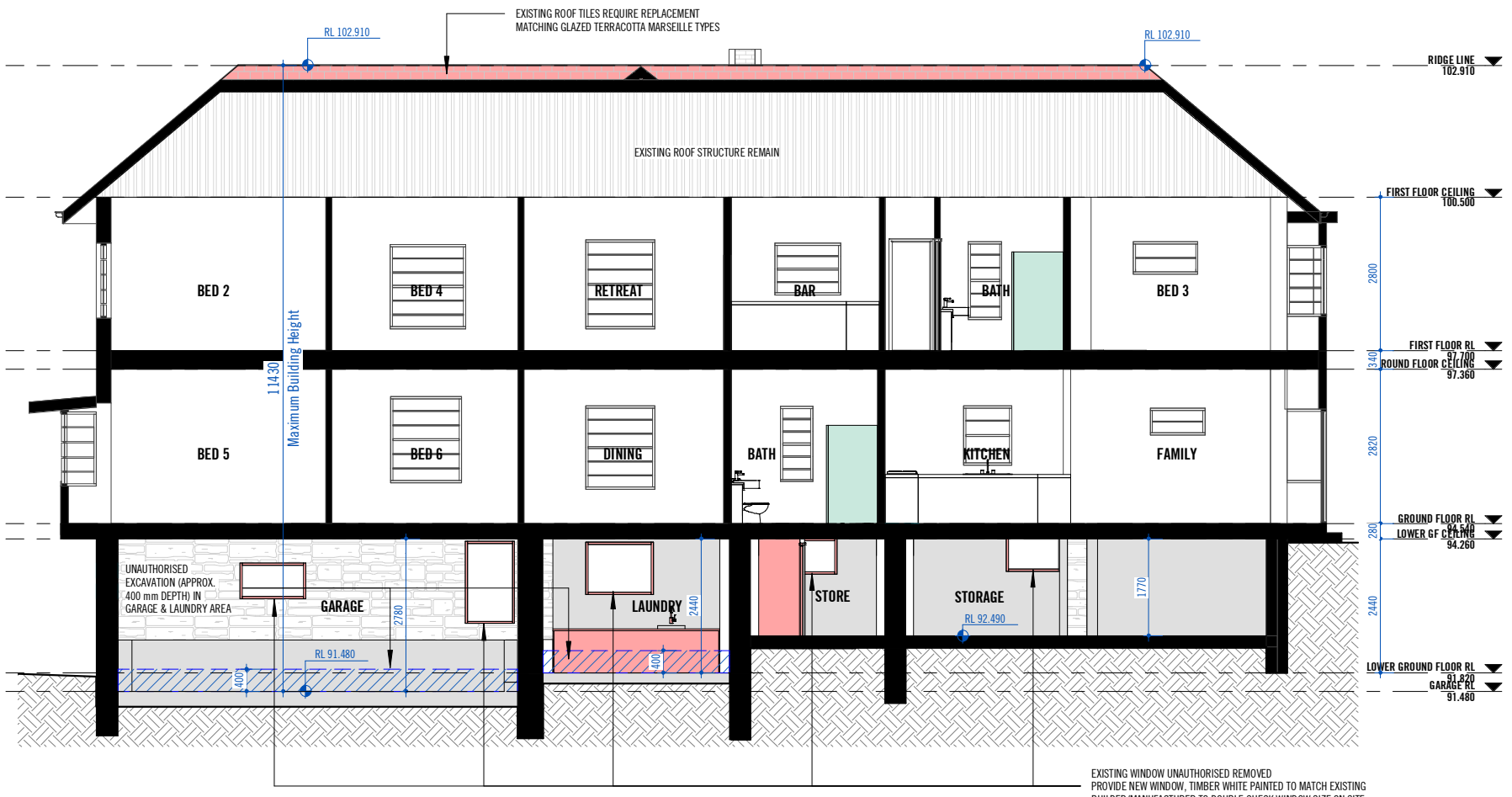

**LEGEND**

| ITEM | STRUCTURE |
|---|---|
| PROPOSED DEMOLITION | |
| PROPOSED STRUCTURE | |
| UNAUTHORISED DEMOLITION | |

- ALL CONCRETE FOOTINGS AND GARAGE SLAB LAYOUTS, THICKENINGS AND DETAILS TO ENGINEERS DETAILS AND SPECIFICATIONS.
- REFER TO STRUCTURAL ENGINEERS DETAILS AND DOCUMENTION FOR ALL CONNECTION DETAILS. ALL TIMEBER WORKS TO BE CARRIED OUT IN STRICT ACCORDANCE WITH AS1684. BUILDER TO CONFIRM WITH PROPRIETOR EXTENT OF SELECTED FLOOR FINISH PRIOR TO INSTALLATION AT CC STAGE. ALL WET AREAS TO BE SEALED ACCORDINGLY.
- ALL EXTERNAL WALLS, ROOF AND FLOORS TO BE INSULATED TO COMPLY WITH BASIX REQUIREMENTS.

## 1 | SECTION A-A

SCALE: 1 : 100




## 2 | SECTION B-B

SCALE: 1 : 100

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**Alteration & Addition to Existing Dwelling**

**Address** 69 STANHOPE ROAD, KILLARA, NSW 2071
LOT 3 DP 332457

**Client** JuanQi Chen

| Project Number | Drawing Number | Rev |
|---|---|---|
| J23011 | A11 | A |

| Drawn By | Checked By | Approved By |
|---|---|---|
| DD | | |

**DEVELOPMENT APPLICATION**

**Drawing Name**
**MAIN DWELLING SECTIONS**

SCALE@A3 1 : 100

Scale m 0 1 2 3 4 — 1:100 at A3 1:50 at A1

| Rev | Date | Reason for issue |
|---|---|---|
| A | 10.09.2025 | For DA Submission |

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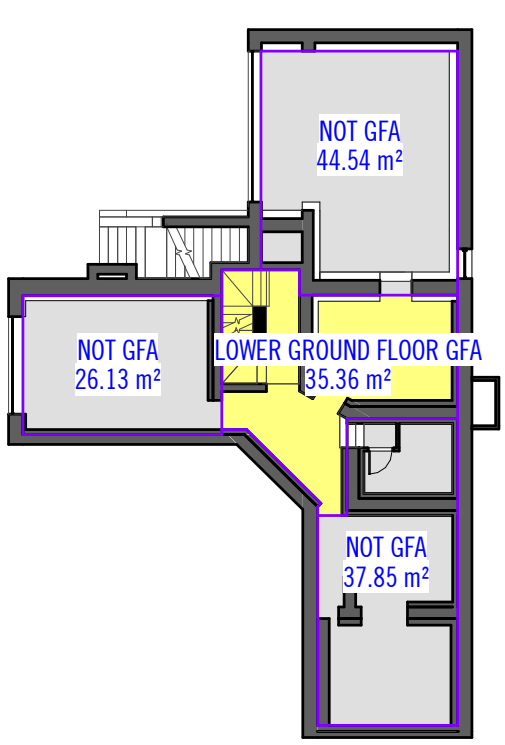
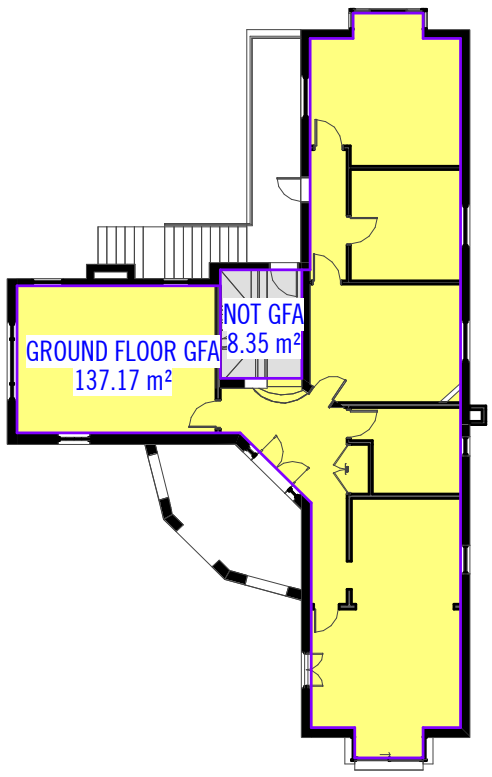


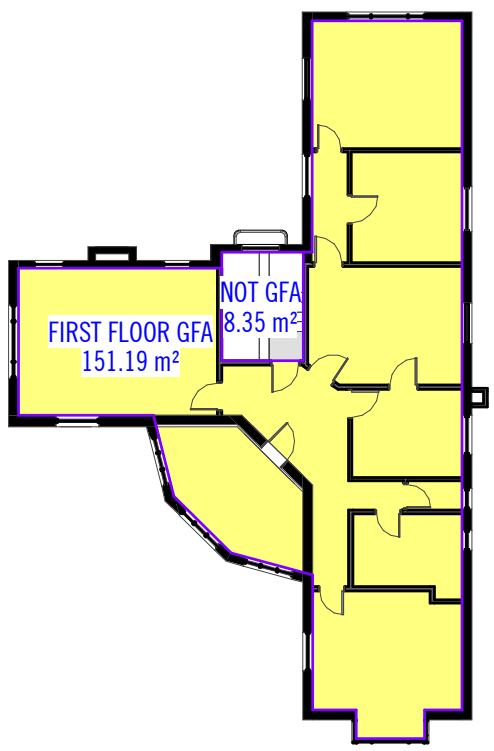

**1 | LOWER GROUND FLOOR RL**

SCALE: 1 : 200



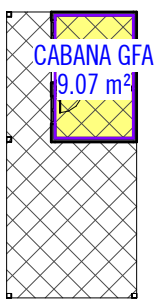

**2 | GROUND FLOOR FFL**

SCALE: 1 : 200




**3 | FIRST FLOOR RL**

SCALE: 1 : 200




**4 | CABANA FLOOR FFL**

SCALE: 1 : 200

## GFA Schedule

| Name | Area |
|---|---|
| LOWER GROUND FLOOR GFA | 35.36 m² |
| GROUND FLOOR GFA | 137.17 m² |
| FIRST FLOOR GFA | 151.19 m² |
| CABANA GFA | 9.07 m² |
| Grand total: 4 | 332.79 m² |

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**Alteration & Addition to Existing Dwelling**

**Address** 69 STANHOPE ROAD, KILLARA, NSW 2071
LOT 3 DP 332457

**Client** JuanQi Chen

| Project Number | Drawing Number | Rev |
|---|---|---|
| J23011 | A12 | A |

| Drawn By | Checked By | Approved By |
|---|---|---|
| DD | | |

**DEVELOPMENT APPLICATION**

**Drawing Name**
**GROSS FLOOR AREA CALCULATION PLAN**

SCALE@A3 1 : 200

**Scale** m 0 1 2 3 4
1:100 at A3 1:50 at A1

| Rev | Date | Reason for issue |
|---|---|---|
| A | 10.09.2025 | For DA Submission |

18/3/2026 下午 6:21:49

# BASIX™ Certificate

Building Sustainability Index
www.planningportal.nsw.gov.au/development-and-assessment/basix

## Alterations and Additions

Certificate number: A509041_03

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: Sunday, 07 December 2025
To be valid, this certificate must be lodged within 3 months of the date of issue.

| Project address | |
|---|---|
| Project name | INN019_03 |
| Street address | 69 STANHOPE ROAD - KILLARA 2071 |
| Local Government Area | Ku-ring-gai Council |
| Plan type and number | Deposited Plan 332457 |
| Lot number | 3 |
| Section number | - |

| Project type | |
|---|---|
| Dwelling type | Dwelling house (detached) |
| Type of alteration and addition | The estimated development cost for my renovation work is $50,000 or more, and does not include a pool (and/or spa). |
| N/A | N/A |

**Certificate Prepared by** (please complete before submitting to Council or PCA)

Name / Company Name: BH Homes Pty Ltd

ABN (if applicable): 64 137 428 767



| Fixtures and systems | Show on DA Plans | Show on CC/CDC Plans & specs | Certifier Check |
|---|---|---|---|
| **Lighting** | | | |
| The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps. | | ✔ | ✔ |
| **Fixtures** | | | |
| The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. | | ✔ | ✔ |
| The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. | | ✔ | ✔ |
| The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating. | | ✔ | |





| Glazing requirements | Show on DA Plans | Show on CC/CDC Plans & specs | Certifier Check |
|---|---|---|---|
| **Windows and glazed doors** | | | |
| The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door. | ✔ | ✔ | ✔ |
| The following requirements must also be satisfied in relation to each window and glazed door: | | ✔ | ✔ |
| Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. | | ✔ | ✔ |
| Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below. | ✔ | ✔ | ✔ |

**Windows and glazed doors glazing requirements**

| Window/door number | Orientation | Area of glass including frame (m2) | Overshadowing height (m) | Overshadowing distance (m) | Shading device | Frame and glass type |
|---|---|---|---|---|---|---|
| Laundry | E | 1.17 | 6 | 4 | none | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |
| Bath | E | 0.65 | 6 | 4 | none | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |
| Store | E | 0.65 | 6 | 4 | none | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |





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



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DRAWINGS TO BE READ IN CONJUNCTION WITH BUT NOT LIMITED TO ALL INTERIOR & EXTERIOR FINISHES SCHEDULE, STRUCTURALENGINEERS, STORMWATER ENGINEERS, LANDSCAPE ARCHITECTS, FIRE PROTECTION, ESSENTIAL ELECTRICAL SERVICES, SECTION J, BASIX AND MECHANICAL SERVICES PLANS & OTHER ASSOCIATED PLANS & REPORTS.

WHERE ENGINEERING DRAWINGS OR DOCUMENTS ARE REQUIRED, SUCH MUST TAKE PREFERENCE TO THIS DRAWINGS.

**GENERAL NOTES**

- ALL DIMENSIONS ARE IN MILLIMETERS. DO NOT SCALE, FIGURED DIMENSIONS TO BE USED AT ALL TIME.
- WE RELY ON SURVEY PROVIDED FOR SITE BOUNDARIES, LEVELS, EASEMENTS, SERVICES ETC.
- ALL DIMENSIONS, SETOUTS, HEIGHTS AND LEVELS ARE TO BE VERIFIED BY BUILDER/CONTRACTOR ON SITE PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.
- ALL BOUNDARY CLEARANCE MUST BE VERIFIED BY THE SURVEYOR PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.
- LEVELS SHOWN ARE APPROXIMATE UNLESS ACCOMPANIED BY REDUCED LEVELS BY A REGISTERED SURVEYOR.
- ALL SERVICES TO BE LOCATED AND VERIFIED BY THE BUILDER WITH THE RELEVANT AUTHORITIES PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.
- ANY OMISSIONS OR DISCREPANCIES ARE TO BE REPORTED AND CONFIRMED BY THE DESIGNER.
- BUILDER / CONTRACTORS TO CHECK WINDOW & DOOR SIZES AND LOCATION PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK ON SITE.
- ALL WORKS TO COMPLY WITH THE NATIONAL CONSTRUCTION CODE 2022 & AUSTRALIAN STANDARDS.
- ALL WORKMANSHIP AND MATERIALS SHALL COMPLY WITH ALL THE RELEVANT CODES AND AUSTRALIAN STANDARDS.

**Alteration & Addition to Existing Dwelling**

**Address** 69 STANHOPE ROAD, KILLARA, NSW 2071
LOT 3 DP 332457

**Client** JuanQi Chen

| Project Number | Drawing Number | Rev |
|---|---|---|
| J23011 | A13 | A |

| Drawn By | Checked By | Approved By |
|---|---|---|
| DD | | |

**DEVELOPMENT APPLICATION**

**Drawing Name**
**BASIX COMMITMENT**

SCALE@A3

**Scale** m 0 1 2 3 4 — 1:100 at A3 1:50 at A1

| Rev | Date | Reason for issue |
|---|---|---|
| A | 10.09.2025 | For DA Submission |

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# STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed alterations and additions at 69 Stanhope Road, East Killara

Metris Urban Planning

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# Proposed alterations and additions to an existing dwelling

## Statement of Environmental Effects

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**Location:**

69 Stanhope Road, East Killara

**Prepared for:**

Ku-ring-gai Council

**Prepared by:**

Metris Urban Planning

**Project Contact:**

Shivesh Singh, Director
Email: shivesh@metris.com.au
Phone: 0406 611 799

**Report Status:**

FINAL

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**Document Version & Date:**

1.0 | 17 December 2025

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# 1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by Metris Urban Planning (Metris) on behalf of the Applicant, Ms Juanqi Chen, and accompanies a Development Application (DA) submitted to Ku-ring-gai Council (Council) in support of alterations and additions to an existing dwelling at 69 Stanhope Road, East Killara.

Consent is sought for the following works which are detailed in **Section 3** of this report:

- A new roof as existing roof tiles are dilapidated and require replacement; and
- Minor internal renovation works.

This DA is supported by a Statement of Heritage Impact and Bushfire Assessment Report. All unauthorised building works are subject to a Building Information Certificate which is lodged concurrently to this DA.

This SEE responds to the relevant statutory planning controls and policies applicable to the site, with particular reference to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). It is believed that the alterations and additions proposed are minor in nature, suitable for the dwelling and worthy of Council approval.

## 1.1. Project Documentation

This SEE should be read in conjunction with the following plans and specialist reports:

Table 1: Supporting Documentation

| Document title | Consultant |
|---|---|
| Owners Consent | Applicant, Ms Juanqi Chen |
| Cost of Works | Innovix Consulting Pty Ltd |
| Survey Plan | Innovative Survey Consultants |
| Architectural Plans | Innovix Consulting |
| Statement of Heritage Impact | Touring the Past |
| Construction Waste Management Plan | Innovix Consulting Pty Ltd |
| Bushfire Assessment Report<br>Bushfire Risk Assessment Certificate | Sydney Bushfire Consultants |
| BASIX Certificate | Innovix Consulting Pty Ltd |

# 2. Site and Surrounding Locality

## 2.1. Description and Locality

The subject site is located at 69 Stanhope Road, East Killara which is legally described as Lot 3 in DP332457 with a site area of 1,796m² and Lot A in DP332798 with a site area of 1,109m², resulting in a total site area of 2,905m² (subject site).

The surrounding land uses are predominantly detached residential dwellings with an apartment building 'Swains Manors' located to the west at 67 Stanhope Road. Swain Gardens and Wombin Reserve are located at the rear of the subject site.




Figure 1: Site locality

*Source: Google Maps*

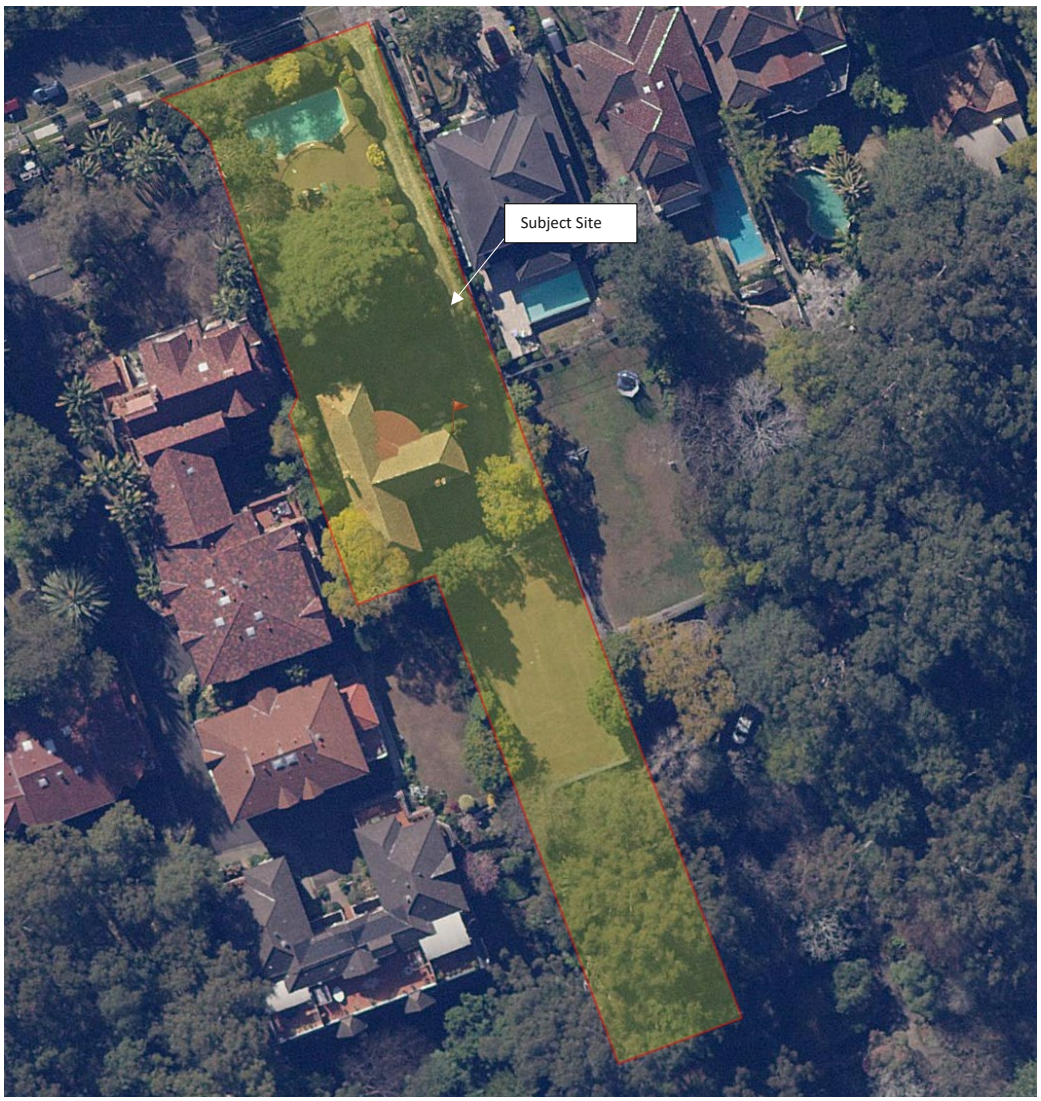


Figure 2: Subject site

*Source: Six Maps*

Whilst the subject site is not a heritage item, it is situated within the Crown Blocks Conservation Area. Site structures comprise of a two storey dwelling with swimming pool at the front and tennis court at the rear of the property.

## 2.2. Previous Approvals

Council's on-line records displayed previous relevant DAs for the subject site as follows.

Table 2: Previous determinations

| Determination | Details |
|---|---|
| CCPCA0205/25<br><br>Construction Certificate Application | Approved 01/08/2025<br><br>Construction of a driveway, cabana, front entry gate, retaining walls and associated landscaping works |
| eDA0152/24 | Approved 22/11/2024<br><br>Construction of a driveway, cabana, front entry gate, retaining walls and associated landscaping works - Heritage Conservation Area |

# 3. Proposed Development

## 3.1. Development Summary

Consent is sought for the following works:

- A new roof (**Figure 3**) as existing roof tiles are dilapidated and require replacement. Roof tiles are to be replaced to match the existing glazed terracotta marseille tiles.
  The original maximum building height was 11.03m. Unauthorised excavation work of 400mm in the garage has raised the current maximum height to 11.430m (RL 102.910). In this regard, a Clause 4.6 Variation to the 9.5m maximum building height control has been prepared in support of the new building height.
- Minor internal renovation works are proposed as follows:
  - First floor (**Figure 4**): Removal of second kitchen to be replaced by a bar and bathroom renovations;
  - Ground floor (**Figure 5**): New bathroom and kitchen fittings; and
  - Lower ground floor (**Figure 6**): Laundry room to get a new laundry bench and sink and storeroom works.

Proposed works are supported by a Statement of Heritage Impact and Bushfire Assessment Report. All unauthorised building works are subject to a Building Information Certificate which is lodged concurrent with this DA.

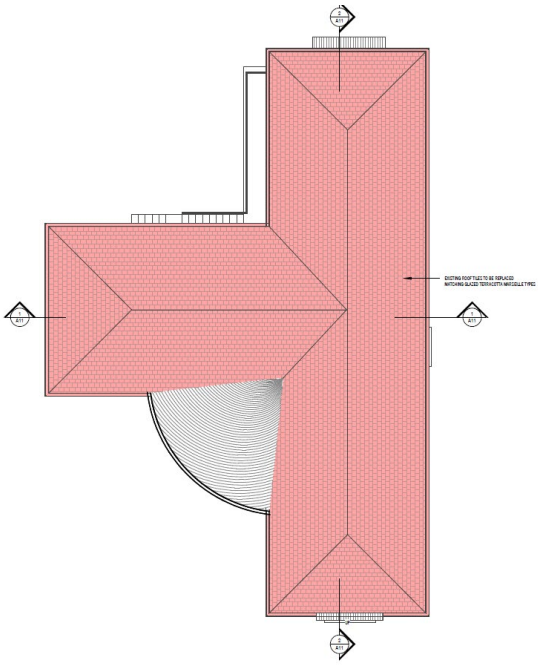

Figure 3: Proposed works (new roof)

*Source: Innovix Consulting*




Figure 4: Proposed works (First floor)

*Source: Innovix Consulting*

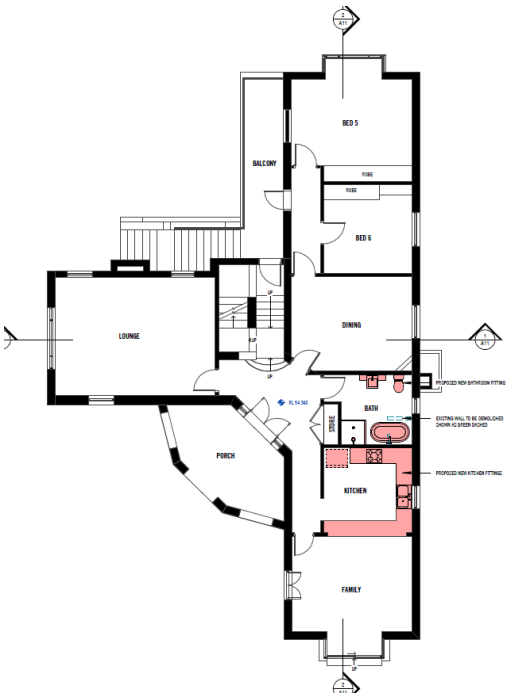


Figure 5: Proposed works (Ground floor)

*Source: Innovix Consulting*

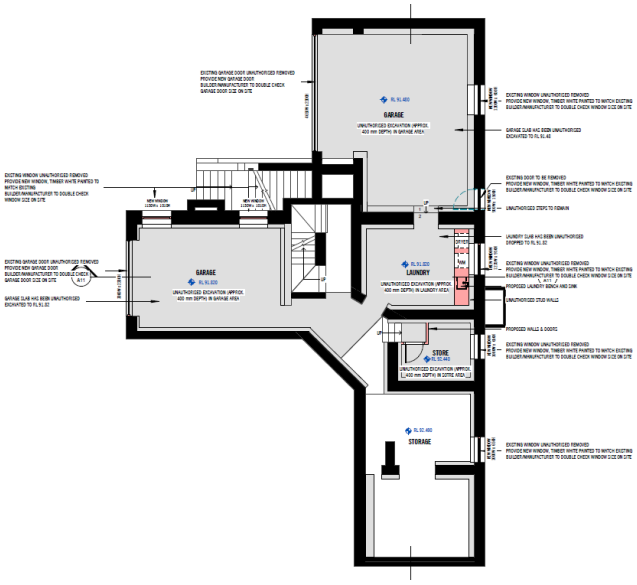


Figure 6: Proposed works (Lower Ground floor)

*Source: Innovix Consulting*

## 3.2. Trees and Landscaping

No changes are proposed to trees or landscaping.

## 3.3. Parking and Access

No changes to parking or site access is proposed.

## 3.4. Construction & Waste Management

A Construction Waste Management Plan was prepared by Innovix Consulting Pty Ltd is attached to this DA.

## 3.5. State Environmental Planning Policy (Sustainable Buildings) 2022

A BASIX Certificate prepared by Innovix Consulting Pty Ltd is attached to this DA.

## 3.6. Cost of works

A Building Cost Summary Report was prepared by Innovix Consulting Pty Ltd and is attached to this DA.

# 4. Statutory Planning Assessment

## 4.1. State Environmental Planning Policy

### 4.1.1. State Environmental Planning Policy (Sustainable Buildings) 2022

The aim of the *State Environmental Planning Policy (Sustainable Buildings) 2022* is to encourage the design, assessment and delivery of sustainable buildings by recording, monitoring and minimising consumption of energy. This will reduce greenhouse gas emissions, minimise the consumption of mains-supplied potable water and ensure good thermal performance of buildings.

A BASIX Certificate prepared by Innovix Consulting Pty Ltd is attached to this DA.

### 4.1.2. State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (SEPP Resilience and Hazards) requires Council to consider whether land is contaminated prior to granting consent to carrying out any development on the land. The dwelling has a history of residential use only and unlikely to have been used for another use which would cause contamination and require remediation. Additionally, all works are within the dwelling with no impact to land contamination.

### 4.1.3. State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposed works does not fall under the provisions of Traffic Generating Development as identified under Schedule 3 of the T&ISEPP. The Assessment considered that the traffic movements generated by the dwelling during occupation would not increase and during construction stage would not cause disruption or result in any adverse traffic circumstances on surrounding road network.

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

### 4.2.1. KLEP Controls Summary

The site is subject to the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015). The relevant provisions of KLEP 2015 are identified in the Table below.

Table 3: Summary of KLEP 2015

| Provision | Control | Compliance |
|---|---|---|
| Land Zoning | R2 - Low Density Residential<br>C4 - Environmental Living<br>C2 - Environmental Conservation | Yes – dwelling alts and adds |
| Height of Building | 9.5m | Please refer to **Section 4.2.3** and **Clause 4.6** for discussion on height. |
| Floor Space Ratio | R2 - 0.3:1<br>C2 & C4 - 0.2:1 | No change |
| Heritage | Crown Blocks Conservation Area Significance | Yes<br>(HIS attached) |
| Bushfire | Vegetation Buffer<br>Vegetation Category 1 | Bushfire Report attached |
| Acid Sulfate Soils | Class 5 | NA |
| Terrestrial Biodiversity | Biodiversity | NA |
| Riparian Lands and Watercourses | NA | NA |
| Minimum Lot Size | 1500 m²<br>840 m² | NA |
| Land Reservation Acquisition | Regional Open Space (E2) | NA |

### 4.2.2. Zoning, Permissibility and Objectives

The subject site is zoned R2 Low Density Residential, C2 Environmental Conservation and C4 Environmental Living under the *Ku-ring-gai Local Environmental Plan 2015*. The proposed development is permitted with development consent in the land use zone.

Only the R2 zoned land is applicable to the proposed development where the works are within the existing dwelling.

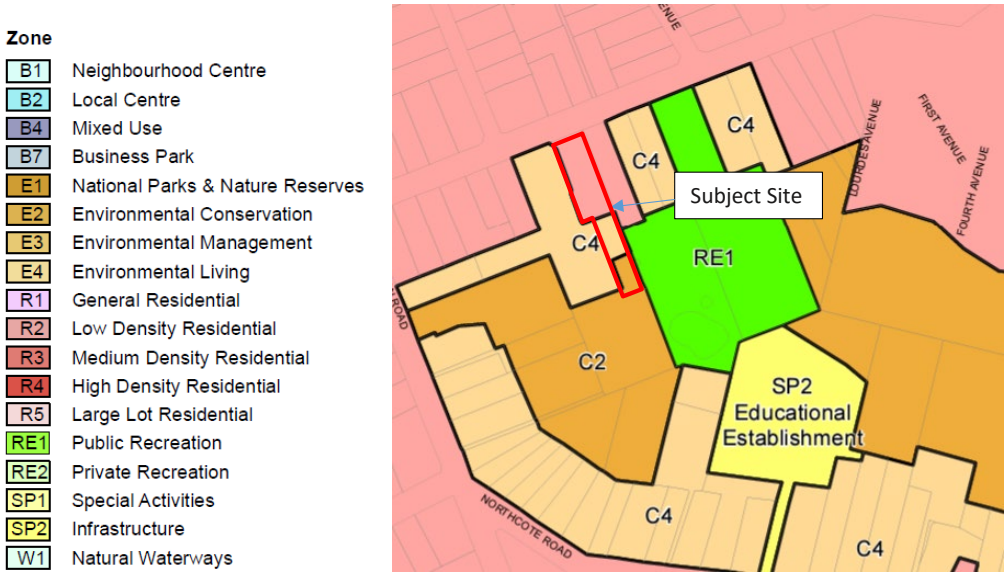


Figure 7: Zoning

*Source: Ku-ring-gai LEP 2015*

The objectives of the R2 Zone are as follows:

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

The proposed alterations and additions would achieve the objectives of the land use zone and maintain the low density residential environment. The proposed building works would ensure the housing needs of the owner is met by allowing the renovation works to be undertaken whilst maintaining compatibility with the HCA as justified in the HIS.

### 4.2.3. Height of buildings

The objectives of the height clause are as follows:

*(a) to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres,*

*(b) to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,*

*(c) to enable development with a built form that is compatible with the size of the land to be developed.*

The proposed height achieves the relevant height of building objectives by maintaining compatibility with the existing development and the size of the land to be developed. The existing building exceeds the maximum building height and a Clause 4.6 variation to the building height is attached to this DA.

### 4.2.4. Heritage

Whilst the existing dwelling is not a local heritage item, it is however located within the Crown Blocks Conservation Area and is in proximity of other local heritage items.

A Statement of Heritage Impact (HIS) was prepared by Touring the Past in support of the proposed development. With regard to the internal works, the report considers that "*proposed approach to the interiors as commensurate with the subject place's heritage classification and broadly appropriate. Key spaces within the internal footprint would retain a historic/late interwar atmosphere and notable fabric*". The HIS also concludes that the "*the existing glazed, variegated Marseille terracotta tiles should be conditioned to be matched 'like-for-like' (as close as reasonably possible)*".

### 4.2.5. Bush fire prone land

The subject site is affected by Vegetation Category 1, upon which the tennis court is located and Vegetation Buffer, upon which the proposed works would be undertaken.

The Bushfire Assessment Report prepared by Sydney Bushfire Consultants considers the internal works and replacement roof and noted that "*considering the subject developments location and the calculated extent of the APZ area recommended by this report, the subject development is technically capable of complying with AS 3959:2018 / NASH 2021 and the recommended mitigation measures and construction requirements as stated in this report would reasonably address the aims and objectives of PBP 2019".*

### 4.2.6. Acid Sulfate Soils

Class 5 Acid Sulfate Soils (ASS) applies to the subject site. The site is not adjacent to other ASS classes. No earthworks are undertaken and the proposed development would not disturb, expose or drain ASS and cause environmental damage.

### 4.2.7. Biodiversity Protection

The proposed works to the dwelling would not result in impacts to biodiversity values at the rear of the site.

### 4.2.8. Riparian land and adjoining waterways

The rear of the subject site is within Riparian Land Category 1. No works are proposed in this area neither would this land be affected by any proposed works.

## 4.3. Ku-ring-gai Development Control Plan

The relevant matters to be considered under The Ku-ring-gai Development Control Plan (KDCP) effective 3 March 2023 are outlined below in the following summary compliance Table.

Table 4: KDCP Summary Compliance Part 4 Dwelling Houses

| Objective | Control | Proposal | Complies |
|---|---|---|---|
| 4A.1 LOCAL CHARACTER AND STREETSCAPE | | | |
| 1 To ensure the development is sensitive to the landscape setting, environmental conditions and established character of the street and locality.<br>2 To ensure the development conserves and enhances the visual character of the street with particular reference to integration of:<br>i) architectural themes;<br>ii) building scale and setbacks;<br>iii) landscape themes; and<br>iv) fencing styles.<br>3 To ensure development provides a positive contribution to the public domain and all areas shared by the community. | Visual Character<br>1 Design components of new development are to be based on the existing predominant and high quality visual character of the local neighbourhood.<br>2 The appearance of the dwelling is to maintain the local visual character by considering the following elements:<br>i) visibility of on-site development when viewed from the street, public reserves and adjacent properties; and<br>ii) relationship to the scale, layout and character of the tree dominated streetscape of Ku-ring-gai.<br>3 The prominent and high quality characteristics of the neighbourhood are to be identified and considered as part of the site analysis.<br>Note: Visual character or streetscape is created by many features including: lot sizes, fencing, kerbs, setbacks, building separation and spaces between buildings, separation, access arrangements, street tree planting, tall tree canopy backdrop to the horizon, native vegetation and private gardens, as well the architecture of individual residences and their associated structures. | The works are supported by the HIS for the DA which states that the works would not have an unacceptable impact on the contributory significance of the subject place nor the broader public realm of the HCA. | Yes |

| Objective | Control | Proposal | Complies |
|---|---|---|---|
| 4 To ensure that the visual, scenic and environmental qualities on visually prominent sites are maintained. | Public Domain and Communal Space<br>4 Development is to integrate with surrounding sites by:<br>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;<br>ii) minimising overshadowing; and<br>iii) integrating built form and soft landscaping (gardens and trees) within the tree canopy that links the public and private domain throughout Ku-ring-gai. | The visual, scenic and environmental qualities on the subject site would be maintained when viewed from the street as the development would maintain its two storey character with no increase in building height. | Yes |
| 4A.2 BUILDING SETBACKS | | | |
| NA | | | |
| 4A.3 BUILT-UPON AREA | | | |
| NA | | | |
| 4A.4 LANDSCAPING | | | |
| 4B Access and Parking | | | |
| 4C.4 PRIVATE OPEN SPACE | | | |
| 4C.8 FENCING | | | |
| 4C.9 WASTE MANAGEMENT | | | |
| 4C.10 MATERIALS AND FINISHES | | | |
| 1 To reflect and reinforce the local character of Ku-ring-gai. | 1 External walls must be constructed of high quality and durable materials and finishes. | The roof is hipped and clad in glazed variegated Marseille | Yes |

| Objective | Control | Proposal | Complies |
|---|---|---|---|
| 2 To complement the streetscape and natural environment.<br>3 To promote the use of high quality materials, finishes and colours for building facade articulation design and visual interest.<br>4 To ensure the use of materials, finishes and colours creates well proportioned facades and minimises the visual bulk.<br>5 To encourage the use of a subdued palette of colours and limited range of hues for building consistency across the LGA. | Note: Material and finishes selection is to be made in accordance with objectives and controls as stated in Part 23.4 of this DCP to ensure low environmental impact.<br>2 Reuse or recycling of existing local materials such as sandstone and brick is encouraged.<br>3 Large, unbroken expanses of any single material and finish (rendered or not) to building facades must be avoided.<br>Note: Refer to Parts 6-10 of this DCP for relevant building façade articulation controls.<br>4 New development is to avoid extensive use of highly reflective or gloss materials on the exterior of buildings.<br>5 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.<br>6 Where louvres are used, they are to be an integral element in the building façade design.<br>7 Where additions and alterations are proposed, external materials and finishes must complement the existing building. | terracotta tiles, which appear original.<br>In accordance with the HIS, roof tiles are to be replaced to match the existing glazed terracotta marseille tiles. | |

## 4.4. Ku-Ring-Gai Development Control Plan (Other Matters)

The relevant matters to be considered under The Ku-ring-gai Development Control Plan (KDCP) are outlined below in the following summary compliance Table.

Table 5: KDCP Other matters

| Objective | Control | Proposal | Complies |
|---|---|---|---|
| **16.1 Bushfire Risk Management** | | | |
| | 4 Development is not to be located so as to require measures to manage bushfire risk by other landowners/managers.<br><br>5 Development is to be located and designed to minimise the need for bushfire hazard reduction, while protecting life and property.<br><br>6 Asset protection is to incorporate an inner protection area and an outer protection area determined by a bush fire risk assessment.<br><br>7 Consideration is to be made to the impact of any bushfire management measures on ecological, riparian and heritage values of the site, and outline conditions proposed to mitigate these.<br><br>8 Measures such as increased construction standards, building shape and layout, siting in the landscape and improved access and water supplies are to be considered where this would reduce the need for removal of native vegetation or habitat. | The Bushfire Assessment Report prepared by Sydney Bushfire Consultants includes the replacement roof as well as the internal alterations and additions works. The Report notes that the development is technically capable of complying with the relevant Australian standards. | Yes |

| Objective | Control | Proposal | Complies |
|---|---|---|---|
| | Note: Development on Bushfire Prone Land is to comply with the requirements of Planning for Bushfire Protection 2019. Protection of life and property from bushfire is to be considered in the early design phase, to allow appropriate construction and design techniques to be incorporated with biodiversity and heritage management on the site. | | |
| **Part 21 GENERAL SITE DESIGN** | | | |
| 23.10 CONSTRUCTION, DEMOLITION AND DISPOSAL | | A CWMP is attached to this DA. | Yes |

# 5. Section 4.15 Assessment

The following assessment has been structured in accordance with Section 4.15(1)(a) of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

## 5.1. Statutory Policy and Compliance

The proposed development has been assessed in accordance with the relevant state, regional and local planning policies, as follows:

- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Ku-ring-gai Local Environmental Plan 2015*
- Ku-ring-gai Development Control Plan

This SEE demonstrates that the proposed development is consistent with the relevant statutory planning policies and achieves the objectives of the relevant provisions.

## 5.2. Natural Environment Impacts

There are no natural environmental impacts as all works are associated with the existing building.

## 5.3. Social and Economic Impacts

The works undertaken by the Applicant were meant to improve and renovate the site and dwelling. The proposed development provides for increased social and economic outcomes through the provision of jobs during the construction stage and on-going use of the dwelling for residential purposes.

## 5.4. Built Environmental Impacts

The heritage integrity of the HCA would be maintained through the proposed dwelling works as justified in the HIS in support of this DA. The residential amenity will be improved as the proposed works are compatible with the existing residential land use allowing the dwelling to be renovated.

## 5.5. Suitability of the Site for Development

The proposed alterations and additions are suitable for the site as well as maintaining the heritage significance of the HCA. A Statement of Heritage Impact in favour of the proposed development has been prepared by Touring the Past for the proposed works.

## 5.6. The Public Interest

The assessment undertaken in the preparation of this SEE has identified no likely adverse built or environmental impacts arising from the proposal. It is believed that the unauthorised and proposed development is in the public interest as it will maintain the residential character of the area. The proposed development would have little or no impact onto surrounding land uses.

# 6. Conclusion

The Applicant is seeking development consent for the unauthorised and proposed works under the *Environmental Planning and Assessment Act 1979*. It is believed the proposal is appropriate for the site and the locality in terms of design and functionality.

There would also be minimal impact to the environment and surrounding land uses from the proposed development. In this regard, the proposed development is supported by technical reports and plans in the form of a HIS and bushfire report.

The proposal is considered to be satisfactory under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as demonstrated within this report and the attached documentation. It is believed that the proposal is also in the public interest and should be approved by Council.

# Clause 4.6 Variation to Maximum Building Height Limit

In support of a Development Application for proposed alterations and additions to an existing dwelling at 69 Stanhope Road, East Killara

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**Proposed alterations and additions to an existing dwelling**

**Clause 4.6 Variation to Maximum Building Height Limit**

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**Location:**

69 Stanhope Road, East Killara

**Prepared for:**

Ku-ring-gai Council

**Prepared by:**

Metris Urban Planning

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**Report Status:**

FINAL

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**Date:**

14 December 2025 |

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**Document Version:**

1.0 |

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# 1. Introduction

Metris Urban Planning has prepared this Clause 4.6 request on behalf of the applicant, Ms Juanqi Chen in support of a Development Application (DA) lodged with Ku-ring-gai Council (Council) for proposed alterations and additions at 69 Stanhope Road, East Killara (the subject site).

A maximum building height limit of 9.5m applies to the subject site under Section 4.3 of the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015). The original maximum building height was 11.03m. Unauthorised excavation work of 400mm in the garage has raised the current maximum height to 11.430m (RL 102.910). In this regard, a Clause 4.6 Variation to the 9.5m maximum building height control has been prepared in support of the new building height.

*Clause 4.6(3) of the KLEP requires:*

*"(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."*

Pursuant to section 35B(2) of the *Environmental Planning and Assessment Regulation 2021* (NSW), this written request is the document that sets out the grounds on which the applicant seeks to demonstrate the matters in clause 4.6(3)(a)-(b).

This written statement has been prepared in accordance with the relevant principles established in the following NSW Land and Environment Court judgments *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 (and appeal at NSWLEC 90) and *Wehbe v Pittwater Council* [2007] NSWLEC 827 (*Wehbe*).

In accordance with the relevant legislation and case law, this Clause 4.6 variation request:

- identifies the development standard to be varied (**Section 3**);
- identifies the extent of the variation sought (**Section 3.1**);
- demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances, as required by Clause 4.6(3)(a) (**Section 4.3**); and
- demonstrates that there are sufficient environmental planning grounds to justify the contravention of the development standard, as required by clause 4.6(3)(b) (**Section 4.4**).

# 2. Site Locality and Surrounds

## 2.1. Site Context

The subject site is located at 69 Stanhope Road, East Killara which is legally described as Lot 3 in DP332457 with a site area of 1,796m² and Lot A in DP332798 with a site area of 1,109m², resulting in a total site area of 2,905m².

The surrounding land uses are predominantly detached residential dwellings with an apartment building 'Swains Manors' located to the west at 67 Stanhope Road. Swain Gardens and Wombin Reserve are located at the rear of the subject site (**Figure 1**).




Figure 1: Site locality

*Source: Google Maps*

Whilst the subject site is not a heritage item, it is situated within the Crown Blocks Conservation Area. Site structures comprise of a two storey dwelling with swimming pool at the front and tennis court at the rear of the property (**Figure 2**).

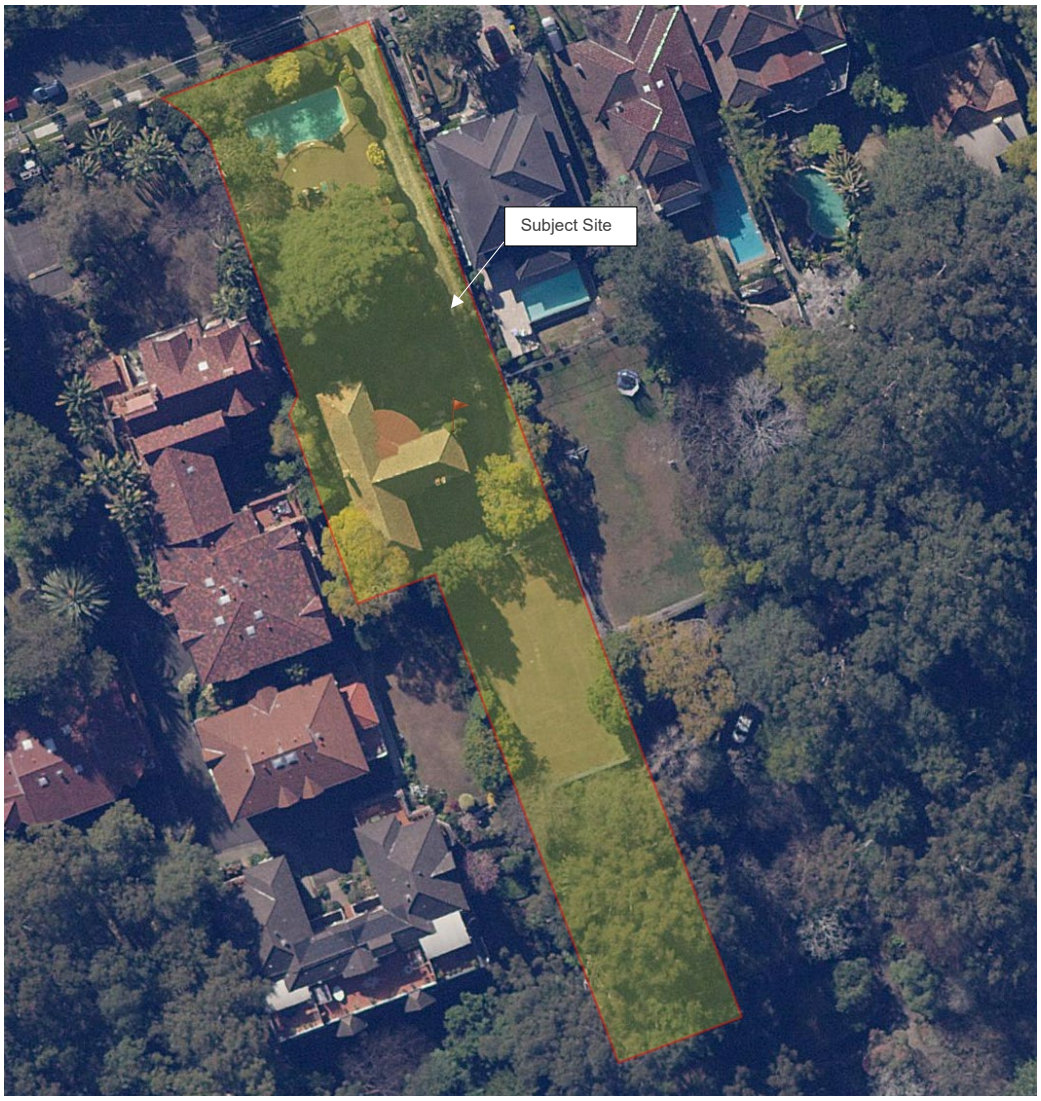



Figure 2: Subject site

*Source: Six Maps*

# 3. Proposed Development

Consent is sought for the following works:

- A new roof (**Figure 3**) as existing roof tiles are dilapidated and require replacement. Roof tiles are to be replaced to match the existing glazed terracotta marseille tiles.
  The original maximum building height was 11.03m. Unauthorised excavation work of 400mm in the garage has raised the current maximum height to 11.430m (RL 102.910). In this regard, a Clause 4.6 Variation to the 9.5m maximum building height control has been prepared in support of the new building height.
- Minor internal renovation works are proposed as follows:
  - First floor: Removal of second kitchen to be replaced by a bar and bathroom renovations;
  - Ground floor: New bathroom and kitchen fittings; and
  - Lower ground floor: Laundry room to get a new laundry bench and sink and storeroom works.

Early basement excavation works were undertaken within the garage without DA approval. A Building Information Certificate (BIC) has been lodged separately for Council approval.

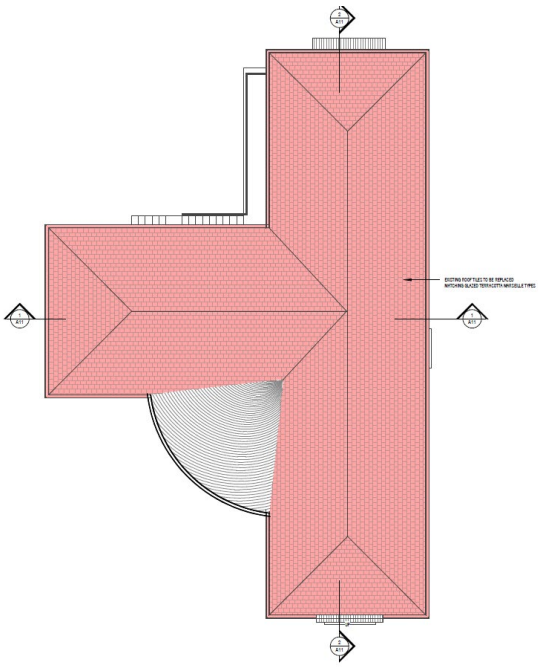


Figure 3: Proposed works (new roof)

*Source: Innovix Consulting*

# 4. The Proposed Variation

## 4.1. Clause 4.3 Height Of Buildings

A maximum building height limit of 9.5m applies to the subject site under Section 4.3 of the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015) and as reflected on the Height of Buildings Map extract at **Figure 4**.




Figure 4: Height of buildings

*Source: Ku-ring-gai LEP 2015*

## 4.2. Extent of Variation Sought

The existing roof pitch at 11.43m high already exceeds the 9.5m maximum building height limit which applies to the subject site. Whilst the new roof will be to the same height as the existing roof, a 1.93m height exceedance occurs across the rear and side of the dwelling as illustrated on **Figures 6-9**.

The proposed development seeks to vary the maximum height development standard pursuant to Clause 4.6 of the *Ku-ring-gai Local Environmental Plan 2015* as a result of the breach of height standard by 1.93m. The height exceedance is tabulated in **Table 1** below.

Table 1: Height Exceedance

| Building Component | Maximum permissible building height control | Existing building height | Height exceedance | Percentage exceedance |
|---|---|---|---|---|
| **New roof** | 9.5m | 11.43m | 1.93m | 20.31% |

In summary, the height exceedance is the result of:

- The existing building height.
- Excavation in the garage by approximately 400mm.

The reasons for the height exceedance are explained below. However, it is important to recognise that the height exceedance must be calculated as follows:

> *"(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
>
> *(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like."*




Figure 5: North-west elevation

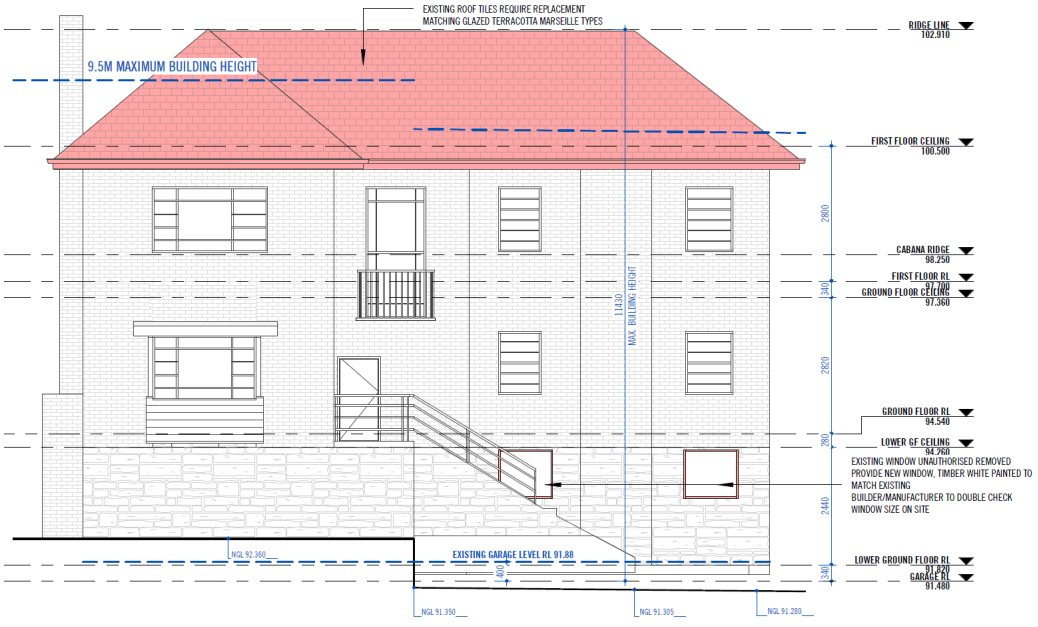
*Source: Innovix Consulting*




2 | SOUTH WEST ELEVATION
SCALE: 1 : 100

Figure 6: South-west elevation

*Source: Innovix Consulting*




3 | SOUTH EAST ELEVATION
SCALE: 1 : 100

Figure 7: South-east elevation

*Source: Innovix Consulting*

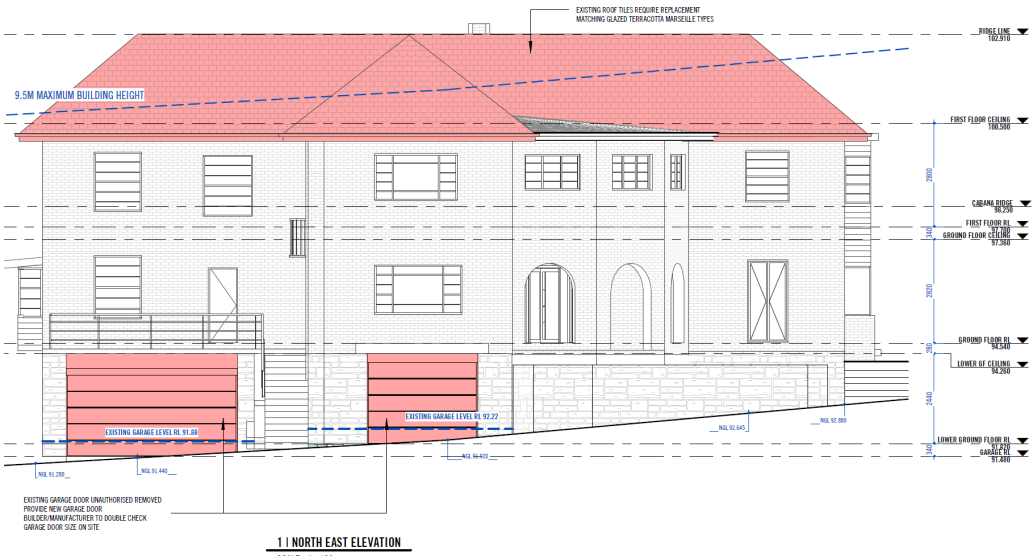



Figure 8: North-east elevation

*Source: Innovix Consulting*

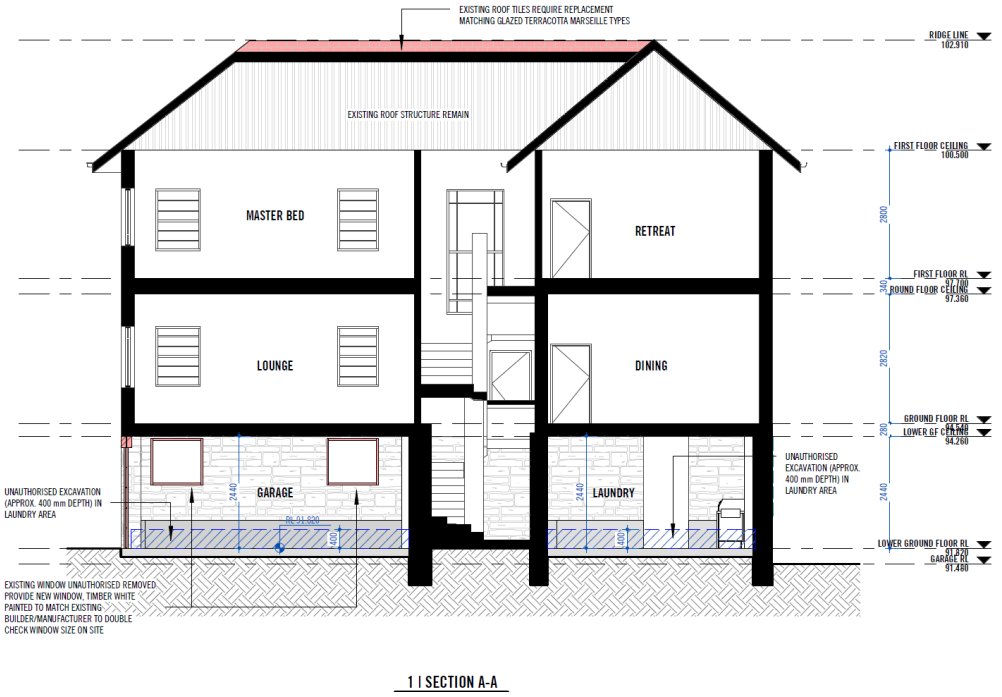



Figure 9: North-east elevation

*Source: Innovix Consulting*

# 5. Assessment of Proposed Clause 4.6 Variation

Clause 4.6 Exceptions to Development Standards of the *Ku-ring-gai Local Environmental Plan 2015* permits Council the flexibility to grant consent where a development exceeds a development standard. As discussed earlier in the height of building assessment, a variation to the maximum building height limit is required.

*Clause 4.6 Exceptions to development standards*

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

*(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

*(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

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

*(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*

*(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

*Note—*

*The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).*

*(4) The consent authority must keep a record of its assessment carried out under subclause (3).*

*(5) (Repealed)*

*(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*

*(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

*(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

*Note—*

*When this Plan was made it did not include all of these zones.*

*(7) (Repealed)*

*(8) This clause does not allow development consent to be granted for development that would contravene any of the following—*

*(a) a development standard for complying development,*

*(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*

*(c) clause 5.4,*

*(caa) clause 5.5.*

## 5.1. Objectives

The object of Clause 4.6 is to provide a degree of flexibility in considering the development standard and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

This submission seeks a variation to the 9.5m development standard which will not result in significant environmental or amenity impacts to adjoining properties as justified throughout this submission.

For the reasons expanded on further below, the proposed development provides a better outcome compared with strict compliance with the height standard, as the height exceedance allows for the building to maintain its current height. The variation allows for a new roof to be constructed to match the existing roof form which is in disrepair and requires replacing.

## 5.2. Exclusions from the Operation of Clause 4.6

The height of buildings development standard is not expressly excluded from the operation of this clause as noted in Clause 4.6(8).

## 5.3. Compliance with the development standard is unreasonable or unnecessary

This Section demonstrates that "*compliance with the development standard is unreasonable or unnecessary in the circumstances*" as noted in Clause 4.6(3)(a).

The common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are summarised by Preston CJ in *Wehbe v Pittwater Council* (2007) 156 LGERA

446; [2007] NSWLEC 827 at [42]-[51] (**Wehbe**) and repeated in *Initial Action Pty Ltd v Woollahra Municipal Council* (2018) 236 LGERA 256; [2018] NSWLEC 118 at [13] at [17]-[21] (**Initial Action**):

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard **(First Way)**
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary **(Second Way).** - **NA**
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable **(Third Way).** - **NA**
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable **(Fourth Way)** - **NA**
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable and unnecessary. That is, the particular parcel of land should not have been included in the particular zone **(Fifth Way).** - **NA**

In *Initial Action Pty*, Preston CJ clarified the *Wehbe* tests remained applicable to clause 4.6 and that it was sufficient to establish one of the *Wehbe* methods alone: *Initial Action* at [22]. Here, compliance with the development standard is unreasonable or unnecessary based on the First Way.

### 5.3.1. First Way: Objective of the Development Standard are achieved

The objectives of Section 4.3 of the *Ku-ring-gai Local Environmental Plan 2015* are achieved despite the non-compliance with the maximum building height limit. Those objectives are extracted below:

*"4.3 Height of buildings*

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

*(a) to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres,*

*(b) to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,*

*(c) to enable development with a built form that is compatible with the size of the land to be developed.*

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map."*

In *Wehbe* at [43], Chief Justice Preston explained:

*"43 The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the*

*objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."*

The objectives of section 4.3 are addressed in turn below.

#### 5.3.1.1. Objective (a): To ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres

The dwelling is not located within an area identified as a centre and the height of the building is appropriate for its locality and matches the original roof design. The visual, scenic and environmental qualities on the subject site will be maintained when viewed from the street as the development would maintain its two storey character.

#### 5.3.1.2. Objective (b): To establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity

Since the building envelope will remain unchanged, the local amenity and the Heritage Conservation Area will continue to be protected with no increase in visual impact, loss of privacy or loss of solar access to surrounding development.

#### 5.3.1.3. Objective (c): To enable development with a built form that is compatible with the size of the land to be developed

The built form of the existing dwelling will remain substantially the same and be compatible with the size of the subject site which has a total site area of 2,905m². Strict compliance with the numerical development standard is considered to be unreasonable and unnecessary in the current circumstances as the size of the development is proportionate to the size of the site and existing building.

## 5.4. Sufficient environmental planning grounds to justify contravening the development standard

Sufficient environmental planning grounds exist which are specific to the subject site, which warrant contravening the development standard, including:

- The building height is already exceeded as a result of the existing roof.
- The new roof height and tiles will be the same height and material as the existing roof.
- The front elevation of the dwelling is below the maximum building height and exceedance of the development standard is limited to only the side and rear of the dwelling.
- No additional bedrooms or dwelling GFA is created as a result of the building height.
- The variation to the development standard will not increase amenity impacts to adjoining properties.

For the above reasons it is considered that there are sufficient environmental planning grounds consistent with Clause 4.6(3)(b) to warrant support from Council.

# 6. Conclusion

This Clause 4.6 variation request demonstrates that compliance with the maximum building height standard in Clause 4.3 of the *Ku-ring-gai Local Environmental Plan 2015* is unreasonable and unnecessary in the circumstances of the proposal and that the proposed variation to the standard is considered an acceptable outcome.

The proposed variation acknowledges the unique circumstances of the proposal as the existing roof already exceeds the maximum building height and the development application merely seeks to replace a dilapidated roof to the same height and materials as existing. The development provides a better planning outcome in the context of the site. It is considered that:

- Compliance with the height standard is unreasonable and unnecessary in the circumstances of the proposed development;
- There are sufficient environmental planning grounds to justify the contravention which results in a better planning outcome compared to a strictly compliant development in the circumstances of this particular case; and
- The proposed development is consistent with the objectives of the height standard and the land use zone which is discussed in the SEE.

It is requested for Ku-ring-gai Council to vary the maximum height development standard. The variation is well founded and compliance with the standard in unreasonable in the circumstances of the case with minimal environmental and amenity impacts to adjoining properties.

TOURING THE PAST

# HERITAGE IMPACT STATEMENT

Alterations and Additions



69 Stanhope Road, Killara NSW 2071

Prepared for Innovix Consulting

December 2023

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**Acknowledgement of Country**

We acknowledge the Darramuragal or Darug people as the Traditional Custodians of the land now called Killara and recognise that sovereignty has never been ceded. We continue to support the Uluru Statement from the Heart to achieve justice, recognition, and respect for all First Nations people.

**Touring the Past Pty Ltd**

**Heritage | Conservation**

Author: Patrick Wilson
Director—Heritage Consultant and Professional Historian

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Cover image: Close-up of the central bay, façade.

Primary and secondary materials utilised in the preparation of this report are acknowledged and referenced in captions or footnotes.

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| DATE | VERSION | PREPARED BY |
|---|---|---|
| 11.08.23 | Draft issued | Patrick Wilson |
| 15.12.23 | Issued for DA | Patrick Wilson |

TOURING THE PAST

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# 1 INTRODUCTION

## 1.1 Purpose

This Heritage Impact Statement (HIS) has been prepared on the instruction of Innovix Consulting on behalf of the property owner of 69 Stanhope Road, Killara (the subject place)—a substantial upper-middle-class late interwar period residence in the Crown Blocks Heritage Conservation Area. It accompanies a development application (DA) for unauthorised works and alterations/additions. This report provides the consent authority, Ku-ring-gai Council, with an assessment of whether the scheme is acceptable in terms of its heritage impact.

## 1.2 Methodology

The author of this report is an experienced built heritage professional and accredited professional historian. The assessment, opinion, and recommendations herein are pursuant to the Expert Witness Code of Conduct in Schedule 7 of the *Uniform Civil Procedure Rules 2005* (NSW). Terminology and principles in this document are based on sound heritage management approaches, namely as expressed by *The Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter* (rev. 2013) and its accompanying practice note *Burra Charter Article 22 – New Work,* the Government Architect NSW's *Better Placed: Design Guide for Heritage* (2019), and recent best-practice documentation from the NSW Department of Planning and Environment, namely *Assessing heritage significance* (June 2023) and *Guidelines for preparing a statement of heritage impact* (June 2023). This report is informed by a non-invasive inspection of the subject place and its setting (February 2023).

## 1.3 Location

The subject place comprises two land parcels—Lot 3, DP332457 and Lot A, DP332798—situated on the south side of Stanhope Road, to the east of Nelson Road. The property extends south to Swain Gardens and the Wombin Reserve. The broader context is the historic suburban locality of Killara on the Lower North Shore of Sydney.




Aerial photograph of the subject place (approximately shaded) and its environs.
(Source: Metromap, March 2023)

### 1.4 Heritage Management Framework

The subject place is not identified as an individual heritage item; however, it is located in the Crown Blocks Heritage Conservation Area (HCA). The latter is a large suburban precinct (C22) of 'local' cultural heritage significance under Schedule 5 of the *Ku-ring-gai Local Environmental Plan 2015* (KLEP).

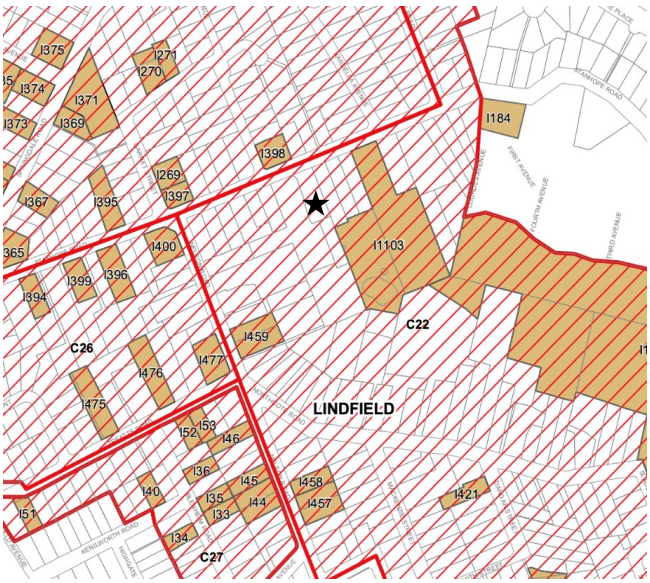
The subject place has been identified in this report as a 'contributory' asset to the Crown Blocks HCA; see the discussion in Section 4.1.

The Council-adopted Statement of Significance for the Crown Blocks HCA, available from Ku-ring-gai Council website, is reproduced below:

> The Crown Blocks Conservation Area has historic significance as Crown Blocks which sold in the 1890s whose boundaries are evident through the following streets: Tryon Road, Nelson Road and the boundary of original large lots.
>
> The area has historic significance for the further subdivision of Crown Blocks as Mackenzie Estate in 1907, Lightcliff Avenue and Slade Avenue in 1916 and Belhelvie Estate in 1919.
>
> The area has aesthetic significance for the intact Federation and Inter-war houses, with some examples of mid to late twentieth century development. Nelson Road consists mainly of Federation period houses with consistent siting, massing and architecture. Lightcliff Avenue represents a significant example of cohesive subdivision and development with housing styles including Inter-war Mediterranean and Old English. The Seven Little Australians Park and Killara Oval are important inclusions to the HCA, providing large landscape elements of high visual amenity.

The Springdale HCA (C21) commences on the opposite side of Stanhope Road.

There are also two individual 'local' heritage items situated nearby: a two-storey dwelling at 66 Stanhope Road (I398) and *Swain Gardens* at 77-77A Stanhope Road (I1103).




Extract from Heritage Map – Sheet HER_014. Red hatching shows the extent of the various HCA, while tan shading denotes an individual heritage item. The subject place is marked by the black star. (Source: KLEP)

As per the KLEP at cl 5.10 (1)(a)(b), the key heritage consideration for the Council is the appropriate conservation of a heritage place's assessed cultural heritage value. Accordingly, the above Statement of Significance and further discussion throughout this report provide an essential baseline for understanding the impact of new work on the subject place (a contributory property), the encompassing HCA, and the nearby heritage items—an approach in line with Article 27 ('Managing Change') of the *Burra Charter*.

## 2 HISTORICAL OUTLINE

On the basis of the *Sands Sydney, Suburban and Country Commercial Directory* (which ends in 1933) and historical aerial photography, the subject building was constructed between the early 1930s and 1943. Given the onset of wartime rationing in early 1942, which came on the back of a stagnated economy, it seems likely that this commodious residence was built in the late 1930s—an estimation that equates with its Georgian Revival-influenced design expression. Municipal rate book research would be required to establish a closer date (outside the scope of this report). In any respect, it is an illustration of a late interwar period, a phase in which the eastern end of Stanhope Road was consolidating in line with the broader built environment of Killara, by then a well-established upper-middle-class 'dormitory suburb'.

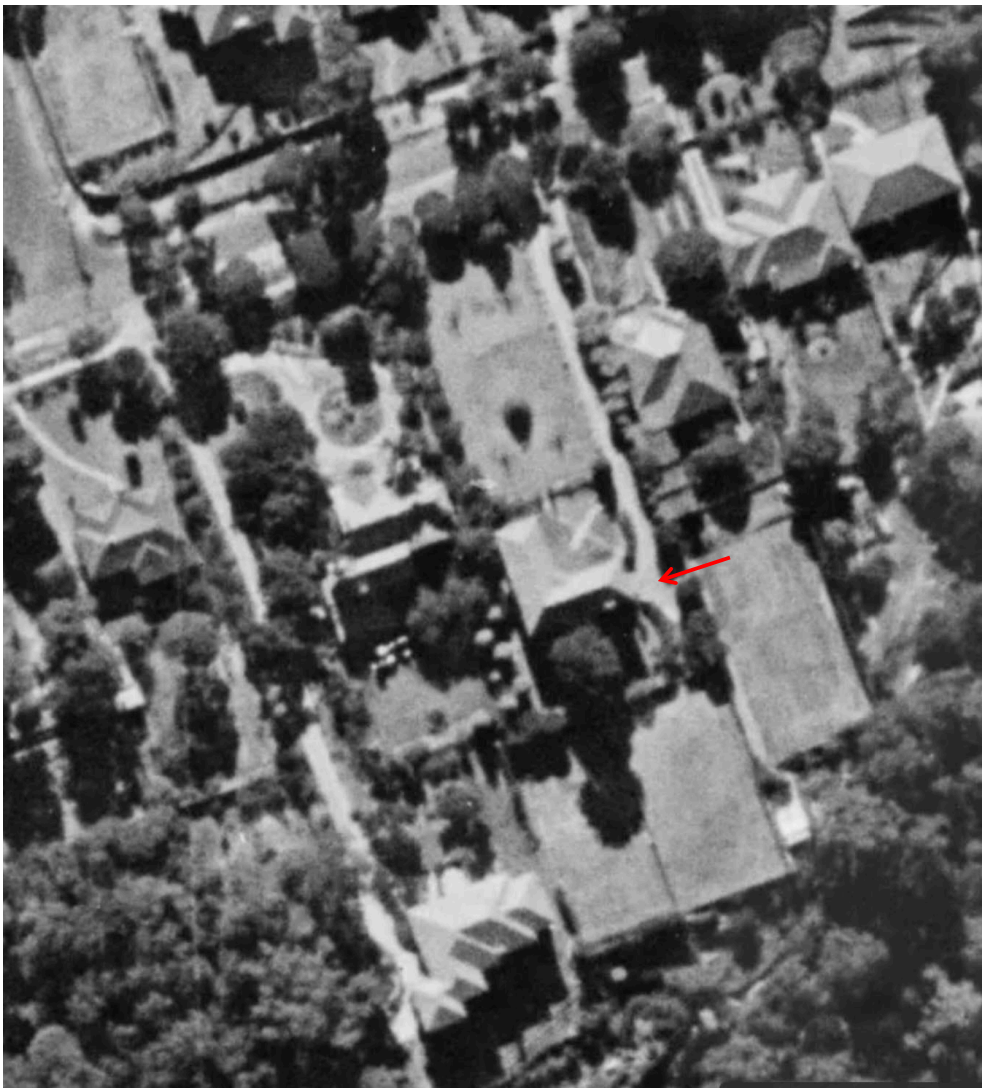


1930 aerial photograph of the eastern end of Stanhope Road (east of Nelson Road) with the location of the subject building—then seemingly part of a formal garden associated with another since subdivided property—identified by the red arrow.
(Source: Historical Imagery NSW Government, Sheet No. 9130, Run R8, Frame 1216)

The first owner may have been Herbert Ernest William Carr (d. 1959), described as an 'oil specialist', 'contractor', and company director in census data over the interwar and postwar years. Interestingly, Carr was a resident of at least three residences on Stanhope Road, namely no. 59 (early-to-mid 1930s), no. 66 (the mid-1940s), the subject place/no. 69 (early-to-mid 1950s). While this occupation date of the subject place does not equate the approximate construction date, the fact that Carr was (sometimes) described as a contractor and his linear sequence of ownership eastwards along the street raises at least the possibility that he was acquiring subdivided holdings along Stanhope Road, having a residence constructed, and then occupying it and/or selling it onwards in the mode typical of the small-scale builder-developer of the time. Rate book research would confirm/disapprove this inference.[1]

[1] Census material available from ancestry.com.au

The 1943 aerial photograph below depicts the subject place in its original/early state. The primary L-shaped footprint of the residence, with its hipped roof, is shown, along with the eastern/side driveway, rear tennis court, 'X' path in the courtyard in front of the dwelling, and large front lawn area, including a feature planting (the existing mature in the same location, believed to be an English Elm, presumably the original).



1943 aerial photograph with the subject property—identified by the red arrow.
(Source: Metromap)

## 3 PHYSICAL DESCRIPTION

The subject building is well setback on a large and deep rectangular allotment. It is two storeys in height with a basement level and a T-shaped footprint.

The roof is hipped and clad in glazed variegated Marseille terracotta tiles, which appear original. Eaves are wide with a sheeted soffit. The walls are of clinker brick in a stretcher bond above a rock-faced ashlar sandstone plinth.

A central faced double-height bay with recessed ached porch/loggia at the ground level defines the façade. Original windows are timber-farmed casements and/or fixed with fine glazing bars (suggestive of Moderne 'speedlines'). The overall design character of the residence is Georgian Revival, conveyed by its symmetry and repose.

Photographs of the subject building and its garden setting with descriptive captions follow.



Contemporary aerial photograph of the subject place with the residence identified by the red arrow. North is top of frame.
(Source: Metromap, July 2023)

Stanhope Road—much of which is included within various HCAs—is a fine thoroughfare indicative of the leafy upper-middle class masonry, for the most part, interwar residential development in well-established gardens that typified the areas back from the railway line's immediate corridor major growth phase: prosperous, exclusive 1920s and 1930s suburbia.



Subject place from the opposite side of Stanhope Road, facing southeast. Note the tall English Elm in the front garden.



View to the subject place from the opposite side of Stanhipe Road—up the slope (falls to the east).



Driveway and crossover prior to unauthorised works. Sandstone flagstones in an irregular pattern. The driveway's central grass island appeared to have been paved over with stone. (Source: Google Street View, September 2019)



View across the front yard.




Existing metal front fence with forward establishment planter bed.



Western pier to driveway entry—relocated/rebuilt as part of the unauthorised works.



Existing driveway/crossover with the western sandstone pier and section of fence.



Unauthorised but discretely placed masonry steps. Proposed for retention. Facing towards Stanhope Road. The lower unauthorised retaining wall has since been removed. The retained taller wall is proposed to be concealed by plantings.



Small sections of surviving sandstone flagstones.



View from the front garden to the frontage of the subject building. Note the non-original/non-contributory timber shed left of screen —proposed for removal.



Garden area close to the western boundary, behind the existing pool. Proposed location of the cabana/shed.



View from the driveway to the primary frontage. Sandstone steps and northern (right) section of wall—original—proposed for replacement. The southern section of original retaining wall would be preserved.



Façade. The original 'X' path forward of this elevation (refer to 1943 aerial photograph) has been lost.



North-western wing. The projecting double-height timber bay is original. Paving may be an addition but sympathetic.



Eastern elevation from the driveway. Southern section of retaining wall with rounded corner specified for retention.



Rear of the subject building. Note visible from the HCA's public realm.



View to the former tennis court from the turning area of the driveway, facing south.



Western elevation of the subject residence.

## 4 ASSESSMENT OF HERITAGE IMPACT

### 4.1 Discussion of Contribution

The *Ku-ring-gai Development Control Plan* (KDCP) provides a definition for a 'contributory property' under the *Introduction* to Part 19 (p3).

As a generally intact, substantial, and architecturally distinguished late interwar residence, the subject residence is a clear-cut candidate for classification as a contributory asset to the Crown Blocks HCA. In addition to the built form and external envelope of the dwelling, the generous front garden setting, with its feature English Elm, also positively contributes to the precinct's public domain.

### 4.2 The Proposal

The scheme is outlined in a set of DA drawings prepared by Innovix, dated 26 July 2023. Landscaping drawings by Yue Rao, dated 30 July 2023, have also been reviewed. These plans should be referred to for a complete understanding of the proposed work.

This report understands that this DA has been prepared in light of the 'stop works' order (RMDE22/00363) issued by the Council, dated 1 July 2022.

In summary, the following is proposed:

- Construct a cabana/shed structure in the front garden,
- Installation of new garage doors in the existing openings (basement floor/east elevation),
- Timber-framed windows are proposed for the basement level of the east elevation,
- The front section of the crossover and driveway would be surfaced in Calor natural quartz, with the remainder in a light grey concrete,
- A metal vehicular swing gate would be installed,
- The unauthorised enlargement of the driveway would be reversed, reinstating its original width (3.5m),
- Remove the front/lower unauthorised driveway retaining wall,
- Conceal back/taller unauthorised driveway retaining wall with plantings,
- Replace the existing roof cladding,
- Undertake extensive landscaping works, and
- Internal modifications/refurbishment, chiefly to the basement level, ground and first floor bathrooms, and the ground floor kitchen.

### 4.3 Heritage Policy

The following section examines the projected impact of the new work on the subject place, the Crown Blocks (encompassing) and Springdale (opposite) HCAs, and in the vicinity individual heritage items.

As the scheme would affect a property located in a HCA, the KLEP at cl. 5.10(2)(a)(iii) requires that Ku-ring-gai Council consider the potential impact of the proposed work on the identified significance of the relevant places, particularly their 'associated fabric, settings and views', cl. 5.10(1)(b). The overall objective is to 'conserve the environmental heritage' of the municipality, cl. 5.10(1)(a).

This HIS, prepared by an independent heritage professional, constitutes the required expert opinion to allow the Council to understand the new work's heritage impact and make an informed, substantiated assessment.

While this section adopts a performance/issue-based assessment model, it is recognised that the statutory heritage objectives of the KLEP are the focal point for the Council's decision-making, assisted by the non-statutory heritage guidance of the KDCP. Concurrently, it is acknowledged that the *Environmental Planning and Assessment Act 1979* at cl. 4.15 (3A)(b) permits a nuanced and discretionary approach in applying the provisions of a DCP, allowing for reasonable alternative solutions that achieve the objectives of the KLEP.

As widely accepted in the heritage management sector, Council's statutory duty—while essential—does not necessarily equate with achieving an outcome absent of any heritage impact. Good heritage management practice, as epitomised by the *Burra Charter* (rev. 2013), emphasises the need to approach change in the historic environment in a common-sense and reasonable manner guided by site-specific conditions, a close understanding of heritage significance, and especially in the case of a private residence—issues of liveability and amenity.

In some cases, a degree of heritage impact may prove acceptable. It is a question of balance and the weighing of effects, not rigid preservation or the uncompromising application of generic non-statutory design preferences. This opinion is supported by Heritage NSW's *Material Threshold Policy* (2020), which recognises that while proposals to culturally significant places can (and optimally would) have a positive/enhancing effect, they typically 'sit within the scale of adverse impacts'. Such a 'scale' can be understood as a continuum with the degree of adverse impacts ranging from negligible and minor to major and material/detrimental implications for the identified significance of a heritage place.

### 4.4 Review of Heritage Impact

*House Alterations*

Garage doors are proposed for the existing two vehicular openings in the east elevation of the primary house. The likely original metal doors were previously removed. These lost doors, while not remarkable, form the basis of the proposed replacements (understood to be metal, featuring horizontal panels).

Given that these openings are concealed from Stanhope Road, an interpretive approach to their replacement is considered appropriate from a heritage impact viewpoint. If supportive, the Council may wish to condition the provision of additional design and installation details for the garage doors to their satisfaction (or that of a nominated heritage practitioner) to ensure their compatibility with that removed and the overall character of the dwelling.

Unauthorised window alterations have occurred to the basement level windows in the west elevation, which is concealed from the public realm. It is proposed to ensure that all of these openings (unaffected) would have timber-framed, white painted replacements, which is a readily acceptable course of action. All other—more distinctive—original windows in the ground and first-floor would be retained.

*Cabana/Shed*

It is proposed to construct a cabana structure with an integrated shed/ensuite off the western side boundary (by 2.26m) in the front garden. The 8.8m x 4m building would have a hipped roof clad in Fielders Z600 corrugated metal (durable/traditional) sheeting and be supported by four clear-sealed square timber posts. Its ridgeline would be 3.45m in height. The small (4m x 2.4m) enclosed section (located at the rear) would have rendered walls painted muted-green or similar with timber-framed (clear sealed) openings. The deck would be paved in sandstone (diamond pattern).

Sandstone stepping stones are also proposed forward of the cabana.

This new element would be situated 19.7m back from the front property boundary, outside the tree protection zone of the contributory English Elm.

Its erection would require the demolition of a non-original/non-contributory existing garden shed.

The relevant performance measures in the KDCP are located at Section 19C.3 (Gardens and Landscaping).

In the view of this report, the proposed cabana/shed does not contravene the objectives and controls of 19C.3. This assessment is made in consideration of its modest scale and respectful built character, which is lightweight, low-key, and largely visually permeable as well as its section of a sympathetic material/colour palette. While it would be situated in the

front garden, the scale of the latter should be taken into account, along with the relatively discrete placement of this new built element to the side and at a deep setback from the public domain. In combination with its appropriate design expression, this siting would ensure the cabana blends into the gardenscape and be 'read' as a visually recessive but distinguishable component within its totality and the streetscape.

The cabana would only have a minimal impact on viewing opportunities to the ground floor of the north-western wing of the primary dwelling; however, this aspect of the subject building is not prominent from Stanhope Road in the first place due to its setback and established trees. This level of effect is viewed as acceptable and would not traduce the overall presence of the substantial and robust house to the public domain.

While neither the KDCP nor the author of this report is generally supportive of the provision of new built forms in front setbacks affected by a HCA, the subject garden is of an extent that can absorb an element of the proposed size and design expression without undue diminishment. Such recreational/entertainment elements are not historically antithetical to the original intentions and uses of such spaces, which, more practically speaking, forms the main area of private open space for the contemporary occupants.

*Driveway and Retaining Wall*

The original crossover, the full extent of the driveway, and the rear turning/parking area (east of the house) were originally surfaced with sandstone pavers laid in an irregular/'crazystone' pattern. During the unauthorised works, this fabric was removed and predominantly lost.

It is proposed to pave the crossover and front section of the driveway (approximately 14m in extent) in 'Calor natural quartz' laid in a 'crazy stone' pattern, with the remainder of the driveway and rear part finished in light grey concrete. The original width of the paved driveway section would be also be reinstated.

The author of this report has recommended to the Applicant that the optimal heritage outcome would be to source a closely matching sandstone flagstone paver to reinstate—as far as possible—the removed fabric/character of these elements. However, it is acknowledged that such an avenue would be challenging (sourcing a closely matching stone, for instance), not authentic, and prohibitively costly. It is also recognised that sandstone, from the perspective of durability and maintenance, is not ideal pavers for a well-trafficked driveway.

The proposal is then a compromise. The product specification for 'Calor natural quartz' has a fairly similar appearance to sandstone (especially once it has patinaed) but is far more resilient and would be laid in a 'crazystone'/irregular pattern, as per the original stonework. In the opinion of this document, it would sit comfortably within the streetscape and—in keeping with traditional materials—weather over time.

The selection of concrete for the section of drive back from the existing pool (after approximately 14m of Calor natural quartz) reflects the not unreasonable concerns about cost and maintenance. Given that the front, a more visually conspicuous part of the driveway, would have a more traditional, congruent interface with the streetscape, the visual impact of employing a lightly coloured concrete well back from the streetscape is not considered undue, particularly at the level of a contributory property. The shift from quartz to concrete is not considered jarring nor would it manifest disproportionately within the broader historic environment of Stanhope Road.

If accepting of this approach, the Council may wish to condition the preparation of more detailed specifications for the quartz and concrete sections of the driveway to ensure their quality and compatibility with the streetscape.

The proposed metal vehicular swing gates are supported in principle; however, further detail should be submitted to the Council to ensure they are of an appropriate height, restrained detailing, and visual permeability.

It is also proposed to remove the unauthorised lower/forward retaining wall and undertake grading and landscape works that would conceal the rear retaining wall. Considering its character (sandstone/moderate height), it would not present as a visually intrusive element when softened and screened by landscaping. This would be an appropraite heritage outcome—augmenting the landscape quality of the important front garden, while also allowing for a useable/practical driveway.

A section of the original sandstone retaining wall (north) and steps to the house are earmarked for demolition and replacement. It is understood this is proposed on the grounds of functionality. Given that these elements are not practically visible or prominent within the streetscape nor integral in interpreting or understanding the subject building in its garden setting, their loss is determined as acceptable.

*Landscaping*

No issue is raised with the proposed landscaping works, which would augment the garden setting of the subject place and screen/soften the non-original front fence and pool area (especially its glazed safety fence).

*Internal Works*

The proposed works to the interior of the subject building are largely restricted to the basement—a utilitarian space—and the kitchen and existing bathrooms.

The heritage policy of the KDCP does not explicitly seek to control internal alteration and additions at the level of a contributory property (as opposed to an individual item).

In this case, the loss of the largely original bathrooms, which, while displaying good examples of late interwar tiling, are fairly dilapidated and characterised by a low level of amenity, would be offset by the retention of a plethora of other (mostly Moderne-influenced) decorative elements, such as fireplaces, joinery, cornices, timber floorboards/parquetry, etc. in other areas of the house.

This report considers the proposed approach to the interiors as commensurate with the subject place's heritage classification and broadly appropriate. Key spaces within the internal footprint would retain a historic/late interwar atmosphere and notable fabric.

### 4.5 Conclusion and Recommendations

In the view of this report, the proposal would not have an unacceptable impact on the contributory significance of the subject place nor the broader public realm of the HCA. While some aspects of the new work may require the submission of additional detail, none have been determined as adverse or threatening to dilute the overall late interwar built expression and fabric/form of the subject building nor diminishing its important garden setting. Sensible changes to the unauthorised works have been lodged that would delete or meaningfully alleviate their more egregious aspects from a heritage management perspective.

This responds well to the statutory heritage objectives of the KLEP as well as the design preferences of the KDCP.

Additionally, if approved for replacement on the basis of their poor condition, the existing glazed, variegated Marseille terracotta tiles should be conditioned to be matched 'like-for-like' (as close as reasonably possible).

**Bushfire Assessment Report**
**Development Application &**
**Building Information Certificate**
**Residential Building Development**
**Lot 3 DP 332457 & Lot A DP 332798**
**69 Stanhope Road**
**Killara NSW 2071**

SYDNEY BUSHFIRE CONSULTANTS

10 December 2025



| | | |
|---|---|---|
| **Author:** | Scott Jarvis<br>BPAD-Level 3 Certified Practitioner<br>BPD-PA-18593<br>FPAA Member No. 18593 | BPAD Bushfire Planning & Design Accredited Practitioner Level 3 |
| Reviewed by: | | |

**Executive Summary – Achievable (Recommended) AS 3959:2018 Level of Compliance**

| Construction Standard | Building Elevation |
|---|---|
| Flame Zone | |
| **BAL 40** | **South & East Elevations (Unauthorised & New 'Alterations & Additions' only)** |
| **BAL 29** | **North & West Elevations (Unauthorised & New 'Alterations & Additions' only)** |
| **BAL 19** | **Shed & Cabana** |
| **BAL 12.5** | **Upgrade Existing / Retained elements (where practicable)** |
| NCC Provisions Only | |

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**General Introduction**

The following report outlines an assessment for the statutory compliance (i.e. Development Application & application for a Building Information Certificate or BIC) associated with the residential building works that are proposed & have previously been constructed without formal development consent within 69 Stanhope Road, Killara NSW 2071 – Lot 3 DP 332457 & Lot A DP 332798 (herewith 'the subject property'), and at least 140m beyond (herewith 'the study area'). Appendix 1 / Map 1 denote the subject property and study area.

Methodology for this site assessment for bushfire attack is based on the planning guideline '*Planning for Bush Fire Protection 2019* (*PBP 2019*)', produced by the NSW Rural Fire Service.

*'Australian Standard 3959:2018 – Construction of buildings in bush fire prone areas',* or alternately *'NASH Steel Framed Construction in Bush Fire Areas (NASH 2021)',* pursuant to the *'National Construction Code/Building Code of Australia 2022 (NCC/BCA 2022)'*, are the primary building compliance documents considered for this assessment.

Terrain (slope) considered by this assessment is based on the Department of Lands Online Six Viewer contours and a site inspection (18/3/2024) of the subject property.

Vegetation extent within the subject area has been derived from available online public vegetation mapping studies, aerial photo interpretation and a site inspection (18/3/2024) conducted prior to finalising this report.

The extent and location of the proposed new works are based on plans prepared by Innovix Consulting Pty Ltd (Project No. J23011, Drawing Nos. A01 – A13, Revision A, Dated 10/09/2025).

The extent and location of the BIC building works are based on plans prepared by Innovix Consulting Pty Ltd (Project No. J23011, Drawing Nos. A01 – A08, Revision A, Dated 10/09/2025).

Photographic evidence of the subject property and surrounds is appended to this report (Appendix 2 – Site Photos, Dated 18/3/2024).

**Note:** Landscaping works (inclusive of shed/cabana etc.) have previously been approved under DA No. eDA0152/24.

**1.0 Property Details**

**Applicants Name:** Juan Qi Chen (herewith, 'the proponent')

**Council:** Ku-ring-gai Council (Ku-ring-gai LGA)

**Council Reference:**

**Lot:** 3 **DP:** 332457 **&** **Lot:** A **DP:** 332798 **Area:** 2905m$^2$

**Address/Location:** 69 Stanhope Road, Killara NSW 2071.

**Zoning:** 'R2 – Low Density residential', 'C4 – Environmental Living' & 'C2 – Environmental Conservation'. KLEP 2015

**Bushfire Prone Land: YES**

The subject property is mapped as being bushfire prone as currently shown by the Ku-ring-gai Council LGA Bushfire Prone Land Map (*s10.3 EP&A Act 1979*). The site is constrained by vegetation classified as 'Category 1 & 2 Bushfire Vegetation'. In this regard, any new building development should conform to the specifications and requirements of the document *'Planning for Bush Fire Protection 2019'*, produced by the NSW Rural Fire Service, that are relevant to the development; as otherwise required under *Section 4.14 Environmental Planning & Assessment Act 1979 (EP&A Act 1979).*

**Other Known Constraints:**

Parts of the site & study area are mapped as being within the 'NSW Biodiversity Overlay Map' and the 'Ku-ring-gai Terrestrial Biodiversity Map'. The study area also contains areas mapped as being within the 'Ku-ring-gai Riparian Map' as Category 1, 2 & 3 Riparian Zones.

A desktop assessment of the publicly available council mapping and planning enquiry system has found no other constraints to be considered in regard to development upon the subject property.

No other known significant environmental features have been noted, recorded or advised of as part of this assessment.

It is not a recommendation of this report to remove any trees or significant vegetation as part of the bushfire protection measures.




**Extract Ku-ring-gai Council LGA Bushfire Prone Land Map**

## 2.0 Description of Proposal

| | | |
|---|---|---|
| ☐ New Building | ☑ **Urban** | ☐ Dual Occupancy |
| ☐ Rural Residential | ☑ **Alterations/Additions** | ☐ Isolated Rural |

**Proposal Description**

The majority of the Building Information Certificate (BIC) works are associated with internal works within the lower level of the existing residence. Being internal works, these are not associated with any bushfire protection measures/recommendations and do not form part of this assessment.

However, the BIC works also include the removal of some external glazing elements & garage doors along with the modification of some external openings. To date these works have not yet been completed and as such these elements have the opportunity to be rectified in line with the current bushfire planning provisions. These external works do form part of this assessment and are associated with the bushfire protection measures / recommendations included in this report, and can be appropriately addressed.

This application also proposes a series of new works, yet to be approved/constructed, inclusive of a further internal works, a replacement roof, being further 'Alterations & Additions' to an existing residential building/dwelling structure (Class 1 (a) – as defined by NCC/BCA).

The extent and location of the proposed new works are based on plans prepared by Innovix Consulting Pty Ltd (Project No. J23011, Drawing Nos. A01 – A13, Revision A, Dated 10/09/2025).

The extent and location of the BIC building works are based on plans prepared by Innovix Consulting Pty Ltd (Project No. J23011, Drawing Nos. A01 – A08, Revision A, Dated 10/09/2025).

The approximate location/site of the proposed building (herewith 'the subject development') is as denoted in Appendix 1 – Map 1.

**3.0 Bushfire Assessment**

**3.1 Vegetation (bushfire hazard) within 100m of the proposed building**

The vegetation within the study area is mapped as 'Bushfire Prone Vegetation Category 1 & 2' on Council Bushfire Prone Land Maps.

The vegetation constraining the development is located within the rear of the subject site, extending into some adjacent residential sites and Public Reserves (including 'The Swain Gardens'), generally South East - South West of the subject site. The vegetation is mapped within local studies as 'North Coast Wet Sclerophyll Forest'.

Based on a determination of vegetation formation using the Keith 2004 Identification Key, the bushfire vegetation having the potential to affect the subject development, based on a site visit, is most representative is 'Forest'.

The subject development would potentially (currently) be prone to bushfire attack from the South East – South West directions. The extent of the current bushfire vegetation (hazard) is clearly denoted in Appendix 1 – Map 1.

*PBP 2019* (*Appendix 1 Section A1.10*) states, *'The following exclusions of AS3959 apply, and are not required to be considered for the purposes of PBP, as detailed below:*

- *Single areas of vegetation less than 1 hectare in area and greater than 100metres separation from other areas of Category 1 and 2 vegetation.*
- *Multiple areas of vegetation less than 0.25 hectares in area and not within 20m of the site, or each other or of other areas of vegetation being classified vegetation.*
- *Strips of vegetation less than 20m in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of length and not within 20m of the site or other areas of vegetation being Category 1, 2 or 3 vegetation.*
- *Vegetation regarded as low threat due to factors such as flammability, moisture content or fuel load, including grassland managed in a minimal fuel condition, mangroves and other saline wetlands, maintained lawns, golf courses such as playing areas and fairways, maintained public reserves and parklands, sporting fields,*

*vineyards, orchards, banana plantations, market gardens and other non-curing crops, cultivated gardens, arboretums, commercial nurseries, nature strips and windbreaks.*

- *Existing areas of managed gardens and lawns within curtilage of buildings.*
- *Non-vegetated areas including waterways, roads, footpaths, buildings and rocky outcrops.*

The development is located within a well-established residential subdivision.

Large areas within adjoining residential sites are clear of persistent vegetation and could be considered 'cleared and managed lands'.

The proposed development also adjoins a road reserve (Stanhope Road) along its Northern boundary.

The approximate / estimated extent of these managed lands is clearly denoted in Appendix 1 – Map 1.

Relevant photos attached (Appendix 2 Site Photos).

### 3.2 Distance/Separation between building line and bushfire hazard

For the purposes of bushfire safety compliance, this assessment notes that the subject property contains some limited areas of persistent bushfire vegetation. Considering the location of the proposed BIC / new works and the extent of the bushfire vegetation on adjoining lands, the achievable separation distance has been assessed as:

| Direction | South West | South | South East |
|---|---|---|---|
| Distance | >38m | >36m | >28m – 37m |

### 3.3 Effective slope that will influence bushfire behaviour

The effective slope within approximately 100m of the subject development site, which would influence bushfire behaviour, has been assessed as predominately;

| Direction | South West | South | South East |
|---|---|---|---|
| Slope | >5 – 10 Degrees Downslope | >10 – 15 Degrees Downslope | >5 – 10 Degrees Downslope |

### 3.4 Fire Danger Index (FDI) for Local Government Area (LGA)

☑ **100** ☐ 80 ☐ 50

Ku-ring-gai Council – Greater Sydney Region

(*NSW Local Government Areas Community Resilience May 2017 – NSW RFS*)

### 3.5 Determination of Bushfire Attack Level (*PBP 2019 – Table A1.12.5*)

| Direction | Vegetation | Slope | Minimum Distance | BAL Exposure Level |
|---|---|---|---|---|
| South West | Forest | >5 – 10 Degrees Downslope | >38m | BAL – 29 |
| South | Forest | >10 – 15 Degrees Downslope | >36m | BAL – 40 |
| South East | Forest | >5 – 10 Degrees Downslope | >28m – 37m | BAL – 40 |

### 4.0 AS 3959:2018 Construction Standard for Bushfire Attack Level (*NCC – BCA DtS*)

| Building Elevations | Vegetation | Slope | Minimum Distance | Construction Standard |
|---|---|---|---|---|
| South & East | Forest | >10 – 15 Degrees Downslope | >36m | BAL – 40 |
| West | Forest | >5 – 10 Degrees Downslope | >38m | BAL – 29 |
| North | N/A | N/A | N/A | BAL – 29 |

Considering the subject developments location and the calculated extent of the APZ area recommended by this report, the subject development is technically capable of complying with *AS 3959:2018 / NASH 2021*.

### 5.0 Bushfire Protection Measures

Pursuant to '*PBP 2019 – Section 7 Residential Infill Development'*, there is a requirement to address certain 'Bushfire Protection Measures' (BPM) under the *Section 4.14 EP&A Act 1979* for new residential 'infill' development in bushfire prone areas.

The intent of the BPM's *'is to minimise the risk of bushfire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities'*.

It is also *noted 'where a development expectation arises from the zoning of the land to build, rebuild, alter or add to a dwelling in pre-existing subdivisions, attempts should be made to find a solution taking into account the risk present. The expectation of building or altering a house is recognised even though the ability to provide for APZs or access requirements now required for residential development may not be possible'*.

Proposals for 'infill development' are to:

- Provide a defendable space to enable unimpeded access for firefighting around the building.
- Provide better bushfire outcomes on a redevelopment site than currently exists, commensurate to the level of development.
- Provide access, services and landscaping to aid firefighting operations.
- Not impose an increased bushfire management and maintenance responsibility on adjoining land owners.
- Increase the level of bushfire protection to existing dwellings based on the scale of the proposed work and level of bushfire risk.

### 5.1 Asset Protection Zones

*PBP 2019* acceptable solutions for Asset Protection Zones (for this specific development location) state that;

- An APZ is provided in accordance with Table A1.12 in Appendix 1.
- APZs are managed in accordance with the requirements of Appendix 4 of PBP.
- APZs are wholly within the boundaries of the development site.
- APZs are located on lands with a slope less than 18 degrees.

The subject site benefits from some managed lands within the site, and external to the site (being a managed road reserve). Some adjacent residential lands are also free from any bushfire risk.

Asset Protection Zone recommendations are as listed in Section 6.1 (Bushfire Safety & Compliance Recommendations).

### 5.2 Access (Property Access)

*PBP 2019* acceptable solutions for access (for this specific development location) state that;

- Minimum 4m carriageway width.
- A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches.
- Two-wheel drive, all weather road, capable of loading 15 Tonnes

Access to the subject property will be by way of a sealed all-weather driveway, directly off Stanhope Road, which is part of the public road system. Stanhope Road is a sealed all weather road 9m in width within a road reserve of 20m. The local speed limit is 50 kph.

The public road system servicing the proposed development is able to provide safe operational access for emergency services and egress in varying directions for evacuating residents.

### 5.3 Water Supplies (Reticulated / Non Reticulated)

☑ **Yes** ☐ No ☐ Proposed

*PBP 2019* acceptable solutions for a reticulated water supply area (relevant to the subject development) state that:

- Reticulated water is to be provided to the development, where available.
- Fire hydrant spacing, design and sizing comply with the relevant clauses of AS 2419.1:2005.
- Hydrants are not located within any road carriageways.
- Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads.
- Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005.
- All above-ground water service pipes external to the building are metal, including and up to any taps.

The subject development/building is currently connected to a reticulated water supply which services the existing residential area within Stanhope Road.

Apart from the above, the proponent has not provided any specific advice (at the time of this assessment) regarding the reticulated water infrastructure and mains size, supply pressure or guarantee of delivery.

Considering the building site denoted by this report (and corresponding access / driveways), the subject building would be <90m from the nearest and reasonably available fire hydrant connection point (approximately 85m) as denoted in attached Map 1.

Firefighting water supply recommendations are as listed in Section 6.4 (Bushfire Safety & Compliance Recommendations).

### 5.4 Electricity Services

*PBP 2019* acceptable solutions for electrical services (relevant to the subject development) state that:

- *Where practicable, electrical transmission lines are located underground; and*
- *Where overhead electrical transmission lines are proposed, as follows:*
  - *Lines are installed with short pole spacings (30m), unless crossing gullies, gorges or riparian areas; and*

- *No part of a tree is closer to a power line than the distance set out in accordance with the specifications in 'ISSC3 Guideline for Managing Vegetation Near Power Lines'.*

The subject development site is currently serviced by an aboveground electrical supply grid which services the residential subdivision within Stanhope Road. It is not proposed, as part of this development, to alter the existing situation.

Electrical service recommendations are as listed in Section 6.5 (Bushfire Safety & Compliance Recommendations).

**5.5 Gas Services**

Reticulated Gas: ☑ **Yes** ☐ No

Bottled Gas: ☐ Yes ☑ **No**

*PBP 2019* acceptable solutions for gas services (relevant to the subject development) state that:

- Reticulated or bottled gas is installed and maintained with AS/NZ 1596:2014 and the requirements of relevant authorities, and metal piping is used.
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side.
- Connections to and from gas cylinders are metal.
- Polymer-sheathed flexible gas supply lines are not used.
- Above-ground gas service pipes are metal, including up to any outlets.

Gas service recommendations are as listed in Section 6.6 (Bushfire Safety & Compliance Recommendations).

## 6.0 Bushfire Safety & Compliance Recommendations

### 6.1 Defendable Space / Asset Protection Zone (APZ) Recommendations

**Inner Protection Area**

As denoted in Appendix 1 – Map 1, the area identified as **'Inner Protection Area' (IPA)'** is to be managed / maintained as an APZ for the life of the development.

The IPA is the area closest to the building and creates a fuel managed area which can minimise the impact of direct flame contact and radiant heat on the development and act as a defendable space. Vegetation within the IPA should be kept to a minimum level. Litter fuels within the IPA should be kept below 1cm in height and be discontinuous.

In practical terms the IPA is typically the curtilage around the building, consisting of a mown lawn and well maintained gardens.

When establishing and maintaining an IPA the following requirements apply:

**Trees**

- Tree canopy cover should be less than 15% at maturity;
- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of 2m above the ground;
- Tree canopies should be separated by 2m to 5m; and
- Preference should be given to smooth barked and evergreen trees.

**Shrubs**

- Create large discontinuities or gaps in the vegetation, to slow down or break the progress of fire towards buildings;
- Shrubs should not be located under trees
- Shrubs should not form more than 10% ground cover; and
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

**Grass**

- Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- Leaves and vegetation debris should be removed.

**Note:** Landscaping works (inclusive of shed/cabana etc.) have previously been approved under DA No. eDA0152/24.

### 6.2 Construction Standard Recommendations

Construction standards have been determined from the following sections of the planning guidelines and are based on the relevant bushfire assessment as discussed above.

*AS 3959:2018 Section 3 Construction General*
(See Recommendation 2)

*AS 3959:2018 Section 5 Construction for Bushfire Attack Level 12.5 (BAL – 12.5)*
(See Recommendation 3)

*AS 3959:2018 Section 7 Construction for Bushfire Attack Level 29 (BAL – 29)*
(See Recommendation 3)

*AS 3959:2018 Section 8 Construction for Bushfire Attack Level 40 (BAL – 40)*
(See Recommendation 3)

**Recommendation 2.**

Where any part of a garage, carport, veranda or similar roofed structure is attached to, or shares a common roof space with, or is within 6m of, a building required to comply with the standard, the entire structure shall comply with the construction requirements of the standard (as per Recommendation 3), as applicable to the subject building.

Alternatively, the structure may be separated from the subject building by a wall complying with *AS 3959:2018 Section 3.2.1 a) or b)* i.e. fire rated construction as specified.

**Recommendation 3.**

**Note:** The external BIC works are included in the below recommendations.

Predicated upon the maintenance of the APZ area as per Recommendation No. 1 of this report, it is recommended the proposed development incorporate, as a minimum, the following levels of construction as per *AS 3959:2018 Construction of buildings in bushfire prone areas;*

***South & East Elevations ('Alterations & Additions' & External BIC Works Only)***

**Construction for Bushfire Attack Level 40 (BAL – 40) – Section 8 (AS 3959:2018)**

***North & West Elevations ('Alterations & Additions' & External BIC Works Only)***

**Construction for Bushfire Attack Level 29 (BAL – 29) – Section 7 (AS 3959:2018)**

**Alternately, the relevant sections of '*NASH Standard – Steel Framed Construction in Bushfire Areas (NASH 2021)*' may be applied.**

***Existing / Retained Building Elements***

The existing residence is required to be upgraded to improve ember protection, as per the *Building Best Practice Guide – Upgrading of Existing Buildings (Development Assessment & Planning, NSW Rural Fire Service, Reference 0914*).

This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm.

Where applicable, this includes any sub floor areas, open able windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

**Recommendation 4.**

***Sarking***

All sarking used shall be:

- Non-combustible, **or**
- Breather type sarking complying with AS/NZS 4200.1 and with a flammability index of not more than 5 (see AS 1530.2) and sarked on the outside of the frame, **or**
- An insulation material conforming to the appropriate Australian Standard for that material.

***Verandas, Decks, Steps, Ramps and Landings (Cabana/Shed)***

The provisions of **AS 3959:2018 Clause 6.7** relating **only** to the construction of verandas, decks, steps, ramps and landings within Section 6 – BAL 19 **shall be replaced** with the provisions of **AS 3959:2018 Clause 7.7** (Section 7 – BAL 29).

***Fences & Gates***

All new fences and gates should be constructed of a non-combustible material.

***Retaining Walls***

All new retaining walls should be constructed of a non-combustible material.

### 6.3 Vehicle Access / Egress Recommendations

**Recommendation 5.**

The proposed building development will continue to incorporate an all-weather driveway area for vehicle access and parking within the subject property. The access road / driveway will continue to provide direct access from Stanhope Road. No additional vehicle access requirements are recommended.

### 6.4 Water Supplies Recommendations

**Recommendation 6.**

- Reticulated water is to be provided to the development.
- Fire hydrant spacing, design and sizing comply with the relevant clauses of AS 2419.1:2005 (**reasonably assumed**).
- All exposed water pipes external to the building are metal, including any fittings.
- Hydrants are not located within any road carriageways.

### 6.5 Electricity Services Recommendations

**Recommendation 7.**

As the electricity supply will be located aboveground ensure that any vegetation is managed in accordance with the specifications in *'ISSC 3 Guide for the Management of Vegetation in the Vicinity of Electrical Assets (November 2016).*

### 6.6 Gas Services Recommendations

**Recommendation 8.**

- Any future / new bottled gas is installed and maintained with AS/NZ 1596:2014 and the requirements of relevant authorities.
- Polymer-sheathed flexible gas supply lines are not used.
- Above-ground gas service pipes are metal, including up to any outlets.

### 6.7 Bush Fire Survival Plan Recommendations

**Recommendation 9.**

Discuss and prepare a simple 'Bush Fire Survival Plan' pursuant to the NSW Rural Fire Service's advice (https://www.rfs.nsw.gov.au/plan-and-prepare/bush-fire-survival-plan).

## 7.0 Compliance or non-compliance with PBP 2019 Specific Objectives for Infill Development (as per *PBP 2019 Section7.3*)

| Specific Objective | Comment |
|---|---|
| Provide a defendable space to enable unimpeded access for firefighting around the building | A complying APZ (defendable space) has been recommended. This space consists of an area maintained as an IPA. |
| Provide better bushfire outcomes on a redevelopment site than currently exists, commensurate with the scale of works proposed. | Bushfire fuel management, and other bushfire protection measures, contained within the subject property will effectively reduce the risk to both the subject property and adjoining premises. |
| Design and construct buildings commensurate with the bushfire risk. | Recommendations, relating to the construction of the development include BAL 40 & BAL 29 building construction standards. |
| Provide access, services and landscaping to aid firefighting operations. | The recommendations (above) relating to the design and construction of the development include a range of 'bushfire protection measures' that will enhance the chances of occupant and building survival. |
| Not impose an increased bushfire management and maintenance responsibility on adjoining landowners. | The subdivision is pre-existing. The construction of this development will not increase the bushfire risk to adjoining land, nor increase bushfire management and maintenance responsibility on adjoining landowners. |
| Increase the level of bushfire protection to existing dwellings based on the scale of the proposed work and level of bushfire risk. | The site is located within an existing residential subdivision. The retained/existing residence will be subject to a minor upgrade to improve ember proofing. |

## 8.0 Compliance or non-compliance with PBP 2019 Performance Criteria and intent for bushfire safety protection measures for infill development.

| **Performance Criteria** | **Comment** |
|---|---|
| **APZ**<br><br>APZs are provided commensurate with the construction of the building. | **Can Comply** – Recommendation No. 1<br><br>A defendable space will be provided within the site boundaries with the entire site being maintained as an IPA. |

| | |
|---|---|
| A defendable space is provided.<br><br>APZs are managed and maintained to prevent the spread of fire to the building.<br><br>The APZ is provided into perpetuity.<br><br>APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimised. | This is complimented by 'cleared and managed lands' on adjoining properties. |
| **Access**<br><br>Firefighting vehicles are provided with safe all-weather access to structures and hazard vegetation.<br><br>The capacity of access roads is adequate for firefighting vehicles.<br><br>There is appropriate access to water supply.<br><br>Firefighting vehicles can access the dwelling and exit the property safely. | **Can Comply** – Recommendation No. 5<br><br>Access/Egress is provided from Stanhope Road.<br><br>The access arrangements are sufficient for operational firefighting and emergency egress. |
| **Water Supplies**<br><br>An adequate water supply is provided for firefighting purposes.<br><br>Water supplies are located at regular intervals.<br><br>The water supply is accessible and reliable for firefighting operations.<br><br>Flows and pressures are appropriate.<br><br>The integrity of the water supply is maintained.<br><br>A static supply is provided for firefighting purposes in areas where reticulated water is not available. | **Can Comply** – Recommendation No. 6 |
| **Electrical Services**<br><br>Location of the electrical services limits the possibility of ignition of surrounding bushland or the fabric of the buildings. | **Can Comply** – Recommendation No. 7 |
| **Gas Services**<br><br>Location and design of the gas services will not lead to of ignition of surrounding bushland or the fabric of the buildings. | **Can Comply** – Recommendation No. 8 |

| | |
|---|---|
| **Construction Standards**<br><br>The proposed building can withstand bushfire attack in the form of embers, radiant heat and flame contact.<br><br>Proposed fences and gates are designed to minimise the spread of bushfire.<br><br>Proposed Class 10a buildings are designed to minimise the spread of bushfire. | **Can Comply** – Recommendation Nos. 2 – 4<br><br>Predicated upon the recommended APZ areas and siting requirements, BAL 40 & BAL 29 construction standards can achieve the performance requirements of the planning legislation. |
| **Landscaping**<br><br>Landscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind driven embers to cause ignitions. | **Can Comply** – Recommendation No. 1 |

## 9.0 Statement assessing the environmental impact of any proposed bushfire protection measures.

| Bushfire Protection Measure | Likely Environmental Impact | Comment |
|---|---|---|
| **APZ**<br>(Rec. No. 1) | Minor | It is not proposed to remove any significant vegetation, however ongoing maintenance is required. |
| **Construction Standard**<br>(Rec. Nos. 2 - 4) | Insignificant | Development to be constructed within approved / current building envelope. |
| **Water Supply for fire fighting**<br>(Rec. No. 6) | Insignificant | A reticulated water supply currently services the existing development, to be complemented by an existing SWS (Pool). |
| **Utility service protection**<br>(Rec. Nos. 6 - 8) | Insignificant | Utilities are currently located within the APZ, or underground. |
| **Vehicle Access**<br>(Rec. No. 5) | Insignificant | Direct access to public road system is by way of an existing cleared driveway. |

## 10.0 Conclusion/Summary

Based on the above assessment and the 9 recommendations to protect persons and property from danger that may arise from a bushfire, the Consent Authority should determine that this **DA/BIC proposal** could comply with *Planning for Bush Fire Protection 2019* as required under *Section 4.14 of the Environmental Planning and Assessment Act 1979.*

As a considered opinion, the recommended mitigation measures and construction requirements as stated in this report would reasonably address the aims and objectives of *PBP 2019*, consistent within the relative and current bushfire risk to the subject development site.

As infill development, the residence will be able to fully comply with the Acceptable Solutions provided within *PBP 2019*. In this regard, the subject development can reasonably facilitate *PBP 2019* objectives in as far as;

- Afford buildings and their occupants protection from exposure to a bushfire;
- Provide for a defendable space to be located around buildings;
- Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely spread to buildings;
- Ensure the appropriate operational access and egress for emergency service personnel and residents is available;
- Provide for ongoing management and maintenance of bushfire protection measures; and
- Ensure that utility services are adequate to meet the needs of firefighters.

Should any of the above information require clarification or further discussion, please contact the author.



**Scott Jarvis**
Graduate Diploma Design for Bushfire Prone Areas
Diploma of Building Surveying
Diploma of Public Safety (Fire Fighting Management) (Dip PSFM)
Cert. IV Residential Building Studies
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**(Note: Scott Jarvis is a recognised / suitably qualified consultant pursuant to Rural Fire Service of NSW requirements - Community Resilience Fact Sheet - Requirements for Suitably Qualified Consultants 8/15, Fast Fact 5/10 Version 3 Dated 7 March 2011 & Development Control Practice Note 1/10 Version 2 Dated 4 February 2011)**

**References/Further Reading**

*Australian Standard 3959:2018, Construction of buildings in bushfire prone areas* – Standards Australia.

*Building Best Practice Guide – Upgrading of Existing Buildings* (Development Assessment & Planning, NSW Rural Fire Service, Reference 0914).

*NASH Standard – Steel Framed Construction in Bushfire Areas (2021)* – National Association of Steel-Framed Housing Inc.

*National Construction Code/Building Code of Australia (2022)* – Australian Building Codes Board, Canprint.

*Environmental Planning and Assessment Act (1979)* – NSW Government Printer.

- Section 4.14 Consultation and Development Consent Certain Bushfire Prone Land
- Section 10.3 Bushfire Prone Land

*Rural Fires Act (1997)* – NSW Government Printer

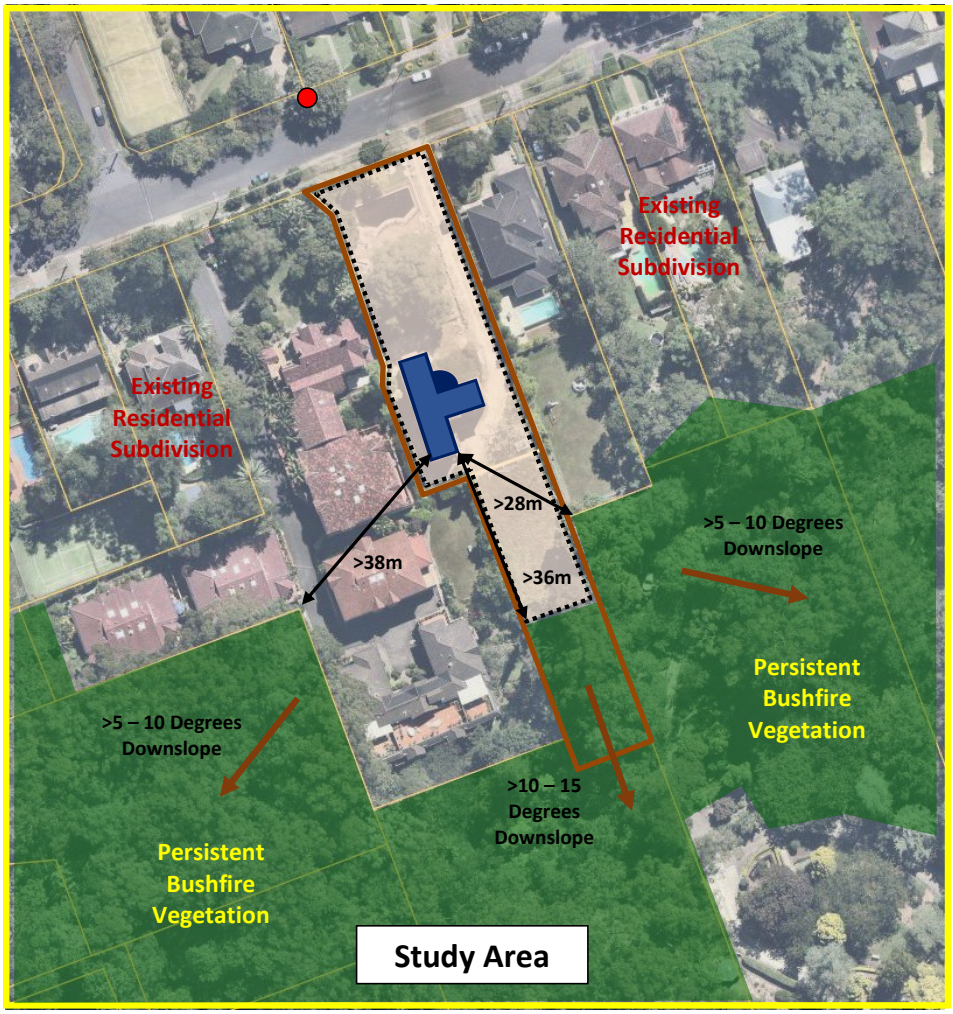
*Landscape and building design for bushfire areas (2003)* – Ramsay G C & Rudolf L, CSIRO Publishing, Collingwood Victoria.

*Ocean shores to desert dunes: the native vegetation of NSW and the ACT (2004)* – Keith D, NSW Dept of Environment and Conservation, Hurstville NSW.

*Planning for Bush Fire Protection. A guide for councils, planners, fire authorities and developers (November 2019)* – NSW Rural Fire Service.

**Appendix 1**

**Map 1 – Study Area / Subject Lot / Slopes / APZ extent**




Existing development

Study Area

Subject Property

Inner Protection Area

Hydrant

'New & BIC Works'

**Appendix 2 – Site Photos (18/3/2024)**



**Existing development site, looking South**



**Existing development site, looking North**



**Stanhope Road, looking West**



**Stanhope Road, looking East**



**Existing power supply**



**Reticulated water supply**



**BIC works (external openings)**



**BIC works (external openings)**



**BIC works, rear garage**



**BIC works, front garage**



**Driveway, looking South**



**Existing pool**

# BASIX™ Certificate

Building Sustainability Index
www.planningportal.nsw.gov.au/development-and-assessment/basix

## Alterations and Additions

Certificate number: A509041_03

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: Sunday, 07 December 2025
To be valid, this certificate must be lodged within 3 months of the date of issue.

| **Project address** | |
|---|---|
| Project name | INN019_03 |
| Street address | 69 STANHOPE ROAD - KILLARA 2071 |
| Local Government Area | Ku-ring-gai Council |
| Plan type and number | Deposited Plan 332457 |
| Lot number | 3 |
| Section number | - |
| **Project type** | |
| Dwelling type | Dwelling house (detached) |
| Type of alteration and addition | The estimated development cost for my renovation work is $50,000 or more, and does not include a pool (and/or spa). |
| N/A | N/A |
| **Certificate Prepared by** (please complete before submitting to Council or PCA) | |
| Name / Company Name: BH Homes Pty Ltd | |
| ABN (if applicable): 64 137 428 767 | |

| Fixtures and systems | Show on DA Plans | Show on CC/CDC Plans & specs | Certifier Check |
|---|---|---|---|
| **Lighting** | | | |
| The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps. | | ✔ | ✔ |
| **Fixtures** | | | |
| The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. | | ✔ | ✔ |
| The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. | | ✔ | ✔ |
| The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating. | | ✔ | |

| Glazing requirements | Show on DA Plans | Show on CC/CDC Plans & specs | Certifier Check |
|---|---|---|---|
| **Windows and glazed doors** | | | |
| The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door. | ✔ | ✔ | ✔ |
| The following requirements must also be satisfied in relation to each window and glazed door: | | ✔ | ✔ |
| Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. | | ✔ | ✔ |
| Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below. | ✔ | ✔ | ✔ |
| **Windows and glazed doors glazing requirements** | | | |

| Window/door number | Orientation | Area of glass including frame (m2) | Overshadowing height (m) | Overshadowing distance (m) | Shading device | Frame and glass type |
|---|---|---|---|---|---|---|
| Laundry | E | 1.17 | 6 | 4 | none | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |
| Bath | E | 0.65 | 6 | 4 | none | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |
| Store | E | 0.65 | 6 | 4 | none | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |

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

# Waste Management Plan
## Demolition + Construction

### Outline of Proposal

| | |
|---|---|
| **Address of development:** | 69 Stanhope Rd, Killara NSW 2071 |
| **Council:** | Ku-Ring-Gai Council |
| **Applicants:** | Innovix Consulting Pty Ltd |
| **Addess:** | Suite 405 10 Help Street Chatswood NSW 2067 |
| **Phone:** | 0424 613 266 |
| **Email:** | jf-diana@hotmail.com |
| **Existing Building & other structure currently on the site:** | Double storey tiled roof clad house, awning, concrete path and driveway. |
| **Description of proposal:** | Minor internal renovation works. And a new roof as existing roof tiles are dilapidated and require replacement |

Note: The details provide on this form, plans and attached documents are the intertions of managing waste relating to this project.

**Name:** Diana Dai

**Signature:**

**Date:**

## Stage 1 - Demolition

This is the stage with the greatest Potential for waste Minimisation, particularly in Sydney where there are high levels of development, relatively high tipping charges and where alternative quarry materials are located on the outskirts.

Perhaps the first thing that applicants should consider is whether it is possible to re-use existing buildings, or parts thereof, for the proposed use.

With careful on-site sorting and storage and by staging work programs it is possible to re-use many materials, either on-site or off-site.

In other words, to move from the attitude of “trashing the building” to “total recycling on-site”. This could require a number of colour-coded or clearly labelled bins on-site (rather than one size fits all).

The following table should be completed by applicants proposing any demolition work.

## Stage 1 - Demolition

| Type of waste | estimated volume($m^3$) | Reuse and recyclling | | Disposal |
|---|---|---|---|---|
| | | on-site | off-side | |
| excavation material | 4 | To be re-used as fill where required | Remainder to recycling, re-use facility by Contractor | - |
| green waste | 2.5 | To be re-used as fill where required | Remainder to be sent to local recycling yard | - |
| bricks | 11 | Good bricks to be reused to construct footings | Remainder to be sent to local recycling yard | - |
| concrete | 7.8 | Crush and re-used aunderneath pavement, driveways, pipe bedding, erosion control | Remainder to be sent to local recycling yard | - |
| Timber | 12 | Hand stripped, re-used for formwork and balancing | Remainder to be sent to local recycling yard | - |
| Plasterboard | 7.4 | Not to be re-used | To be sent to local recycling yard | - |
| Tiles | 6.6 | Crush and re-used aunderneath pavement, driveways, pipe bedding, erosion control | Remainder to be sent to local recycling yard | - |
| Metals | N/A | N/A | N/A | - |
| Glass | 2 | N/A | N/A | - |
| Asbestos cement roof, wall cladding & the like | N/A | N/A | N/A | To be removed by licensed contractors to an approved waste disposal facility |

## Stage 2 - Construction

POTENTIAL FOR WASTE MINIMISATION DURING CONSTRUCTION STAGE.

You should consider the following measures that may also save resources and minimise waste at the construction stage.

- Purchasing policy. Considering measures such as:
    - o Ordering the right quantities of materials, prefabrication of materials where possible
- Reusing framework
- Minimising site disturbance, limiting unnecessary excavation
- Careful source separation of off-cuts to facilitate re-use, resale or efficient recycling
- Coordination / sequencing of various trades

## Stage 2 - Construction

| Type of waste | estimated volume($m^3$) | Reuse and recyclling | | Disposal |
|---|---|---|---|---|
| | | on-site | off-side | |
| excavation material | 2.4 | To be re-used as fill where required | Remainder to recycling, re-use facility by Contractor | - |
| green waste | 0.8 | Gather and place in compost heap for future garden use | Remainder to be sent to local recycling yard | - |
| bricks | 2.1 | Good bricks to be reused to construct paving, landscaping, etc… | Good bricks for sale/pick up, remainder to be sent to local recycling yard | - |
| concrete | 1.6 | Crush and re-used aunderneath pavement, driveways, pipe bedding, erosion control | Remainder to be sent to local recycling yard | - |
| Timber | 4.5 | Hand stripped, re-used for formwork and balancing | Good timber for sale/pick up, remainder to be sent to local recycling yard | - |
| Plasterboard | 1.2 | N/A | Good plasterboard for sale/pick up, remainder to be sent to local recycling yard | - |
| Tiles | N/A | N/A | N/A | - |
| Metals | 1.8 | N/A | Good metals for sale/pick up, remainder to be sent to local recycling yard | - |
| Glass | N/A | N/A | N/A | - |
| Others (Fitting, Boxes, Plastics, Paper, etc..) | 3.2 | Salvaged and re-sold, otherwise to be stored on-site for collection by Council's or private contractor | Demolition contractor, recycled and re-used for mulch, compost, newsprint, packaging material, etc… | - |

## Stage 3 - Ongoing Waste Management

The builder on site will be responsible for all the managing of the waste and removals of materials. There will be site supervisor on duty the throughout the whole process. Most materials will be kept on site till adequate time is taken out to organize waste.

Ongoing minimization and management of waste will be ensured by the owners, and will be carried out according to the waste management plan and disposed in a proper manner, using all measures necessary and safely in order to do so.

# DEVELOPMENT APPLICATION

# ASSESSMENT REPORT

| | |
|---|---|
| **REPORT TITLE** | 71 Athena Avenue, St Ives – Alterations and additions to a dwelling house |

| | |
|---|---|
| **APPLICATION NO** | eDA0645/25 |
| **PROPERTY DETAILS** | 71 Athena Avenue, St Ives<br>Lot 7 DP 238776<br>935.80m$^2$<br>R2 Low Density Residential |
| **WARD** | St Ives |
| **PROPOSAL/PURPOSE** | Alterations and additions to a dwelling house |
| **TYPE OF DEVELOPMENT** | Local |
| **APPLICANT** | Lei Yu C/- CPS |
| **OWNER** | L Yu |
| **DATE LODGED** | 27 November 2025 |
| **RECOMMENDATION** | Approval |

## PURPOSE OF REPORT

To determine Development Application No. eDA0645/25 for alterations and additions to a dwelling house at No. 71 Athena Avenue, St Ives.

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** | Maximum floor space ratio |
| **Submissions** | One |
| **Land and Environment Court** | N/A |
| **Recommendation** | Approval |

## HISTORY

### Site history

The site has a history of residential use.

### Previous applications history

A Pre-DA consultation was not undertaken with Council.

Council's records show that there are no previous applications relating to the site.

### Current Development Application History

| Date | Action |
|---|---|
| 27 November 2025 | Application lodged. |
| 12 December 2025 to 16 January 2026 | The application was notified to neighbouring property owners. One submission was received. |
| 6 March 2026 | A letter was sent to the applicant seeking the following additional information:<br>• Clause 4.6 – floor space ratio (calculation)<br>• Amended Landscape Plan<br>• Request for applicant to address submission |

| | |
|---|---|
| 11 March 2026 | The applicant provided a response to Council's request for further information to the following issues:<br><br>• Clause 4.6 – Floor Space Ratio (Calculation)<br>• Amended Landscape Plan<br><event - press F11> |

**Land and Environment Court appeal history**

Not applicable.

## THE SITE

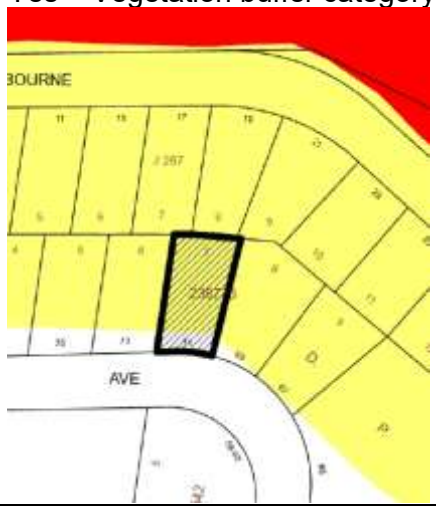



***Figure 1: Aerial photograph of the site (highlighted in red) and surrounding development (Source: Geocortex)***

**Site description**

The subject site is described as Lot 7 in DP 238776 and is known as No. 71 Athena Avenue, St Ives **(Figure 1)**. The site has an area of 935.80m$^2$, and is irregular in shape. It has a primary street frontage width of approximately 19.89 metres, average depth of 42.42 metres and rear boundary width of 24.78 metres. The site is located on the northern side of Athena Avenue, which is the low side of the street. The site has a crossfall of approximately 8.69 metres from the front south-eastern corner to the rear north-western corner of the site.

The site contains a dwelling house constructed of brick with a tiled roof. The dwelling presents as two storeys from the street and is three storeys at the rear. A single garage is attached to the western elevation of the dwelling. The dwelling contains a balcony to the front first floor level and balconies to the rear at the first and second floor levels. The rear balconies provide extensive views of the Garigal National Park. A swimming pool and spa are located in the rear of the yard. The site contains several mature trees and established landscaping.

| **Constraint:** | **Application:** |
|---|---|
| Visual character study category | Post – 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 | No |
| Bush fire prone land | Yes – Vegetation buffer category:<br>  |
| 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 within a predominantly low density residential area, characterised by detached dwelling houses, with a range of different architectural styles. Properties along the northern side of Athena Avenue consist of a mix of two and three storey dwelling houses on steeply sloping sites. Properties on the southern (high) side of Athena Avenue contain predominantly single and two storey dwelling houses. The surrounding lot pattern is not uniform with a range of different sized lots and shapes.

The rear of a public school known as ‘Sir Eric Woodward Memorial School’ is located opposite the site to the north-east. The primary pedestrian and vehicular access to the school is via Ayres Road. The site is located close to the Garigal National Park and several smaller public reserves.

Photos of the site and surrounding area are provided below **(Figures 2 – 10)**:



*Figure 2: View of the subject site from Athena Avenue.*



*Figure 3: View of front façade.*



*Figure 4: View of front and eastern elevation of subject dwelling, looking from the front of No. 69 Athena Avenue, St Ives.*




*Figure 5: View of No. 73 Athena Avenue, St Ives from the front of subject site.*



*Figure 6: Rear view of subject dwelling house.*



*Figure 7: Existing stairs and setback along the eastern side boundary, looking south.*



*Figure 8: Existing stairs and setback along the western side boundary, looking south (left) and north (right).*




*Figure 9: View from rear second floor balcony, looking north (left) and north-west (right).*



***Figure 10: View from rear second floor balcony, looking west (left) and east (right).***

## THE PROPOSAL

The application proposes alterations and additions to the existing dwelling house, including internal layout reconfiguration, construction of a new roof to the dwelling and garage, new facades including windows and doors, refurbishment of the balconies and associated works. Specifically, the works comprise:

Lower ground floor

- demolition of selected doors and windows and detached outdoor kitchen
- replacement of doors and windows
- minor layout reconfiguration
- construction of a new outdoor kitchen

Ground floor

- demolition of internal walls, all windows, external doors windows, porch blade walls, balcony balustrade and part of the side walls and garage window
- construction of a new open plan living, dining and kitchen area
- new bathroom and laundry
- replacement of external doors and windows including a new garage door and window
- construction of new balustrades and blade walls to the balcony
- new awning extension from the garage over the outdoor kitchen area
- installation of mechanical plant within the garage

First floor

- demolition of most internal walls, all windows, external doors windows, porch blade walls, balcony balustrade and part of the side walls and garage window
- retention of the existing staircase and partial demolition of the existing slab to create a void adjacent to the staircase
- construction of a new master bedroom with walk-in-wardrobe and ensuite, bedrooms 2, 3 and 4 and bathroom
- replacement of windows and sliding doors to rear balcony
- extension of rear balcony, new balustrades and blade walls
- new balustrade and blade walls to front balcony

Roof works

- demolition of the existing tiled dwelling and garage roofs
- construction of a new Colorbond dwelling roof with 5-degree pitch, including solar panels
- construction a new Colorbond garage roof with 3-degree pitch

Façade works

- all new external cladding.
- materials comprising of cement render painted white, stone cladding, aluminium timber look battens, black aluminium windows and doors and frameless glass balustrades.

Associated works

- stormwater works consisting of the installation of a new pipeline to connect to the existing drainage pipeline
- landscaping works consisting of removal of some existing paving and driveway, additional landscaped area and planting of two new trees

The proposed development does not include any works to the boundary fences or swimming pool.

Perspectives of the existing dwelling and proposal are provided below **(Figures 11 and 12)**:




*Figure 11: Proposed (top) and existing (bottom) front façade*




*Figure 12: Proposed (top) and existing (bottom) rear façade*

## 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. One submission was received:

*1. Masoud Mohammadi – 17 Cambourne Avenue, St Ives*

The submission raised the following issue:

***The proposed stormwater management plan does not appear to adequately address stormwater overland flow. As a result, we are experiencing significant water ponding in our backyard.***

Council's Team Leader, Development Engineers, reviewed the submissions and provided the following response:

> *The subject site and surrounds are not affected by overland flow according to Council's mapping system. According to the submitted site survey and architectural plans, minimal additional stormwater runoff will be generated by the proposed alterations and additions given that the works are mainly contained within the existing building footprint. The proposed additions would not significantly change the existing condition with respect to drainage or have adverse impact on adjoining property. Connection into existing stormwater is acceptable. As such, the stormwater plans submitted show the new downpipes to be connected to the existing drainage system. Appropriate conditions are recommended to ensure a qualified plumber certifies that the existing drainage system to which connection is proposed functions hydraulically prior to issue of an Occupation Certificate.*
>
> *The proposal is considered to reasonably satisfy the objectives of the relevant design provisions relating to alterations to existing dwellings as contained within the Ku-ring-gai DCP and is considered to be appropriately designed for the site.*

The response from Council's Team Leader Development Engineers is agreed with and relevant conditions (**Conditions 30, 38, 39**) have been included in the recommendation.

**Amended plans dated 11/03/2026**

In accordance with the criteria in Part 3 of the Community Participation Plan, notification of the amended plans was not required because the Team Leader Development Assessment determined the amended plans will not result in a greater environmental impact than the original proposal.

**Internal Referrals**

**Engineering**

Council's Team Leader, Development Engineers reviewed the proposal and raised no concerns, subject to standard conditions. This assessment is agreed with.

**Landscaping**

Council's Team Leader Landscape, Tree and Ecological Assessment reviewed the proposal and raised no concerns, subject to standard conditions. This assessment is agreed with.

## External Referrals

**Rural Fire Service**

In accordance with Section 4.14(1)(b) of the *Environmental Planning and Assessment Act 1979*, Council has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements. The Bushfire Risk Assessment states that the development conforms to the relevant specifications and requirements. As such, the application does not require a referral to Rural Fire Services.

Council has considered the measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. Appropriate conditions (**Conditions 1, 14, 42 and 43**) that adopt the recommendations of the bush fire risk assessment report and certificate have been recommended.

## 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.

### Climate Change and Natural Hazards State Environmental Planning Policy

The Climate Change and Natural Hazards SEPP was publicly exhibited between 17 February and 16 March 2026. The submissions are currently under consideration by the Department. The Climate Change and Natural Hazards SEPP is intended to replace the Resilience and Hazards SEPP. This SEPP is intended to address risks associated with climate change, urban heat, bushfire, coastal hazards and flooding. The proposed works are confined to the existing dwelling house and will not create any additional risks that would be contrary to this SEPP.

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

The provisions of Clause 6.6 'Water quality and quantity' and Clause 6.7 'Aquatic ecology' have been considered in the assessment of the proposal. The proposed additions and alterations will generate minimal additional stormwater runoff given the works are mainly contained within the existing building footprint. The proposal would not significantly change the existing condition with respect to drainage or have adverse impact on adjoining property. Stormwater plans show new downpipes to be connected to the existing drainage system. The proposed stormwater system includes design measures to assess the requirements of Clause 6.6.

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

A valid BASIX certificate has been submitted, and the proposal is consistent with commitments identified in the certificate. As per the requirements of Clause 2.1(5) the consent authority is satisfied that the application includes information in which the embodied emissions attributable to the development have been quantified.

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

### Clause 1.2 Aims of the Plan

The proposal has been assessed against the relevant Aims of the Plan. The proposal is consistent 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 for alterations and additions to a '*dwelling house'* which is a permissible form of development within the zone.

### Zone objectives

The objectives of this zone are:

- *To provide for the housing needs of the community within a 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 proposal is consistent with the relevant objectives of the R2 Low Density Residential zone as it is development that is compatible with the environmental and built character of Ku-ring-gai and will continue to provide for the housing needs for the occupants within the low density residential area.

**Development standards**

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

| Development standard | Proposed | Complies |
|---|---|---|
| **Cl 4.3 - Height of buildings:**<br>Maximum Building Height - 9.5 metres | 9.34m<br><br>(RL157.200 – RL 147.86) | **YES** |
| **Cl 4.4 - Floor space ratio (FSR):**<br>Maximum Floor Space Ratio - 0.3:1<br>Note: Subclause 2A Calculation 0.38:1<br>Gross Floor Area = 353.95sqm<br>Site area = 935.8sqm | 396.7m$^2$ 0.423:1<br><br>This is a 12.07% variation acceptable on merit – (see Clause 4.6 Variation below) | **NO** |

**Clause 4.6 Exceptions to development standards**

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

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

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

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

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

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

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

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

*The case of Wehbe v Pittwater Council (2007) identifies five common methods by which an applicant can demonstrate compliance with this Clause, noting that satisfying just one of these methods may be sufficient. The first method involves showing that the objectives of the development standard are met despite the non-compliance. This request relies on that approach.*

*The objectives of the FSR development standard are outlined below, followed by an explanation of how the proposal achieves these objectives notwithstanding the variation.*

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

*Comment: The proposal seeks to create a first-floor void that results in a reduction of the overall gross floor area by approximately 9m². Control 6 under Clause 4B.2 Car Parking Provision of the KDCP specifies that internal access to car parking and the required car parking area is to be no greater than 31m². Car parking and associated access areas exceeding this limit are not excluded from the gross floor area (GFA) calculation as defined under the KLEP 2015.*

*The proposal seeks to utilise a portion of the existing garage for the installation of building services infrastructure, including an electric heat pump, solar battery, solar panel inverter and air-conditioning units. The definition of gross floor area under KLEP 2015 expressly excludes plant rooms and areas used exclusively for mechanical services or ducting. Accordingly, the portion of the garage dedicated to mechanical services constitutes an excluded area for the purposes of GFA calculations.*

*Once these service areas are excluded, the remaining functional car parking space equates to approximately 28m², which is below the 31m² threshold prescribed by Control 6. As such, the effective parking area complies with the numerical intent of the control, and the garage as a whole is appropriately excluded from the GFA calculation.*

*No additional built form is proposed, noting the proposed 9.34m building height represents a 1.87m reduction in contrast to the existing 11.21m dwelling height and the dwelling will maintain its existing size, footprint, and discernible density. As such, the development remains entirely consistent with the established relationship between the site and its built form, responds appropriately to existing environmental constraints, and preserves the contextual character of the surrounding area.*

b) *to provide for floor space ratios compatible with a range of uses,*

*Comment: The proposed variation to the allowable FSR prescribed under clause 4.4 is less than the existing development. Despite the proposed contravention, the overall GFA is reduced from the existing, and the development is considered to remain compatible with the on-going residential use of the site.*

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

*Comment: The subject site sits within the R2 Low Density Residential zone and is not located within an identified centre in Ku-ring-gai. As such, this objective is not relevant.*

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

*Comment: As above, the subject site sits within the R2 Low Density Residential zone and is not located within an identified centre in Ku-ring-gai. As such, this objective is not relevant.*

*With note to the above, it can therefore be concluded that the proposed development meets the objectives of clause 4.4 of the KLEP 2015 outlined above. The development will not result in adverse environmental, or amenity impacts such as overshadowing, view loss, or visual bulk, which the FSR development standard is intended to manage, and thus the intent of the standard is achieved without the need for strict numerical compliance. Therefore, compliance with the FSR development standard is found to be unreasonable and unnecessary in the circumstances.*

The justification by the applicant is accepted as it has been demonstrated the proposal meets the underlying objective of the standard, despite the non-compliance. The variation is acceptable for the following reasons:

i) The proposed alterations and additions to the dwelling house result in a reduced gross floor area of 22.3m$^2$, reducing an existing non-compliance. The development predominantly retains the existing setbacks of the development while altering the pitch of the roof form to a flat roof. This inevitably reduces the built form and provides a compatible design with the surrounding built form.

ii) The reduction to the roof form and integration of varied building materials with glass doors and windows, results in a reduction of built form facilitating satisfactory internal solar access whilst reducing overshadowing to the adjoining properties.

iii) The modern design of the dwelling incorporating varied building materials enhances internal amenity, while incorporating building materials integrating the design into the surrounding locality.

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

The applicant states, as detailed below, that the following environmental planning grounds justify contravening the development standard:

*Clause 4.6(3)(b) requires that adequate environmental planning grounds be demonstrated to justify any variation to the development standard. As established through relevant case law, these grounds must specifically relate to the unique circumstances of the proposed development and address the particular aspect that does not comply with the standard.*

*In this instance, the component of the proposal that exceeds the development standard equates to 42.75m² of floor space above the permissible 0.378:1 ratio. The environmental planning grounds supporting this variation are outlined below:*

- ***Reduction of Existing Contravention**:*
  *The proposed development provides for significant alterations and additions to an existing dwelling and retains the existing floor plate and setbacks of the existing development on the site. The proposed works do not result in any additional gross floor area, rather, a reduction of 22.3m$^2$ is proposed.*

  *The proposal is of a reasonable scale and provides a high quality and durable development which will provide an improved dwelling that can accommodate to contemporary lifestyles. The development is commensurate in scale and character with adjoining properties.*

- ***Better Planning Outcome***:
  *The proposed development will deliver an improved planning outcome as the reduced GFA lessens the built form impact on the site, and surrounding development whilst providing a contemporary, functional, and high-quality dwelling that responds appropriate to its context. The development is consistent with the established streetscape character and provides an improved environmental outcome by minimising additional adverse bulk and scale impacts.*

- ***Reduction in Built-Upon Area***:
  *The proposal seeks to undertake alteration and additions to the existing dwelling house at the site. It is noted however, that although the existing built-upon area contravenes the relevant development control, the proposed development seeks to significantly reduce the existing built-upon area from 550m$^2$ to 515m$^2$, a 35m$^2$ reduction. As such, the overall development will be more proportionate to the site area and surrounding context. The proposal therefore provides a positive planning outcome by reducing the overall building bulk and scale, achieving a development that better aligns with the intent and objectives of the control despite the existing numerical non-compliance.*

The justification provided by the applicant is acceptable for the following reasons:

i) The design incorporates the retention of the structural base, predominantly maintaining existing setbacks while improving through reduction of building height and therefore the bulk and scale of the dwelling house. The inclusion of glass doors and windows with glass balustrades will increase internal amenity and internal solar access to the dwelling and provide additional visual depth perception, further reducing the visual scale of the building. The design appropriately responds to the topography of the lot by enhancing internal levels of amenity while retaining character of the locality and minimising adverse bulk and scale impacts.

ii) The consolidated design reduces the contravention of the FSR standard as it retains the existing floor plate of the Lower Ground Floor, Ground Floor and seeks minor internal alterations to Level 1. Level 1 proposes the inclusion of a void and removal of a wardrobe which provides a reduction in gross floor area. The overall scale of the additional floor area is reasonable given that it retains the existing floor plate and external walls. The proposal facilitates a modern design with improved accessibility and amenity while reducing bulk of the dwelling.

iii) The alterations and additions to the dwelling reduce the existing non-compliance of built-upon area. The development significantly reduces the built-upon area from 550m$^2$ to 515m$^2$ (35m$^2$ reduction). The reduction of built-upon area occurs around the driveway and front entry increasing the character of the dwelling to the streetscape and facilitating additional landscaping. The development provides a positive outcome and is a balanced outcome improving existing non-compliances. This also provides a better visual balance of the built form to soft landscaping, more in keeping with the surrounding development, in line with the objective of the FSR to balance the built form with the size of land being developed.

**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, is not located within 100m of an Item and is not within a heritage conservation area. The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance.

**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 involves very minimal earthworks which 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. The proposal satisfies the requirements of Clause 6.2.

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

Council's Development Engineer is satisfied that the proposed development has been designed to manage urban stormwater run-off as per the requirements of the Clause 6.5, subject to **Condition 30.**

## 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 acceptable in all relevant respects for the reasons given throughout this report.

**Part 2: Site analysis**

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

**Part 4: Dwelling Houses**

The 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*** | The design | **YES** |

| DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| Design components of new development are to be based on the existing predominant and high quality visual character of the local neighbourhood. | components are consistent with the predominant visual character of the neighbourhood. | |
| The appearance of the dwelling is to maintain the local visual character by considering the following elements:<br><br>i) visibility of on-site development when viewed from the street, public reserves and adjacent properties; and<br><br>ii) relationship to the scale, layout and character of the tree dominated streetscape of Ku-ring-gai. | The design of the proposal maintains the local visual character. | **YES** |
| The prominent and high quality characteristics of the neighbourhood are to be identified and considered as part of the site analysis. | The site analysis has addressed these matters. | **YES** |
| ***Public Domain and Communal Space***<br>Development is to integrate with surrounding sites by:<br><br>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;<br><br>ii) minimising overshadowing; and<br><br>iii) integrating built form and soft landscaping (gardens and trees) within the tree canopy that links the public and private domain throughout Ku-ring-gai. | The proposal is of an appropriate scale which minimises overshadowing and integrates built form and landscaping. | **YES** |
| Colours of materials used in sites adjoining or in close proximity to bushland areas and conservation areas must be in harmony with the built and natural landscape elements of the area. | The proposed external colours and materials, including use of stone cladding and timber look battens, are consistent with the character of the area and are in keeping with the natural landscape elements of the area. | **YES** |
| **4A.2 Building Setbacks** | | |
| ***Building Line (Front Setback)*** | | |
| The location of development on the site is to demonstrate its consideration of:<br><br>i) The existing setback of adjoining properties;<br><br>ii) The setback patterns of its street block; | The development predominantly retains the existing front setback. | **YES** |

| DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| and<br><br>iii) Council's minimum and average setback requirements. | | |
| Two storey<br>Low side – 9 metres (11 metres average) | The proposal retains the existing front setback of approximately 10.4 metres – 11 metres. | **NO** |
| The proportion of the front elevation set back no less than the average setback is to be 75%.<br><br>The proportion of the front elevation with the minimum setback is to be a maximum of 25%. | The proposed entry porch and first floor balcony extend across the front elevation and is within the 11 metres front setback line. | **NO** |
| ***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.<br><br>The site has an average depth of 42.42m. The required rear setback is 10.6m. | The rear setback is 13.8 metres. | **YES** |
| ***Building Line (Side Setbacks)*** | | |
| <20m width<br>- 1.5m single storey elements<br>- 2m two storey | All side setbacks are retained:<br><br>• Western boundary: 1 metre (garage)<br>• Eastern boundary: 1.5 metres (two-storey dwelling)<br><br>The development proposes to change wall cladding to the side boundary walls however, it will not alter the existing side setbacks. The existing side walls do not propose increase in height of the building wall while the roof pitch is reduced. Therefore, the proposal does not exacerbate building bulk and scale or impact overshadowing. | **NO** |

| DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| Side setbacks are to accommodate a pathway and at least 0.6m of landscaping width for single storey buildings, and 1.1m for 2 storey houses. Where sites are of greater widths (over 20m) larger side setbacks should be progressively provided. | The proposal retains existing side setbacks which contain concrete paths without landscaping. | **NO** |
| Side setbacks are to accommodate shrubs to a height of 3-4m for two storey houses, and 2-3m for single storey houses. | | |
| **4A.3 Built-Upon Area** | | |
| Max BUA 54% (505.33m²) | Existing: 550m²<br><br>Proposed: 515m² | **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. | The existing BUA is reduced by 35m² | **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 for built elements is made. | **YES** |
| The BUA of the front setback is to be maximum 30%<br><br>30% of front setback area (222.84m²) = 67.45m² | 23.5% (52.51m²) | **YES** |
| **4A.4 Landscaping** | | |
| Landscape proposals are to retain existing trees, where possible. This may be achieved by:<br>i) minimising changes to existing ground levels;<br>ii) confining building works where appropriate to pre-existing building footprints. | The landscape design is predominantly retained, with the exception of improvements through the proposed additional landscaping within the front setback area.<br><br>The proposed landscaping reflects the prevailing landscape character of the area. | **YES** |
| Landscaping is to include tall trees, small trees, shrubs and ground covers. | | |
| Landscape designs are to reflect the prevailing landscape character of the area and relate to the existing streetscape in terms of scale and planting style. | | |
| **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. | The existing driveway is retained. | **YES** |
| ***Driveways*** | | |
| Not more than one driveway is to be provided on any property with a street frontage width of less than 18m. | The existing driveway is retained. | **YES** |

| DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| 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. | The existing width of the crossing is 4.72 metres at the front site boundary which is to be retained.<br><br>The driveway crossing is to be retained, with a width of 4.725 metres. The vehicle access will maintain existing sight lines. The retention of a width greater than the maximum will facilitate car parking accommodation to be provided on site. | **NO** |
| Driveways designed in accordance with AS 2890.1 (2004) Off Street Car Parking | The existing driveway is retained which is compliant. | **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. | Two car parking spaces are retained. | **YES** |
| The minimum dimensions of a residential parking space are to be:<br><br>i) open carport 2.7 x 5.4 m<br><br>ii) unobstructed single garage 3.0 x 5.4 m<br><br>iii) double garage 5.4 x 5.4m | The existing dimensions of the garage are retained (5.07 metres x 7.09 metres). | **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$^2$, however the additional floor area is utilised for 'mechanical services' and therefore excluded from the definition of gross floor area. As a result, the additional garage has not been included in the calculation of floor space ratio. | **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. | The existing setback (16 metres) of the garage is retained which is behind the front building line. | **YES** |

| DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| The scale and design of carport and garage structures are:<br><br>i) to be sympathetic to existing development on-site;<br><br>ii) to consider adjacent buildings;<br><br>iii) to consider proximity to drainage systems;<br><br>iv) to be integrated into the building design; and<br><br>v) not to dominate the site, dwelling and landscape, or the streetscape. | The scale of the garage is similar to the existing garage. The existing garage is proposed to be refurbished with a new roof, external cladding and garage door. The proposed works to the garage are in keeping with the overall design of the works to the dwelling and would not detract from the streetscape character. | **YES** |
| 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) | The 5.3 metres width of the existing garage is retained. | **YES** |
| **4C – Building Design and Sustainability** | | |
| **4C.1 Building Envelopes** | | |
| The maximum height of a dwelling is 9.5m (including any garage, basement or the like) and present as a 2 storey dwelling house. | The height of the existing dwelling is approximately 11.21 metres and contains three storeys and presents as two storeys from the street.<br><br>The proposal reduces the height of the dwelling to comply with the 9.5 metres height standard.<br><br>The proposal retains the existing number of storeys and will present as two storeys when viewed from the street. | **YES** |
| The following matters are to be considered with regard to the potential impact on neighbouring properties and local character:<br><br>i) opportunities to minimise overshadowing of living and private open space areas and solar panels;<br><br>ii) opportunities to minimise overlooking of living and private open space areas;<br><br>iii) opportunities to minimise adverse impacts on any significant bushland, or | The proposal responds to the streetscape character and minimises overshadowing, overlooking and impacts upon views. | **YES** |

| DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| distant views;<br><br>iv) the relationship with the streetscape. | | |
| Development is to avoid the creation of an overbearing effect upon adjoining development by:<br><br>i) ensuring appropriate side setbacks and landscaping are incorporated in the design;<br><br>ii) ensuring all built structures are within the building height plane as illustrated in Figure 4C.1-2 of the DCP (4m @ 45°);<br><br>iii) the relationship with the streetscape. | The proposed alterations and additions retain the existing walls and subsequent side, rear and front setbacks while reducing the roof pitch and overall height.<br><br>The proposed envelope breaches the building height plan to the eastern property boundary because of retaining the existing built form and walls.<br><br>The altered design reduces the extent of the breach reducing bulk and enhancing privacy. | **NO** |
| **4C.2 Building facades** | | |
| Extensive blank or unarticulated walls to street frontages will not be permitted. | The proposed front façade is adequately articulated. | **YES** |
| All external facades are to be articulated to reduce the apparent building mass and present a human scale. This may be achieved through the use of bay window openings, window awnings, chimney and alcove features, verandas, pergolas, balconies, entry porches, staggered wall planes, a combination of materials and finishes, decorative architectural elements including brick corbelling, banding and recesses. | All external facades are adequately articulated. | **YES** |
| The maximum length for an unrelieved wall is 12m. | No unrelieved walls greater than 12 metres are proposed. | **YES** |
| Where walls exceed 4m in height, the maximum length for an unrelieved wall is 8m. | Eastern Elevation – 9.5 metres length and 5.9 metres height<br><br>The alterations and additions do not structurally alter the side elevation height of these facades. | **NO** |
| Side elevations are to avoid unrelieved walls. This may be achieved by: | The proposal incorporates section into the design to | **YES** |

| DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| i) dividing walls into sections, bays or modules;<br>ii) separating wall sections with recesses or courtyards. | avoid unrelieved walls. | |
| Alterations and additions to an existing dwelling are to be:<br><br>i) designed so that they are integrated into the existing building;<br><br>ii) result in the new and old structures appearing as one building from the street.<br><br>This may be achieved through the choice of materials, detailing, building proportion and configuration. | The proposed works include an entirely new roof and façade and will present as a new dwelling. | **YES** |
| **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 first floor is set back 1.55 metres varying to 2.3 metres from the eastern side boundary and is 6.4 metres from the western side boundary.<br><br>The new design predominantly retains the existing walls. However, the design demolishes walls forward of the building line reducing overbearing bulk and scale. The proposed external wall cladding avoids larger vertical wall surfaces, largely retaining the existing built form.<br>The development does not have an overbearing bulk and scale on neighbouring properties. | **YES** |
| The placement of windows in first floor walls facing side boundaries are to respect the privacy of neighbouring properties. | The proposal does not include new windows which would result in direct or unreasonable overlooking of adjoining properties. | **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 | Existing private open space is retained which is sufficient. | **YES** |

| DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| on each site. On steep sites Council may consider a reduction in the minimum depth requirement. | | |
| **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:<br><br>i) consideration of siting and orientation of buildings;<br><br>ii) use of setbacks which increase with building heights;<br><br>iii) landscape design and location of vegetation including deciduous or tall trees;<br><br>iv) consideration of window locations and size. | The proposal has been designed to minimise overshadowing of neighbouring sites and maximise solar access to the dwelling. | **YES** |
| A building is to be designed and sited to maintain solar access to adjoining properties of at least 4 hours between 9am and 3pm on 21st June to north facing windows and all living areas (family rooms, rumpus, lounge and kitchen) and the principal private open space recreational areas, such as swimming pools and patios. | The proposal does not result in the adjoining properties north-facing windows and private open space receiving less than 4 hours of solar access between 9am and 3pm. | **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. | The dwelling design results in compliant solar access to the north-facing windows and principal private open space. | **YES** |
| Development is to consider the use of sun protection devices that preserve internal amenity. These can include window shades and awnings, roof and eave overhangs, use of pergolas and landscaping for shading of openings. | The proposal includes sufficient eaves to preserve internal amenity to the majority of the windows.<br>It is noted that there are two small unshaded windows on the east and west elevations, however these windows are for a bathroom and walk-in-robe and will not result in acceptable amenity due to the small size of the windows and type of use of the rooms. | **YES** |
| Professionally prepared Shadow Diagrams must accompany all applications for new dwellings and alterations/additions exceeding one storey. | Professionally prepared shadow diagrams have been provided. | **YES** |

| DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| **4C.6 Natural Ventilation** | | |
| Building design is to incorporate measures for natural cross ventilation as specified in Control 1. | The dwelling includes measures to maximise natural cross ventilation including locating windows and doors on opposite walls and open plan living areas. | **YES** |
| **4C.9 Waste Management** | | |
| During the design of the development, construction waste is to be minimised by:<br><br>i) using recycled materials, selecting materials that reduce waste or do not require disposal, or can be reused or recycled in the future;<br><br>ii) designing with minimal site disturbance by avoiding unnecessary excavation or fill. | A satisfactory waste management plan has been submitted. | **YES** |
| Developments must allocate, within each property boundary, an area for storing Council waste and recycling bins, (1 X 120L, 2 x 240L, 1 x 360L) preferably located at the rear of the premises to minimise visual clutter. The storage area is to be a minimum of 3m from openable windows and integrated with the landscaping. | A bin storage area has been nominated along the western boundary adjacent to the garage. Due to the topography of the site, it is not feasible to locate the bin storage area to the rear of the premises. The proposed bin storage area is located more than 3 metres from openable windows, behind the front building line and is suitably screened by landscaping. | **YES** |
| An area is to be nominated for on-site composting. | Sufficient space on site for a compost bin. | **YES** |
| **4C.10 Materials and Finishes** | | |
| External walls must be constructed of high quality and durable materials and finishes. | External walls utilise high quality and durable materials and finishes. | **YES** |
| Large, unbroken expanses of any single material and finish (rendered or not) to building facades must be avoided. | Large unbroken expanses of render are not proposed. | **YES** |
| New development is to avoid extensive use of highly reflective or gloss materials on the exterior of buildings. | Highly reflective and gloss materials are not proposed. | **YES** |
| The exterior finish material (e.g. sandstone or brick) must be integral to the overall building façade design and must not appear to be cosmetic. | The exterior render, stone cladding and timber look batten are well integrated into the façade design and | **YES** |

| DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses | | |
|---|---|---|
| **Development control** | **Proposed** | **Complies** |
| | does not appear cosmetic. | |
| Where louvres are used, they are to be an integral element in the building façade design. | The timber look battens integrate well with the overall 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. | White render is proposed for some parts of the façades, however it is balanced with the proposed stone cladding and timber look battens which are the prominent feature of the front and rear facades. | **YES** |
| Natural earth tones are to be used on building facades in close proximity to bushland. | The proposed use of the stone cladding and timber look battens are compatible with the bushland setting. The selected use of white is not considered to dominate the façade. | **YES** |

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

**Part 4A.2 'Building Setbacks'**

The development proposes a front setback of 10.4 metres to 11 metres, with an average less than the required 11 metres. This is non-compliant with Control 3, Part 4A.2 in KDCP which states that the front setback of a two-storey dwelling low side – 9 metres (11 metres average).

The following is an assessment of these variations against the control's objectives.

The objectives of Part 4A.2 are:

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

For the following reasons, the objectives are achieved, notwithstanding the numerical non-compliance with the control -

The subject site is located on the low side of the street, requiring 9 metres minimum and 11 metres average setback.

i) The proposed alterations and additions retain a varying front setback to Athena Avenue reflective of the existing dwelling house.

ii) The dwelling encompasses the entry porch and front facing balcony extending across the front elevation within this 11 metres setback. The entire building remains set back greater than 9 metres.

iii) Given, the unique curved front property boundary, the dwelling proposes a minimum front setback at 10.4 metres varying to increased setbacks. The first floor is set back approximately 11 metres integrating glass balustrades with variation in building materials to soften the built form to the streetscape.

**Part 4A.3 'Built-Upon Area'**

The development proposes a built-upon area of 515m$^2$, which exceeds the maximum prescribed built-upon area of 54% or 505.33m$^2$.

There is a non-compliance with the maximum built upon area (BUA) requirement, as detailed in the Compliance Table.

The objectives of Part 4A.3 BUA are:

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

For the following reasons, the objectives are achieved notwithstanding the numerical non-compliance with the control –

i) The variation is acceptable as the proposed development reduces the overall built-upon area particularly at the front of the dwelling around the driveway and entry of the dwelling by 35m$^2$.

ii) The development proposes 52.51m$^2$ BUA within the front setback or 23.5% which is compliant with the maximum BUA within the front setback control. As a result, the combined impact will result in an increase to landscaped area and an enhanced streetscape.

iii) The above is supported by the reduction in the overall bulk of the dwelling resulting from the reduction in height of the existing roof by approximately 1.87 metres, which is going from non-compliant to compliant. Consequently, the variation to the development is satisfactory.

**Part 4C.1 'Building Envelopes'**

The objectives of Part 4C.1 are:

1. *To limit the height and bulk of buildings so that they do not dominate the natural landscape or the tree canopy.*
2. *To ensure that buildings are responsive to the site.*
3. *To maintain the integrity of the existing streetscape.*
4. *To provide for quality interior spaces while considering the external building form requirements.*
5. *To limit the extent of visual and noise intrusion on the private spaces of neighbouring properties.*
6. *To allow adequate daylight, sunlight and ventilation to habitable rooms and private open spaces for new and neighbouring dwellings of the site and of neighbouring sites.*
7. *To ensure that significant views from neighbouring dwellings and public reserves are not adversely impacted.*
8. *To minimise 3 storey streetscape building appearances and maintain a low-density domestic scale in residential areas.*
9. *To avoid excavation outside the building line and ensure deep soil provision.*

Control 3 stipulates the development is to avoid the creation of an overbearing effect upon adjoining development.

i) The development predominantly retains the existing side setbacks and reduces the roof pitch and overall height.

ii) The design retains a minor non-compliance to side setbacks; however, the proposed building envelope represents a significant reduction in bulk and scale compared to the current dwelling.

iii) The proposed design has a reduction in the building envelope reducing visual bulk presented to the adjoining eastern neighbour.

iv) This variation is a result from retaining the ground floor levels of the dwelling.

v) The reduction in the building envelope breach ensures solar access and visual privacy to the adjoining eastern neighbour are mitigated.

vi) All mature vegetation in conjunction with an adequate front setback is preserved which mitigates visual impact within the locality. The design ensures privacy and character of the site are enhanced contributing to the broader streetscape and locality.

**Part 4C.2 'Building Facades'**

The eastern elevation of the dwelling will maintain a wall height of 5.9 metres, with a length of 9.55 metres. This is non-compliant with Control 3, Part 4C.2 in KDCP which states the maximum length for an unrelieved wall is 12 metres and where walls exceed 4m in height, the maximum length for an unrelieved wall is 8 metres.

The relevant objectives of Part 4C.2 are:

1. *To encourage well designed, attractive and site responsive buildings.*
2. *To minimise the bulk and scale of the built form.*
3. *To avoid massive and unrelieved walls to side boundaries.*

For the following reasons, the objectives are achieved notwithstanding the numerical non-compliance with the control –

i) The development proposes alterations that do not alter the side of the building facades and as a result retain the side elevations.

ii) The new configuration of the windows to the north-eastern perspective are of similar size and scale and are situated in the same location.

iii) This will ensure the windows maintain appropriate visual and acoustic privacy between the development and the adjoining property at No. 73 Athena Avenue, St Ives.

iv) The design includes well-articulated elevations and integrates into the landscaping and natural features of the site.

v) The overall bulk and scale of the building will be reduced, as discussed elsewhere and the overall setbacks remain unchanged for the most part.

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

**Section B**

**Part 15 – Land Contamination**

The site is not mapped as being contaminated nor does it have a history of a use that would give rise to contamination.

**Part 16 – Bushfire Risk**

The site is mapped as bush fire prone land. Refer to the comments provided under Rural Fire Service assessment above.

**Part 19 – Heritage and Conservation Areas**

The subject site does not contain a heritage item, is not located within close proximity to an Item nor is it within a heritage conservation area. The proposed works do not affect any archaeological or Aboriginal objects or Aboriginal places of heritage significance.

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

**Section C**

| Development Control | Proposed | Complies |
|---|---|---|
| **Part 21 General Site Design** | | |
| **21.1 – Earthworks and slope** | | |
| Landscape cut or fill should not be more than 600mm above or below natural ground line. | The proposed removal of the pedestrian path and new landscape strip within the front setback results in very minor cut (less than 600mm). | **YES** |
| **Part 23 – Building Design and Sustainability** | | |
| **23.7 – General Acoustic Privacy** | | |
| Buildings are to be designed to minimise noise transmission by, but not limited to:<br><br>i) careful siting and orientation of the building;<br>ii) locating bedrooms away from both internal and external noise generators of a development, eg by using storage or | The building is designed to minimise noise transmission, with bedrooms located away from primary areas of private open space. | **YES** |

| | | |
|---|---|---|
| circulation areas as a buffer | | |
| When designing and siting active open space areas (eg BBQ areas, swimming pools, communal areas etc) regard is to be paid to potential noise impacts on adjacent rooms and buildings, such as bedrooms. | Active areas of private open space are located to the rear of the dwelling 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. The background (LA90, 15 min) level is to be determined without the source noise present. | The proposal includes new mechanical plant; conditions which seek to minimise potential acoustic impacts have been included in the recommendation. | **YES** |
| **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. | No new windows with the potential to directly or unreasonably overlook adjacent dwellings are proposed. | **YES** |
| For low density residential development first floor decks, balconies and roof top terraces are not permitted where they unreasonably overlook or would directly overlook principal living spaces or private open space and the impact cannot be adequately mitigated. | The location of the existing balconies at first and second floor level are proposed to be retained. The proposal includes refurbishing the balconies, including a very minor increase in the size of the first floor balcony. The proposal includes blade walls to both sides of the balconies to prevent direct overlooking of the adjoining properties at Nos 69 and 73 Athena Avenue, St Ives.<br><br>Given the proposed location of the balconies are retained as per the existing, | **YES** |

| | | |
|---|---|---|
| | the proposal will not result in any perceivable change to the extent of existing overlooking of adjoining properties. | |
| **23.10 – Construction, Demolition and Disposal** | | |
| Site disturbance during construction or demolition is to be minimised by:<br>i) avoiding excavation beyond the building area;<br>ii) restricting machinery and vehicle movement to the building footprint and access corridor;<br>iii) locating service lines close to the building or within previously excavated areas where possible; and<br>iv) locating storage areas to areas outside the tree protection zones of trees to be retained. | Standard conditions concerning storage of materials and tree protection are recommended. | **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. | Standard conditions concerning provision of sediment controls and storage of materials are recommended. | **YES** |
| A Waste Management Plan (WMP) is to be submitted with the application, in accordance with Part 23R.8 of the DCP and controls 3 and 4 of Part 23.10. | An adequate waste management plan has been submitted. | **YES** |
| All development applications are to be accompanied by an 'Erosion and Sediment Control Plan' (ESCP) that describes the measures undertaken at development sites to minimise land disturbance and to control sediment pollution. The ESCP is to be prepared in accordance with "Managing Urban Stormwater, Soil and Construction, 2006 (Landcom)". | Standard conditions are recommended to ensure that erosion control measures and maintenance of the site are undertaken. | **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. | The proposed development does not alter the existing stormwater management system. Subject to a condition requiring drainage to be directed to the existing system (**Condition 38**) the proposed development is consistent with the objectives of this Part. | **YES** |

**Ku-ring-gai Section 7.12 Contributions Plan 2023**

The proposed works are quoted as $900,004.00 being more than $100,000 which attracts the

payment of a contribution in accordance with Section 4.17 (1) of the Environmental Planning and Assessment Act 1979 and Ku-ring-gai Section 7.12 Contributions Plan 2023.
Accordingly, a contribution of $9,000.04 is required to be paid (**Condition 15**).

## REGULATION

Section 61(1) of the Environmental Planning & Assessment Regulation 2021 requires the consent authority to consider the provisions of *Australian Standard AS 2601-2001: The demolition of structures.* The partial demolition of the existing structure will be carried out in accordance with a work plan and statement of compliance that will be required to be submitted to the Principal Certifier prior to the commencement of any works (**Condition 9**).
A condition to this effect has been included in the recommendation section of this report.

## LIKELY IMPACTS

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

## SUITABILITY OF THE SITE

The site is suitable for the proposed development.

## PUBLIC INTEREST

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

## CONCLUSION

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is satisfactory for the reasons given throughout this assessment.

### 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 satisfied that the request submitted under Clause 4.6 to vary the maximum Floor Space Ratio development standard in Clause 4.4 of the KLEP 2015 has met the requirements of Clause 4.6(3). The Panel is also of the opinion that strict compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the variation to the development standard.

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, being satisfied that the proposed development would be in the public interest, grant development consent to eDA0645/25 for alterations and additions to a dwelling house at No 71 Athena Avenue, St Ives, subject to conditions. Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the

approved works are not physically commenced within five years of the date of the Notice of Determination.

**The conditions of the consent are set out as follows:**
**CONDITIONS THAT IDENTIFY APPROVED PLANS:**

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

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

| Plan no. | Drawn by | Dated |
|---|---|---|
| *Architectural Plans* | | |
| DA No. 02, Site Analysis, Revision B | Studio CoCo Jen Pty Ltd | 06/03/2026 |
| DA No. 03, Site Plan, Revision B | Studio CoCo Jen Pty Ltd | 06/03/2026 |
| DA No. 05, Proposed Lower Ground Floor Plan – Proposed, Revision B | Studio CoCo Jen Pty Ltd | 06/03/2026 |
| DA No. 07, Proposed Ground Floor Plan – Proposed, Revision B | Studio CoCo Jen Pty Ltd | 06/03/2026 |
| DA No. 09, Proposed Level 1 – Proposed, Revision B | Studio CoCo Jen Pty Ltd | 06/03/2026 |
| DA No. 11, Proposed Roof Plan – Proposed, Revision B | Studio CoCo Jen Pty Ltd | 06/03/2026 |
| DA No. 12, Section, Revision B | Studio CoCo Jen Pty Ltd | 06/03/2026 |
| DA No. 13, North Elevation, Revision B | Studio CoCo Jen Pty Ltd | 06/03/2026 |
| DA No. 14, South Elevation, Revision B | Studio CoCo Jen Pty Ltd | 06/03/2026 |
| DA No. 15, East Elevation, Revision B | Studio CoCo Jen Pty Ltd | 06/03/2026 |
| DA No. 16, West Elevation, Revision B | Studio CoCo Jen Pty Ltd | 06/03/2026 |
| DA No. 23, Material Schedule, Revision B | Studio CoCo Jen Pty Ltd | 06/03/2026 |
| *Landscape Plans* | | |
| REF#: D1703, Landscape Concept Plan, Sheet#: 1 of 2 | DA Landscape Plans | 09/03/2026 |
| REF#: D1703, Landscape Details Plan, Sheet#: 2 of 2 | DA Landscape Plans | 09/03/2026 |
| *Stormwater Management Plans* | | |
| Job No. 25005, Drawing No. C01, Site Stormwater Drainage Plan & Sediment Control Plan and Detail, Rev. 0 | KHH Consulting Engineers Pty Ltd | 2/04/2025 |
| *Structural Engineering Plans* | | |
| Drawing No. S00 - General Notes, Rev.0 | KHH Consulting Engineers Pty Ltd | 10/04/2025 |
| Drawing No. S01 - Ground Floor Underpinning Beam Plan & Details, Rev.0 | KHH Consulting Engineers Pty Ltd | 10/04/2025 |
| Drawing No. S02 - First Floor Underpinning Beam Plan & Details, Rev.0 | KHH Consulting Engineers Pty Ltd | 10/04/2025 |
| Drawing No. S03 - Roof Frame Beam Plan & Details, Rev.0 | KHH Consulting Engineers Pty Ltd | 10/04/2025 |

| Document(s) | Dated |
|---|---|
| BASIX certificate No. A1801071, Ref: 02 | 14 October 2025 |
| Bush fire risk assessment and certification prepared by Building Code & Bushfire Hazard Solutions Pty Limited, Ref: 250428B | 27 October 2025 |
| Waste Management Plan prepared by Applicant Ref: - | Undated |

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

**2. Inconsistency between documents**

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

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

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

**3. Asbestos works**

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

**Reason:** To ensure public safety.

**4. Notice of commencement**

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

**Reason:** Statutory requirement.

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

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

**Reason:** Statutory requirement.

**6. Structural adequacy (alterations and additions)**

Prior to commencement of any works, the Principal Certifier shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifier.

**Reason:** To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the Development Consent.

**7. Swimming pool maintenance**

Prior to the commencement of any works the Principal Certifier is to be satisfied that, if any water is held within the swimming pool:

a) the quantity of water in the pool is maintained at a minimum of 50% of the capacity of the pool; and

b) the clarity of the water in the pool is maintained through chlorination either by automatic or manual dosing; and
c) a swimming pool barrier is in place and maintained in accordance with the NSW Swimming Pools Act 1992.

**Reason:** To ensure the swimming pool does not present a risk to health or safety.

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

**8. Compliance with BASIX Certificate**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all commitments listed in the approved BASIX Certificate (referred to under Condition 1) are detailed on the plans forming the Construction Certificate.

**Reason:** Statutory requirement.

**9. Statement of compliance with Australian Standards**

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

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

**10. Long service levy**

A Construction Certificate shall not be issued until any long service levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (or where such levy is payable by instalments, the first instalment of the levy) has been paid. In order to pay your levy, you will need to register an account with The Long Service Corporation on the online portal at www.longservice.nsw.gov.au.

**Reason:** Statutory requirement.

**11. Noise control - air conditioning**

Prior to the issue of any Construction Certificate, written confirmation from an appropriately qualified acoustic consultant shall be submitted to the Certifier demonstrating that any proposed air conditioning systems have been positioned and designed so as to operate -

(a) during peak time (7.00am to 10pm) - at a noise level that will not exceed 5dB(A) above the ambient background noise (LA90, 15 min) level when measured at any property boundary, and
(b) during off peak time (10pm to 7am) - at a noise level that will not be audible in habitable rooms of any adjoining residences.

**Reason:** To protect the amenity of neighbouring residents**.**

**12. Utility provider requirements**

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

utility services or appropriate conduits for the same must be provided in accordance with the specifications of the utility providers.

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

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

**13. Infrastructure damage security bond and inspection fee**

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

(a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.

(b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.

(c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of any Construction Certificate and the commencement of any earthworks or construction.

(d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.

(e) **Release of the bond** – Upon receipt by Council of an Occupation Certificate, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

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

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

(f) In this condition:

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

"Infrastructure damage security bond and infrastructure inspection fee" means the Infrastructure damage security bond and infrastructure inspection fee as calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of

payment and the cost of any inspections required by the Council of Council property associated with this condition.

**Reason:** To maintain public infrastructure.

**14. Bush fire risk certification**

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

| Document title | Prepared by | Dated |
|---|---|---|
| Bushfire Assessment Report | Building Code & Bushfire Hazard Solutions Pty Ltd | 27/10/2025 |

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

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

**15. Section 7.12 fixed development consent levy contributions**

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979 and Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023, $**9,000.04** based on development costs of $**900,004.00**, shall be paid to Council to provide for additional local infrastructure improvements in accordance with the works programme listed in the s7.12 Contributions Plan.

Contributions payable will be adjusted in accordance with the provisions of the Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023 and inflated by the Consumer Price Index (All Groups Sydney) until they are paid. Contact Council to ensure your payment is current prior to payment. See Council's website for more information about inflation and paying contributions.

(a) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
(b) prior to the issue of the first Construction Certificate where the development is for building work; or
(c) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
(d) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023 may be viewed at on Council's webpage at www.krg.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

**Reason:** To cater for the increased demand for upgrades in the public domain resulting from cumulative developments in accordance with Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023.

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

**16. Road opening permit**

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

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

**17. Prescribed conditions**

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

**Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989**

1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.

2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the *Home Building Act 1989*, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.

3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.

4) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.

5) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.

6) This section does not apply -

   (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or

   (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

7) ***relevant date*** has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.

**Erection of signs**

1) This section applies to a development consent for development involving building work, subdivision work or demolition work.

2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out -

(a) showing the name, address and telephone number of the principal certifier for the work, and

(b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and

(c) stating that unauthorised entry to the work site is prohibited.

3) The sign must be -

(a) maintained while the building work, subdivision work or demolition work is being carried out, and

(b) removed when the work has been completed.

4) This section does not apply in relation to -

(a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or

(b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

**Notification of Home Building Act 1989 requirements**

1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.

2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following -

(a) for work that requires a principal contractor to be appointed -

i. the name and licence number of the principal contractor, and
ii. the name of the insurer of the work under the *Home Building Act 1989*, Part 6,

(b) for work to be carried out by an owner-builder -

i. the name of the owner-builder, and
ii. if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989* - the number of the owner-builder permit.

3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.

4) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

**Shoring and adequacy of adjoining property**

1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.

2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense -

(a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and

(b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

3) This section does not apply if -

(a) the person having the benefit of the development consent owns the adjoining land, or

(b) the owner of the adjoining land gives written consent to the condition not applying.

**Fulfilment of BASIX commitments**

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled -

a) BASIX development,

b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

**Reason:** Statutory requirement.

**18. Hours of work**

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

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

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

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

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

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

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

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

**20. Dust control**

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

- physical barriers shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations

- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out at least daily
- no advertising or signage is permitted to be attached to dust cloth material.

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

**21. Use of road or footpath**

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

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

**22. Toilet facilities**

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

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

**Reason:** Statutory requirement.

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

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

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

**24. Garbage receptacle**

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

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

**25. Construction signage**

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m$^2$
- are removed within 14 days of the completion of all construction works

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

**26. Road reserve safety**

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

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

**27. Services**

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

**Reason:** Provision of utility services.

**28. Temporary disposal of stormwater**

During construction, stormwater runoff must be disposed of in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Certifier.

**Reason:** To protect the natural environment.

**29. Erosion control**

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction

works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifier and Council.

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

**30. Drainage to existing system**

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

**Reason:** To protect the environment.

**31. No storage of materials beneath trees**

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

**Reason:** To protect existing trees.

**32. Removal of refuse**

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

**Reason:** To protect the environment.

**33. On site retention of waste dockets**

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

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

**Reason:** To protect the environment.

**34. Maintenance of site**

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

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

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

During construction:

- all vehicles entering or leaving the site must have their loads covered, and

- all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

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

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

**35. Site fencing**

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

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

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

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

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

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

**Reason:** To ensure public safety.

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

**36. Completion of landscape works**

Prior to the issue of an Occupation Certificate, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.

**Reason:** To ensure that the landscape works are consistent with the Development Consent.

**37. Noise control - air conditioning**

Prior to the issue of an Occupation Certificate, acoustic certification prepared by an appropriately qualified acoustic consultant, is to be submitted to the Principal Certifier confirming that any installed air conditioning system/s when in operation either as an individual piece of equipment or in combination do not:

(a) during peak time (7.00am to 10pm) - exceed more than 5dB(A) above the ambient background noise (LA90, 15 min) level when measured at the boundary of the nearest potentially affected residential occupancy; and
(b) during off peak time (10pm to 7am) - operate at a noise level that will be audible in habitable rooms of any adjoining residences.

The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of neighbouring residents**.**

**38. Certification of drainage works (alterations and additions)**

Prior to issue of an Occupation Certificate, the Principal Certifier is to be satisfied that:

1. The components of the new drainage system have been installed by a licensed contractor in accordance with the National Plumbing and Drainage Code AS3500.3 and the Building Code of Australia.
2. The stormwater drainage works have been completed in accordance with the approved Construction Certificate drainage plans, the nominated BASIX commitments and Ku-ring-gai DCP Part 24 'Water Management'.

Evidence from the plumbing contractor or a qualified civil/hydraulic engineer confirming compliance with this condition is to be provided to Council prior to the issue of an Occupation Certificate.

**Reason:** To ensure appropriate stormwater management.

**39. Works as executed plans for stormwater management and disposal**

Prior to issue of an Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifier prior to issue of an Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Certifier stamped construction certificate stormwater plans.

**Reason:** To ensure appropriate stormwater management.

**40. On-site detention system marker plate**

A marker plate is to be permanently attached and displayed within the immediate vicinity of the On-Site Detention System prior to the issue of the Occupation Certificate.

This marker plate can be purchased from Council.

**Reason:** To prevent unlawful alteration.

**41. Swimming pool (part 1)**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that:

1. Access to the swimming pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992.
2. 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 nearest adjoining property boundary and is not audible in habitable rooms of any adjoining residences at night (from 8.00pm to 7.00am). The background (LA90, 15 min) level is to be determined without the noise source present.
3. The swimming pool/spa shall be registered on the NSW Swimming Pool Register (<http://www.swimmingpoolregister.nsw.gov.au>) in accordance with the Swimming Pools Act 1992.

**Reason:** Statutory requirement to ensure the safety of children and to protect the amenity of surrounding properties.

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

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

| Document title | Prepared by | Dated |
|---|---|---|
| Bushfire Assessment Report | Building Code & Bushfire Hazard Solutions Pty Ltd | 27/10/2025 |

**Reason:** Statutory requirement.

**CONDITIONS TO BE SATISFIED AT ALL TIMES:**

**43. Compliance with bush fire assessment report and certificate**

All ongoing recommendations listed in the bush fire risk assessment and report below, must be complied with at all times.

| Document title | Prepared by | Dated |
|---|---|---|
| Bushfire Assessment Report | Building Code & Bushfire Hazard Solutions Pty Ltd | 27/10/2025 |

**Reason:** To ensure the continual implementation of measures to manage bushfire risk.

**44. Asset protection zone**

The property is to be maintained as an asset protection zone, consistent with the Rural Fire Service guidelines for asset protection zones. Removal of vegetation within an asset protection zone located inside the property shall be carried out by hand and is to be confined to those works consistent with the Rural Fire Service guidelines for bush fire hazard reduction in such zones.

**Reason:** Bush fire safety.

**45. Noise control - rainwater re-use system**

Noise levels associated with rainwater re-use system(s) installed on the premises must not be audible within any habitable room in any other neighbouring residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with rainwater re-use system(s) installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of neighbouring residential occupants and neighbouring properties.

**46. Noise control - air conditioning**

Noise levels associated with air conditioning units installed on the premises must not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with air conditioning units installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of residential occupants and neighbouring properties.

**47. Noise control - mechanical exhaust ventilation**

Noise levels associated with mechanical exhaust ventilation installed on the premises must not be audible within any habitable room in any other neighbouring residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with mechanical exhaust ventilation installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of neighbouring residential occupants and neighbouring properties.

**48. Swimming pool (part 2)**

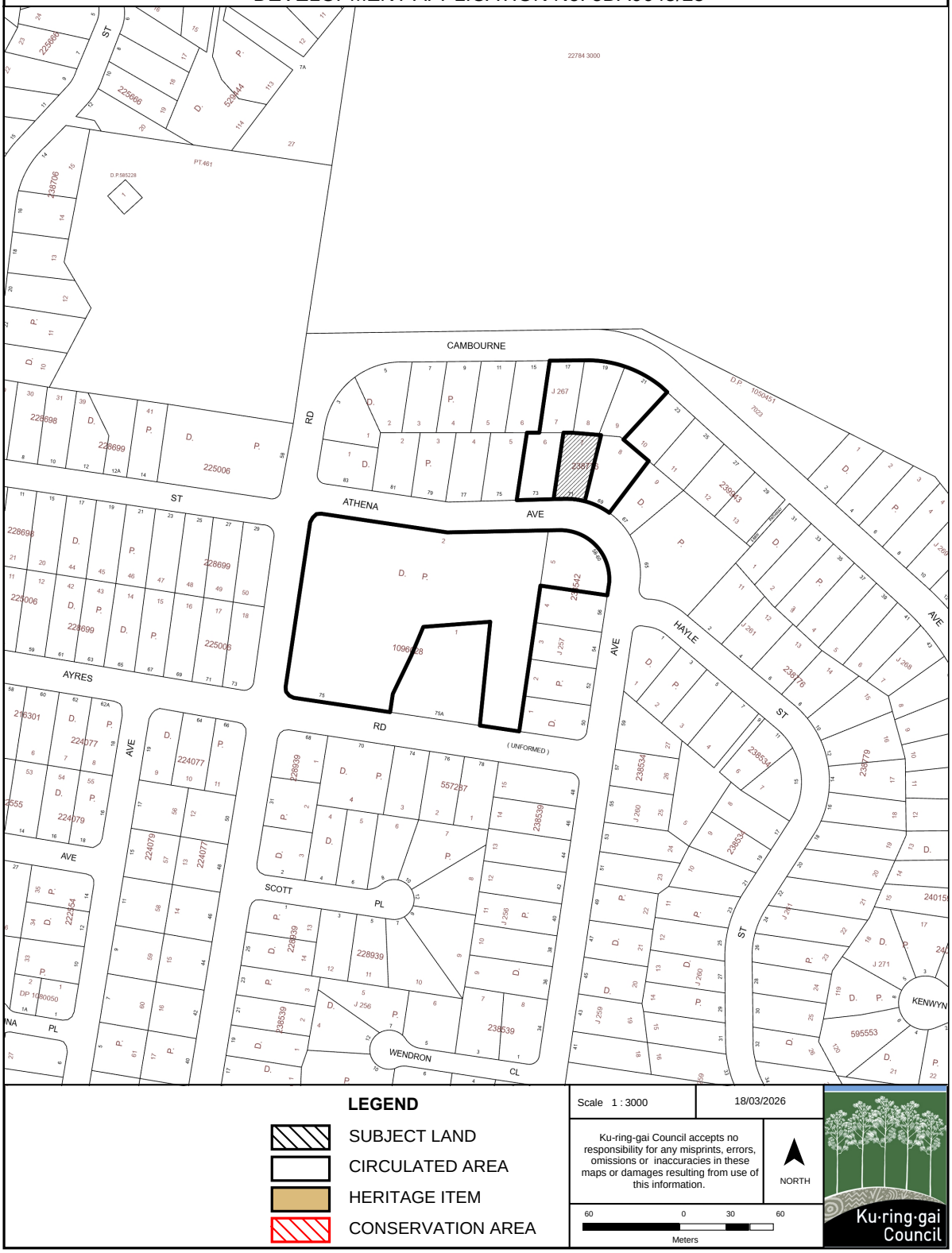
1. Access to the swimming pool must be restricted by a child resistant barrier in accordance with the Swimming Pools Act 1992.
2. Noise levels from the operation of mechanical equipment, including filters, pumps and heaters associated with the swimming pool, shall not exceed 5dB(A) above the background noise (LA90, 15 min) level during the day when measured at the boundary of the nearest affected residential occupancies and not be audible in habitable rooms of any adjoining residences at night (from 8.00pm to 7.00am). The background (LA90, 15 min) level is to be determined without the source noise present.
3. Devices or structures used for heating swimming pool water must not be placed where they are visible from a public place.
4. The disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500.2 section 10.9.
5. Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.

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

# LOCATION SKETCH

71 Athena Avenue ST IVES NSW 2075

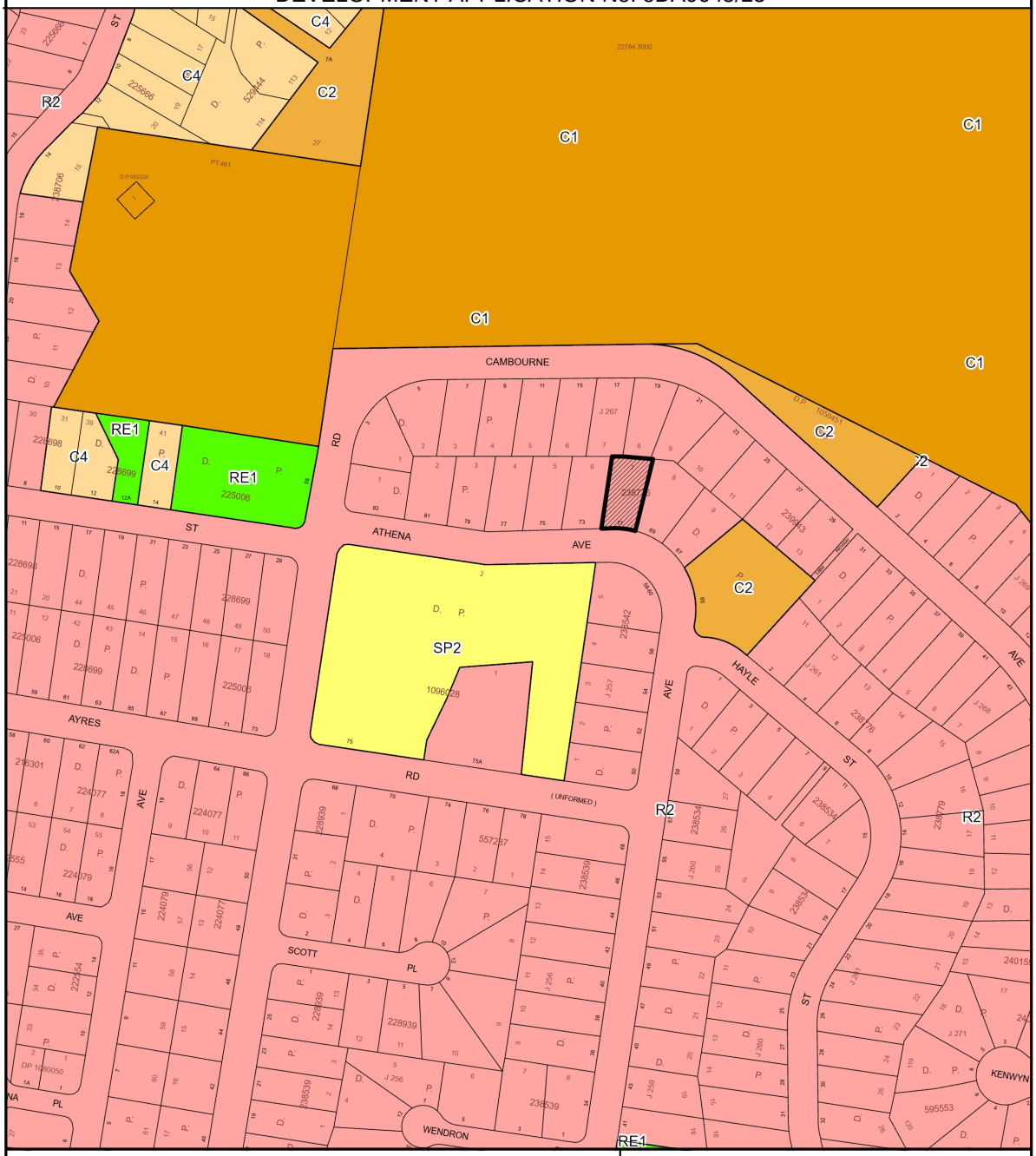
DEVELOPMENT APPLICATION No. eDA0645/25



# KU-RING-GAI LEP 2015 ZONING EXTRACT

71 Athena Avenue ST IVES NSW 2075

DEVELOPMENT APPLICATION No. eDA0645/25




**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: 18/03/2026

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

0 60 120

Meters

Ku·ring·gai Council

DRAWING LIST


| | |
|---|---|
| 00 | COVER SHEET |
| 01 | BASIX COMMITMENTS |
| 02 | SITE ANALYSIS |
| 03 | SITE PLAN |
| 04 | LOWER GROUND FLOOR PLAN -EXISTING |
| 05 | LOWER GROUND FLOOR PLAN -PROPOSED |
| 06 | GROUND FLOOR PLAN -EXISTING |
| 07 | GROUND FLOOR PLAN -PROPOSED |
| 08 | LEVEL 1 PLAN -EXISTING |
| 09 | LEVEL 1 -PROPOSED |
| 10 | ROOF PLAN -EXISTING |
| 11 | ROOF PLAN -PROPOSED |
| 12 | SECTION |
| 13 | NORTH ELEVATION |
| 14 | SOUTH ELEVATION |
| 15 | EAST ELEVATION |
| 16 | WEST ELEVATION |
| 17 | SOLAR ACCESS DIAGRAMS |
| 18 | ELEVATION SOLAR ANALYSIS: 9AM-11AM |
| 19 | ELEVATION SOLAR ANALYSIS: 12PM-2PM |
| 20 | ELEVATION SOLAR ANALYSIS: 3PM |
| 21 | DEVELOPMENT CALCULATION |
| 22 | BUILT UPON AREA CALCULATION |
| 23 | MATERIAL SCHEDULE |
| 24 | STREET SCAPE VIEW |
| 25 | REAR VIEWS |
| 26 | 3D VIEWS |
| 27 | NOTIFICATION PLAN |




# PROPOSED ADDITIONS AND ALTERATIONS TO EXISTING HOUSE

## 71 ATHENA AVENUE, ST IVES

COMPLYING DEVELOPMENT CERTIFICATE

PREPARED FOR
KYRA & CHRIS

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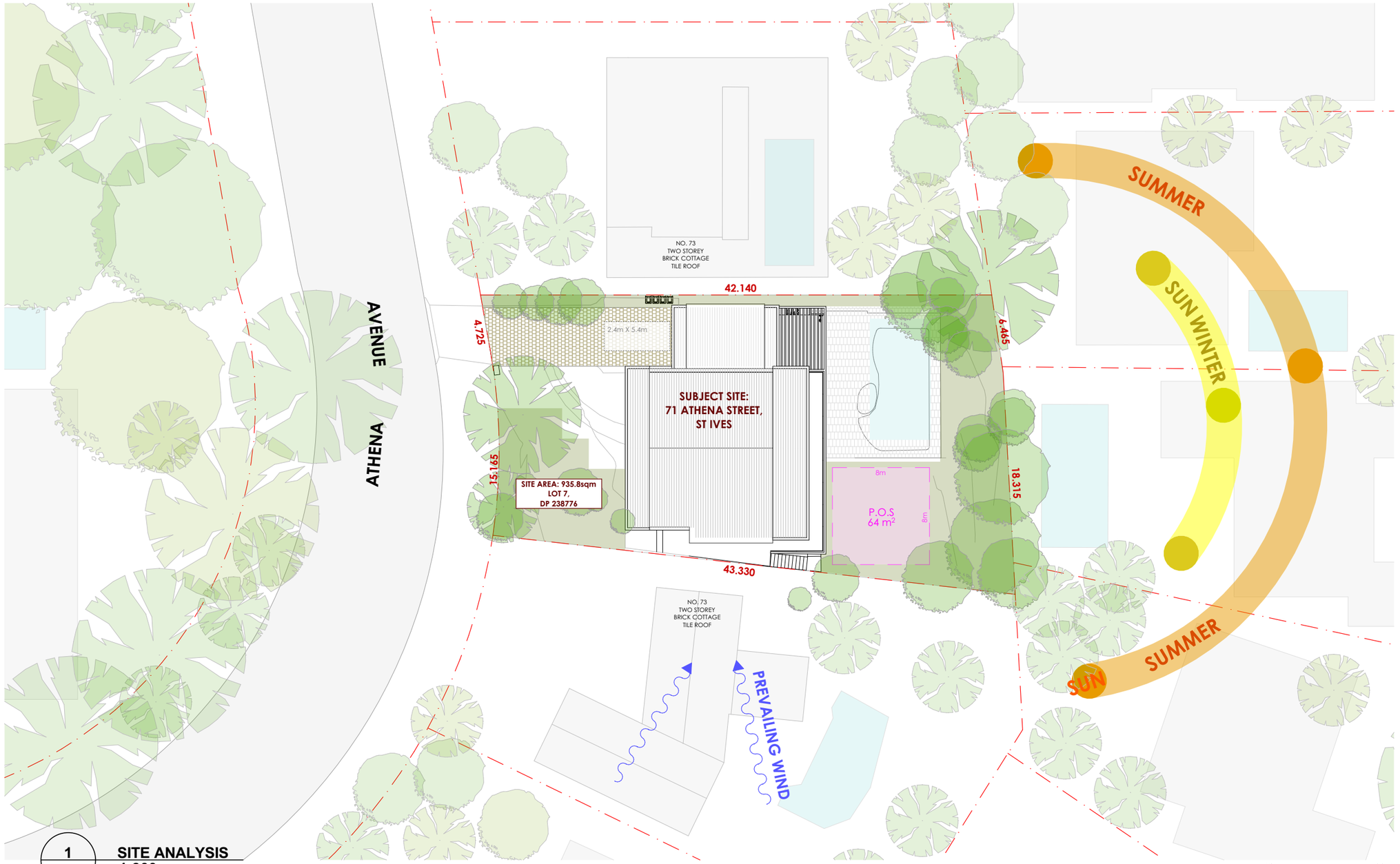


**1 SITE ANALYSIS**
**1:300**

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| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT: KYRA & CHRIS

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NOMINATED ARCHITECT: LIN ZHU
REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE: 71 ATHENA AVENUE, ST IVES

DRAWING TITLE: SITE ANALYSIS

NORTH POINT:

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SCALE: 1:300 AT A3
PROJECT No: P101

DA stage. 02 dwg no. B revision

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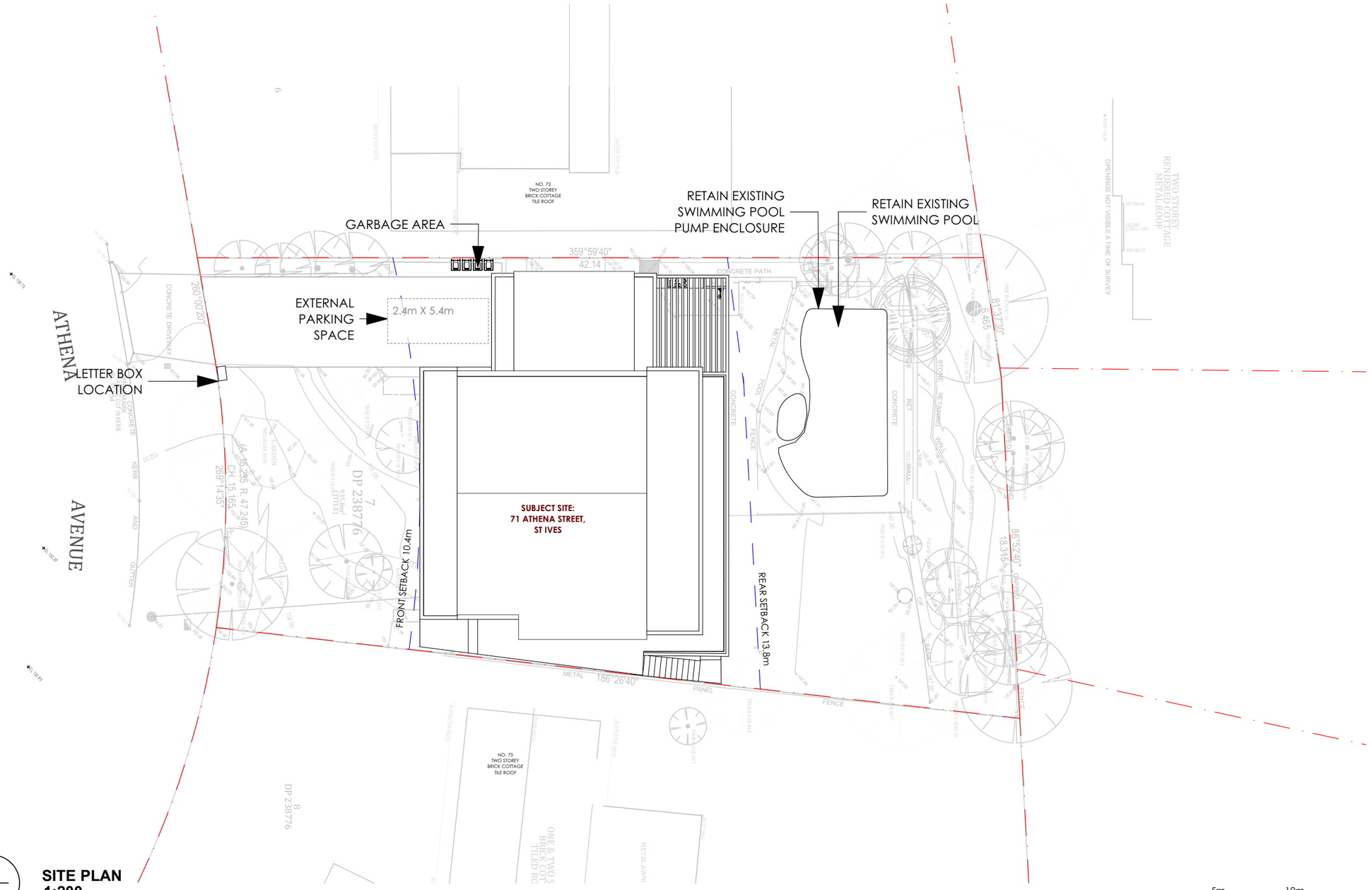


**1** **SITE PLAN**
**1:200**

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REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE:
71 ATHENA AVENUE, ST IVES

DRAWING TITLE:
SITE PLAN

NORTH POINT:

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SCALE: 1:200
PROJECT No: P101

DA (stage.) 03 (dwg no.) B (revision)

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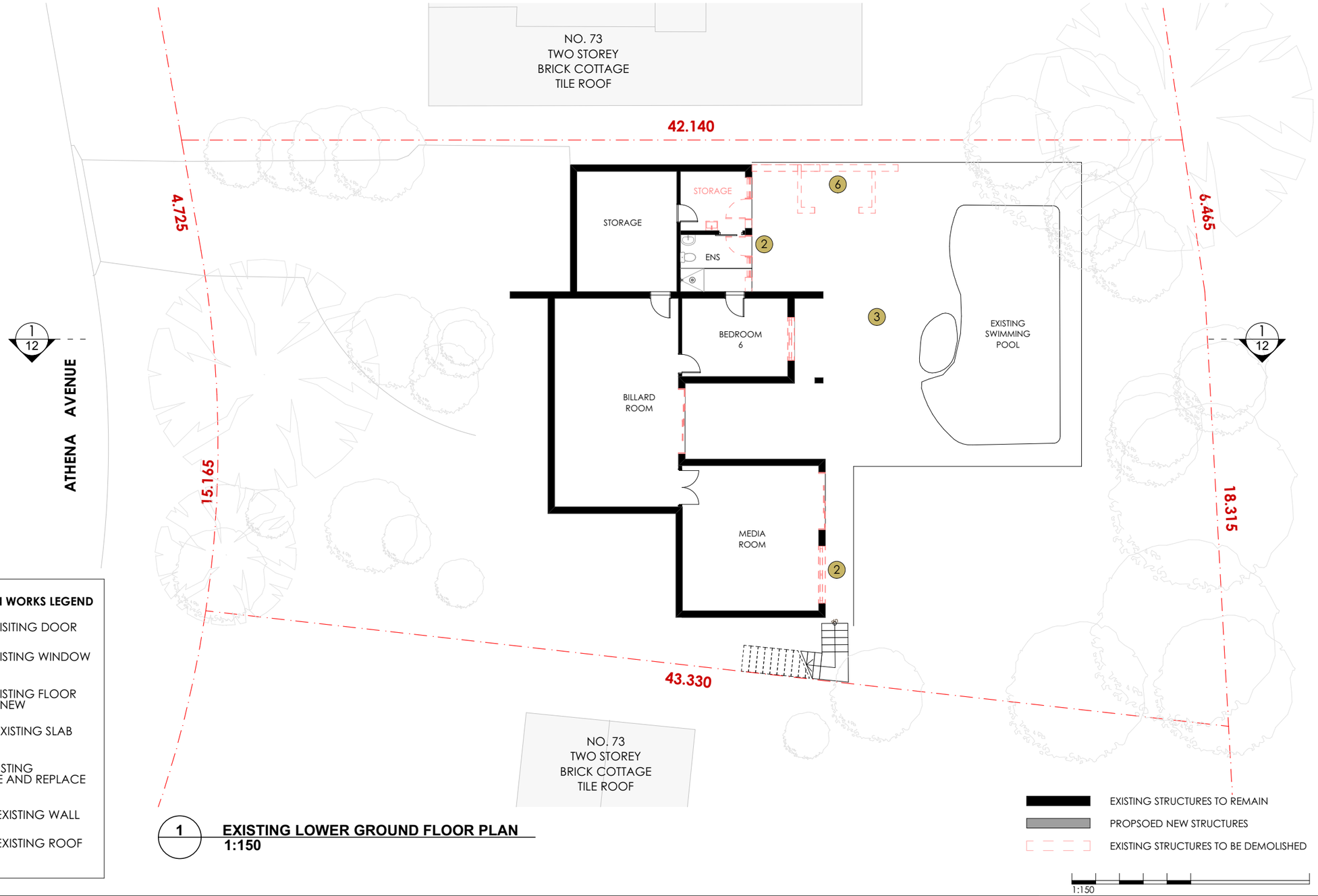


**DEMOLITION WORKS LEGEND**

1. REPLACE EXISITING DOOR WITH NEW
2. REPLACE EXISTING WINDOW WITH NEW
3. REPLACE EXISTING FLOOR FINISH WITH NEW
4. DEMOLISH EXISTING SLAB
5. REMOVE EXISTING BALUSTRADE AND REPLACE WITH NEW
6. DEMOLISH EXISTING WALL
7. DEMOLISH EXISTING ROOF WITH NEW

**1 EXISTING LOWER GROUND FLOOR PLAN**
**1:150**

EXISTING STRUCTURES TO REMAIN
PROPSOED NEW STRUCTURES
EXISTING STRUCTURES TO BE DEMOLISHED

1:150

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PROJECT TITLE: 71 ATHENA AVENUE, ST IVES

DRAWING TITLE: LOWER GROUND FLOOR PLAN - EXISTING

NORTH POINT:

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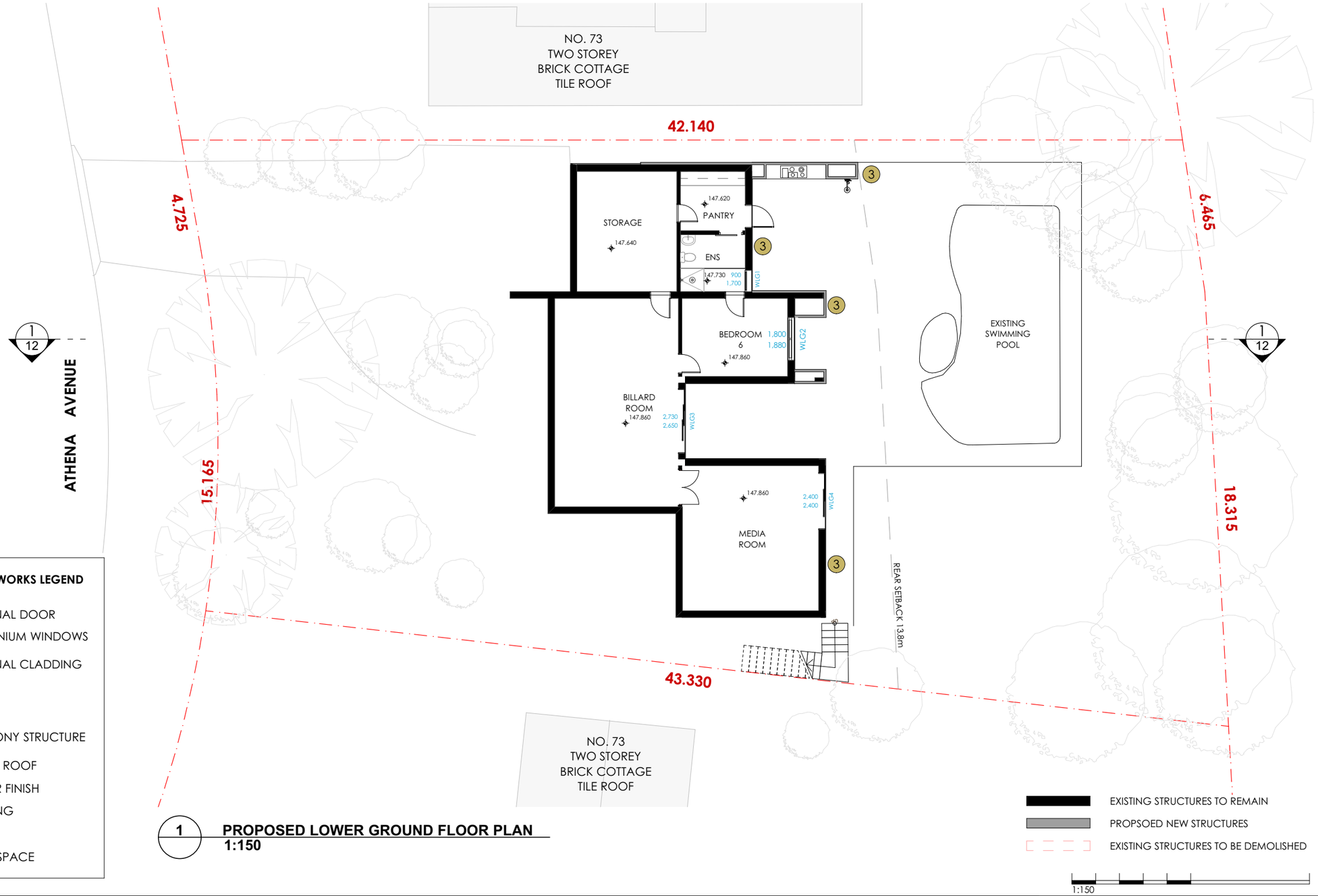


**PROPOSED WORKS LEGEND**

1. NEW EXTERNAL DOOR
2. NEW ALUMINIUM WINDOWS
3. NEW EXTERNAL CLADDING
4. 
5. 
6. NEW BALCONY STRUCTURE
7. NEW METAL ROOF
8. NEW FLOOR FINISH
9. NEW AWNING
10. NEW WALL
11. NEW VOID SPACE

## 1 PROPOSED LOWER GROUND FLOOR PLAN
1:150

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| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

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REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE: 71 ATHENA AVENUE, ST IVES

DRAWING TITLE: LOWER GROUND FLOOR PLAN - PROPOSED

NORTH POINT:

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SCALE: 1:150 AT A3
PROJECT No: P101

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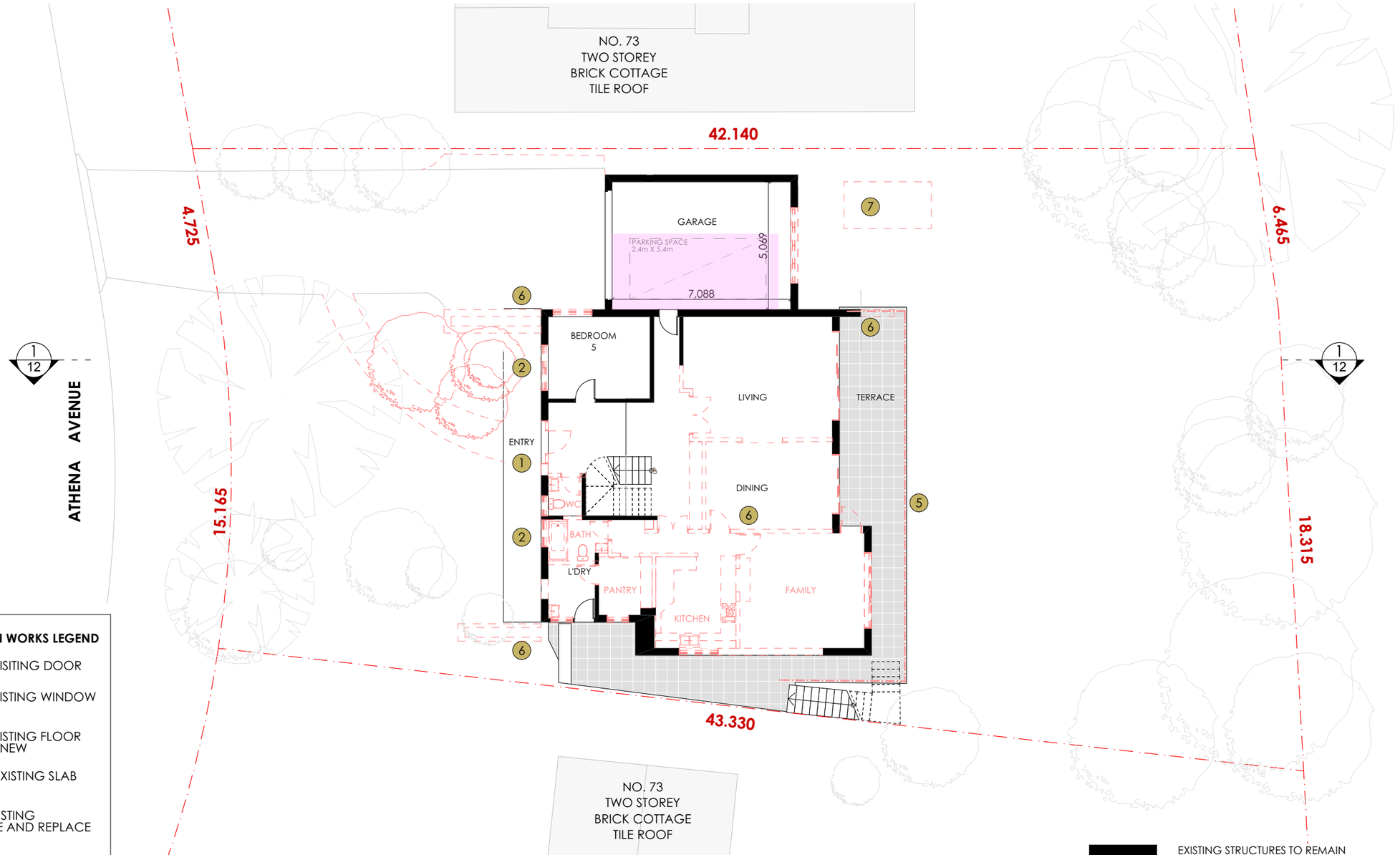


**DEMOLITION WORKS LEGEND**

1. REPLACE EXISITING DOOR WITH NEW
2. REPLACE EXISTING WINDOW WITH NEW
3. REPLACE EXISTING FLOOR FINISH WITH NEW
4. DEMOLISH EXISTING SLAB
5. REMOVE EXISTING BALUSTRADE AND REPLACE WITH NEW
6. DEMOLISH EXISTING WALL
7. DEMOLISH EXISTING ROOF WITH NEW

**1 EXISTING GROUND FLOOR PLAN**
**1:150**

EXISTING STRUCTURES TO REMAIN
PROPSOED NEW STRUCTURES
EXISTING STRUCTURES TO BE DEMOLISHED

1:150

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CONTACT NO: 0430 513 686
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE: 71 ATHENA AVENUE, ST IVES

DRAWING TITLE: GROUND FLOOR PLAN -EXISTING

NORTH POINT:

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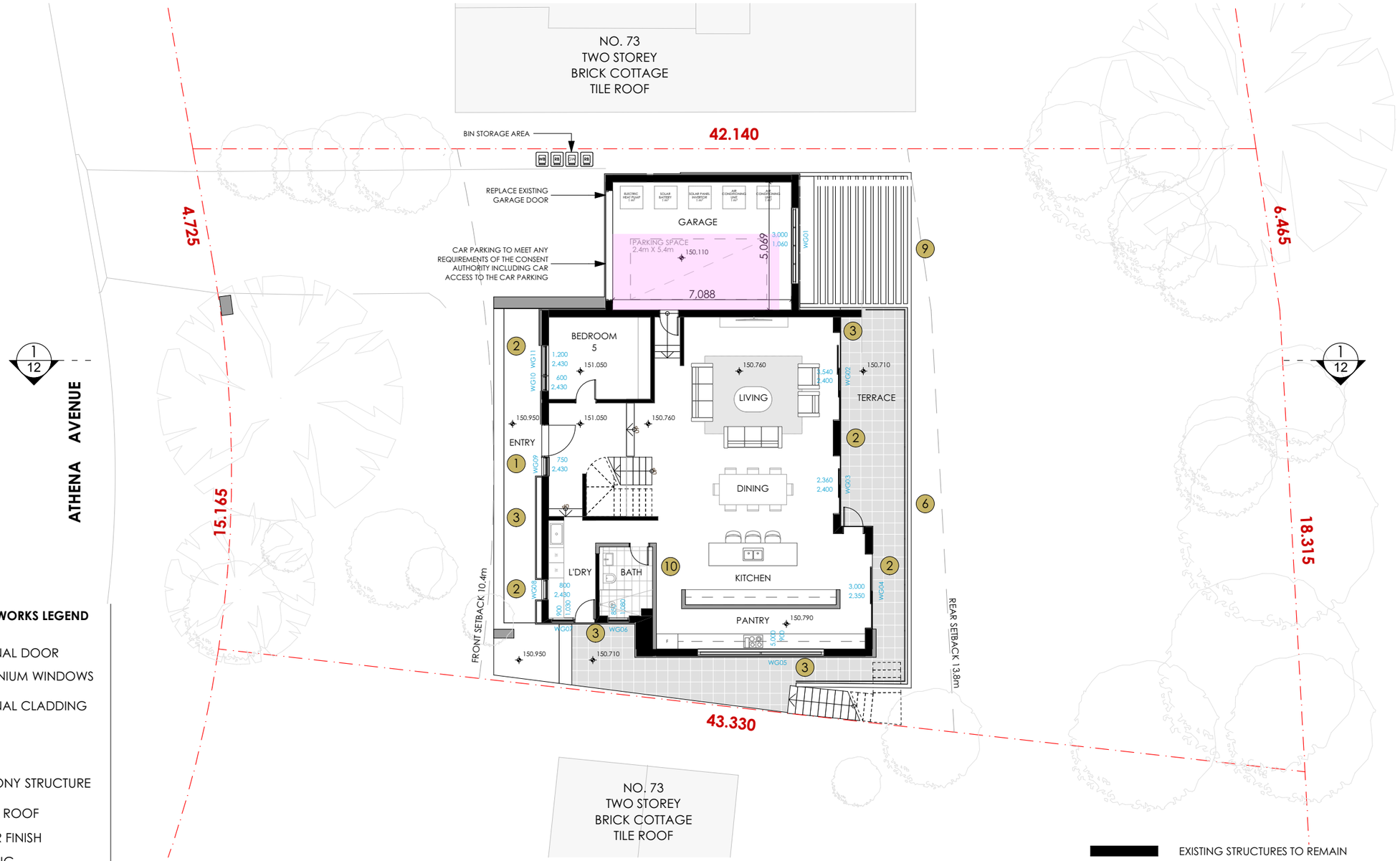


**PROPOSED WORKS LEGEND**

1. NEW EXTERNAL DOOR
2. NEW ALUMINIUM WINDOWS
3. NEW EXTERNAL CLADDING
4. 
5. 
6. NEW BALCONY STRUCTURE
7. NEW METAL ROOF
8. NEW FLOOR FINISH
9. NEW AWNING
10. NEW WALL
11. NEW VOID SPACE

EXISTING STRUCTURES TO REMAIN

PROPSOED NEW STRUCTURES

EXISTING STRUCTURES TO BE DEMOLISHED

1:150

## 1 PROPOSED GROUND FLOOR PLAN
1:150

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CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE: 71 ATHENA AVENUE, ST IVES

DRAWING TITLE: GROUND FLOOR PLAN -PROPOSED

NORTH POINT:

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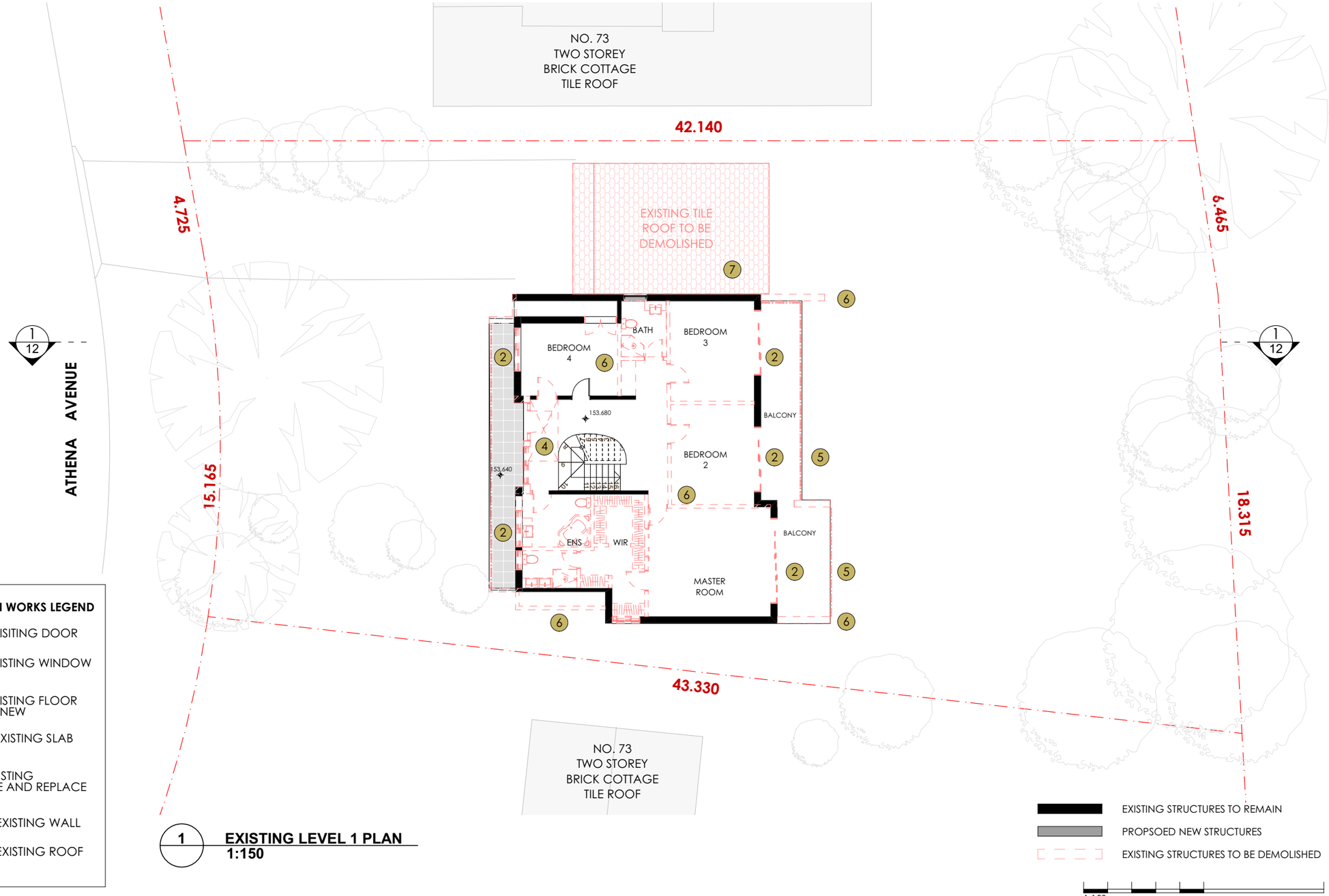


**DEMOLITION WORKS LEGEND**

1. REPLACE EXISITING DOOR WITH NEW
2. REPLACE EXISTING WINDOW WITH NEW
3. REPLACE EXISTING FLOOR FINISH WITH NEW
4. DEMOLISH EXISTING SLAB
5. REMOVE EXISTING BALUSTRADE AND REPLACE WITH NEW
6. DEMOLISH EXISTING WALL
7. DEMOLISH EXISTING ROOF WITH NEW

**1 EXISTING LEVEL 1 PLAN**
**1:150**

EXISTING STRUCTURES TO REMAIN
PROPSOED NEW STRUCTURES
EXISTING STRUCTURES TO BE DEMOLISHED

1:150

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NORTH POINT:

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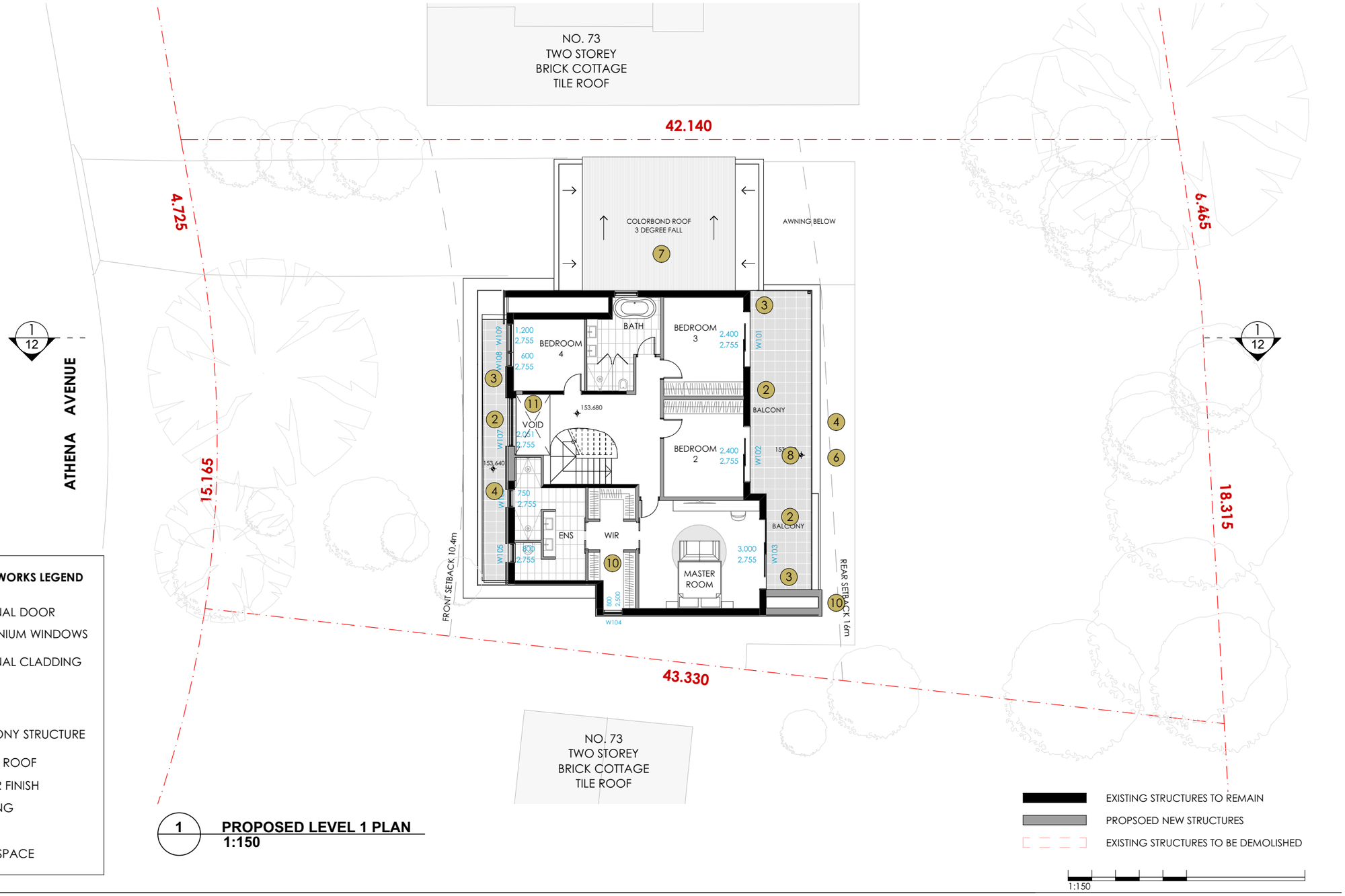


**PROPOSED WORKS LEGEND**

1. NEW EXTERNAL DOOR
2. NEW ALUMINIUM WINDOWS
3. NEW EXTERNAL CLADDING
4. 
5. 
6. NEW BALCONY STRUCTURE
7. NEW METAL ROOF
8. NEW FLOOR FINISH
9. NEW AWNING
10. NEW WALL
11. NEW VOID SPACE

**1 PROPOSED LEVEL 1 PLAN**
**1:150**

EXISTING STRUCTURES TO REMAIN
PROPSOED NEW STRUCTURES
EXISTING STRUCTURES TO BE DEMOLISHED

1:150

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EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE: 71 ATHENA AVENUE, ST IVES

DRAWING TITLE: LEVEL 1 -PROPOSED

NORTH POINT:

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PROJECT No: P101

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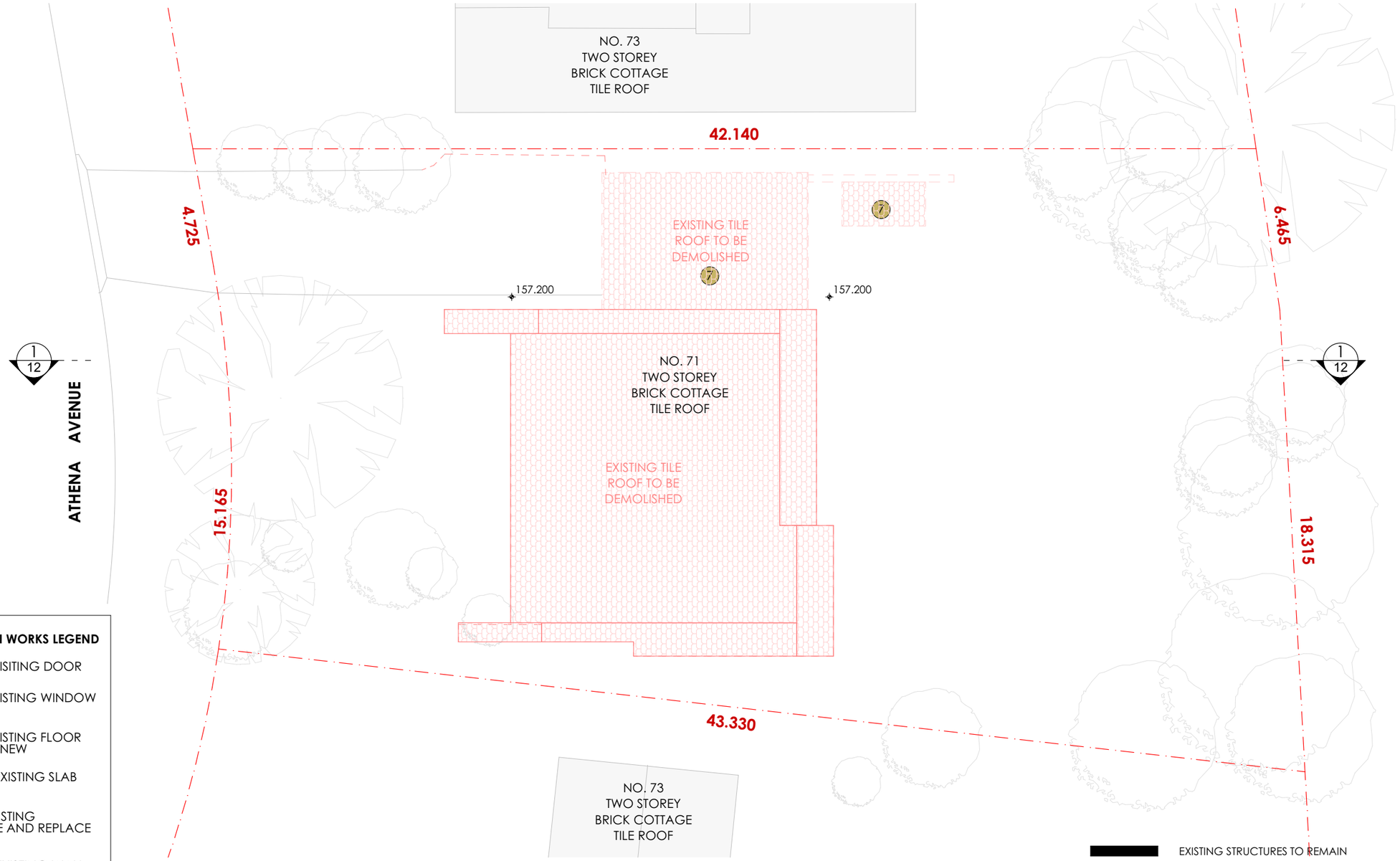


**DEMOLITION WORKS LEGEND**

1. REPLACE EXISITING DOOR WITH NEW
2. REPLACE EXISTING WINDOW WITH NEW
3. REPLACE EXISTING FLOOR FINISH WITH NEW
4. DEMOLISH EXISTING SLAB
5. REMOVE EXISTING BALUSTRADE AND REPLACE WITH NEW
6. DEMOLISH EXISTING WALL
7. DEMOLISH EXISTING ROOF WITH NEW

1 **EXISTING ROOF PLAN**
**1:150**

EXISTING STRUCTURES TO REMAIN
PROPSOED NEW STRUCTURES
EXISTING STRUCTURES TO BE DEMOLISHED

1:150

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| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

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CONTACT NO: 0430 513 666
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PROJECT TITLE: 71 ATHENA AVENUE, ST IVES

DRAWING TITLE: ROOF PLAN -EXISTING

NORTH POINT:

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SCALE: 1:150 AT A3
PROJECT No: P101

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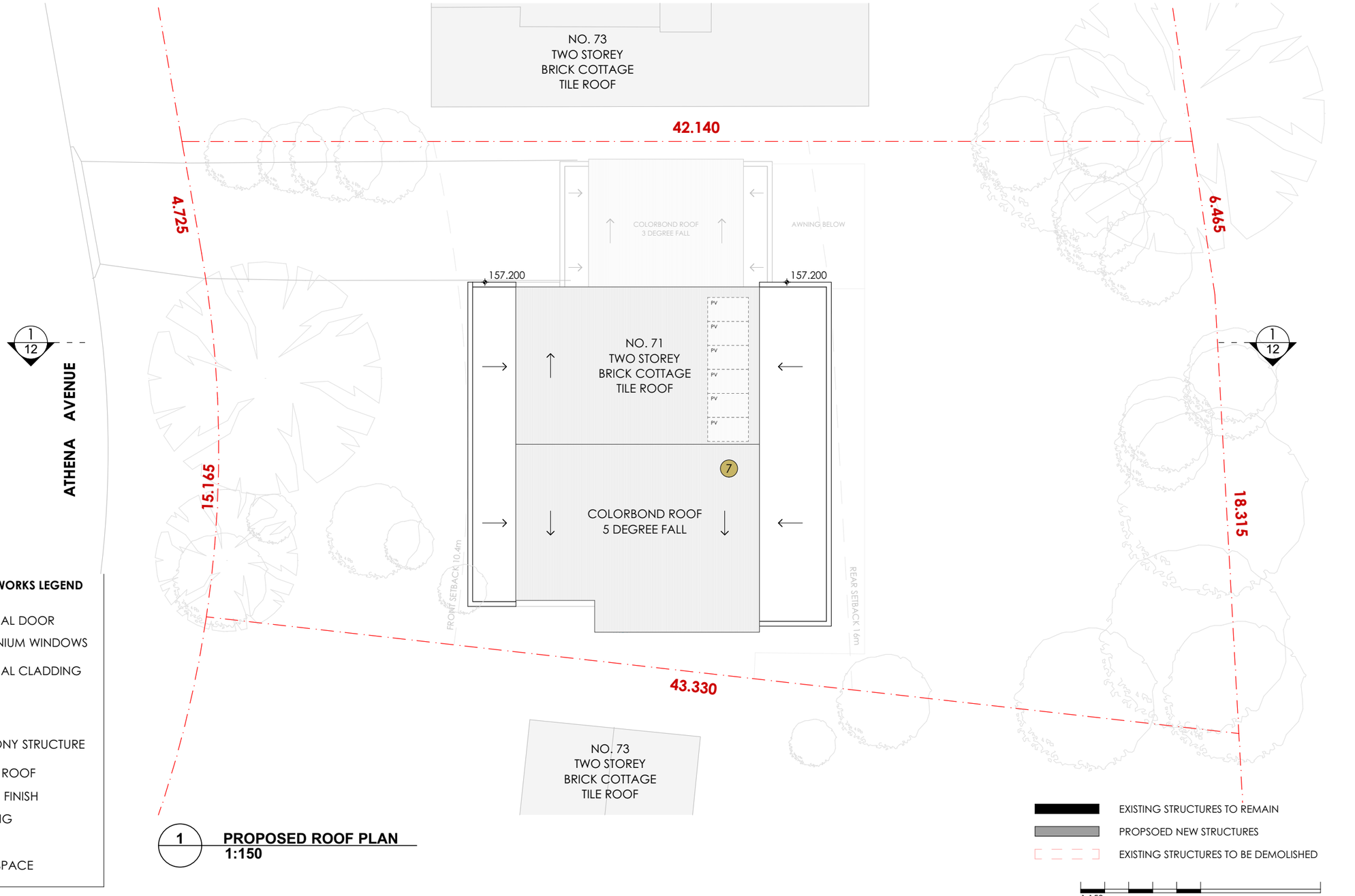


**PROPOSED WORKS LEGEND**

1. NEW EXTERNAL DOOR
2. NEW ALUMINIUM WINDOWS
3. NEW EXTERNAL CLADDING
4. 
5. 
6. NEW BALCONY STRUCTURE
7. NEW METAL ROOF
8. NEW FLOOR FINISH
9. NEW AWNING
10. NEW WALL
11. NEW VOID SPACE

**1 PROPOSED ROOF PLAN**
**1:150**

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REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE: 71 ATHENA AVENUE, ST IVES

DRAWING TITLE: ROOF PLAN -PROPOSED

NORTH POINT:

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CHECKED BY: LZ
SCALE: 1:150 AT A3
PROJECT No: P101

DA stage. 11 dwg no. B revision

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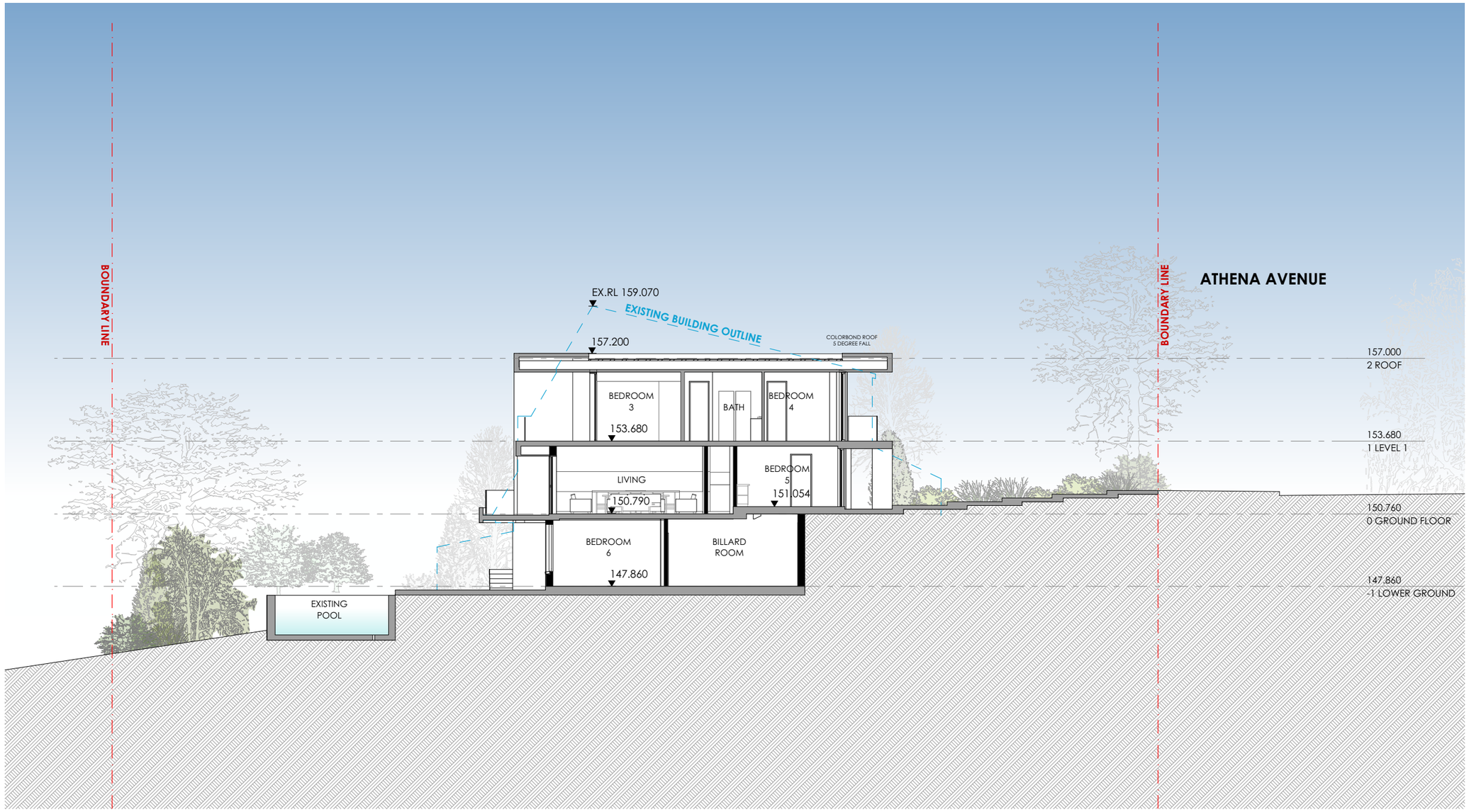


**1 SECTION**
**1:150**

1:150

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| REV | DESCRIPTION | BY | DATE |
|---|---|---|---|
| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT:
KYRA & CHRIS

DRAWN BY: STUDIO COCO JEN PTY. LTD
NOMINATED ARCHITECT: LIN ZHU
REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 668
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE:
71 ATHENA AVENUE, ST IVES

DRAWING TITLE:
SECTION

NORTH POINT:

DRAWN BY: LZ
CHECKED BY: LZ
SCALE: 1:150 AT A3
PROJECT No: P101

DA stage. 12 dwg no. B revision

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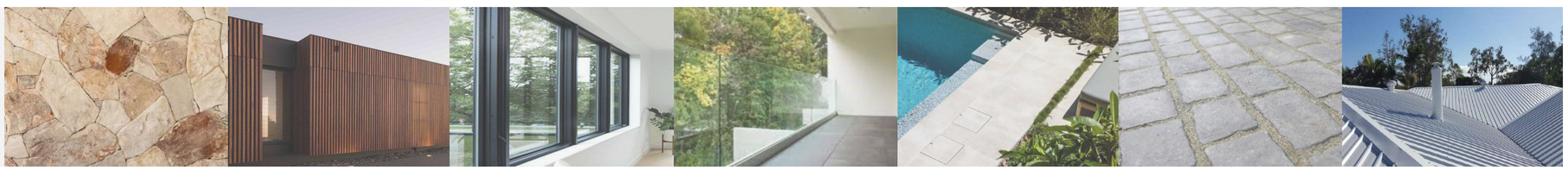
**1** NORTH ELEVATION
1:100

## EXTERNAL MATERIALS & FINISHES



**1**. LEXICON QUARTER PAINT COLOUR

**2**. BRIBIE ORGANIC STONE WALL CLADDING

**3**. ALUMINIUM VERTICAL TIMBER LOOK BATTENS

**4**. BALCK FRAMED ALUMINIUM WINDOWS

**5**. FRAMELESS GLASS BALUSTRADE

**6**. MATALA LIMESTONE POOL PAVERS

**7**. COBLE STONE DRIVEWAY

**8**. LIGHT GREY COLORBOND KLIP LOK ROOF

1:150

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| REV | DESCRIPTION | BY | DATE |
|---|---|---|---|
| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT: KYRA & CHRIS

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NOMINATED ARCHITECT: LIN ZHU
REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE: 71 ATHENA AVENUE, ST IVES

DRAWING TITLE: NORTH ELEVATION

NORTH POINT:

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CHECKED BY: LZ
SCALE: 1:150 AT A3
PROJECT No: P101

DA stage. 13 dwg no. B revision

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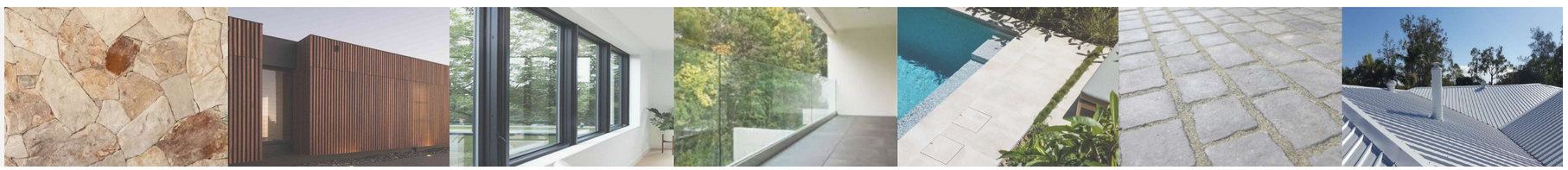
1 **SOUTH ELEVATION**
**1:100**

## EXTERNAL MATERIALS & FINISHES



**1**. LEXICON QUARTER PAINT COLOUR

**2**. BRIBIE ORGANIC STONE WALL CLADDING

**3**. ALUMINIUM VERTICAL TIMBER LOOK BATTENS

**4**. BALCK FRAMED ALUMINIUM WINDOWS

**5**. FRAMELESS GLASS BALUSTRADE

**6**. MATALA LIMESTONE POOL PAVERS

**7**. COBLE STONE DRIVEWAY

**8**. LIGHT GREY COLORBOND KLIP LOK ROOF

1:150

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| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

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CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE: 71 ATHENA AVENUE, ST IVES

DRAWING TITLE: SOUTH ELEVATION

NORTH POINT:

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CHECKED BY: LZ
SCALE: 1:150 AT A3
PROJECT No: P101

DA stage. 14 dwg no. B revision

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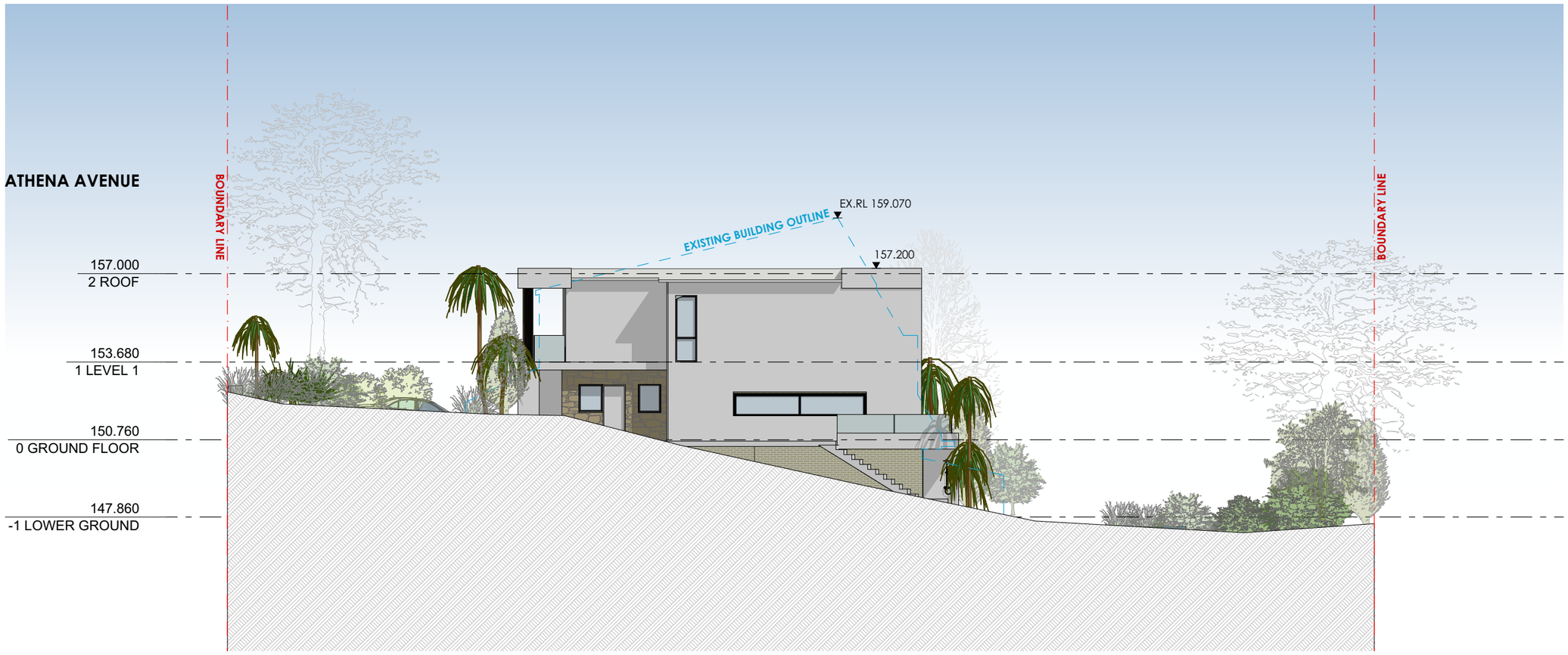
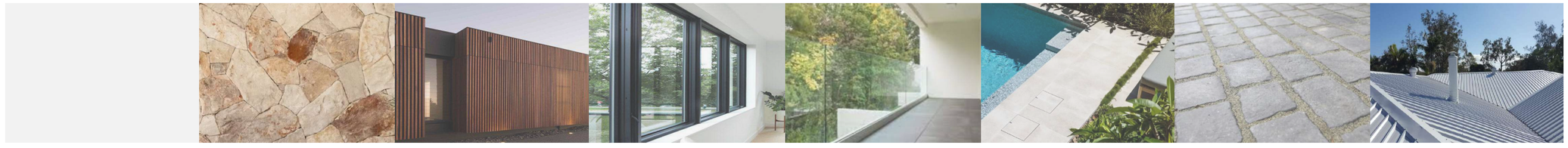



1 **EAST ELEVATION**
**1:150**

## EXTERNAL MATERIALS & FINISHES



**1**. LEXICON QUARTER PAINT COLOUR

**2**. BRIBIE ORGANIC STONE WALL CLADDING

**3**. ALUMINIUM VERTICAL TIMBER LOOK BATTENS

**4**. BALCK FRAMED ALUMINIUM WINDOWS

**5**. FRAMELESS GLASS BALUSTRADE

**6**. MATALA LIMESTONE POOL PAVERS

**7**. COBLE STONE DRIVEWAY

**8**. LIGHT GREY COLORBOND KLIP LOK ROOF

1:150

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| REV | DESCRIPTION | BY | DATE |
|---|---|---|---|
| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT: KYRA & CHRIS

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REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE: 71 ATHENA AVENUE, ST IVES

DRAWING TITLE: EAST ELEVATION

NORTH POINT:

DRAWN BY: LZ
CHECKED BY: LZ
SCALE: 1:150 AT A3
PROJECT No: P101

DA stage. 15 dwg no. B revision

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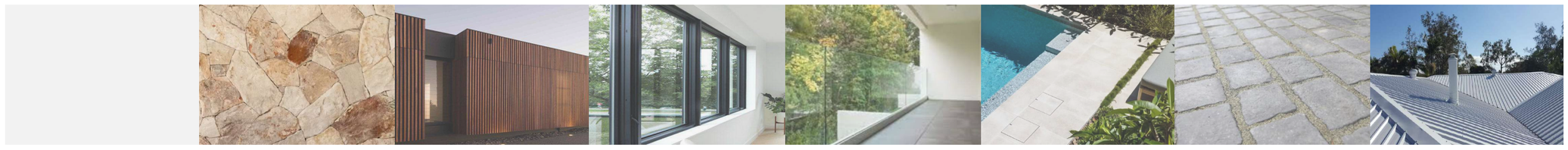
1 **WEST ELEVATION**
**1:150**

## EXTERNAL MATERIALS & FINISHES



**1**. LEXICON QUARTER PAINT COLOUR

**2**. BRIBIE ORGANIC STONE WALL CLADDING

**3**. ALUMINIUM VERTICAL TIMBER LOOK BATTENS

**4**. BALCK FRAMED ALUMINIUM WINDOWS

**5**. FRAMELESS GLASS BALUSTRADE

**6**. MATALA LIMESTONE POOL PAVERS

**7**. COBLE STONE DRIVEWAY

**8**. LIGHT GREY COLORBOND KLIP LOK ROOF

1:150

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| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT:
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REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
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PROJECT TITLE:
71 ATHENA AVENUE, ST IVES

DRAWING TITLE:
WEST ELEVATION

NORTH POINT:

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CHECKED BY: LZ
SCALE: 1:150 AT A3
PROJECT No: P101

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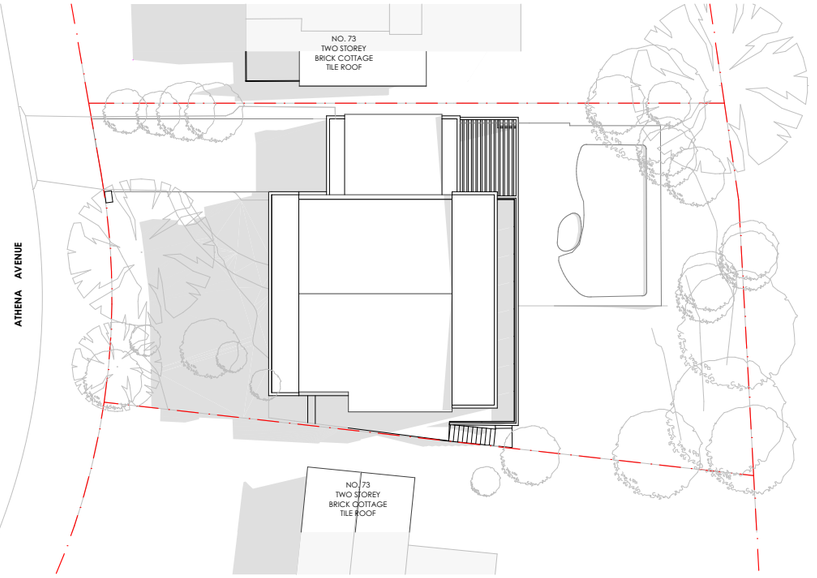
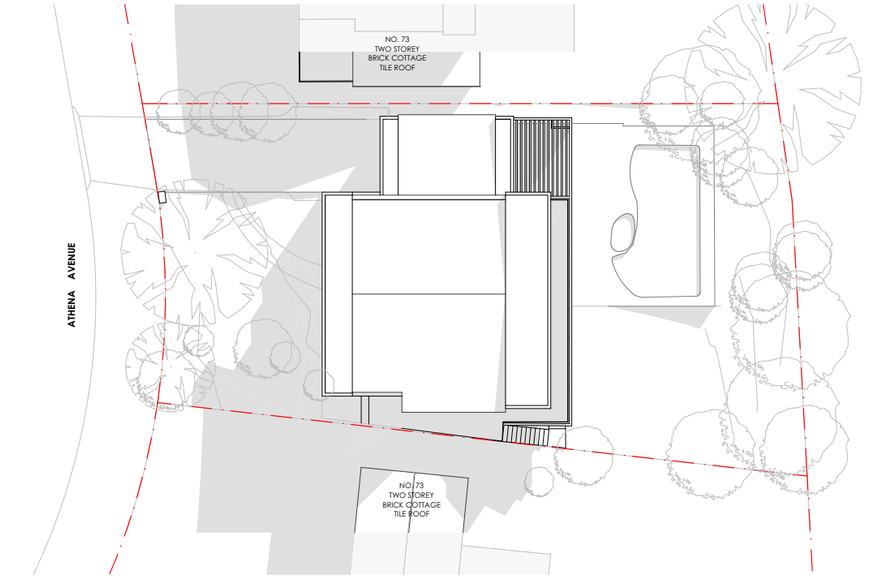
1 **SOLAR ANALYSIS 21 JUNE - 9AM**
1:350




2 **SOLAR ANALYSIS 21 JUNE - 12PM**
1:350




3 **SOLAR ANALYSIS 21 JUNE - 3PM**
1:350

10m 20m
1:350

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| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT: KYRA & CHRIS

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NOMINATED ARCHITECT: LIN ZHU
REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE: 71 ATHENA AVENUE, ST IVES

DRAWING TITLE: SOLAR ACCESS DIAGRAMS

NORTH POINT:

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CHECKED BY: LZ
SCALE: 1:350 AT A3
PROJECT No: P101

DA stage. 17 dwg no. B revision

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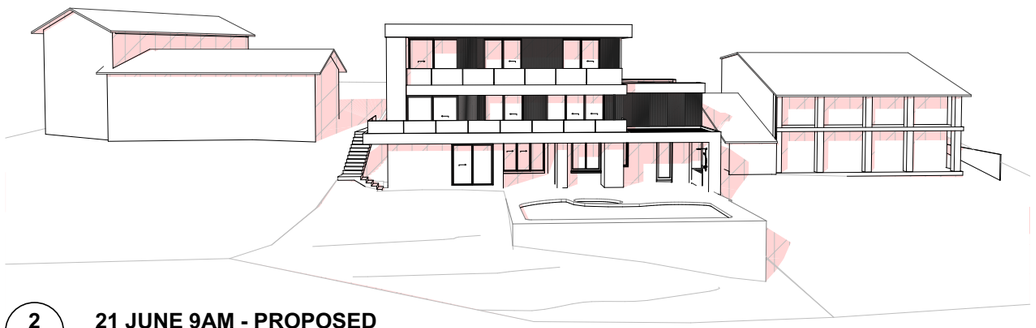
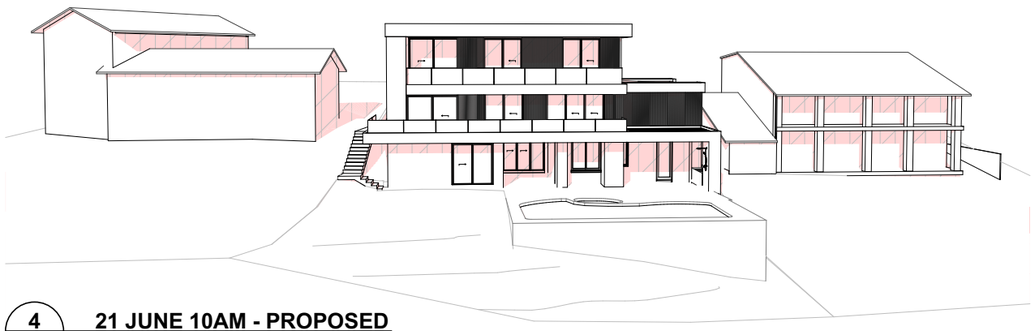
1 **21 JUNE 9AM - EXISTING**
**NOT TO SCALE**



2 **21 JUNE 9AM - PROPOSED**
**NOT TO SCALE**



3 **21 JUNE 10AM - EXISTING**
**NOT TO SCALE**



4 **21 JUNE 10AM - PROPOSED**
**NOT TO SCALE**



5 **21 JUNE 11AM - EXISTING**
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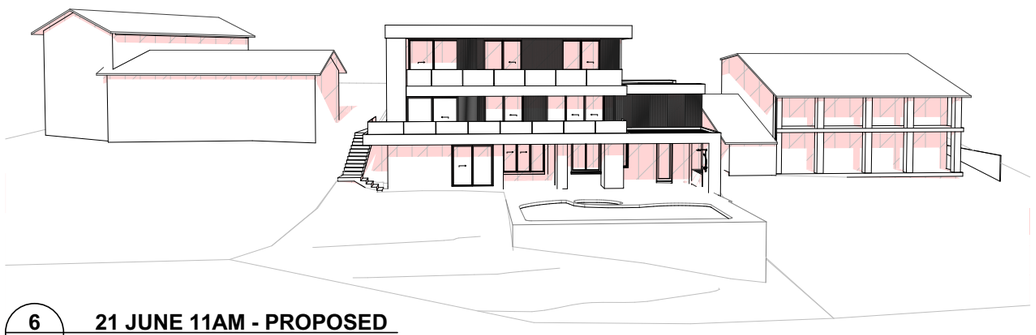

6 **21 JUNE 11AM - PROPOSED**
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| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT:
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NOMINATED ARCHITECT: LIN ZHU
REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE:
71 ATHENA AVENUE, ST IVES

DRAWING TITLE:
ELEVATION SOLAR ANALYSIS: 9AM-11AM

NORTH POINT:

DRAWN BY: LZ
CHECKED BY: LZ
SCALE:
PROJECT No: P101

DA stage. 18 dwg no. B revision

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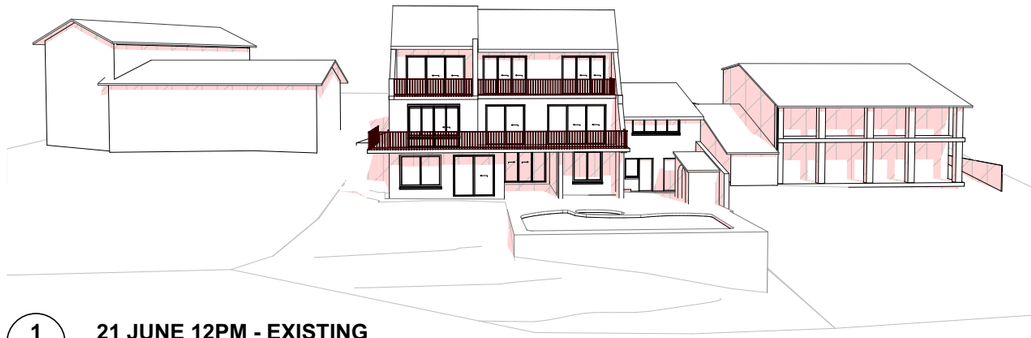

1 **21 JUNE 12PM - EXISTING**
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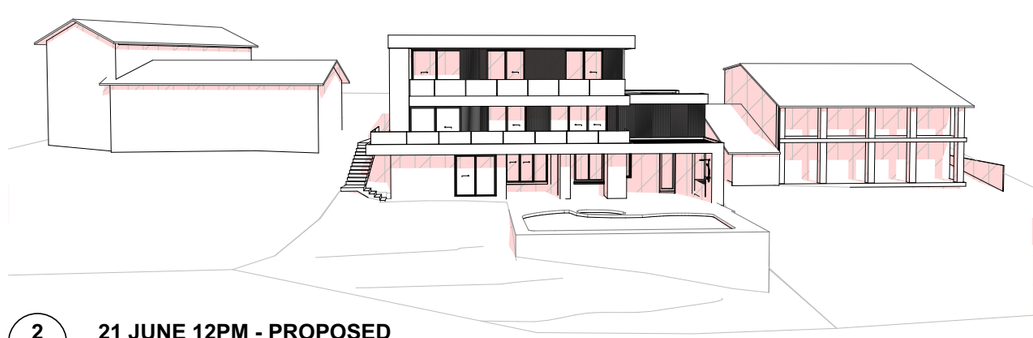


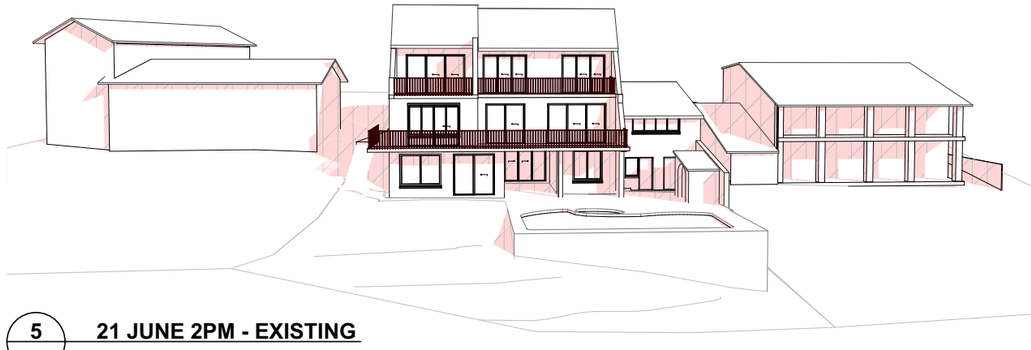
2 **21 JUNE 12PM - PROPOSED**
**NOT TO SCALE**



3 **21 JUNE 1PM - EXISTING**
**NOT TO SCALE**



4 **21 JUNE 1PM - PROPOSED**
**NOT TO SCALE**



5 **21 JUNE 2PM - EXISTING**
**NOT TO SCALE**



6 **21 JUNE 2PM - PROPOSED**
**NOT TO SCALE**

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|---|---|---|---|
| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT:
KYRA & CHRIS

DRAWN BY: STUDIO COCO JEN PTY. LTD
NOMINATED ARCHITECT: LIN ZHU
REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE:
71 ATHENA AVENUE, ST IVES

DRAWING TITLE:
ELEVATION SOLAR ANALYSIS: 12PM-2PM

NORTH POINT:

DRAWN BY: LZ
CHECKED BY: LZ
SCALE:
PROJECT No: P101

DA stage. 19 dwg no. B revision

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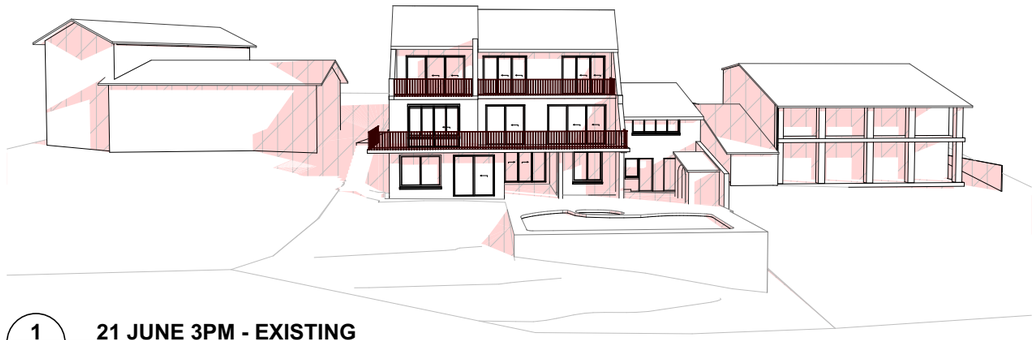
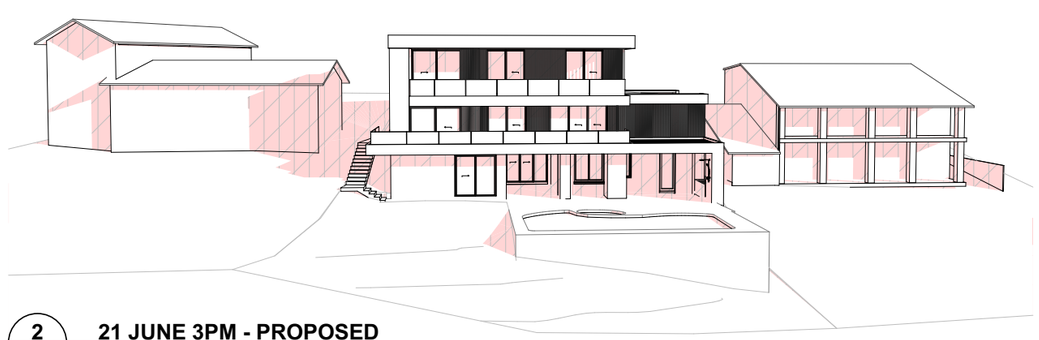


1 **21 JUNE 3PM - EXISTING**
NOT TO SCALE



2 **21 JUNE 3PM - PROPOSED**
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| REV | DESCRIPTION | BY | DATE |
|---|---|---|---|
| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT:
KYRA & CHRIS

DRAWN BY: STUDIO COCO JEN PTY. LTD
NOMINATED ARCHITECT: LIN ZHU
REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE:
71 ATHENA AVENUE, ST IVES

DRAWING TITLE:
ELEVATION SOLAR ANALYSIS: 3PM

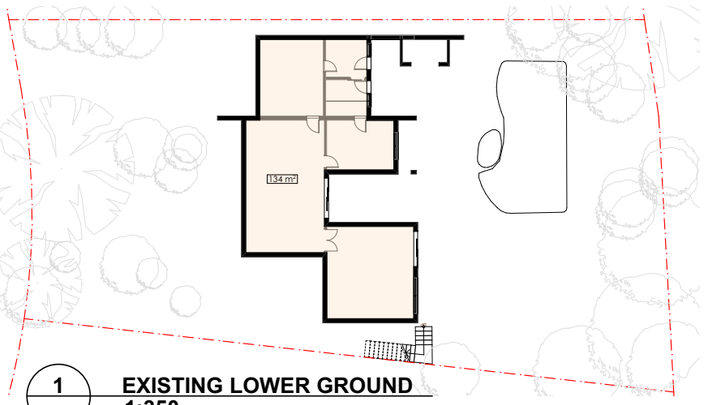
NORTH POINT:

DRAWN BY: LZ
CHECKED BY: LZ
SCALE:
PROJECT No: P101

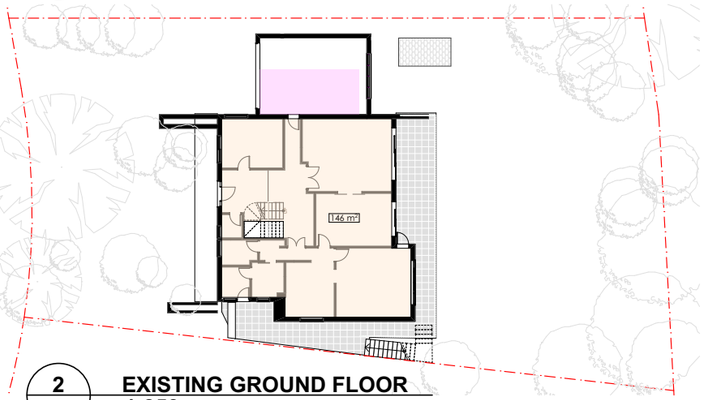
DA stage. 20 dwg no. B revision

**ATTACHMENT NO: 4 – ARCHITECTURAL PLANS** | **ITEM NO: GB.3**

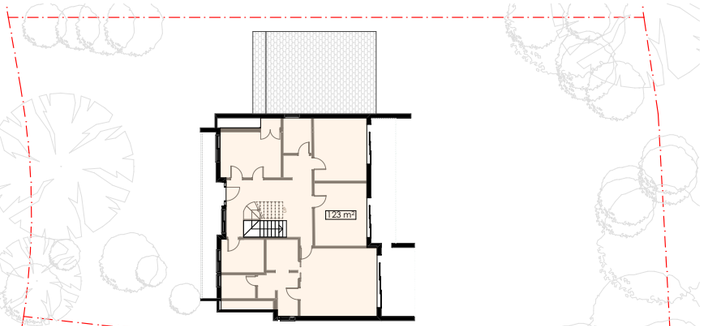




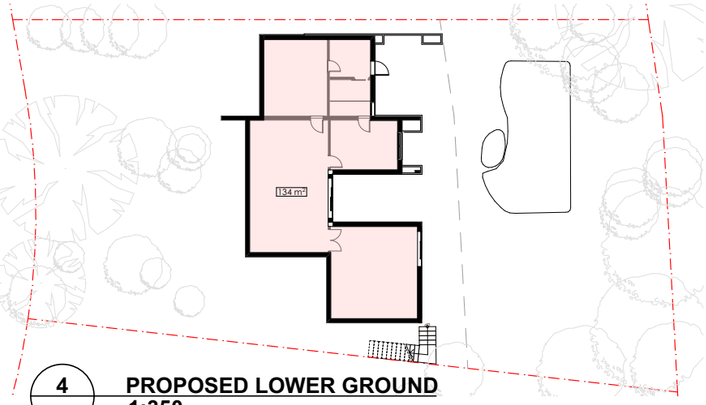

1 **EXISTING LOWER GROUND**
1:350



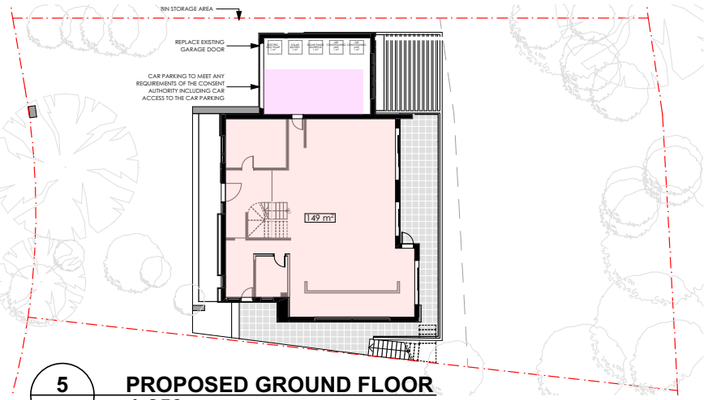

2 **EXISTING GROUND FLOOR**
1:350



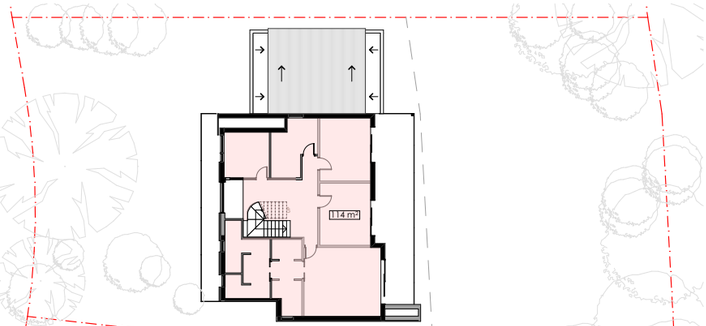

3 **EXISTING LEVEL 1**
1:350




4 **PROPOSED LOWER GROUND**
1:350




5 **PROPOSED GROUND FLOOR**
1:350




6 **PROPOSED LEVEL 1**
1:350

**SUMMARY**

| | |
|---|---|
| LAND ZONING (LEP): | R2 |
| MAXIMUM HEIGHT (LEP): | 9.5m |
| TOTAL SITE AREA: | 935.8m² |
| EXISTING GROSS FLOOR AREA: | 403m² |
| MAXIMUM PERMISSIBLE GROSS FLOOR AREA : | 353.95m² |
| PROPOSED GROSS FLOOR AREA : | 397m² |
| EXISTING FLOOR SPACE RATIO: | 0.43:1 |
| MAXIMUM PERMISSIBLE FLOOR SPACE RATIO: | 0.378:1 |
| PROPOSED FLOOR SPACE RATIO : | 0.42:1 |

EXISTING GROSS FLOOR AREA

PROPOSED GROSS FLOOR AREA

2.4m x 5.4m CAR SPACE AND ACCESS TO THAT CAR SPACE

10m 20m
1:350

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| REV | DESCRIPTION | BY | DATE |
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| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT:
KYRA & CHRIS

DRAWN BY: STUDIO COCO JEN PTY. LTD
NOMINATED ARCHITECT: LIN ZHU
REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE:
71 ATHENA AVENUE, ST IVES

DRAWING TITLE:
DEVELOPMENT CALCULATION

NORTH POINT:

DRAWN BY: LZ
CHECKED BY: LZ
SCALE: 1:300 AT A3
PROJECT No: P101

DA stage. 21 dwg no. B revision

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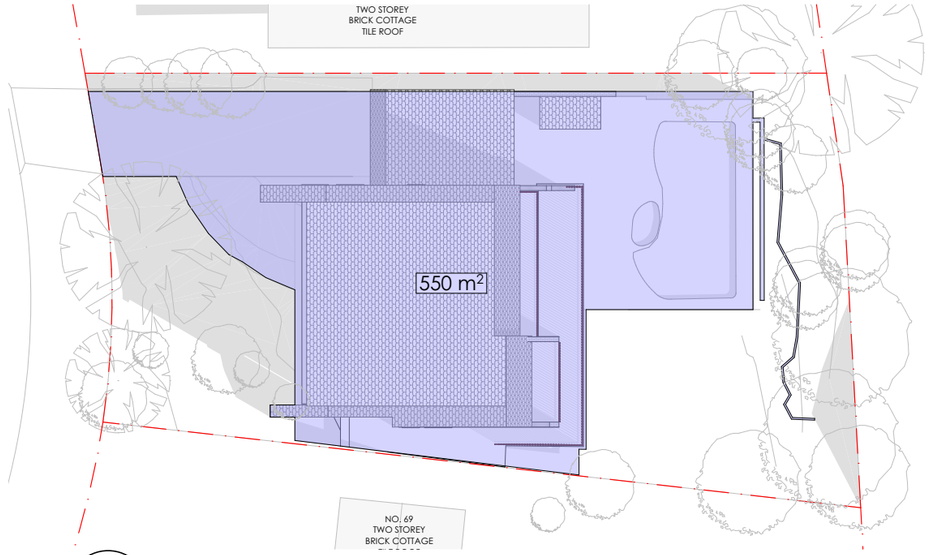
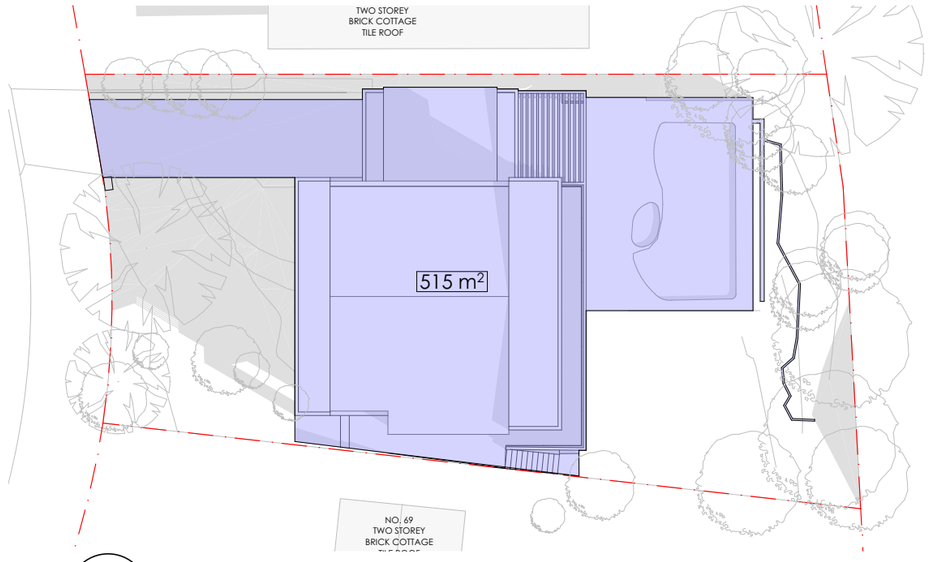



1 **BUA - EXISTING**
**1:300**




2 **BUA - PROPOSED**
**1:300**

**BUILT UPON AREA CALCULATION (BUA)**

| | |
|---|---|
| EXISTING BUILT UPON AREA: | 550m$^2$ |
| MAXIMUM PERMISSIBLE BUILT UPON AREA : | 505.3m$^2$ |
| PROPOSED BUILT UPON AREA : | 515m$^2$ |

10m 20m
1:300

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| REV | DESCRIPTION | BY | DATE |
|---|---|---|---|
| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT:
KYRA & CHRIS

DRAWN BY: STUDIO COCO JEN PTY. LTD
NOMINATED ARCHITECT: LIN ZHU
REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE:
71 ATHENA AVENUE, ST IVES

DRAWING TITLE:
BUILT UPON AREA CALCULATION

NORTH POINT:

DRAWN BY: LZ
CHECKED BY: LZ
SCALE: 1:300 AT A3
PROJECT No: P101

DA stage. 22 dwg no. B revision

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# EXTERNAL MATERIALS & FINISHES



**1**. LEXICON QUARTER PAINT COLOUR



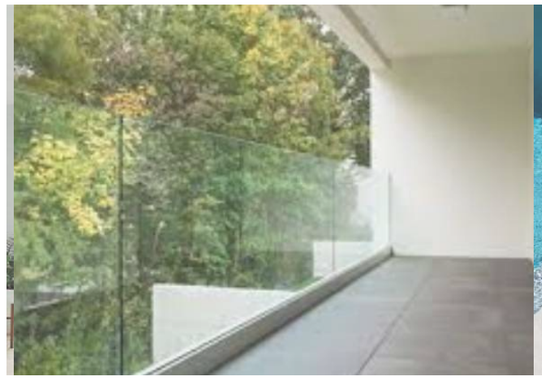
**2**. BRIBIE ORGANIC STONE WALL CLADDING



**3**. ALUMINIUM VERTICAL TIMBER LOOK BATTENS



**4**. BALCK FRAMED ALUMINIUM WINDOWS



**5**. FRAMELESS GLASS BALUSTRADE



**6**. MATALA LIMESTONE POOL PAVERS



**7**. COBLE STONE DRIVEWAY



**8**. LIGHT GREY COLORBOND KLIP LOK ROOF

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| REV | DESCRIPTION | BY | DATE |
|---|---|---|---|
| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT:
KYRA & CHRIS

DRAWN BY: STUDIO COCO JEN PTY. LTD
NOMINATED ARCHITECT: LIN ZHU
REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE:
71 ATHENA AVENUE, ST IVES

DRAWING TITLE:
MATERIAL SCHEDULE

NORTH POINT:

DRAWN BY: LZ
CHECKED BY: LZ
SCALE:
PROJECT No: P101

DA stage. 23 dwg no. B revision

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1 **Proposed Front Perspective**
**NOT TO SCALE**



2 **Existing Front Perspective**
**NOT TO SCALE**

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| REV | DESCRIPTION | BY | DATE |
|---|---|---|---|
| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT:
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NOMINATED ARCHITECT: LIN ZHU
REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
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PROJECT TITLE:
71 ATHENA AVENUE, ST IVES

DRAWING TITLE:
STREET SCAPE VIEW

NORTH POINT:

DRAWN BY: LZ
CHECKED BY: LZ
SCALE:
PROJECT No: P101

DA stage. 24 dwg no. B revision

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1 **Proposed Rear Perspective**
**NOT TO SCALE**



2 **Existing Rear Perspective**
**NOT TO SCALE**

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| REV | DESCRIPTION | BY | DATE |
|---|---|---|---|
| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT:
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REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE:
71 ATHENA AVENUE, ST IVES

DRAWING TITLE:
REAR VIEWS

NORTH POINT:

DRAWN BY: LZ
CHECKED BY: LZ
SCALE:
PROJECT No: P101

DA stage. 25 dwg no. B revision

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**1 REAR PERSPECTIVE**
**NOT TO SCALE**

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| REV | DESCRIPTION | BY | DATE |
|---|---|---|---|
| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT: KYRA & CHRIS

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REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

PROJECT TITLE: 71 ATHENA AVENUE, ST IVES

DRAWING TITLE: 3D VIEWS

NORTH POINT:

DRAWN BY: LZ
CHECKED BY: LZ
SCALE:
PROJECT No: P101

DA stage. 26 dwg no. B revision

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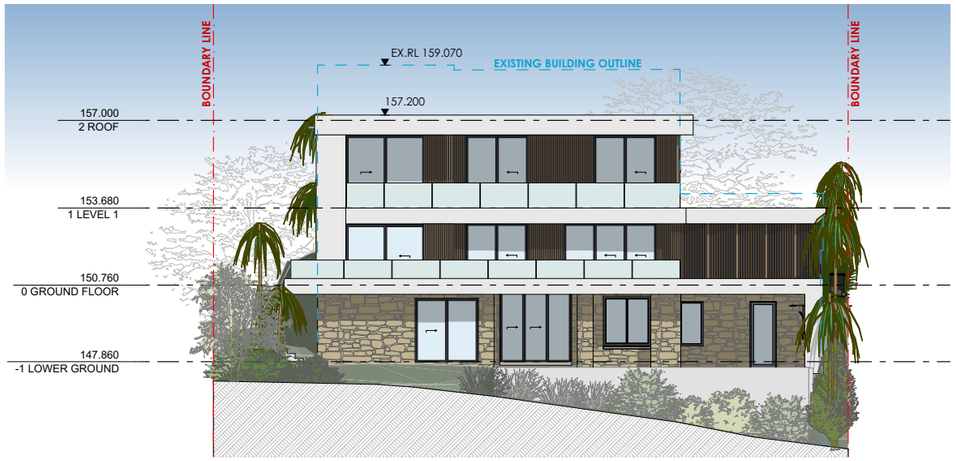
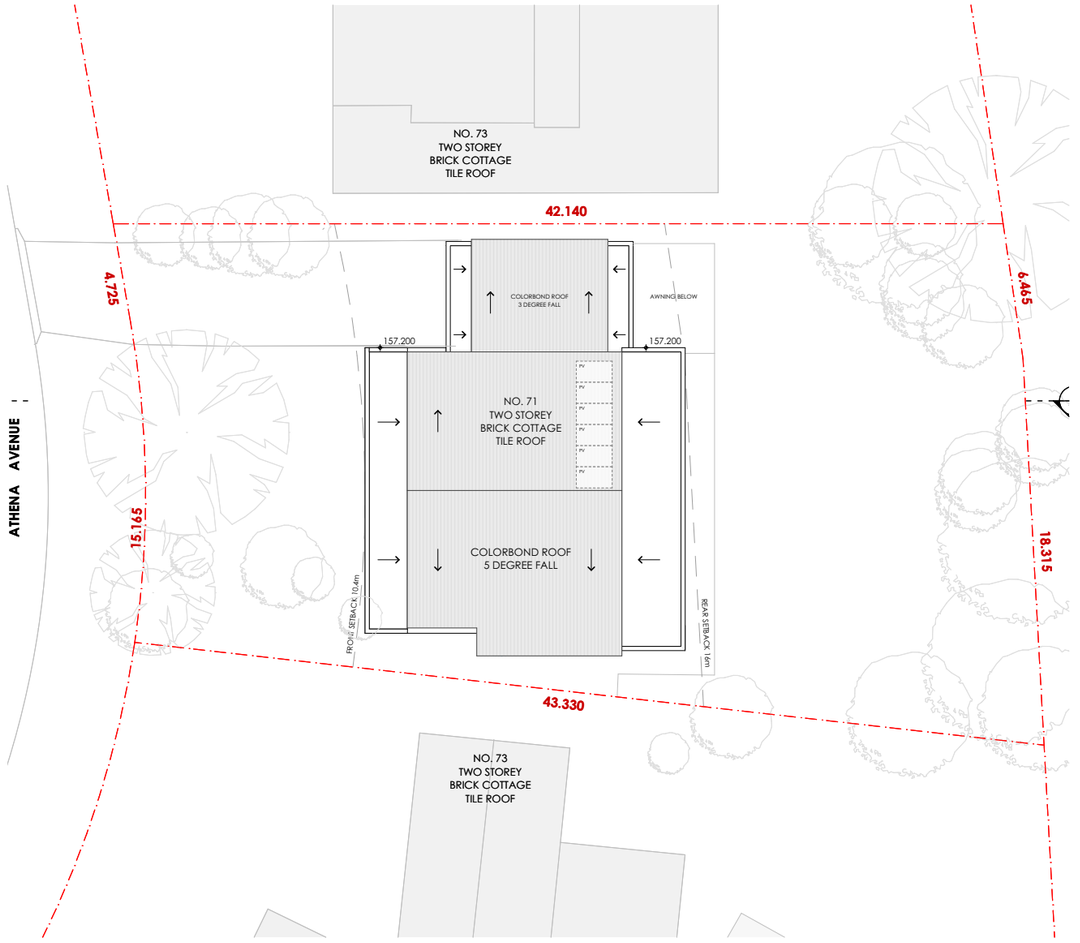



## NORTH ELEVATION 1:200




## SOUTH ELEVATION 1:200




## ROOF PLAN 1:250

## EXTERNAL MATERIALS & FINISHES



**1**. LEXICON QUARTER PAINT COLOUR



**2**. BRIBIE ORGANIC STONE WALL CLADDING



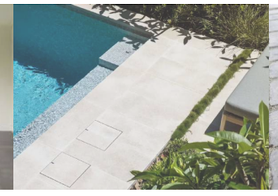
**3**. ALUMINIUM VERTICAL TIMBER LOOK BATTENS



**4**. BALCK FRAMED ALUMINIUM WINDOWS



**5**. FRAMELESS GLASS BALUSTRADE



**6**. MATALA LIMESTONE POOL PAVERS



**7**. COBLE STONE DRIVEWAY



**8**. LIGHT GREY COLORBOND KLIP LOK ROOF

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| REV | DESCRIPTION | BY | DATE |
|---|---|---|---|
| P1 | CLIENT REVIEW | LZ | 24.12.24 |
| B | COUNCIL RFI RESPONSE | LZ | 06.03.26 |

CLIENT: KYRA & CHRIS

DRAWN BY: STUDIO COCO JEN PTY. LTD
NOMINATED ARCHITECT: LIN ZHU
REGISTRATION NUMBER: 10573
CONTACT NO: 0430 513 666
EMAIL: COCOJEN330@GMAIL.COM

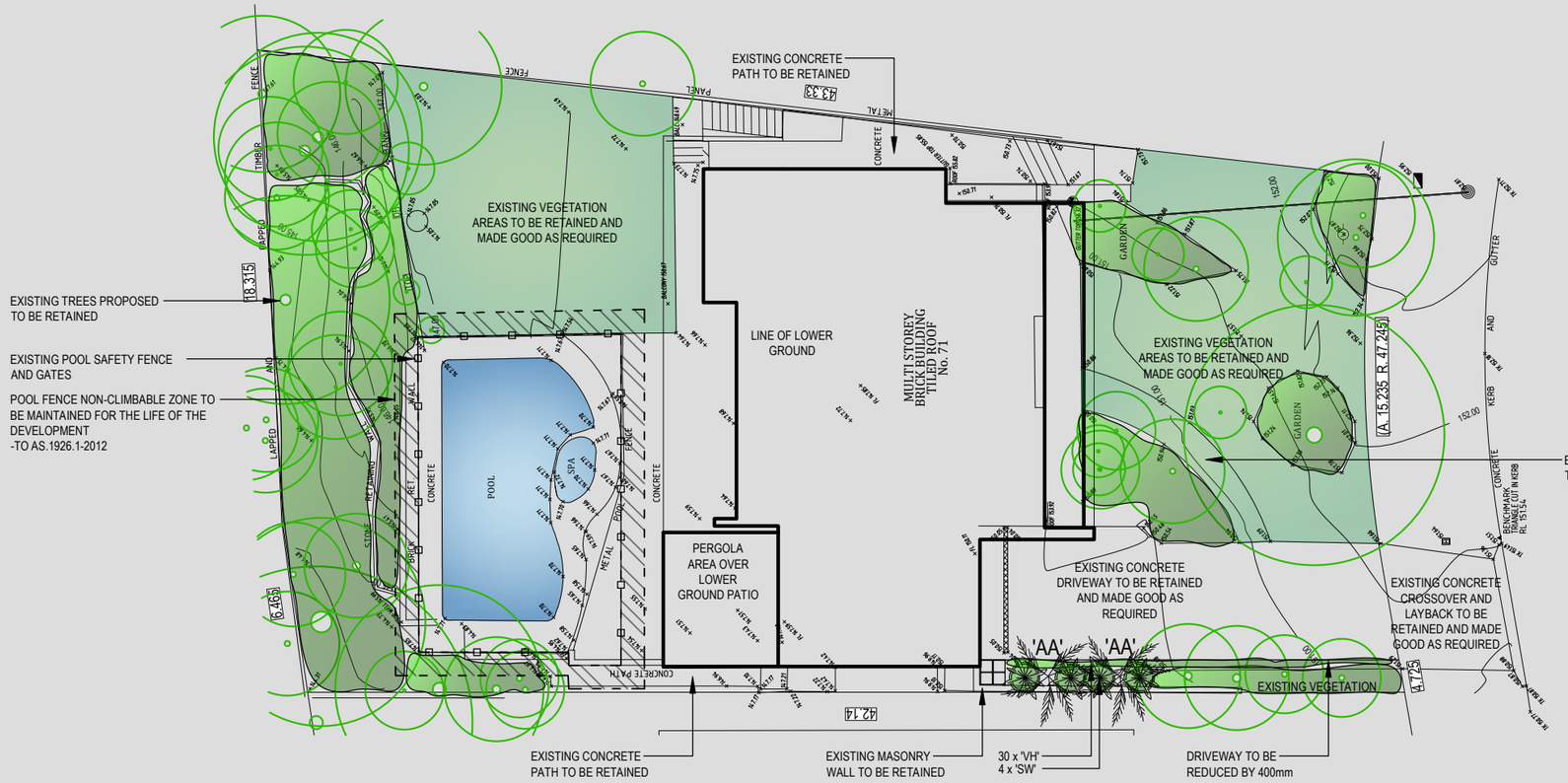
PROJECT TITLE: 71 ATHENA AVENUE, ST IVES

DRAWING TITLE: NOTIFICATION PLAN

NORTH POINT:

DRAWN BY: LZ
CHECKED BY: LZ
SCALE: 1:200, 1:250 AT A3
PROJECT No: P101

DA stage. 27 dwg no. B revision




## PLANT SCHEDULE

| TREES | SYMBOL | QUANTITY | POT SIZE | HEIGHT |
|---|---|---|---|---|
| ARCHONTOPHOENIX ALEXANDRAE (ALEXANDER PALM)* | AA | 2 | 45L | 6-10 |
| **SHRUBS/GROUND/GRASSES** | | | | |
| SYZYGIUM WILSONII (POWDER PUFF LILLY PILLY)* | SW | 4 | 200MM | 1.5 |
| VIOLA HEDERACEA (NATIVE VIOLET)* | VH | 30 | TUBE | 0.1 |

* = NATIVE SPECIES

## LEGEND

SWIMMING POOL NON-CLIMBABLE ZONE TO BE MAINTAINED IN PERPETUITY

EXISTING TREE PROPOSED TO BE RETAINED

## DESIGNER QUALIFICATIONS

I AM A QUALIFIED LANDSCAPE DESIGNER AND HORTICULTURALIST (DIP. HORT. - LANDSCAPE DESIGN - RYDE TAFE)

CHRIS JORDAN - D.A. LANDSCAPE PLANS - OWNER

ALL PAVEMENTS SHALL COMPLY WITH AS/NZ 4586:1999 STANDARDS CLASS W (LOW) FOR SLIP RESISTANCE ON PUBLIC AND PRIVATE PROPERTY

TREES AND SHRUBS TO NOT COMPROMISE "ASPECTS SUCH AS SIGHT DISTANCES TO BOTH PEDESTRIANS AND OTHER VEHICLES...DURING THE LIFE OF THE PLANTINGS" - AS 2890.1-2004

REFER TO HYDRAULICS ENGINEERS PLAN FOR OSD / DWARF WALL DETAILS - MULCH OSD WITH NON FLOATABLE DECORATIVE GRAVEL.
ALL FINISHED GROUND LEVELS AS PER HYDRAULICS ENGINEERS DETAILS.

ALL FENCING SURROUNDING ANY POOL / OSD BASIN ARE TO BE CONSTRUCTED, INSTALLED AND MAINTAINED IN COMPLIANCE WITH THE SWIMMING POOLS ACT 1992, SWIMMING POOL REGULATION 2008, AS.1926.2-2007, & AS.1926.1-2012. IF THE ACTS AND STANDARDS HAVE CHANGED PRIOR TO CONSTRUCTION THEN THE CURRENT ACTS AND STANDARDS SHALL TAKE PRECEDENCE.
-A "NON-CLIMBABLE ZONE", AS PER THE RELEVANT DOCUMENTS, SHALL BE MAINTAINED IN PERPETUITY TO THE FENCED AREA.
-THE FENCE SHALL BE MAINTAINED, TO THE RELEVANT STANDARDS, IN PERPETUITY.

WEED SPECIES FOUND IN THE BCA2015 OR KU-RIN-GAI DCP - PART 13 ARE TO BE REMOVED FROM SITE, DISPOSED OF IN AN APPROPRIATE MANNER, AND ACTIVELY SUPPRESSED FOR THE LIFE OF THE DEVELOPMENT

STREET TREES AND TURF TO BE PROTECTED DURING CONSTRUCTION (NOT SHOWN ON CONTOUR PLANS PROVIDED). ANY DAMAGE TO TURF AND STREET TREE TO BE RECTIFIED AS PART OF THE LANDSCAPE WORKS. THE METHODS OF TREE PROTECTION SHALL COMPLY WITH AUSTRALIAN STANDARD 4970-2009 – "PROTECTION OF TREES ON DEVELOPMENT SITES" (IF NO DETAILED ARBORICULTURAL IMPACT REPORT IS REQUIRED).

## DISCLAIMERS

- SITE SURVEY PROVIDED BY OTHERS. ALL DISCLAIMERS CARRIED BY PROVIDED SURVEY ARE CARRIED OVER TO THIS DOCUMENT.
- ALL LEVELS AND LOCATIONS OF SERVICES MUST BE LOCATED AND PROTECTED ON SITE BY CONTRACTOR PRIOR TO COMMENCEMENT OF WORKS. "DIAL BEFORE YOU DIG" SHOULD BE CONTACTED FOR RELEVANT INFORMATION.
- EXISTING TREE SPREAD APPROXIMATE ONLY.
- CALCULATED AREAS ARE APPROXIMATE ONLY AND SHOULD BE VERIFIED PRIOR TO CONSTRUCTION OR TENDERING. STANDARD PERCENTAGES SHOULD BE ALLOWED FOR CUTTING AND WASTAGE.
- NO LIABILITY WILL BE ACCEPTED FOR ANY LOSS, DAMAGE, HARM, OR INJURY, WHETHER SPECIAL, CONSEQUENTIAL, DIRECT, OR INDIRECT, SUFFERED BY YOU OR ANY OTHER PERSON AS A RESULT OF THE USE OF THIS DRAWING.
-D.A. LANDSCAPE PLANS TAKES NO RESPONSIBILITY FOR ANY VARIATIONS IN DESIGN, CONSTRUCTION METHODS, MATERIALS OR SPECIFICATIONS WITHOUT WRITTEN APPROVAL.

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NOTE:- D.A. LANDSCAPE PLANS RESERVES THE RIGHT NOT TO UNDERTAKE NOR SUPPLY CERTIFICATION FOR OCCUPATION CERTIFICATE.
NOTE:- TO AID COMPLIANCE WITH BASIX LEGISLATION, PLANTS (WHERE APPLICABLE) HAVE BEEN SELECTED FROM THE LOCAL CITY COUNCIL / SHIRE PLANT LISTS.
NOTE:- LOCATION OF SEWER MAINS / LINES, WATER PIPES, UNDERGROUND ELECTRICITY AND OTHER SERVICES MUST BE OBTAINED PRIOR TO COMMENCEMENT OF ANY WORK ON SITE. DIAL BEFORE YOU DIG 1100.

CONTRACTORS NOTE:- CALCULATED AREAS DETERMINED BY CAD AND HAVE BEEN ROUNDED UP FOR USE AS A GUIDE ONLY. ALLOW STANDARD PERCENTAGES FOR CUTTING AND WASTAGE. CONFIRM DIMENSIONS AND NUMBERS PRIOR TO QUOTING / ORDERING.
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UNAUTHORISED USAGE, REPRODUCTION OR STORAGE SHALL BE TAKEN AS AN ACCEPTANCE OF A USAGE FEE OF $2200 PER PLAN / SHEET OR PART THEREOF FOR EACH AND EVERY USE.

NOT FOR CONSTRUCTION PURPOSES

BEFORE YOU DIG www.byda.com.au Zero Damage - Zero Harm

AMENDMENTS:

| DATE: | AMENDMENT | DRAWN: |
|---|---|---|
| 2026.03.09 | E-AMEND EXISTING ELEMENTS | CJ |

LANDSCAPE PLANS
P.O.Box 63 Hazelbrook,2779
Ph#: 0468400149
office@dalandscapeplans.com.au

PROJECT:
# PROPOSED RENOVATION

DATE: 2025.06.18
REF #: D1703
DRAWN: CJ
SHEET #: 1 of 2
SCALE: 1:200 @ A3

TITLE:
# LANDSCAPE CONCEPT
FOR: DA TO KU-RIN-GAI COUNCIL

ADDRESS:
71 ATHENA AVENUE
ST IVES

CLIENT:
CHRIS ZHOU

## RETAINING WALL NOTES

- RETAINING WALL SECTIONS/LOCATIONS SHOWN ARE INDICATIVE ONLY, AND SITE CONDITIONS, AND ENGINEERS SPECIFICATIONS, SHALL TAKE PRECEDENCE.
- RETAINING WALL TOP AND BOTTOM OF WALL HEIGHTS ARE "BEST GUESS" INDICATIVE ONLY, BASED ON INFORMATION PROVIDED, AND THE SITE CONTRACTOR SHALL ADAPT CONSTRUCTED WALLS TO SITE CONDITIONS ACCORDINGLY.
- RETAINING WALL MATERIAL SELECTION AND CONSTRUCTION ARE THE OWNERS/CONTRACTORS RESPONSIBILITY.
- ALL RETAINING WALLS SHALL BE CONSTRUCTED TO THE MANUFACTURERS/ENGINEERS SPECIFICATION, AND BE CONSISTENT WITH AS.4678-2002.
- ALL RETAINING WALLS SHALL BE PROVIDED WITH SUFFICIENT DRAINAGE TO MANUFACTURERS/ENGINEERS AND COUNCIL SPECIFICATION. DRAINAGE SHALL NOT CONNECT TO ANY PIPES LEADING TO A RAINWATER TANK.
- ALL RETAINING WALL CONSTRUCTION SHALL TAKE INTO ACCOUNT SITE CONDITIONS AND ADAPT ACCORDINGLY.
- IF RETAINING WALLS ARE TO BE CONSTRUCTED WITHIN THE ZONE OF INFLUENCE OF ANY SERVICES FOUND ON SITE, OR ON THE SURVEY PROVIDED, THE SERVICES OF A QUALIFIED AND REGISTERED ENGINEER AND/OR ADVICE FROM SERVICE PROVIDER SHALL BE SOUGHT.
- ALL RETAINING WALLS AND ASSOCIATED WORKS SHALL BE CONSTRUCTED WHOLLY WITHIN THE BOUNDS OF THE SUBJECT PROPERTY, CONSISTENT WITH THE INDICATIVE SECTIONS PROVIDED.
- ALL FILL PLACEMENT IS TO BE CARRIED OUT IN ACCORDANCE WITH AS3798-2007 "GUIDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT".
- HANDRAILS SHALL BE CONSTRUCTED TO ALL RETAINING WALLS AS REQUIRED BY NCC-3.9.2.
- RETAINING WALL DRAINAGE POINTS, AND ALL OTHER WORKS, SHALL BE INSPECTED AT REGULAR (ONCE YEARLY MINIMUM) INTERVALS AND ALL ISSUES AND BLOCKAGES RECTIFIED IMMEDIATELY, FOR THE LIFE OF THE WALL.

## PLANTING/MAINTENANCE NOTES

- GLAZED OR POLISHED PLANTING HOLES, PARTICULARLY IN CLAY SOILS SHOULD BE AVOIDED. PLANTS TO BE MOUNDED WITHIN THESE SOIL TYPES.
- CONTRACTOR SHALL CHECK AND AMEND pH AS REQUIRED BY SITE CONDITIONS.
- SOIL MIX SHALL MEET AS.4419-2018, AND SOIL CONDITIONERS, MULCHES, AND COMPOSTS SHALL MEET AS.4454-2012.
- TREE STOCK SHALL MEET AS.2303-2018.
- PLANTS SHOULD BE PLANTED STRAIGHT, WITH THE TOP OF THE ROOT BALL LEVEL WITH THE SOIL SURFACE.
- PLANTS SHOULD BE WATERED AS SOON AS POSSIBLE AFTER PLANTING, ONCE WEEKLY FOR A PERIOD OF NO LESS THAN 12 MONTHS, AND A MINIMUM ONCE MONTHLY THEREAFTER. THE VOLUME OF WATER SHALL BE THE SAME AS THE POT SIZE AT PLANTING TIME.
- PLANTING SHOULD BE AVOIDED AT THE HEIGHT OF SUMMER (DECEMBER - JANUARY)
- WATER CRYSTALS MAY BE USED TO REDUCE THE AMOUNT OF WATER STRESS SUFFERED BY THE PLANT.
- IF A FERTILISER IS TO BE APPLIED, A SLOW RELEASE 8 - 9 MONTH PLANT FOOD PREFERRED. LOW PHOSPHOROUS FERTILISER SHALL BE USED FOR ALL NATIVE SPECIES.
- THE OWNER, OR THEIR REPRESENTATIVE, IS TO MAINTAIN THE HEALTH OF THE LANDSCAPED AREAS FOR THE LIFE OF THE DEVELOPMENT.
- ONLY SPECIES WITHIN THE LANDSCAPE PLAN SHOULD BE PLANTED. PERMISSION SHOULD BE SOUGHT BEFORE ALTERING THE PLANT SPECIES LIST (ON MOST OCCASIONS NURSERIES CAN SUBSTITUTE).
- STOCK SHOULD BE FREE OF PESTS, DISEASE AND WEEDS AND NOT POT BOUND.
- REPLACEMENT PLANTS SHOULD BE MADE AVAILABLE FOR ANY LOSSES OF PLANT STOCK THAT MAY OCCUR FOR A MINIMUM 12 MONTH PERIOD.
- WEEDS SHOULD BE TREATED/REMOVED ON A FORTNIGHTLY BASIS, IN ACCORDANCE WITH BIODIVERSITY CONSERVATION ACT 2016 AND ANY LOCAL COUNCIL POLICY.
- PEST OR DISEASE SAMPLES SHOULD BE TAKEN TO THE LOCAL NURSERY FOR IDENTIFICATION AND APPROPRIATE REMEDY.

ALL FENCING SURROUNDING ANY POOL / OSD BASIN ARE TO BE CONSTRUCTED, INSTALLED AND MAINTAINED IN COMPLIANCE WITH THE SWIMMING POOLS ACT 1992, SWIMMING POOL REGULATION 2008, AS.1926.2-2007, & AS.1926.1-2012. IF THE ACTS AND STANDARDS HAVE CHANGED PRIOR TO CONSTRUCTION THEN THE CURRENT ACTS AND STANDARDS SHALL TAKE PRECEDENCE.
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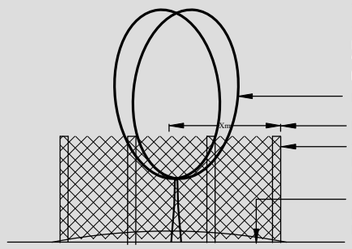
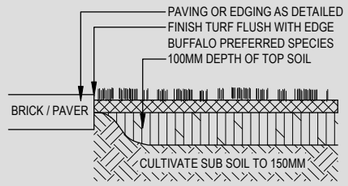
-THE FENCE SHALL BE MAINTAINED, TO THE RELEVANT STANDARDS, IN PERPETUITY.

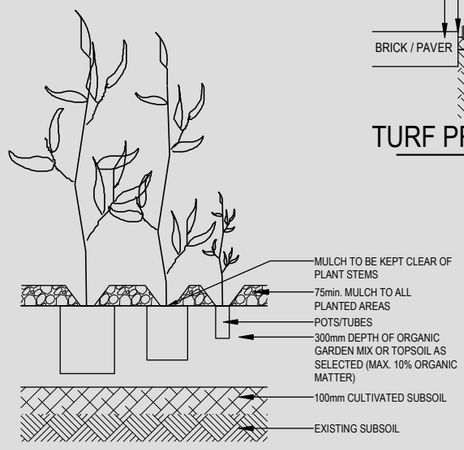



## TYPICAL TREE PROTECTION DETAIL - (NTS)

(IF NO ARBORIST REPORT REQUIRED)




## TURF PREPARATION DETAIL (NTS)




## TYPICAL PLANTING DETAIL (NTS)

TYPICAL PLANT SELECTION CRITERIA - AS2303-2015 'TREE STOCK FOR LANDSCAPE USE' FOR FULL SPEC.

ENSURE GOOD HEALTH AND VIGOUR. ENSURE FREEDOM FROM PESTS, DISEASES AND INJURY.

SPECIMENS SHOULD BE SELF SUPPORTING AT TIME OF PLANTING - STAKING ONLY TO BE USED WHEN NECESSARY- 1 GROWING SEASON MAX.

ENSURE EVIDENCE OF STEM TAPER - (INCREASE IN CALIPER DOWN THE STEM).

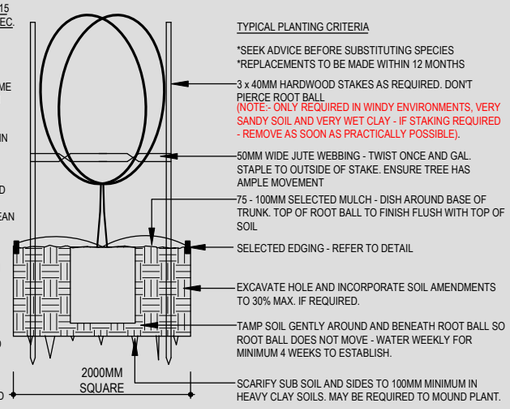
PRUNING:-
*ENSURE CLEAN STEM HEIGHT DOES NOT EXCEED 40% OF PLANT HEIGHT.
*ENSURE CUTS ARE AT BRANCH COLLAR ARE CLEAN WITH NO TEARS.

ENSURE APICAL DOMINANCE FOR TREES WITH TYPICAL EXCURRENT FORM - LEADER DEVIATION <15%.

ENSURE GOOD CROWN SYMMETRY AND SOUND STEM JUNCTIONS - NO INCLUDED BARK.

ENSURE SPECIMENS ARE FREE OF GIRDLING AND SUCKERING ROOTS.

ENSURE TRUNK POSITION IS WITHIN 10% OF POT CENTRE. IF TREE IS GRAFTED ENSURE SCION AND ROOTSTOCK ARE SOUND.




TYPICAL PLANTING CRITERIA

*SEEK ADVICE BEFORE SUBSTITUTING SPECIES
*REPLACEMENTS TO BE MADE WITHIN 12 MONTHS

3 x 40MM HARDWOOD STAKES AS REQUIRED. DON'T PIERCE ROOT BALL
(NOTE:- ONLY REQUIRED IN WINDY ENVIRONMENTS, VERY SANDY SOIL AND VERY WET CLAY - IF STAKING REQUIRED - REMOVE AS SOON AS PRACTICALLY POSSIBLE).

50MM WIDE JUTE WEBBING - TWIST ONCE AND GAL. STAPLE TO OUTSIDE OF STAKE. ENSURE TREE HAS AMPLE MOVEMENT

75 - 100MM SELECTED MULCH - DISH AROUND BASE OF TRUNK. TOP OF ROOT BALL TO FINISH FLUSH WITH TOP OF SOIL

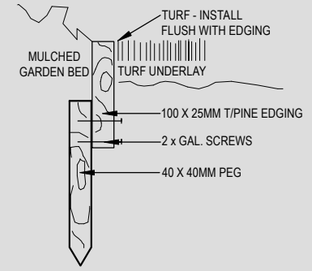
SELECTED EDGING - REFER TO DETAIL

EXCAVATE HOLE AND INCORPORATE SOIL AMENDMENTS TO 30% MAX. IF REQUIRED.

TAMP SOIL GENTLY AROUND AND BENEATH ROOT BALL SO ROOT BALL DOES NOT MOVE - WATER WEEKLY FOR MINIMUM 4 WEEKS TO ESTABLISH.

SCARIFY SUB SOIL AND SIDES TO 100MM MINIMUM IN HEAVY CLAY SOILS. MAY BE REQUIRED TO MOUND PLANT.

## 45-75LTR TYPICAL PLANTING (NTS)




## TIMBER EDGING (NTS)

## WEED NOTES

WEED SPECIES FOUND IN THE BCA2015 ARE TO BE REMOVED FROM SITE, DISPOSED OF IN AN APPROPRIATE MANNER, AND ACTIVELY SUPPRESSED FOR THE LIFE OF THE DEVELOPMENT

ALL PAVEMENTS SHALL COMPLY WITH AS/NZ 4586:1999 STANDARDS CLASS W (LOW) FOR SLIP RESISTANCE ON PUBLIC AND PRIVATE PROPERTY

TREES AND SHRUBS TO NOT COMPROMISE "ASPECTS SUCH AS SIGHT DISTANCES TO BOTH PEDESTRIANS AND OTHER VEHICLES...DURING THE LIFE OF THE PLANTINGS" - AS 2890.1-2004

REFER TO HYDRAULICS ENGINEERS PLAN FOR OSD / DWARF WALL DETAILS - MULCH OSD WITH NON FLOATABLE DECORATIVE GRAVEL.
ALL FINISHED GROUND LEVELS AS PER HYDRAULICS ENGINEERS DETAILS.

## LANDSCAPE MAINTENANCE SCHEDULE

| MAINTENANCE TASK MINIMUM 12 MONTHS | WEEKLY | BI-WEEKLY | MONTHLY | QUARTERLY | YEARLY | AS R'QUIRED |
|---|---|---|---|---|---|---|
| TREES/SHRUBS GARDEN BEDS | | | | | | |
| WATER | ■ | | | | | |
| HEDGE | | | ■ | | | |
| PRUNE | | | ■ | | | |
| FERTILIZER (SLOW RELEASE) | | | | ■ | | |
| WEED (SPRAY/HAND WEED) | | | ■ | | | ■ |
| MULCH (MIN. 75mm) | | | | | ■ | |
| TURF | | | | | | |
| WATER | ■ | | | | | ■ |
| MOW | ■ | | | | | |
| FERTILIZER | | | | ■ | | |
| WEED (SPRAY/HAND WEED) | | | | | | ■ |

## NOTES

-PRIOR TO COMMENCEMENT OF WORKS CLIENT SHALL VERIFY THAT CONTRACTORS ARE LICENSED AND INSURED TO CARRY OUT ALL WORKS.
- CLIENT/CONTRACTOR TO CHECK CERTIFICATION AND STAMPED LANDSCAPE PLAN PRIOR TO WORKS COMMENCING.
- CONTRACTOR TO LOCATE AND PROTECT ALL SERVICES PRIOR TO COMMENCEMENT OF WORKS. ALL SERVICE LIDS, PITS, AND VENTS ARE TO BE LEFT EXPOSED AND UNCOVERED BY LANDSCAPE WORKS. ON-SITE ADJUSTMENT OF SERVICES TO ACCOMMODATE LANDSCAPE WORKS SHALL BE WITH THE APPROVAL OF, AND AT THE DIRECTION OF, THE RELEVANT REGULATORY BODY. ANY DAMAGE TO SERVICES CAUSED BY WORKS SHALL BE MADE GOOD BY CONTRACTOR, AT CONTRACTORS EXPENSE, AND TO PROJECT MANAGER, OR REGULATORY BODIES', SATISFACTION.
- ALL LEVELS, AND LOCATION OF WORKS, ON THIS PLAN ARE "BEST GUESS" INDICATIVE ONLY, BASED ON THE INFORMATION PROVIDED, AND SITE CONTRACTOR SHALL ADAPT WORKS TO SITE CONDITIONS ACCORDINGLY.
- ALL LANDSCAPE WORKS SHALL COMPLY WITH ALL COUNCIL DA & CC SPECIFICATION, AND AUS-SPEC-1-NSW C273 "LANDSCAPING" SPECIFICATION.
- ALL IRRIGATION SHALL COMPLY WITH ALL RELEVANT WATER AUTHORITY REGULATIONS, AS WELL AS AS.2698 SPECIFICATION.
- ALL MATERIALS SHALL BE FIXED TO MANUFACTURERS SPECIFICATION.
- ALL GARDEN BEDS NOT DIRECTLY IN CONTACT WITH THE EXISTING SITE SOIL SHALL BE PROVIDED WITH SUFFICIENT DRAINAGE.
- EDGING TO BE PROVIDED TO ALL MEETINGS OF DIFFERENT MATERIALS UNLESS OTHERWISE STATED. TRIP HAZARDS ARE TO BE IDENTIFIED AND RECTIFIED AS PART OF THE CONSTRUCTION PROCESS.
- WEEDMAT SUGGESTED UNDERNEATH GRAVEL PATHWAYS.
- GARDEN BEDS IN OSD BASINS TO BE NON-FLOATABLE DECORATIVE GRAVEL.
- BUFFALO TURF, OR NON-WEED SPECIES TURF/LAWN, SUGGESTED.
- CONTRACTOR TO MAKE GOOD NATURE STRIP TURF TO COUNCIL SPECIFICATION.
- REFER TO HYDRAULICS PLAN FOR OSD BASIN, & DRAINAGE DESIGN, FINAL LEVELS. ALL SITE WORKS AND DRAINAGE ARE TO BE SUBJECT TO ENGINEERS DETAILS AND CERTIFICATION. IN THE ABSENCE OF ENGINEERS SPECIFICATION ALL SITE AREAS ARE TO BE PROVIDED WITH SUFFICIENT PITS AND DRAINAGE, AND ALL AREAS TO BE GRADED TOWARDS SUCH PITS.
- DIMENSIONS SHOULD ALWAYS TAKE PRECEDENCE OVER SCALING.
- ARCHITECTURAL SET-OUT NOT TO BE TAKEN FROM LANDSCAPE PLANS
- ALL WORKS SHALL BE CONSTRUCTED TO AUSTRALIAN STANDARD, CODE, COUNCIL CONDITION, OR BCA/NCC GUIDELINES. IN THE EVENT OF ANY DISCREPANCY BETWEEN THIS LANDSCAPE PLAN AND ANY RELEVANT STANDARD, CONDITION, GUIDELINE, OR CODE, THE STANDARD, CONDITION, GUIDELINE, OR CODE SHALL TAKE PRECEDENCE.
- ALL PLANS, DESIGNS, AND IDEAS REMAIN THE PROPERTY OF D.A LANDSCAPE PLANS AND SHOULD NOT BE COPIED, REPRODUCED OR CONSTRUCTED WITHOUT THE WRITTEN PERMISSION FROM THE OWNER.

## DISCLAIMERS

- SITE SURVEY PROVIDED BY OTHERS. ALL DISCLAIMERS CARRIED BY PROVIDED SURVEY ARE CARRIED OVER TO THIS DOCUMENT.
- ALL LEVELS AND LOCATIONS OF SERVICES MUST BE LOCATED AND PROTECTED ON SITE BY CONTRACTOR PRIOR TO COMMENCEMENT OF WORKS. "DIAL BEFORE YOU DIG" SHOULD BE CONTACTED FOR RELEVANT INFORMATION.
- EXISTING TREE SPREAD APPROXIMATE ONLY.
- CALCULATED AREAS ARE APPROXIMATE ONLY AND SHOULD BE VERIFIED PRIOR TO CONSTRUCTION OR TENDERING. STANDARD PERCENTAGES SHOULD BE ALLOWED FOR CUTTING AND WASTAGE.
- NO LIABILITY WILL BE ACCEPTED FOR ANY LOSS, DAMAGE, HARM, OR INJURY, WHETHER SPECIAL, CONSEQUENTIAL, DIRECT, OR INDIRECT, SUFFERED BY YOU OR ANY OTHER PERSON AS A RESULT OF THE USE OF THIS DRAWING.
-D.A. LANDSCAPE PLANS TAKES NO RESPONSIBILITY FOR ANY VARIATIONS IN DESIGN, CONSTRUCTION METHODS, MATERIALS OR SPECIFICATIONS WITHOUT WRITTEN APPROVAL.

BEFORE YOU DIG www.byda.com.au Zero Damage - Zero Harm

AMENDMENTS:

| DATE: | AMENDMENT | DRAWN: |
|---|---|---|
| 2026.03.09 | E-AMEND EXISTING ELEMENTS | CJ |

LANDSCAPE PLANS
P.O.Box 63 Hazelbrook 2779
Ph#: 0468400149
office@dalandscapeplans.com.au

PROJECT:
# PROPOSED RENOVATION

DATE: 2025.06.18

REF #: D1703

DRAWN: CJ

SHEET #: 2 of 2

SCALE: 1:200 @ A3

TITLE:
# LANDSCAPE DETAILS

ADDRESS:
71 ATHENA AVENUE
ST IVES

CLIENT:
CHRIS ZHOU

NOT FOR CONSTRUCTION PURPOSES

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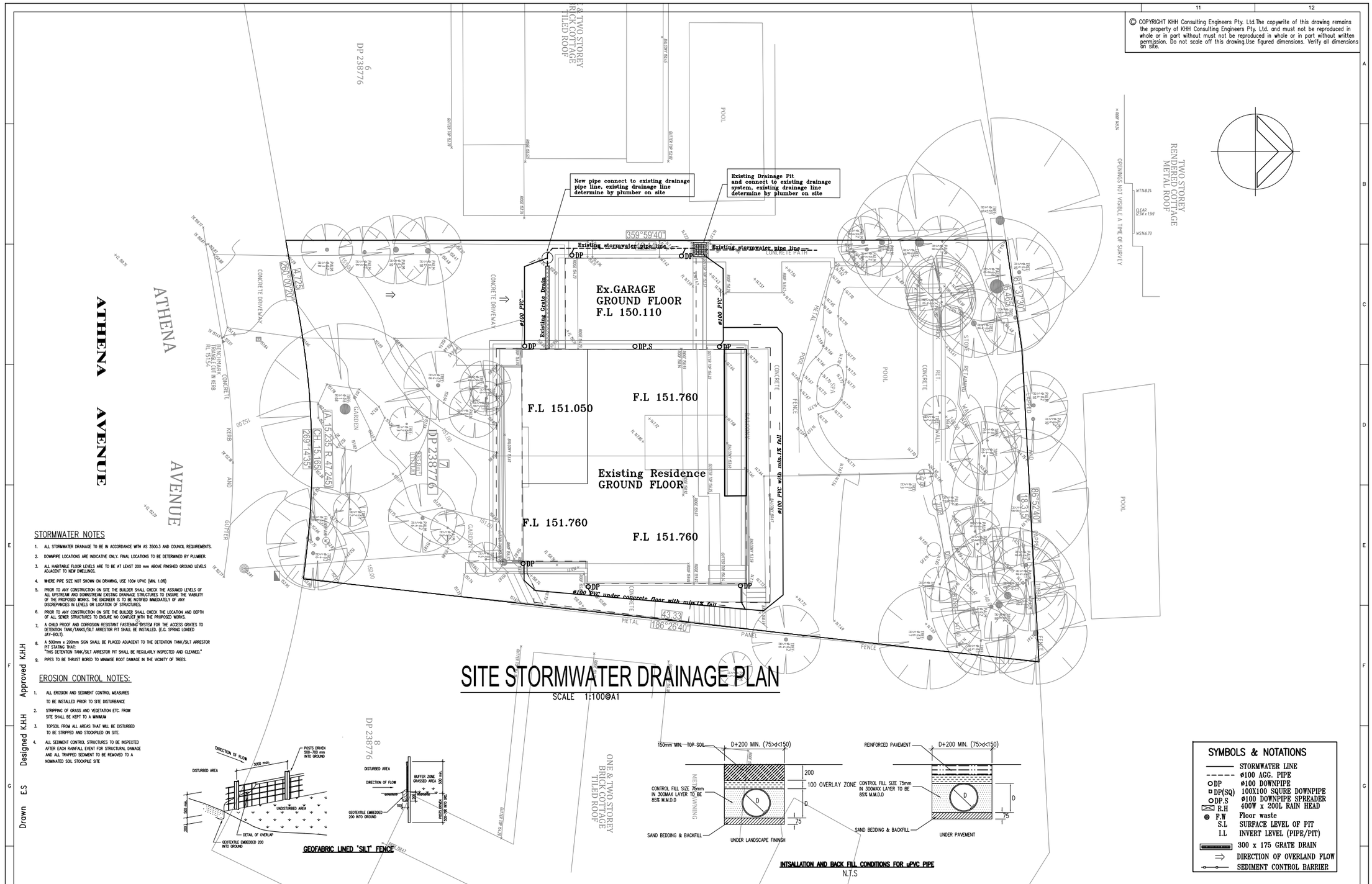


## STORMWATER NOTES

1. ALL STORMWATER DRAINAGE TO BE IN ACCORDANCE WITH AS 3500.3 AND COUNCIL REQUIREMENTS.
2. DOWNPIPE LOCATIONS ARE INDICATIVE ONLY. FINAL LOCATIONS TO BE DETERMINED BY PLUMBER.
3. ALL HABITABLE FLOOR LEVELS ARE TO BE AT LEAST 200 mm ABOVE FINISHED GROUND LEVELS ADJACENT TO NEW DWELLINGS.
4. WHERE PIPE SIZE NOT SHOWN ON DRAWING, USE 100ø UPVC (MIN. 1.0%)
5. PRIOR TO ANY CONSTRUCTION ON SITE THE BUILDER SHALL CHECK THE ASSUMED LEVELS OF ALL UPSTREAM AND DOWNSTREAM EXISTING DRAINAGE STRUCTURES TO ENSURE THE VIABILITY OF THE PROPOSED WORKS. THE ENGINEER IS TO BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES IN LEVELS OR LOCATION OF STRUCTURES.
6. PRIOR TO ANY CONSTRUCTION ON SITE THE BUILDER SHALL CHECK THE LOCATION AND DEPTH OF ALL SEWER STRUCTURES TO ENSURE NO CONFLICT WITH THE PROPOSED WORKS.
7. A CHILD PROOF AND CORROSION RESISTANT FASTENING SYSTEM FOR THE ACCESS GRATES TO DETENTION TANK/TANKS/SILT ARRESTOR PIT SHALL BE INSTALLED. (E.G. SPRING LOADED JAY-BOLT).
8. A 500mm x 200mm SIGN SHALL BE PLACED ADJACENT TO THE DETENTION TANK/SILT ARRESTOR PIT STATING THAT:
   "THIS DETENTION TANK/SILT ARRESTOR PIT SHALL BE REGULARLY INSPECTED AND CLEANED."
9. PIPES TO BE THRUST BORED TO MINIMISE ROOT DAMAGE IN THE VICINITY OF TREES.

## EROSION CONTROL NOTES:

1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSTALLED PRIOR TO SITE DISTURBANCE
2. STRIPPING OF GRASS AND VEGETATION ETC. FROM SITE SHALL BE KEPT TO A MINIMUM
3. TOPSOIL FROM ALL AREAS THAT WILL BE DISTURBED TO BE STRIPPED AND STOCKPILED ON SITE.
4. ALL SEDIMENT CONTROL STRUCTURES TO BE INSPECTED AFTER EACH RAINFALL EVENT FOR STRUCTURAL DAMAGE AND ALL TRAPPED SEDIMENT TO BE REMOVED TO A NOMINATED SOIL STOCKPILE SITE

# SITE STORMWATER DRAINAGE PLAN

SCALE 1:100@A1




**GEOFABRIC LINED 'SILT' FENCE**




**INTSALLATION AND BACK FILL CONDITIONS FOR uPVC PIPE**

N.T.S

## SYMBOLS & NOTATIONS

| | |
|---|---|
| ——— | STORMWATER LINE |
| - - - - - | ø100 AGG. PIPE |
| DP | ø100 DOWNPIPE |
| DP(SQ) | 100X100 SQUARE DOWNPIPE |
| DP.S | ø100 DOWNPIPE SPREADER |
| R.H | 400W x 200L RAIN HEAD |
| F.W | Floor waste |
| S.L | SURFACE LEVEL OF PIT |
| I.L | INVERT LEVEL (PIPE/PIT) |
| | 300 x 175 GRATE DRAIN |
| ⇒ | DIRECTION OF OVERLAND FLOW |
| -o-o- | SEDIMENT CONTROL BARRIER |

Designed K.H.H
Drawn E.S
Approved K.H.H

| ISSUE | Amendment | By | Date |
|---|---|---|---|
| 0 | ISSUE FOR C.C | KHH | 2-4-25 |

CLIENT: CHRIS

ARCHITECT: ZHU LIN

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PROJECT: PRPOSED ALTERATIONS
71 ATHENA AVENUE, ST IVES NSW

DRWAING TITLE: SITE STORMWATER DRAINAGE PLAN& SEDIMENT CONTROL PLAN AND DETAIL

Scale: AS SHOWN

Job No. 25005
DRAWING NUMBER C01
REV. 0
NUMBER IN SET : 01 OF 06

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## GENERAL:

G1. THESE STRUCTURAL DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANT'S DRAWINGS AND SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCY SHALL BE REFERRED TO THE STRUCTURAL ENGINEER BEFORE PROCEEDING WITH THE WORK.

G2. CONSTRUCTION USING THESE STRUCTURAL DRAWINGS SHALL NOT COMMENCE UNTIL A CONSTRUCTION CERTIFICATE IS ISSUED BY THE PRINCIPAL CERTIFYING AUTHORITY.

G3. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE RELEVANT CURRENT STANDARDS AUSTRALIA CODES AND WITH THE BUILDING CODE OF AUSTRALIA.

G4. ALL DIMENSIONS SHOWN ON THESE STRUCTURAL DRAWINGS SHALL BE VERIFIED BY THE BUILDER ON SITE. THESE STRUCTURAL DRAWINGS SHALL NOT BE SCALED FOR DIMENSIONS.

G5. UNLESS NOTED OTHERWISE ALL LEVELS ARE IN METERS AND ALL DIMENSIONS ARE IN MILLIMETRES.

G6. THE STRUCTURAL COMPONENTS DETAILED ON THESE STRUCTURAL DRAWINGS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE RELEVANT STANDARDS AUSTRALIA CODE AND THE BUILDING CODE OF AUSTRALIA FOR THE FOLLOWING LOADINGS. REFER TO ARCHITECTURAL DRAWINGS FOR PROPOSED FLOOR USAGE.

| FLOOR USAGE | LIVE LOADING (kPa) | SUPERIMPOSED DEAD LOAD (kPa) |
|---|---|---|
| DOMESTIC | 2.0 | – |

G7. THE METHOD OF CONSTRUCTION AND THE MAINTENANCE OF SAFETY DURING CONSTRUCTION IS THE RESPONSIBILITY OF THE CONTRACTOR. IF ANY STRUCTURAL ELEMENT PRESENTS DIFFICULTY IN RESPECT OF CONSTRUCTABILITY OR SAFETY, THE MATTER SHALL BE REFERRED TO THE STRUCTURAL ENGINEER FOR RESOLUTION BEFORE PROCEEDING WITH THE WORK.

G8. DURING CONSTRUCTION THE STRUCTURE SHALL BE MAINTAINED IN A STABLE CONDITION AND NO PART SHALL BE OVERLOADED. TEMPORARY BRACING SHALL BE PROVIDED BY THE CONTRACTOR IN ORDER TO KEEP THE BUILDING WORKS AND EXCAVATIONS STABLE AT ALL TIMES.

## FOOTINGS:

F1. FOOTINGS HAVE BEEN DESIGNED FOR CLASS A AN ALLOWABLE BEARING CAPACITY OF 600 kPa ON SANDSTONE MATERIAL.
THE FOUNDATION MATERIAL SHALL BE APPROVED BY THE STRUCTURAL ENGINEER FOR THIS ALLOWABLE BEARING CAPACITY BEFORE PLACING MEMBRANE, REINFORCEMENT OR CONCRETE.

F2. FOOTINGS SHALL BE LOCATED CENTRALLY UNDER WALLS AND COLUMNS UNLESS NOTED OTHERWISE ON THE STRUCTURAL DRAWINGS

F3. RESIDENTIAL SLABS AND FOOTINGS HAVE BEEN DESIGNED FOR A REACTIVITY CLASS M TO AS2870.

F4. FOOTINGS SHALL BE CONSTRUCTED AND BACKFILLED AS SOON AS POSSIBLE FOLLOWING EXCAVATION TO AVOID EITHER SOFTENING OF THE FOUNDING MATERIAL OR DRYING OUT BY EXPOSURE.

F5. EXCAVATE FOR FOOTINGS TO THE NOMINATED SIZE AND DEPTH. FOOTING FOUNDING LEVELS ARE PROVISIONAL SUBJECT TO ACTUAL SITE CONDITIONS AND APPROVAL BY THE STRUCTURAL ENGINEER.

F6. TRENCH MESH/BARS ARE TO OVERLAP AT CORNERS (FIG. 1) AND AT INTERSECTIONS (FIG. 2)

## TIMBER:

T1. ALL TIMBER DESIGN, MATERIAL AND CONSTRUCTION TO BE AS1720.1 AND AS1720.2

T2. SOFTWOOD TO BE MINIMUM STRESS GRADE F7 U.N.O. HARDWOOD TO BE MINIMUM GRADE F14 U.N.O. SUBMIT SUPPLIERS CERTIFICATE AS TO STRESS GRADE OF TIMBER MEMBERS. ALL TIMBER SHALL BE BRANDED.

T3. EXTERNAL TIMBER SHALL BE EITHER HARDWOOD DURABILITY CLASS 1 OR CLASS 2 TO AS1720.2 OR IMPREGNATED PINE GRADE F7, PRESSURE TREATED TO AS1604 AND RE-DRIED PRIOR TO USE. SUPPLEMENTARY TREATMENT SHALL BE APPLIED TO ALL CUT SURFACES. SUPPLY SUPPORTING DOCUMENTATION REGARDING PRESERVATION TREATMENT.

T4. TIMBER TRUSSES ARE TO BE PRE-CAMBERED AN AMOUNT EQUAL TO DEAD LOAD DEFLECTION. THREE (3) COPIES OF SHOP DRAWINGS ARE TO BE SUBMITTED TO THE STRUCTURAL ENGINEER FOR APPROVAL CLEARLY SHOWING THE DESIGN LOADS ON THE ROOF AND CEILING AND TRUSS NODE POINT LOADS AND THE PRECAMBER. SHOP DRAWINGS SHALL ALSO INDICATE MEMBER SIZES AND LOCATIONS, TIMBER SPECIES, STRESS GRADE, STRENGTH GROUP AND JOINT DETAILS.

T5. ALL BOLTS IN TIMBER CONSTRUCTION TO BE MINIMUM M16 U.N.O. BOLT HOLES TO BE DRILLED EXACT BOLT SIZE. WASHERS UNDER HEADS AND NUTS TO BE AT LEAST 2.5 TIMES BOLT DIAMETER.

T6. TIMBER TOLERANCES ON THE FINISHED WIDTH AND THICKNESS TO BE IN ACCORDANCE WITH AS2082, AS1748, AS3519 AS APPROPRIATE.

T7. ALL TIMBER JOINTS AND NOTCHES ARE TO BE 100mm MINIMUM AWAY FROM LOOSE KNOTS, SEVERE SLOPING GRAIN, GUM VEINS OR OTHER MINOR DEFECTS.

## CONCRETE:

C1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF AS3600 INCLUDING AMENDMENTS, EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.

C2. READY MIX CONCRETE SUPPLY SHALL COMPLY WITH AS1379.

C3. CONCRETE QUALITY

| ELEMENT | SLUMP | MAX. AGG. | CEMENT TYPE | ADMIX | CONC. GRADE | EXPOSURE CLASSIFICATION | COVER U.N.O. |
|---|---|---|---|---|---|---|---|
| SLAB ON GROUND | 80 | 20 | LOW SHRINKAGE | NIL | 32 MPa | A2 | 20 TOP 40 BOT. 50 SIDES |
| SUSPENDED SLABS | 80 | 20 | LOW SHRINKAGE | NIL | 40 MPa U.N.O. | A1 | 20 TOP 30 BOT. |
| FOOTINGS | 80 | 20 | G.P. | NIL | 32 MPa | A2 | 50 |
| COLUMNS | 80 | 20 | G.P. | NIL | 40 MPa | A1 | 25 |
| WALLS | 80 | 20 | | NIL | 32 MPa | | 30 |
| TILT-UP PANELS 175 | 80 | 20 | LOW SHRINKAGE | NIL | 32 MPa | B1 | 50 |
| EXPOSED SLABS | 80 | 20 | | NIL | 40 MPa | | 45 TOP 45 BOT. |
| EXPOSED FOOTINGS | 80 | 20 | | NIL | 40 MPa | | 45 TOP 45 BOT. |
| EXPOSED COLUMNS | 80 | 20 | | NIL | 40 MPa | | 50 |
| EXPOSED WALLS | 80 | 20 | | NIL | 40 MPa | | 45 |

NOTE: ALL CONCRETE TO GROUND FLOOR AND SUSPENDED SLABS SHALL HAVE A MAXIMUM SHRINKAGE STRAIN OF 600 MICROSTRAINS AS DETERMINED BY TEST IN ACCORDANCE WITH AS1012.13 AFTER EIGHT (8) WEEKS DRYING.

C4. PROJECT CONTROL TESTING SHALL BE CARRIED OUT IN ACCORDANCE WITH AS1379, CLAUSE B7.

C5. NO ADMIXTURES SHALL BE USED IN CONCRETE UNLESS APPROVED IN WRITING BY THE STRUCTURAL ENGINEER.

C6. ALL REINFORCEMENTS SHALL BE FIRMLY SUPPORTED ON MILD STEEL PLASTIC TIPPED CHAIRS, PLASTIC CHAIRS OR CONCRETE CHAIRS AT NOT GREATER THAN 1 METRE CENTRES BOTH WAYS. IN EXPOSURE CONDITION B2 OR C USE ONLY PLASTIC OR CONCRETE CHAIRS. BARS SHALL BE TIED AT ALTERNATE INTERSECTIONS.

C7. CONCRETE SIZES SHOWN DO NOT INCLUDE THICKNESSES OF APPLIED FINISHES.

C8. DEPTHS OF BEAMS ARE GIVEN FIRST AND INCLUDE SLAB THICKNESS.

C9. FOR CHAMFERS, DRIP GROOVES, REGLETS, ETC., REFER TO PROJECT ARCHITECT'S DETAILS. MAINTAIN COVER TO REINFORCEMENT AT THESE DETAILS.

C10. NO HOLES, CHASES OR EMBEDMENT OF PIPES OTHER THAN THOSE SHOWN ON THE STRUCTURAL DRAWINGS SHALL BE MADE IN CONCRETE MEMBERS WITHOUT THE PRIOR WRITTEN APPROVAL OF THE STRUCTURAL ENGINEER.

C11. WHERE NOT SHOWN ON THE STRUCTURAL DRAWINGS CONSTRUCTION JOINTS SHALL BE LOCATED TO THE APPROVAL OF THE STRUCTURAL ENGINEER.

C12. CONDUITS, PIPES, ETC., SHALL ONLY BE LOCATED IN THE MIDDLE ONE THIRD OF SLAB DEPTH AND SPACED AT NOT LESS THAN 3 DIAMETERS. PIPES OR CONDUITS SHALL NOT BE PLACED WITHIN THE COVER TO THE REINFORCEMENT.

C13. SLABS AND BEAMS SHALL BE CONSTRUCTED TO BEAR ONLY ON THE BEAMS, WALLS, COLUMNS, ETC., SHOWN ON THE STRUCTURAL DRAWINGS. ALL OTHER BUILDING ELEMENTS SHALL BE KEPT 15mm CLEAR FROM THE SOFFITS OF THE STRUCTURE.

C14. REINFORCEMENT

ALL REINFORCING BARS SHALL BE GRADE D500N TO AS4671 UNLESS NOTED OTHERWISE. ALL MESH SHALL BE GRADE 500L TO AS4671 AND SHALL BE SUPPLIED IN FLAT SHEETS.

REINFORCEMENT NOTATION SHALL BE AS FOLLOWS IN THE FOLLOWING ORDER.

NUMBER OF BARS IN GROUP BAR GRADE NOMINAL BAR SIZE IN mm SPACING IN mm
E.G. 17 N20.250

THE FIGURES FOLLOWING THE FABRIC SYMBOLS RL, SL, L .. TM IS THE REFERENCE NUMBER FOR FABRIC IN ACCORDANCE WITH AS4671.

REINFORCEMENT IS REPRESENTED DIAGRAMMATICALLY AND NOT NECESSARILY IN TRUE PROJECTION.

SLAB REINFORCEMENT SHALL EXTEND AT LEAST 65mm ONTO MASONRY SUPPORT WALLS AND 50 PERCENT OF BOTTOM REINFORCEMENT SHALL BE COGGED TO ACHIEVED ANCHORAGE AT SIMPLY SUPPORTED ENDS.

SPLICES IN REINFORCEMENT SHALL BE MADE ONLY IN POSITIONS SHOWN ON THE STRUCTURAL DRAWINGS OR IN POSITIONS OTHERWISE APPROVED IN WRITING BY THE STRUCTURAL ENGINEER. LAPS SHALL BE IN ACCORDANCE WITH AS3600 AND NOT LESS THAN THE DEVELOPMENT LENGTH FOR EACH BAR.

DEVELOPMENT & LAP SPLICE LENGTHS (UNLESS NOTED OTHERWISE)

| BAR SIZE | MIN. LAP LENGTH (mm) |
|---|---|
| N12 | 600 |
| N16 | 800 |
| N20 | 1000 |
| N24 | 1200 |
| N28 | 1400 |
| N32 | 1600 |
| N36 | 1800 |

SITE BENDING OF REINFORCING BARS SHALL BE DONE WITHOUT HEATING USING MECHANICAL BENDING TOOLS.

WELDING OF REINFORCEMENT SHALL NOT BE PERMITTED UNLESS SHOWN ON THE STRUCTURAL DRAWINGS OR APPROVED BY THE STRUCTURAL ENGINEER.

JOGGLES TO BARS SHALL BE 1 BAR DIAMETER OVER A LENGTH OF 12 BAR DIAMETERS.

FABRIC SHALL BE LAPPED 2 TRANSVERSE WIRES PLUS 50mm. BUNDLED BARS SHALL BE TIED TOGETHER AT 30 BAR DIAMETER CENTRES WITH 3 WRAPS OF TIE WIRE.

C15. THE STRUCTURAL ENGINEER SHALL BE GIVEN 24 HOURS NOTICE FOR REINFORCEMENT INSPECTION AND CONCRETE SHALL NOT BE DELIVERED UNTIL FINAL APPROVAL HAS BEEN OBTAINED FROM THE STRUCTURAL ENGINEER.

C16. THE FINISHED CONCRETE SHALL BE A DENSE HOMOGENEOUS MASS, COMPLETELY FILLING THE FORMWORK THOROUGHLY EMBEDDING THE REINFORCEMENT AND FREE OF STONE POCKETS. ALL CONCRETE SHALL BE COMPACTED WITH MECHANICAL VIBRATORS,

C17. CURING OF ALL CONCRETE IS TO BE ACHIEVED BY KEEPING SURFACES CONTINUOUSLY WET FOR A PERIOD OF 3 DAYS, OR BY PREVENTION OF LOSS OF MOISTURE FOR A TOTAL OF 7 DAYS FOLLOWED BY A GRADUAL DRYING OUT. APPROVED SPRAY ON CURING COMPOUNDS THAT COMPLY WITH AS3799 MAY BE USED WHERE FLOOR FINISHES WILL NOT BE AFFECTED (REFER MANUFACTURERS SPECIFICATIONS). POLYTHENE SHEETING OR WET HESSIAN MAY BE USED TO RETAIN CONCRETE MOISTURE WHERE PROTECTED FROM WIND AND TRAFFIC.

C18. CONSTRUCTION SUPPORT PROPPING IS TO BE LEFT IN PLACE WHERE NEEDED TO AVOID OVERSTRESSING THE STRUCTURE DUE TO CONSTRUCTION LOADING. ALL BACKPROPPING SHALL BE APPROVED BY THE STRUCTURAL ENGINEER. NO BRICKWORK OR PARTITION WALLS ARE TO BE CONSTRUCTED ON SUSPENDED LEVELS UNTIL ALL PROPPING IS REMOVED AND THE SLAB HAS ABSORBED ITS DEAD LOAD DEFLECTION.

## STRUCTURAL STEEL:

S1. ALL WORKMANSHIP AND MATERIAL SHALL BE IN ACCORDANCE WITH AS4100 EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS. FABRICATION SHALL BE CARRIED OUT IN ACCORDANCE WITH SECTION 14 OF AS4100. ERECTION SHALL BE CARRIED OUT IN ACCORDANCE WITH SECTION 15 OF AS4100.

S2. UNLESS NOTED OTHERWISE, ALL STEEL SHALL BE OF THE FOLLOWING GRADE IN ACCORDANCE WITH THE FOLLOWING AUSTRALIAN STANDARDS:

| TYPE OF STEEL | GRADE |
|---|---|
| UNIVERSAL BEAMS AND COLUMNS, PARALLEL FLANGE CHANNELS, LARGE ANGLES AS/NZS 3679.1 | 300 |
| WELDED SECTIONS TO AS/NZS 3679.2 | 300 |
| HOT ROLLED PLATES, FLOOR PLATES AND SLABS TO AS/NZS 3678 | 250 |
| HOLLOW SECTIONS TO AS1163 | C350 |
| COLD FORMED PURLINS AND GIRTS TO AS1397 | G450 Z350 |

S3. THREE (3) COPIES OF WORKSHOP FABRICATION DRAWINGS SHALL BE SUBMITTED TO THE STRUCTURAL ENGINEER FOR REVIEW AT LEAST 7 DAYS PRIOR TO COMMENCEMENT OF FABRICATION. FABRICATION SHALL NOT COMMENCE WITHOUT THE STRUCTURAL ENGINEER'S APPROVAL OF THE WORKSHOP DRAWINGS. ALL DIMENSIONS AND SETOUTS TO BE OBTAINED FROM ARCHITECTURAL DRAWINGS WHERE NOT INDICATED ON STRUCTURAL DRAWINGS.

S4. THE FABRICATOR SHALL PROVIDE ALL CLEATS AND DRILL ALL HOLES NECESSARY FOR FIXING OTHER ELEMENTS TO THE STEEL WHETHER OR NOT DETAILED ON THE STRUCTURAL DRAWINGS.

S5. THE FABRICATION AND ERECTION OF THE STRUCTURAL STEELWORK SHALL BE SUPERVISED BY A QUALIFIED PERSON EXPERIENCED IN SUCH SUPERVISION, IN ORDER TO ENSURE THAT ALL REQUIREMENTS OF THE DESIGN ARE MET.

S6. ALL BEAMS AND RAFTERS SHALL BE FABRICATED AND ERECTED WITH NATURAL CAMBER UP.

S7. ALL MEMBERS SHALL BE SUPPLIED IN SINGLE LENGTHS. SPLICES SHALL ONLY BE PERMITTED IN LOCATIONS SHOWN ON THE STRUCTURAL DRAWINGS.

S8. ALL STEELWORK SHALL BE SECURELY TEMPORARILY BRACED BY THE ERECTOR AS NECESSARY TO STABILIZE THE STRUCTURE DURING ERECTION.

S9. BOLTING

BOLTING CATEGORIES ARE IDENTIFIED ON THE STRUCTURAL DRAWINGS IN THE FOLLOWING MANNER:

| BOLT CATEGORY: | COMMENTS: |
|---|---|
| 4.6/S | COMMERCIAL BOLTS OF GRADE 4.6 TO AS 1111 SNUG TIGHTENED |
| 8.8/S | HIGH STRENGTH STRUCTURAL BOLTS OF GRADE 8.8 TO AS 1252 SNUG TIGHTENED |
| 8.8/TB | HIGH STRENGTH STRUCTURAL BOLTS OF GRADE 8.8 TO AS1252 FULLY TENSIONED TO AS4100 AS A BEARING TYPE JOINT |
| 8.8/TF | HIGH STRENGTH STRUCTURAL BOLTS OF GRADE 8.8 TO AS1252 FULLY TENSIONED TO AS4100 AS A FRICTIONED TYPE JOINT WITH FRAYING SURFACES LEFT UNCOATED |

S10. UNLESS NOTED OTHERWISE ALL BOLTS SHALL BE M16 CATEGORY 8.8/S. NO CONNECTION SHALL HAVE LESS THAN 2 BOLTS. ALL BOLTS AND WASHERS SHALL BE GALVANIZED. ALL HOLES SHALL BE 2mm LARGER THAT THE BOLT DIAMETER UNLESS NOTED OTHERWISE.

S11. /TB AND /TF BOLT CATEGORIES SHALL BE INSTALLED IN ACCORDANCE WITH SECTION 15 OF AS4100, USING EITHER THE PART-TURN METHOD OR THE DIRECT-TENSION INDICATOR METHOD.

S12. WELDING

ALL WELDING SHALL BE CARRIED OUT IN ACCORDANCE WITH AS1554.1
ELECTRODES SHALL BE TO EITHER AS1553, AS1858, AS2203 OR AS2717, AS APPROPRIATE

UNLESS NOTED OTHERWISE, ALL FILLET WELDS SHALL BE 6mm CONTINUOUS CATEGORY SP USING E48XX ELECTRODES OR EQUIVALENT. ALL BUTT WELDS SHALL BE COMPLETE PENETRATION BUTT WELDS CATEGORY SP TO AS1554.1

THE EXTENT OF NON-DESTRUCTIVE WELD EXAMINATION SHALL BE AS NOTED BELOW.
RADIOGRAPHIC OR ULTRASONIC EXAMINATION SHALL BE TO AS1554.1, AS2177.1 AND AS2207 AS APPROPRIATE.

| TYPE OF WELD AND CATEGORY | EXAMINATION METHOD | EXTENT (% OF TOTAL LENGTH OF WELD TYPE) |
|---|---|---|
| FILLET WELDS, GP + SP | VISUAL INSPECTION | 100 |
| BUTT WELDS, GP | VISUAL INSPECTION | 100 |
| BUTT WELS, SP | VISUAL INSPECTION | 100 |
| | RADIOGRAPHIC OR ULTRASONIC INSPECTION | 10 |

S13. CORROSION PROTECTION

STRUCTURAL STEELWORK NOT ENCASED IN CONCRETE SHALL HAVE THE FOLLOWING CORROSION PROTECTION.

| ELEMENT | SURFACE PREPERATION | PRIME COAT | SECOND COAT | THIRD COAT |
|---|---|---|---|---|

ALL GALVANIZING OF STRUCTURAL STEELWORK SHALL BE TO AS4680. THE CONTINUOUS AVERAGE ZINC COATING MASS SHALL BE 600G/M2 (550g/m² MINIMUM).

PROVIDE SEAL PLATES TO THE ENDS OF ALL HOLLOW SECTIONS, WITH 'BREATHER' HOLES IF MEMBERS ARE TO BE HOT DIP GALVANIZED.

S14. STEELWORK INTENDED TO BE CONCRETE ENCASED SHALL BE UNPAINTED. ENCASING CONCRETE SHALL BE GRADE N25 PROVIDING A COVER ADEQUATE TO SUIT FIRE RATING OR EXPOSURE CONDITIONS. CONCRETE ENCASEMENT SHALL BE CENTRALLY REINFORCED WITH 5mm WIRE TO AS4617 OR 6mm STRUCTURAL GRADE BARS TO AS4617 AT 150mm PITCH.

Approved K.H.H
Designed K.H.H
Drawn E.S

| ISSUE | Amendment | By | Date |
|---|---|---|---|
| 0 | ISSUE FOR C.C | KHH | 10-4-25 |

CLIENT: CHRIS

ARCHITECT: ZHU LIN

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PROJECT: PROPOSED ALTERATIONS&ADDITIONS
No.71 ATHENA AVENUE, ST IVES NSW

DRWAING TITLE: GENERAL NOTES

Scale: N.T.S

Job No. 25005
DRAWING NUMBER S00
REV. 0
NUMBER IN SET : 01 OF 08

A1 0 50 100

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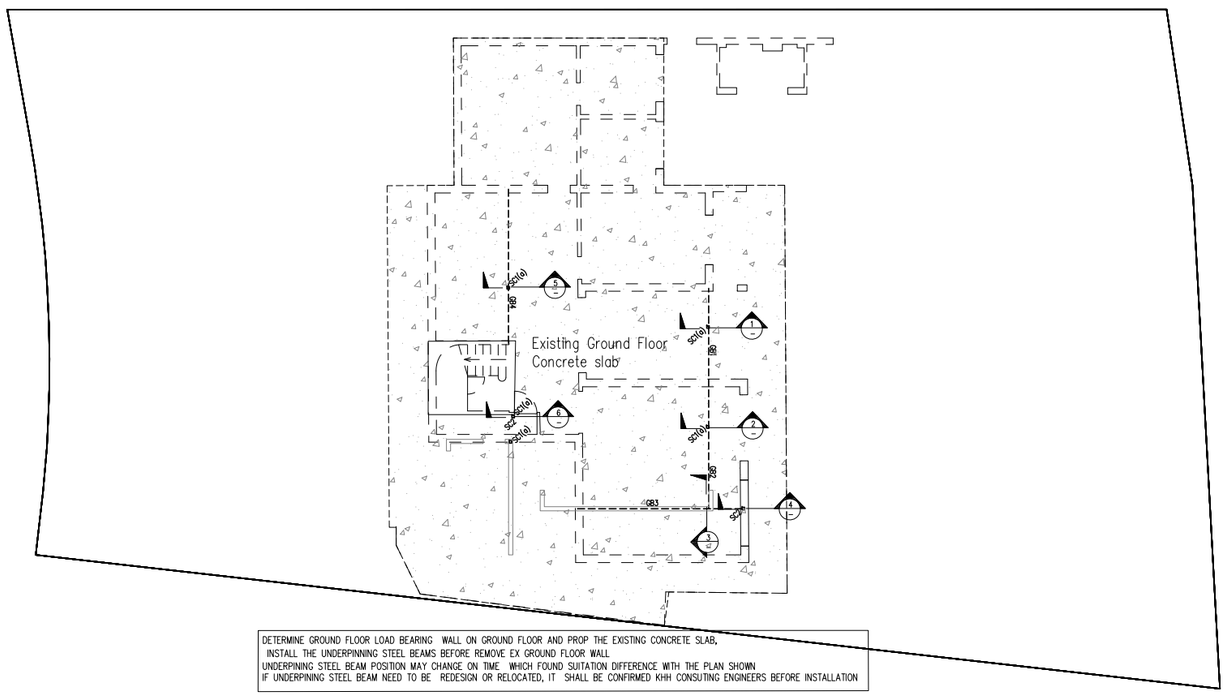
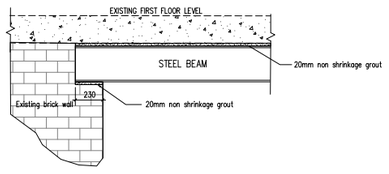



DETERMINE GROUND FLOOR LOAD BEARING WALL ON GROUND FLOOR AND PROP THE EXISTING CONCRETE SLAB,
INSTALL THE UNDERPINNING STEEL BEAMS BEFORE REMOVE EX GROUND FLOOR WALL
UNDERPINING STEEL BEAM POSITION MAY CHANGE ON TIME WHICH FOUND SUITATION DIFFERENCE WITH THE PLAN SHOWN
IF UNDERPINNING STEEL BEAM NEED TO BE REDESIGN OR RELOCATED, IT SHALL BE CONFIRMED KHH CONSULTING ENGINEERS BEFORE INSTALLATION

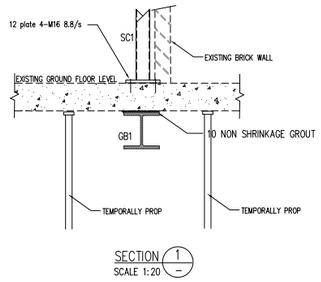
## GROUND FLOOR UNDERPINNING STEEL BEAM PLAN

ALL STEEL BEAM AND COLUMN TO BE HOT DIP GALVANIZED

| GROUND FLOOR MEMBER SCHEDULE | | |
|---|---|---|
| MARK | SIZE | COMMENT |
| STEEL BEAM UNDER EXISTING CONCRETE SLAB | | |
| GB1 | 250UC 89 | DETAIL REFER |
| GB2 | 250UC 89 | DETAIL REFER |
| GB3 | 310UC 118 | DETAIL REFER |
| GB4 | 310UC 118 | DETAIL REFER |
| STEEL COLUMN | | |
| SC2 | 100 x 100 x 5.0 SHS | DETAIL REFER |




TYPICAL STEEL BEAM BEARING TO EXISTING BRICK WALL

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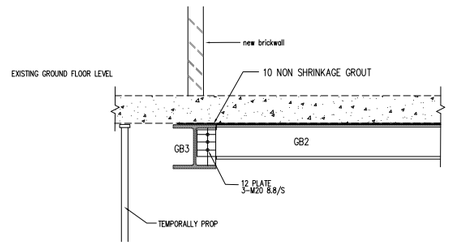


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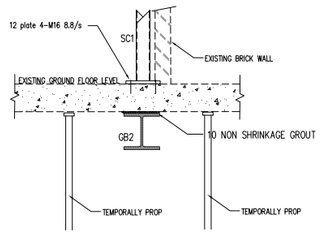


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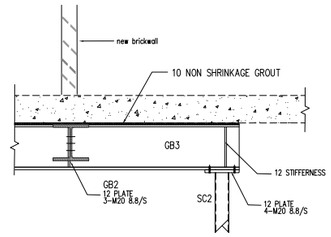


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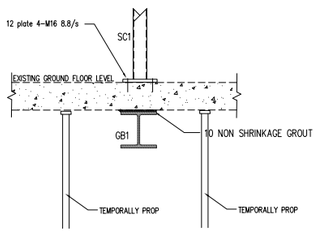


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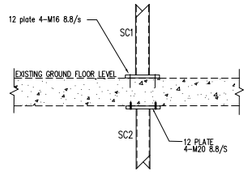


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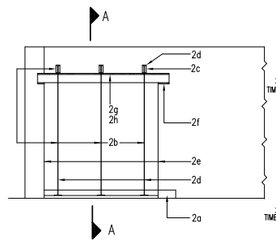


ELEVATION
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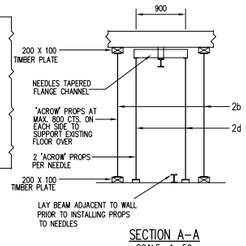


SECTION A–A
SCALE 1: 50

## UNDERPINNING STEEL BEAM INSTALLATION PROCEDURE

PROCEDURE

IF BEAMS ARE TO SUPPORT BRICKWORK:

2a. LAY BEAMS ADJACENT TO WALLS

2b. PROP EXISTING FLOOR ABOVE

2c. PROVIDE HOLES IN EXISTING WALL FOR NEEDLES ABOVE TOP OF NEW BEAMS

2d. INSTALL NEEDLE BEAMS AND PROPS – EXPAND PROPS TO GIVE A SNUG FIT BETWEEN NEEDLES AND EXISTING BRICKWORK TO ENSURE NO DEFLECTION OF WALL UP OR DOWN

2e. SAWCUT BRICKWORK DOWN SIDE OF OPENINGS AND CAREFULLY REMOVE BRICKWORK TO FORM OPENINGS AND POCKETS TO EACH END OF OPENINGS FOR BEAM SUPPORT – MIN. LENGTH 200

2f. PROVIDE A 20 NON SHRINK GROUT LEVELLING BED UNDER EACH END OF BEAMS, INSTALL BEAM.

2g. DRIVE WEDGES TO DEFLECT BEAMS DOWN

2h. PROVIDE 20 HARD PACK NON SHRINK GROUT BETWEEN TOP OF BEAMS AND UNDER SIDE OF BRICK WALL OR CONCRETE SLAB OVER. WHERE BEAMS ARE SUPPORTING TIMBER JOISTS WEDGE BETWEEN TIMBER JOISTS AND STEEL TOP FLANGE.

2j. AFTER 48 HOURS REMOVE PROPS, NEEDLES AND MAKE GOOD

Drawn E.S Designed K.H.H Approved K.H.H

| ISSUE | Amendment | By | Date |
|---|---|---|---|
| 0 | ISSUE FOR C.C | KHH | 10-4-25 |

CLIENT: CHRIS

ARCHITECT: ZHU LIN

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PROJECT: PROPOSED ALTERATIONS&ADDITIONS
No.71 ATHENA AVENUE, ST IVES NSW

DRWAING TITLE: GROUND FLOOR UNDERPINNING BEAM PLAN& DETAILS

Scale: AS SHOWN

Job No. 25005

DRAWING NUMBER S01 REV. 0

NUMBER IN SET : 01 OF 06

A1

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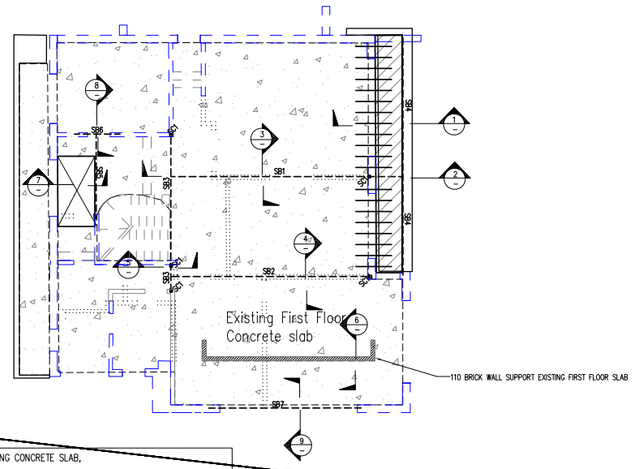
## EXTENSION SLAB PLAN

200mm THICKNESS SLAB REINFORCEMENT -N12-200 TOP&BOTTOM f'c 40 MPa CONCRETE, INTERNAL FLOOR 20 COVER; EXTERNAL BALCONIES COVER 30

HATCHING

200 THICK SLAB




DETERMINE GROUND FLOOR LOAD BEARING WALL ON GROUND FLOOR AND PROP THE EXISTING CONCRETE SLAB,
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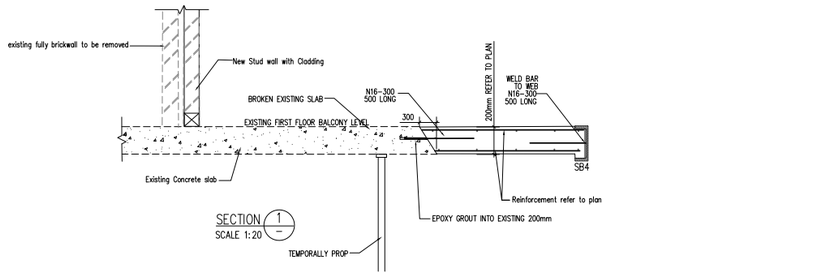
## FIRST FLOOR UNDERPINNING STEEL BEAM PLAN

ALL STEEL BEAM AND COLUMN TO BE HOT DIP GALVANIZED

| FIRST FLOOR MEMBER SCHEDULE | | |
|---|---|---|
| MARK | SIZE | COMMENT |
| STEEL BEAM UNDER EXISTING CONCRETE SLAB | | |
| SB1 | 310UC 137 | DETAIL REFER |
| SB2 | 310UC 137 | DETAIL REFER |
| SB3 | 300 PFC | DETAIL REFER |
| SB4 | 250 PFC | DETAIL REFER |
| SB5 | 250 PFC | DETAIL REFER |
| SB6 | 250 PFC | DETAIL REFER |
| SB7 | 250 PFC+200x10 PLATE | DETAIL REFER |
| STEEL COLUMN | | |
| SC1 | 89x 89 x 5.0 SHS | DETAIL REFER |

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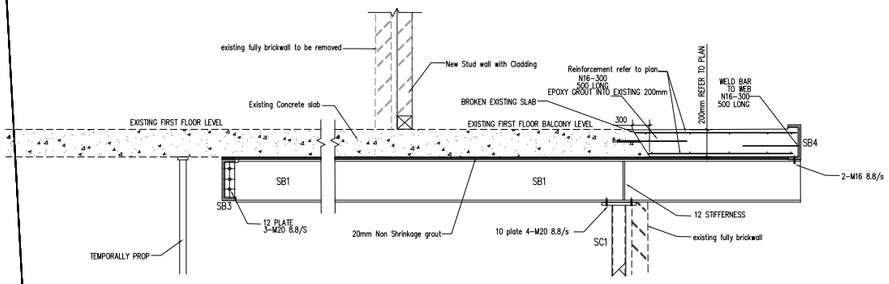


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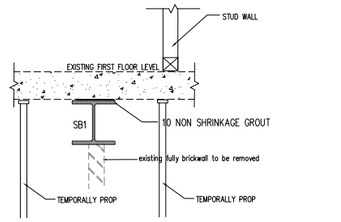


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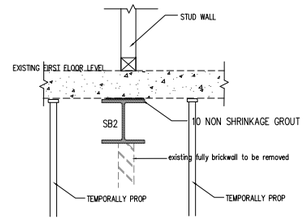


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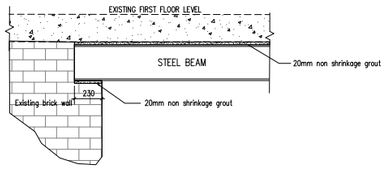
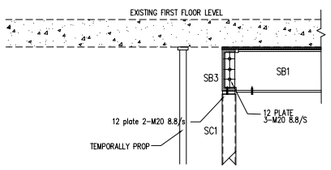



TYPICAL STEEL BEAM BEARING TO EXISTING BRICK WALL

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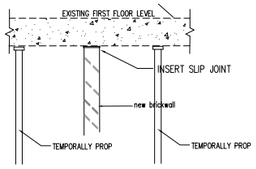


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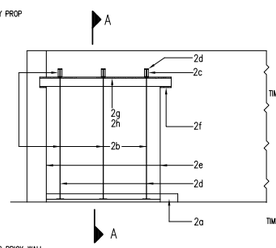
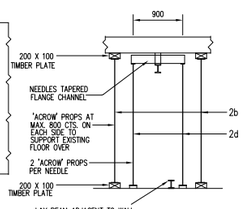
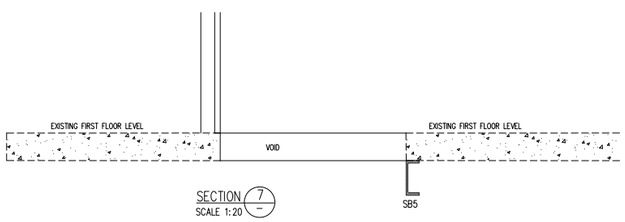



ELEVATION
SCALE 1:50




SECTION A–A
SCALE 1: 50

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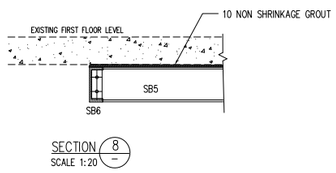


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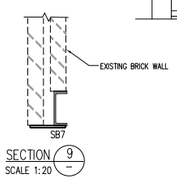


SECTION 9
SCALE 1:20

## UNDERPINNING STEEL BEAM INSTALLATION PROCEDURE

PROCEDURE

IF BEAMS ARE TO SUPPORT BRICKWORK:

2a. LAY BEAMS ADJACENT TO WALLS

2b. PROP EXISTING FLOOR ABOVE

2c. PROVIDE HOLES IN EXISTING WALL FOR NEEDLES ABOVE TOP OF NEW BEAMS

2d. INSTALL NEEDLE BEAMS AND PROPS – EXPAND PROPS TO GIVE A SNUG FIT BETWEEN NEEDLES AND EXISTING BRICKWORK TO ENSURE NO DEFLECTION OF WALL UP OR DOWN

2e. SAWCUT BRICKWORK DOWN SIDE OF OPENINGS AND CAREFULLY REMOVE BRICKWORK TO FORM OPENINGS AND POCKETS TO EACH END OF OPENINGS FOR BEAM SUPPORT – MIN. LENGTH 200

2f. PROVIDE A 20 NON SHRINK GROUT LEVELLING BED UNDER EACH END OF BEAMS, INSTALL BEAM.

2g. DRIVE WEDGES TO DEFLECT BEAMS DOWN

2h. PROVIDE 20 HARD PACK NON SHRINK GROUT BETWEEN TOP OF BEAMS AND UNDER SIDE OF BRICK WALL OR CONCRETE SLAB OVER. WHERE BEAMS ARE SUPPORTING TIMBER JOISTS WEDGE BETWEEN TIMBER JOISTS AND STEEL TOP FLANGE.

2j. AFTER 48 HOURS REMOVE PROPS, NEEDLES AND MAKE GOOD

Approved K.H.H
Designed K.H.H
Drawn E.S

| ISSUE | Amendment | By | Date |
|---|---|---|---|
| 0 | ISSUE FOR C.C | KHH | 10-4-25 |

CLIENT: CHRIS

ARCHITECT: ZHU LIN

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khhengineer@gmail.com.au

PROJECT: PROPOSED ALTERATIONS&ADDITIONS
No.71 ATHENA AVENUE, ST IVES NSW

DRWAING TITLE: FIRST FLOOR UNDERPINNING BEAM PLAN& DETAILS

Scale: AS SHOWN

A1 50 100

Job No. 25005

DRAWING NUMBER S02 REV. 0

NUMBER IN SET : 01 OF 06

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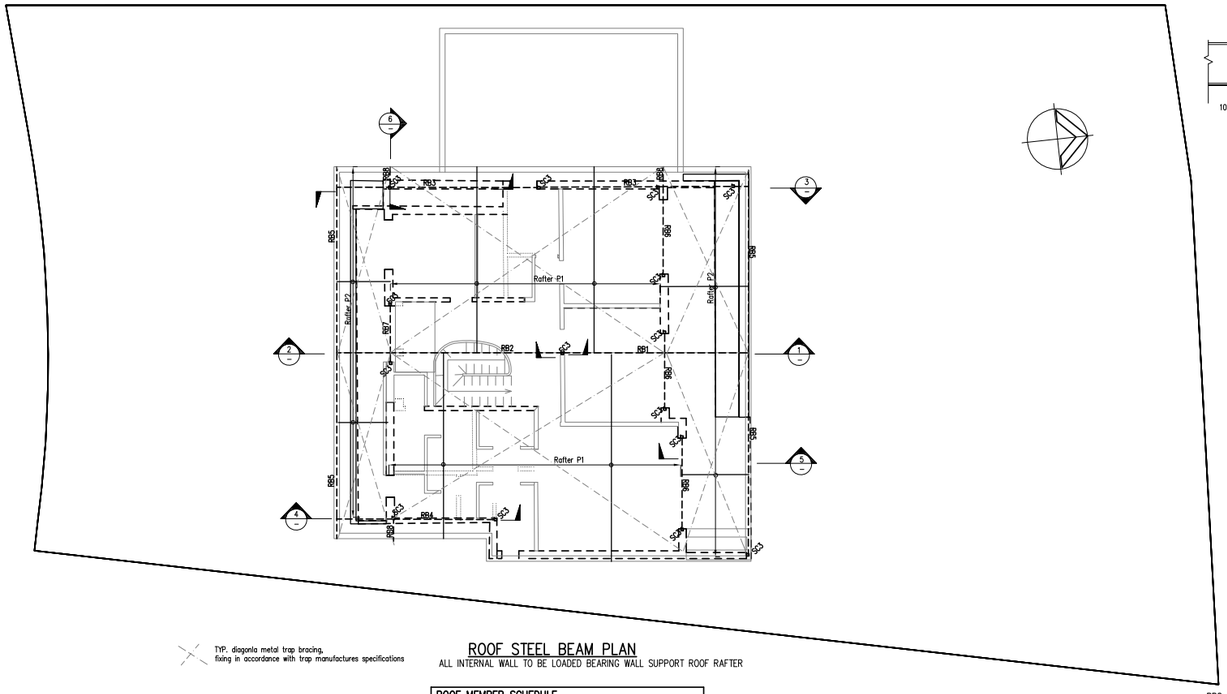
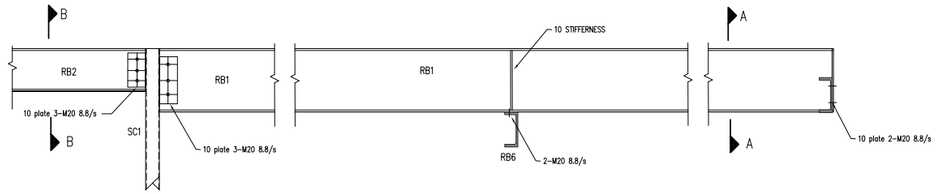



TYP. diagonla metal trap bracing, fixing in accordance with trap manufactures specifications

## ROOF STEEL BEAM PLAN

ALL INTERNAL WALL TO BE LOADED BEARING WALL SUPPORT ROOF RAFTER

| ROOF MEMBER SCHEDULE | | |
|---|---|---|
| MARK | SIZE | COMMENT |
| STEEL BEAM | | |
| RB1 | 460UB 67.1 | RIDGE BEAM DETAIL REFER |
| RB2 | 310UB 46 | RIDGE BEAM DETAIL REFER |
| RB3 | 250 PFC | DETAIL REFER |
| RB4 | 250 PFC | DETAIL REFER |
| RB5 | 250 PFC | DETAIL REFER |
| RB6 | 250 PFC | DETAIL REFER |
| SB7 | 250 PFC | DETAIL REFER |
| SB8 | 250 PFC | DETAIL REFER |
| STEEL COLUMN | | |
| SC3 | 89x 89 x 5.0 SHS | DETAIL REFER |
| RAFTER | | |
| P1 | 150X45 LVL@ 600 CTS. | DETAIL REFER |
| P2 | 120X45 LVL@ 600 CTS. | DETAIL REFER |

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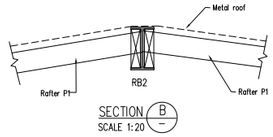


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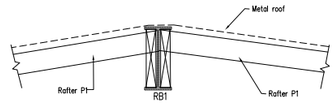


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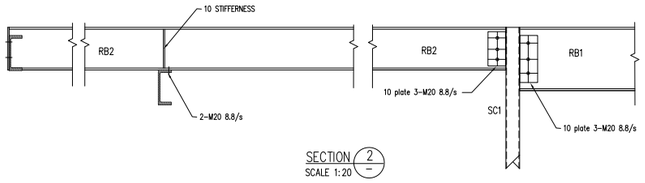


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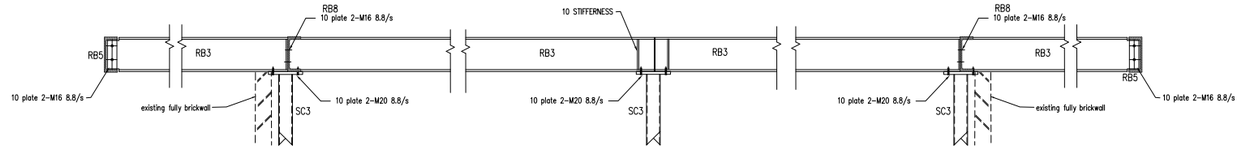


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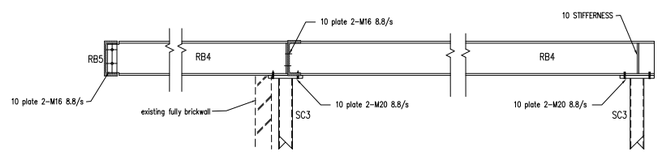


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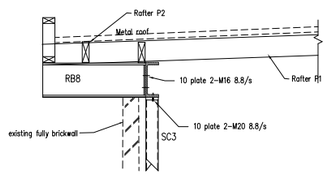


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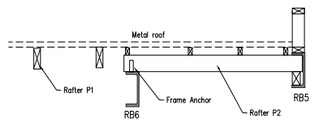


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Designed K.H.H
Drawn E.S

| ISSUE | Amendment | By | Date |
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PROJECT: PROPOSED ALTERATIONS&ADDITIONS
No.71 ATHENA AVENUE, ST IVES NSW

DRWAING TITLE: ROOF FRAME STEEL BEAM PLAN& DETAILS

Scale: AS SHOWN

A1

Job No. 25005

DRAWING NUMBER S03 REV. 0

NUMBER IN SET : 01 OF 06

CPS
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# Clause 4.6 Exceptions to Development Standards Written Request – Floor Space Ratio

Significant Alterations and Additions to an Existing Part-Two-Storey-Part-Three-Storey Dwelling

71 Athena Avenue, St Ives
Lot 7 DP 238776

Prepared for: Chris Zhou
CPS Project No: H284

Date: March 2026

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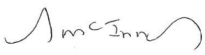
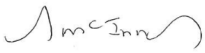
Reviewed by: 
Scott McInnes – Principal Planner

Authorised by: 
Scott McInnes – Principal Planner

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## Clause 4.6 Written Request to Vary a Development Standard
## Ku-ring-gai Local Environmental Plan 2015

| | |
|---|---|
| **Applicant's Name** | Chris Zhou |
| **Site Address** | 71 Athena Avenue, St Ives |
| **Proposal** | Significant Alterations and Additions to an Existing Part-Two-Storey-Part-Three-Storey Dwelling |
| **Environmental Planning Instrument** | *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015) |
| **Development standard to be Varied** | Clause 4.4 Floor Space Ratio<br><br>The relevant subclause states:<br><br>*(2A) Despite subclause (2), the floor space ratio for a building on land in Zone R2 Low Density Residential where the site area is within a specified range in Column 1 of the table to this subclause must not exceed the ratio specified opposite in Column 2 of the table.* |

Below is the written request relating to the proposed variation to clause 4.4(2A) of KLEP 2015 in accordance with the provisions of clause 4.6 of KLEP 2015.

## Details of Development Standard Sought to be Varied

Clause 4.4 of KLEP 2015 provides the maximum floor space ratio applicable to the site. The relevant parts of clause 4.4 is reproduced below:

***4.4 Floor space ratio***

*(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

*(2A) Despite subclause (2), the floor space ratio for a building on land in Zone R2 Low Density Residential where the site area is within a specified range in Column 1 of the table to this subclause must not exceed the ratio specified opposite in Column 2 of the table.*

| *Column 1* | *Column 2* |
|---|---|
| *More than 1,700 square metres* | *0.3:1* |
| *More than 1,000 square metres but not more than 1,700 square metres* | *((170 + (0.2 × site area)) / site area):1* |
| *More than 800 square metres but not more than 1,000 square metres* | *((120 + (0.25 × site area)) / site area):1* |
| *800 square metres or less* | *0.4:1* |

## Clause 4.6 Exceptions to Development Standards – Ku-ring-gai Local Environmental Plan 2015

Clause 4.6 of the KLEP 2015 is the mechanism by which a consent authority is able to grant consent to a development despite non-compliance with a prescribed development standard. Clause 4.6 is reproduced below:

*(1) The objectives of this clause are as follows—*
- *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

*(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
- *(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- *(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

***Note—***

*The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).*

*(4) The consent authority must keep a record of its assessment carried out under subclause (3).*

*(5) (Repealed)*

*(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*

*(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

*(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

***Note.***

*When this Plan was made it did not include all of these zones.*

*(7) (Repealed)*

*(8) This clause does not allow development consent to be granted for development that would contravene any of the following—*

*(a) a development standard for complying development,*

*(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*

*(c) clause 5.4,*

*(caa) clause 5.5.*

## Definition of a Development Standard

Clause 1.4 'Definitions' of the *Environmental Planning and Assessment Act 1979* (the Act) provides the following definition of a development standard.

> ***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.*

The proposed variation to the floor space ratio requirements under clause 4.4 of KLEP 2015 satisfies the definition for a development standard under the Act pursuant to (d), meaning the provisions of clause 4.6 of the KLEP 2015 is applicable.

## Proposed Variation

In accordance with the KLEP 2015, gross floor area and floor space ratio is defined as below:

*The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.*

***gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—*
*(a) the area of a mezzanine, and*
*(b) habitable rooms in a basement or an attic, and*
*(c) any shop, auditorium, cinema, and the like, in a basement or attic,*
*but excludes—*
*(d) any area for common vertical circulation, such as lifts and stairs, and*
*(e) any basement—*
*(i) storage, and*
*(ii) vehicular access, loading areas, garbage and services, and*
*(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
*(g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
*(h) any space used for the loading or unloading of goods (including access to it), and*
*(i) terraces and balconies with outer walls less than 1.4 metres high*, and
*(j) voids above a floor at the level of a storey or storey above.*

The subject site is located within Zone R2 General Residential zone and is therefore subject to clause 4.4(2A). With a site area of 935.8m$^2$, the proposal is subject to a maximum permissible floor space area of 0.378:1 to achieve compliance with the control, as calculated by the following formula:

*((120 + (0.25 × site area)) / site area):1*
*((120 + (0.25 × 935.8)) / 935.8):1*
*= maximum permissible FSR 0.378:1*
*= maximum permissible GFA of 353.95m$^2$*

The existing dwelling has a gross floor area (GFA) is 419m$^2$ which represents a FSR of 0.448:1.

The dwelling as proposed, comprises a change in GFA as shown in the table below:

| Table 1: Change in Gross Floor Area | | | |
|---|---|---|---|
| Floor | Existing GFA | Proposed GFA | Change |
| Lower Ground Floor | 134m$^2$ | 134m$^2$ | *Unchanged* |
| Ground Floor | 162m$^2$ | 148.7m$^2$ | *Reduced by 13.3m$^2$* |
| First Floor | 123m$^2$ | 114m$^2$ | *Reduced by 9m$^2$* |
| Total | 419m$^2$ | 396.7m$^2$ | *Reduced by 22.3m$^2$* |

The following exclusions are applied to the GFA:

- Existing garage including mechanical services area, and single bay car park including access to that car park, in accordance with part (f) and (g) of the definition.
- The proposed entry void in accordance with part (j) of the definition.
- The staircase voids, and family room void in accordance with part (j) of the definition.

The proposal results in a total GFA of 396.7m$^2$ and a FSR of 0.423:1. The proposed GFA would therefore represent an 12.07% variation to the development standard.

4.6(3) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and there are environmental planning grounds to justify the contravention of the standard

The applicant is required to demonstrate two matters given within clause 4.6(3). Given the inevitable overlap between clause 4.6(3)(a) and clause 4.6(3)(b), the two requirements are addressed simultaneously, and the reasons below should be read as generally fulfilling the applicant's obligations as prescribed by both clause 4.6(3)(a) and clause 4.6(3)(b).

The following outlines reasons why compliance with the floor space ratio development standard is unreasonable and unnecessary in the circumstances of the case, and the environmental planning grounds for the proposed variation:

*Clause 4.6(3)(a) compliance with the development standard is unreasonable or unnecessary in the circumstances*

The case of *Wehbe v Pittwater Council (2007)* identifies five common methods by which an applicant can demonstrate compliance with this Clause, noting that satisfying just one of these methods may be sufficient. The first method involves showing that the objectives of the development standard are met despite the non-compliance. This request relies on that approach.

The objectives of the FSR development standard are outlined below, followed by an explanation of how the proposal achieves these objectives notwithstanding the variation.

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

Comment: The proposal seeks to create a first-floor void that results in a reduction of the overall gross floor area by approximately 9m². Control 6 under Clause 4B.2 Car Parking Provision of the

KDCP specifies that internal access to car parking and the required car parking area is to be no greater than 31m². Car parking and associated access areas exceeding this limit are not excluded from the gross floor area (GFA) calculation as defined under the KLEP 2015.

The proposal seeks to utilise a portion of the existing garage for the installation of building services infrastructure, including an electric heat pump, solar battery, solar panel inverter and air-conditioning units. The definition of gross floor area under KLEP 2015 expressly excludes plant rooms and areas used exclusively for mechanical services or ducting. Accordingly, the portion of the garage dedicated to mechanical services constitutes an excluded area for the purposes of GFA calculations.

Once these service areas are excluded, the remaining functional car parking space equates to approximately 28m², which is below the 31m² threshold prescribed by Control 6. As such, the effective parking area complies with the numerical intent of the control, and the garage as a whole is appropriately excluded from the GFA calculation.

No additional built form is proposed, noting the proposed 9.34m building height represents a 1.87m reduction in contrast to the existing 11.21m dwelling height and the dwelling will maintain its existing size, footprint, and discernible density. As such, the development remains entirely consistent with the established relationship between the site and its built form, responds appropriately to existing environmental constraints, and preserves the contextual character of the surrounding area.

(b) *to provide for floor space ratios compatible with a range of uses,*

Comment: The proposed variation to the allowable FSR prescribed under clause 4.4 is less than the existing development. Despite the proposed contravention, the overall GFA is reduced from the existing, and the development is considered to remain compatible with the on-going residential use of the site.

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

Comment: The subject site sits within the R2 Low Density Residential zone and is not located within an identified centre in Ku-ring-gai. As such, this objective is not relevant.

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

Comment: As above, the subject site sits within the R2 Low Density Residential zone and is not located within an identified centre in Ku-ring-gai. As such, this objective is not relevant.

With note to the above, it can therefore be concluded that the proposed development meets the objectives of clause 4.4 of the KLEP 2015 outlined above. The development will not result in adverse environmental or amenity impacts such as overshadowing, view loss, or visual bulk, which the FSR development standard is intended to manage, and thus the intent of the standard is achieved without

the need for strict numerical compliance. Therefore, compliance with the FSR development standard is found to be unreasonable and unnecessary in the circumstances.

*Clause 4.6(3)(b) there are sufficient environmental planning grounds to justify the contravention of the development standard*

Clause 4.6(3)(b) requires that adequate environmental planning grounds be demonstrated to justify any variation to the development standard. As established through relevant case law, these grounds must specifically relate to the unique circumstances of the proposed development and address the particular aspect that does not comply with the standard.

In this instance, the component of the proposal that exceeds the development standard equates to 42.75m² of floor space above the permissible 0.378:1 ratio. The environmental planning grounds supporting this variation are outlined below:

- **Reduction of Existing Contravention**: The proposed development provides for significant alterations and additions to an existing dwelling and retains the existing floor plate and setbacks of the existing development on the site. The proposed works do not result in any additional gross floor area, rather, a reduction of 22.3m$^2$ is proposed.

  The proposal is of a reasonable scale and provides a high quality and durable development which will provide an improved dwelling that can accommodate to contemporary lifestyles. The development is commensurate in scale and character with adjoining properties.

- **Better Planning Outcome:** The propose development will deliver an improved planning outcome as the reduced GFA lessens the built form impact on the site, and surrounding development whilst providing a contemporary, functional, and high-quality dwelling that responds appropriate to its context. The development is consistent with the established streetscape character and provides an improved environmental outcome by minimising additional adverse bulk and scale impacts.

- **Reduction in Built-Upon Area**: The proposal seeks to undertake alteration and additions to the existing dwelling house at the site. It is noted however, that although the existing built-upon area contravenes the relevant development control, the proposed development seeks to significantly the existing built-upon area from 550m$^2$ to 515m$^2$ (38m$^2$ reduction). As such, the overall development will be more proportionate to the site area and surrounding context. The proposal therefore provides a positive planning outcome by reducing the overall building bulk and scale, achieving a development that better aligns with the intent and objectives of the control despite the existing numerical non-compliance.

## Conclusion

In summary, despite the proposal seeking a variation to the FSR development standard within Clause 4.4 of the KLEP 2015, it will not result in an exacerbation of development within the site, poor amenity for future residents, nor negatively impact the surrounding streetscape character.

Based on the minor nature of the variation, the significant improvement to the FSR compared to the existing development, and the positive environmental planning outcomes achieved through the

proposed design, compliance with the development standard is found to be unreasonable and unnecessary in the specific circumstances of this proposal, and there are sufficient environmental planning grounds to justify the retention of this contravention to the FSR development standard. Given the above, the applicant's statutory requirements pursuant to Clause 4.6 of the KLEP 2015 are satisfied and the variation to the FSR development standard can be approved by Council.

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# Statement of Environmental Effects

## Significant Alterations and Additions to an Existing Part-Two-Storey-Part-Three-Storey Dwelling




71 Athena Avenue, St Ives
Lot 7 DP 238776

Prepared for: Chris Zhou
CPS Project No: H284
Date: November 2025

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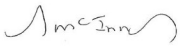

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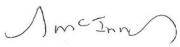

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# 1.0 Introduction

The Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application (DA) for the alterations and additions to an existing dwelling at 71 Athena Avenue, St Ives. Specific details of the proposed development are provided under Section 3 of this SEE.

This SEE, prepared by Creative Planning Solutions Pty Limited (CPS), outlines the site, its environs, and the proposed development, and assesses of the proposal against the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act (EPAA) 1979.

The proposal has been assessed against the relevant planning controls, including those outlined within the Ku-ring-gai Local Environmental Plan (LEP) 2015, and within the Ku-ring-gai Development Control Plan (DCP). The proposal complies with the Principal Development Standards. It is recommended that Council grant consent to the DA.

## 1.1 Project Team

The following project team has been formed to deliver the proposal:

**Table 1: Project Team**

| Development Specialty | Consultant |
|---|---|
| **Architecture** | Coco Jen Pty Ltd |
| **Bushfire** | Building Code & Bushfire Hazard |
| **Development Cost** | Cost Logic Pty Ltd |
| **Energy – BASIX** | Certified Energy Pty Ltd |
| **Engineering** | KHH Consulting Engineers Pty Ltd |
| **Landscape Architecture** | DA Landscape Plans Pty Ltd |
| **Surveying** | Anthony & Associates Surveying Pty Ltd |
| **Urban Planning** | Creative Planning Solutions Pty Ltd |
| **Waste Management** | Coco Jen Pty Ltd |

# 2.0 Context Analysis

## 2.1 Site description

The subject site is located in the suburb of St Ives which is situated approximately 24km northwest of the Sydney Central Business District (CBD), within the Ku-ring-gai Local Government Area (LGA). Refer to ***Figure 1*** *and* ***2*** for a locality map of the subject site.

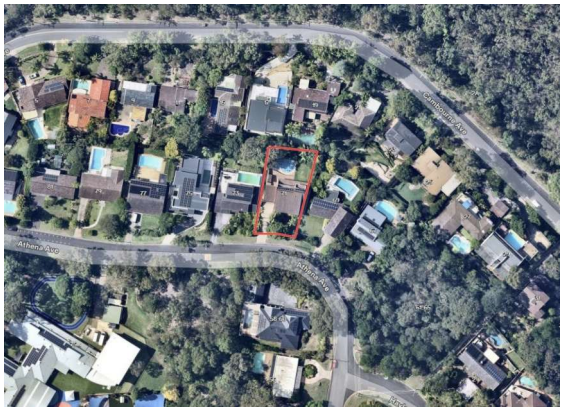

**Figure 1** Locality plan of the subject site. **Source:** Nearmap 4 February 2025



**Figure 2** Locality plan of the subject site. **Source:** Nearmap 4 February 2025

The site is identified by title as Lot 7 within Deposited Plan 238776 and has an address of 71 Athena Avenue, St Ives. The site is located on the north side of Athena Avenue and has a frontage of 19.89m and an average depth of 42.42m (42.14+41.80+43.33/3). The site has an area of 935.8m².

The subject site comprises a single, irregular-shaped allotment with a primary frontage to Athena Avenue. The site also experiences a significant crossfall of 8.69m from the front south-eastern corner to the rear, north-western corner (RL153.00 – RL144.31) and is located on the low-side of the street.

The existing development presents as a two-storey dwelling house from the Athena Avenue, and presents as a three-storey building from the rear boundary.

The land is not mapped as containing an item of environmental heritage or located within a heritage conservation area. The site is also not mapped as containing Biodiversity Values.



Figure 3 Photograph of the subject dwelling from Athena Avenue (South-Western Corner).
**Source:** CPS site visit dated 29 May 2025



Figure 4 Photograph of the subject dwelling from Athena Avenue (South-Eastern Corner).
**Source:** CPS site visit dated 29 May 2025



Figure 5 Photograph of the subject dwelling from Athena Avenue (Southern Elevation).
**Source:** CPS site visit dated 29 May 2025



Figure 6 Photograph of the subject dwelling from rear yard (North-Western Elevation).
**Source:** CPS site visit dated 29 May 2025

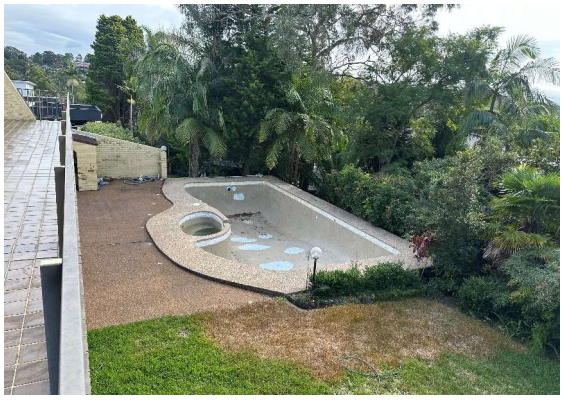

Figure 7 Photograph of existing in-ground concrete swimming pool (taken from eastern corner of balcony).
**Source:** CPS site visit dated 29 May 2025

## 2.2 Adjoining development and surrounding locality

The surrounding locality is characterised by residential accommodation.

Development along the northern side of Athena Avenue consists of a mix of two-storey and three-storey dwellings that sit on sloping sites.

Development in the immediate vicinity of the subject site includes:

- **East:** Part-single-storey-part two-storey dwelling house located on 69 Athena Avenue. The dwelling contains a lower ground floor comprising the garage with an above second storey.
- **West:** Part-two-storey-part three-storey dwelling house located on 73 Athena Avenue.
- **North:** Two-storey dwelling house located on 19 Cambourne Avenue, and a part-two-storey-part three-storey dwelling house located on 17 Cambourne Avenue. It is noted that both developments are located on sites with significant rocky outcrops in the front portion of the site, and steep topography towards the south, where they adjoin the subject development.
- **South:** The site sits across from 58-60 Athena Avenue which comprises of a two-storey dwelling with a detached triple garage. To the south-west is Integricare St Ives Preschool and Sir Eric Woodward Memorial School. Sir Eric Woodward Memorial School is a public school for students in Kindergarten to Year 12 with moderate to severe physical and intellectual disabilities, complex health conditions, high support needs, sensory impairment and / or autism spectrum disorder.

The subject site is also near Garigal National Park and a number of smaller public reserves including Cambourne North Reserve, Hayle Street Reserve, and Athena Ave Reserve.

# 3.0 Proposed Development

## 3.1 Summary of Proposed Development

The proposal seeks consent for the alterations and additions to an existing dwelling and structures at 71 Athena Avenue, St Ives. Further detail is provided in the accompanying Architectural Drawings prepared by Coco Jen Pty Ltd. Specifically; the works comprise of the following:

### Lower Ground Floor

- Demolition of:
  - Door and sink of existing storage room;
  - Sliding door to Bedroom 6;
  - Sliding door to Billard Room;
  - Sliding door and window to Media Room; and
  - Detached covered masonry outdoor kitchen.
- Construction of:
  - Pantry to replace existing storage room;
  - Replacement window and wall to ensuite bathroom;
  - Replacement window and wall to Bedroom 6;
  - Replacement sliding door to Billard Room;
  - Infill wall and replacement sliding door to Media Room; and
  - New outdoor kitchen.

### Ground Floor

- Demolition of:
  - Internal walls to existing Living Room, Dining Room, Family Room, Kitchen, Pantry, Laundry, and Bathrooms;
  - Porch projected blade walls located at the front façade;
  - All windows and external doors;
  - Terrace balustrade and side walls; and
  - Garage window.
- Construction of:
  - New open plan Living Room, Dining Room, Kitchen, Pantry;
  - New Bathroom;
  - New Laundry;
  - Replacement external doors and windows including a new garage door;
  - Porch projected blade walls located at the front façade;
  - Replacement of terrace balustrade and side walls;
  - Replacement garage window; and
  - New awning extension from garage to create cover for proposed new outdoor kitchen area; and
  - Installation of mechanical plant within the garage.

### First Floor

- Demolition of:
  - Internal walls to existing Master Bedroom and associated walk-in-wardrobe and ensuite, Bedroom 2, Bedroom 3, Bedroom 4 and bathroom;
  - All windows and external doors;
  - Front facing decorative balcony balustrade and side walls;
  - Rear facing balcony balustrade, blade wall and side walls; and
  - Partial slab to create void adjoining existing staircase.
- Construction of:
  - New Master Bedroom with associated walk-in-wardrobe and ensuite, Bedroom 2, Bedroom 3, Bedroom 4, and bathroom;
  - Replacement windows and external glazed sliding doors to rear balcony;
  - Extension to existing rear facing balcony;
  - Replacement rear facing balcony balustrade and side walls;
  - Replacement front facing balcony balustrade and side walls; and
  - New decorative cladding to front façade.

### Roof Works

- Demolition of:
  - Tiled garage roof
  - Tiled dwelling house roof
- Construction of:
  - Colorbond garage roof with 3° pitch
  - Colorbond dwelling house roof with 5° pitch including solar panels

### Associated Works

- Stormwater works to include installation of new pipeline to connect to existing drainage pipeline
- Landscaping works to include the removal of the pedestrian path and part of the western side of the driveway within the front setback area to make way for additional landscape area, amounting to a 35m$^2$ reduction in built-upon area enabling space for 2 additional trees (Alexander Palms), capable of an established height of 10 metres.
- Erection of a swimming pool barrier skirting the edges of the swimming pool and associated tree removal.

Refer to the suite of Architectural Plans, Structural Engineering Plans and Stormwater Engineering Plans for further design details.

The planning principle in *Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187* (Coorey), sets out a process for a qualitative and a quantitative inquiry to determine whether a development application should be characterised as being alterations and/or additions to an existing structure rather than a development application for a new structure. The process is to:

a) First ask what the purpose of characterising the proposed development application as being for additions and/or alterations, as supposed to an application for a new building, is: and
b) Then to consider various quantitative and qualitative issues to evaluate how the development application should be characterised.

In Coorey, the Court provided the following list of considerations that are relevant to such an analysis. An assessment against the considerations is provided in the table below:

| Table 2: Characterisation of Development | |
|---|---|
| Development Specialty | Consultant |
| **Qualitative Considerations** | |
| • How is the appearance of the existing building to be changed when viewed from public places? | When viewed from public places, the appearance of the existing building will be notably improved through contemporary design upgrades while maintaining the existing building envelope. The changes include a new flat roof form replacing the steeply pitched roof, resulting in a lower and more streamlined profile. The façade will be refreshed with a modern palette of light grey and white finishes, complemented by glass balustrades and timber batten detailing. These refinements will create a lighter, more sophisticated appearance that aligns with contemporary architectural trends. Overall, the building will present a more cohesive, visually appealing, and less bulky form when viewed from the street and other public vantage points, enhancing the overall streetscape presentation. |
| • To what extent, if any, will existing landscaping be removed and how will that affect the setting of the building when viewed from public places? | Four small trees are proposed to be removed as exempt development in accordance with bushfire protection requirements. The removal of these trees will have only a minor impact on the visual setting of the building when viewed from public places, as they are of limited size and contribute minimally to the overall landscape character of the site. The primary landscaped areas will be retained, ensuring that the established garden setting and visual softness of the frontage are maintained. As a result, the change will have negligible impact on the streetscape appearance and will not detract from the presentation of the building within its setting. |
| • To what extent, if any, will the proposal impact on a heritage item, the curtilage of a heritage item or a heritage conservation area? | The subject site does not contain, and is not located a heritage item, and does not sit within or adjoining a heritage conservation area. |
| • What additional structures, if any, in the curtilage of the existing building will be demolished or altered if the proposal is approved? | No additional structures are proposed to be removed. |
| • What is the extent, if any, of any proposed change to the use of the building? | The on-going residential use will remain unchanged. |
| • To what extent, if any, will the proposed development result in any change to the streetscape in which the building is located? | Within the context of the size of the streetscape character the proposed development is limited to one lot and will result in a minor yet positive change to the existing streetscape. While the overall building envelope remains unchanged, the alterations to the roof form, external materials, and finishes will modernise the appearance of the dwelling and |

| Table 2: Characterisation of Development | |
|---|---|
| Development Specialty | Consultant |
| | enhance its visual presentation. The new flat roof and reduction in overall bulk and scale provide a more streamlined and proportionate built form that integrates more comfortably within the surrounding context. The use of light grey and white tones, glass balustrades, and timber batten detailing introduces a contemporary architectural character while maintaining a neutral and cohesive appearance in the streetscape. Overall, the proposal represents an aesthetic improvement that reduces visual massing and contributes positively to the streetscape character. |
| • To what extent, if any, are the existing access arrangements for the building proposed to be altered? | The existing pedestrian and vehicular access will remain unchanged. |
| • To what extent, if any, will the outlook from within the existing building be altered as a consequence the proposed development? | The outlook from the existing building remains unaltered as a result of the proposed works. |
| • Is the proposed demolition so extensive to cause that which remains to lose the characteristics of the form of the existing structure? | The proposed demolition is predominantly internal, and as such, will not result in a loss of characteristics of the form of the existing structure. |
| **Quantitative Considerations** | |
| • To what extent is the site coverage proposed to be changed? | Site coverage has been reduced as a result of the proposed works.<br><br>The proposal retains open space around the dwelling, allowing for landscaping and natural permeable areas, thereby maintaining the overall amenity, solar access, and environmental performance of the site. Given the minor nature of the variation and the retention of key site characteristics, the proposal is consistent with the intent of the site coverage control and will not adversely impact neighbouring properties or the streetscape. |
| • To what extent are any existing non-compliances with numerical controls either increased or diminished by the proposal? | The existing non-compliant built upon area has been reduced from 550m$^2$ to 515m$^2$. Although the proposed development remains non-compliant, it is an improved outcome for the site, and a reduction of the existing contravention. |
| • To what extent is the building envelope proposed to be changed? | The building envelope and floor plates largely remain as existing, aside from the change in roof. |
| • To what extent are boundary setbacks proposed to be changed? | The boundary setbacks are retained as existing. |

| Table 2: Characterisation of Development | |
|---|---|
| Development Specialty | Consultant |
| • To what extent will the present numerical degree of landscaping on the site be changed? | Landscaped area has been increased as part of the alterations and additions to provide improved site amenity. |
| • To what extent will the existing floor space ratio be altered? | The existing floor space ratio of 0.45:1 has been reduced to 0.43:1, and is an improved outcome for the site. |
| • To what extent will there be changes in the roof form? | The modifications primarily involve a change in the roof form from a steep 60° roof pitch at the rear to a flat roof, and a reduction in the overall building height from 11.21m to 9.34m. These changes substantially reduce the bulk and scale of the building, resulting in a more proportionate and visually recessive form. |
| • To what extent will there be alterations to car parking/garaging on the site and/or within the building? | Car parking remains as existing. |
| • To what extent is the existing landform proposed to be changed by cut and/or fill to give effect to the proposed development? | The existing landform is retained. |
| • What relationship does the proportion of the retained building bear to the proposed new development? | The proposed development retains the external walls and the floorplate of each level of the existing building and retains the modulation of the built form. |

The proposed changes, especially the complete roof are so extensive that they completely transform the building. The original house's essential character is lost because the retained walls and floors no longer define the structure.

The result is a building with a fundamentally different shape and architectural style. For assessment purposes, CPS has conducted an assessment for a new dwelling. Despite the building being physically considered a new dwelling, its legal land use remains "significant alterations and additions to an existing dwelling house."

# 4.0 Planning Assessment

## 4.1 Section 4.14 of the Environmental Planning and Assessment Act 1979

In accordance with the provisions of Section 4.14 of the Environmental Planning and Assessment Act (EPAA) 1979, the application is accompanied by a Bushfire Certificate prepared by Bushfire Consulting Services Pty Ltd, who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment (BPAD46966). The Bushfire Certificate confirms the development conforms to the

relevant specifications and requirements. The building is subject to a Bushfire Attack Level (BAL) of BAL19, except for the southern elevation which is subject to BAL12.5.

The development does not rely upon alternative solutions and satisfies the Planning for Bushfire Protection 2019. Reference should be made to the Bushfire Assessment Report which accompanies the DA.

Further to the above, the proposal also seeks to remove four trees located within the front setback of the property. Consent for their removal is not proposed as the site is situated within a designated 10/50 Vegetation Clearing Scheme area. Under this scheme, landowners are permitted to clear trees within 10 metres of a dwelling house without the need for formal approval. As all four trees proposed for removal are located within 10 metres of the existing dwelling, the works are permissible under the 10/50 provisions. Accordingly, the removal of the trees does not constitute a non-compliance with Council's planning controls, and the proposal remains consistent with the applicable legislative framework.




Figure 8 Extract of Bushfire Prone Land Map. Site outlined in yellow. Site mapped as being Vegetation Buffer.
**Source:** planningportal.nsw.gov.au

## 4.2 Section 4.15(1)(a) – Compliance with Planning Instruments and Development Control Plans

This part provides an assessment of the environmental impacts of the proposed development, including explanations of how the proposal seeks to minimise any impacts. The assessment is based on the matters for consideration under Section 4.15(1) of the Act.

### 4.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

**Chapter 4 Remediation of Land**

The *State Environmental Planning Policy (Resilience and Hazards) 2021* ('**RH SEPP**') applies to the subject development application. Clause 4.6(1)(a) of the RH SEPP states that the consent authority must not consent to the carrying out of any development on land unless it as considered whether the land is contaminated and if so, it is suitable in its current state or after remediation for the proposed development.

A desktop review of the site indicates that there is no potential risk of contamination of the land given the site is located within an established residential area and zoned for such purposes, and the subject building has had on-going residential use. As such, the demonstrated use of the site for residential purposes suggests that it is highly unlikely for contamination to be present on site.

On this basis, the site is considered to be suitable in its present state for the proposed development and no further investigations against the RH SEPP are warranted.

### 4.2.2 State Environmental Planning Policy (Sustainable Buildings) 2022

#### Chapter 2 Standards for Residential Development – BASIX

*State Environmental Planning Policy (Sustainable Buildings) 2022* (the '**Sustainable Buildings SEPP**') operates in to ensure the effective operation of BASIX in New South Wales.

Chapter 2 of the Sustainable Buildings SEPP applies to residential development and as the works are greater than $50,000.00, the proposal is a 'BASIX affected development' (as defined by the Regulations). In accordance with the regulations, a BASIX certificate is therefore required.

As such, a BASIX certificate and associated information forms part of this application, and demonstrates that the proposal can achieve all targets relating to water, thermal comfort, and energy. Refer to the accompanying documentation for further information.

### 4.2.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

#### Chapter 2 Vegetation in non-rural areas

The objective of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) is to protect the biodiversity values and amenity of the area through the preservation of trees and other vegetation.

Ku-ring-gai Council's online interactive mapping demonstrates that the subject site is not mapped as part of the Ku-ring-gai Greenweb, and does not contain any mapped vegetation. The site does contain unmapped vegetation; however, the extent of the proposed alterations and additions does not impact upon the structural root zone or tree protection zones.

The proposed development does not include the removal or pruning of any trees and vegetation, and as such the proposal does not unduly impact upon any existing biodiversity or significant vegetation on site or within surrounding properties.




Figure 9 Extract of Ku-ring-gai Greenwebs Map. Site outlined in Blue
**Source:** Ku-ring-gai Council Maps

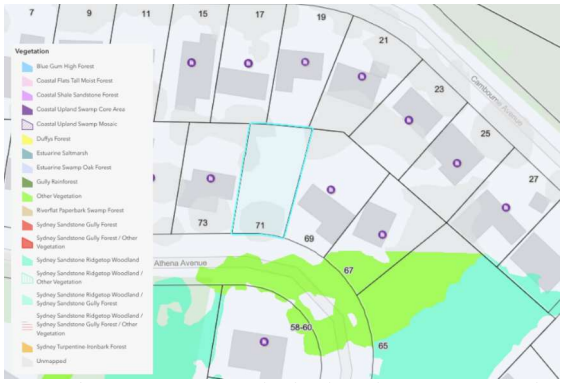


Figure 10 Extract of Vegetation Map. Site outlined in Blue and containing unmapped vegetation
**Source:** Ku-ring-gai Council Maps

## Chapter 4 Koala Habitat Protection 2021

The aim of Chapter 4 of the BC SEPP is to encourage the conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

The subject site sits within the local government area of Ku-ring-gai which is a local government area specified in Schedule 2 of the BC SEPP. As such, Chapter 4 of the BC applies to the subject site.

The subject site has had on-going residential use, and does not contain any mapped vegetation, or koala habitats. The proposed alterations and additions are therefore not anticipated to adversely impact upon koala habitat.

#### Chapter 6 Water Catchments

The subject site is identified as within the Sydney Harbour Catchment. The aims of this chapter are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment, and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment. As evidenced by the stormwater management plans, the proposed development –

- will not impact the water table;
- protects the quality or quantity of ground water;
- represents a reduction in drained hardstand area and
- involves the installation of erosion and sediment control measures through the demolition, excavation and construction phases.

Through the adoption of the above recommendations, it is considered that the proposed development will have no more than a neutral effect on the quality of water entering the Sydney Harbour Catchment. The proposed development is therefore consistent with the relevant requirements of section 6.6 and 6.7 of the Biodiversity and Conservation SEPP.

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

#### Permissibility and Zone Objectives

The subject site located within an R2 'Low Density Residential' zone under Ku-ring-gai Local Environmental Plan (KLEP) 2015. The proposed development is for the purpose of a dwelling house and is a permissible form of development within the zone.

The objectives of the R2 zone are as follows:

- *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 consistent with the objectives of the zone:

- The development is for alterations and additions to an existing outdated residential dwelling, and to improve the dwelling to meet contemporary household lifestyles and visual aesthetics, and which provides for the housing needs of the community within a low density residential environment.
- The second objective is not relevant to subject application.
- The proposed alterations and additions to the existing dwelling house is compatible with the environmental and built character of Ku-ring-gai. The dwelling complies with the principal development standards and does not adversely impact significant vegetation. The dwelling has

been designed in response to the site's topography, and is generally consistent with the suite of built form controls.




Figure 11 Zoning Map Extract. Subject site identified in yellow outline. **Source:** planningportal.nsw.gov.au

### Clause 2.7 – Demolition requires demolition consent

Consent is sought for the partial demolition of the existing dwelling and associated structures.

### Clause 4.3 – Height of Buildings

The KLEP 2015 prescribes a maximum building height of 9.5m. A maximum building height of 9.34m (RL157.200 – RL147.860) is proposed, and complies with the development standard. It is noted that existing ground floor finished floor level is retained as existing.

It is further noted that the existing dwelling presently has a building height of 11.21m (RL159.070 – RL147.86m). The existing height contravention was due to the steep roof pitch of 60° to the rear. A flat roof is proposed as part of the alterations and additional, which will result in a development that complies with Clause 4.3 of the KLEP 2015 and produce an improved outcome for the streetscape.




Figure 12 Height of Buildings Map Extract. Subject site identified in yellow outline. **Source:** planningportal.nsw.gov.au

### Clause 4.4 – Floor Space Ratio

The Ku-ring-gai LEP 2015 map prescribes a maximum floor space ratio (FSR) of 0.3:1. However, Clause 4.4(2A) specifies that the FSR for a building on land in Zone R2 Low Density Residential, and is more than 800 square metres but not more than 1,000 square metres must not exceed the ratio produced by from the following formula:

*((120 + (0.25 × site area)) / site area):1*
*((120 + (0.25 × 935.8)) / 935.8):1*
*= maximum permissible FSR 0.378:1*
*= maximum permissible GFA of 353.95m²*

The existing dwelling has a gross floor area (GFA) is 419m² which represents a FSR of 0.448:1.

The dwelling as proposed, comprises of a reduction in GFA as shown in the table below:

**Table 3: Change in Gross Floor Area**

| Floor | Existing GFA | Proposed GFA | Change |
|---|---|---|---|
| Lower Ground Floor | 134m² | 134m² | *Unchanged* |
| Ground Floor | 162m² | 158m² | *Reduced by 4m²* |
| First Floor | 123m² | 115m² | *Reduced by 8m²* |
| Total | 419m² | 407m² | *Reduced by 12m²* |

The following exclusions are applied to the GFA:

- Existing dual garage in accordance with part (g) of the definition.
- The proposed entry void in accordance with part (j) of the definition.
- The staircase voids, and family room void in accordance with part (j) of the definition.

The proposal results in a total GFA of 407m$^2$ and a FSR of 0.435:1. The proposed GFA would therefore represent an 14.98% variation to the development standard.

While the development results in a numerical contravention, it is important to note that the proposal results in an overall reduction of GFA. Accordingly, the development will not generate any adverse environmental, amenity or bulk and scale impacts typically associated with a non-compliance. On the contrary, the proposed reduction in GFA provides a more proportionate built form outcome that better integrates with the site and surrounding context. As such, strict compliance with the FSR standard would be unreasonable in this case, as the proposal delivers an improved planning outcome despite the numerical variation.

A Clause 4.6 variation written request has been prepared and submitted with this application.




Figure 13 Floor Space Ratio Map Extract. Subject site identified in yellow outline. **Source:** planningportal.nsw.gov.au

### Clause 6.1– Acid Sulfate Soils

The site is mapped as being subject to Acid Sulfate Soil Class 5. The proposed works do not disturb any soil, and do not involve
any earthworks. The site is also located in excess of 500m from the nearest Class 1 land at Gowan Creek The proposal is unlikely to lower the water table. The proposal is therefore consistent with the objective of the clause ensuring the development does not disturb, expose, or drain acid sulfate soils and cause environmental damage.




Figure 14 Acid Sulfate Soil Map Extract. Site identified in yellow outline. **Source:** planningportal.nsw.gov.au

### Clause 6.2 - Earthworks

The proposed development does not include any earthworks to the subject site, or adjoining sites.

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. Additionally, the fill to be removed will be disposed of appropriately.

### 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 proposal is accompanied by a stormwater plan prepared by KHH Consulting Engineers. The proposal includes the installation of a new pipeline to connect into the existing stormwater pipe. The existing management system is largely retained.

The proposed development has been designed to manage urban stormwater run-off as per the requirements of the KLEP 2015.

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

Part 1A.5 General Aims of the DCP

The provisions of KDCP have been considered in this assessment and it is concluded that the proposal is consistent with the aims and objectives of KDCP. A full assessment of the proposal under KDCP is illustrated in the compliance table provided in **Attachment A**.

Sections of the KDCP relevant to the proposal include:

- Section A
  - Part 2 – Site Analysis
  - Part 4 – Dwelling Houses
- Section B
  - Part 15 – Land Contamination
  - Part 16 – Bushfire Risk
- Section C
  - Part 21 – General Site Design
  - Part 22 – General Access and Parking
  - Part 23 – General Building Design and Sustainability
  - Part 24 – Water Management
  - Part 25 – Waste Management

Where strict compliance has not been achieved, in accordance with Section 4.15 (3A) (b) of the Act, flexibility has been sought to allow a reasonable alternative that achieves the objects the standard.

## 4.3 Planning agreements - Section 4.15(1)(a)(iii)

No planning agreement applies to the subject site.

## 4.4 The Regulations - Section 4.15(1)(a)(iv)

Section 4.15(a)(iv) of the Act requires a consent authority to consider the Regulations, to the extent that they prescribe matters for the purposes of that paragraph (i.e., paragraph (v)). There are no provisions within clauses 61 – 66 of the Regulations that would be expected to be of relevance to the proposal, other than a requirement for demolition works to be carried out in accordance with Australian Standard AS 2601—2001: *The Demolition of Structures*. This can be addressed via a condition of consent.

## 4.5 Likely impacts of the development – Section 4.15(1)(b)

The likely environmental impacts of the proposed development have been assessed comprehensively throughout the preceding sections of this report. Further discussions are provided below relating to specific matters in regard to likely impacts of the development:

### 4.5.1 Natural Environment

It is anticipated that any natural environmental impacts that may result from the development that have not already been addressed in this SEE would be the result of the construction process. Likely impacts such as dust, noise, vibration, and soil run-off can be satisfactorily mitigated against with appropriate conditions of consent and the implementation of the Waste Management Plan.

#### Tree Removal

The project will require the removal of five (5) trees for the purposes of establishing non-climbable zones for the swimming pool.

### 4.5.2 Build Environment

#### Number of Storeys

The proposed dwelling will reduce the overall bulk and scale of the existing built form due change from a significantly pitched roof, to a flat roof which allows the building to comply with the maximum height development standard. The overall design is therefore improved, and compatible with the established character of the surrounding neighbourhood. The proposal maintains a two--storey built form from the streetscape, which is consistent with the scale and bulk of nearby dwellings and appropriate given the site's context and topography. The articulation of the built form, combined with the use of a varied material palette and landscaping, ensures that the dwelling presents as a well-proportioned and sympathetic addition to the streetscape. Accordingly, the proposal achieves a balance between accommodating the functional needs of the occupants while respecting and reinforcing the character of the locality.

#### Streetscape and Character

In terms of maintaining the integrity of the existing streetscape, consideration has been given to the Land and Environment Court in *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191* outlines compatibility of a development with surrounding context. Development should be capable of existing together in harmony with surrounding development. The planning principle indicates:

Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. To test whether a proposal is compatible with its context, two questions should be asked.

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it?*

Consideration is given to the development's compatibility with the existing character and future development. The most important contributor to urban character is the relationship of built form to surrounding space. The essential elements that make up the character of the surrounding urban environment is created by building height, setbacks, and landscaping.

There is no predominant architectural style in the local area given the variety of housing forms and the site not being located within a Heritage Conservation Area. However, the controls seek to provide a two-storey scale. Consideration has therefore been given to the building height, number of storeys, setbacks, and landscaping.

*Building Height*

All development within the R2 Low Density Residential Zone within surrounding properties is subject to a building height of 9.5m in accordance with Clause 4.3 of KLEP 2015. The proposed dwelling has a maximum height of 9.34m and satisfies the 9.5m building height development standard. Further consideration of the building height in the context of existing surrounding development is detailed in Table 4 below.

*Number of Storeys*

The number of storeys is considered in the context of the permitted height of the dwelling and existing built form and how it is perceived from the streetscape. The proposed alterations and additions will not adversely impact the established streetscape or neighbourhood character. The streetscape slopes significantly from south to north, resulting in dwellings to the south being elevated higher despite their three-storey scale. In this context, the proposed part two storey form is consistent with the scale and bulk of existing development and responds appropriately to the site's topography. The proposed façade upgrades do not disrupt the prevailing character of the area, and the dwelling remains well integrated within its setting while respecting the rhythm and form of surrounding low density residential development. As such, the design appropriately responds to the constraints of the lot, maintaining two-storey form that is proportionate to the site and consistent with the residential character of the locality.

*Existing Setbacks*

Although the proposed development does not comply with the prescribed setback controls, the non-compliant setbacks are existing and remain unchanged as part of this proposal. The modifications primarily involve a change in the roof form from a steep 60° roof pitch at the rear to a flat roof, and a reduction in the overall building height from 11.21m to 9.34m. These changes substantially reduce the bulk and scale of the building, resulting in a more proportionate and visually recessive form. The reduced height and simplified roofline provide a positive contribution to the streetscape by lessening visual dominance and improving compatibility with the surrounding built form.

*Landscaping*

The provided landscape is consistent with the existing landscape character and the desired landscaping required by KDCP.

The proposed development is compatible with the character of the surrounding low-density residential area. It adheres to the building height standard of 9.5m and presents a two-storey appearance consistent with the streetscape. The design incorporates generous setbacks, exceeding the minimum requirements, and retains significant vegetation, contributing to the desired landscape setting. The development harmoniously integrates with the existing built form and landscaping, ensuring no undue

physical or visual impacts on neighbouring properties. Its scale and features are reasonable, particularly considering potential future development in the area.

*Social Impacts*

The proposal is unlikely to result in any adverse social impacts. Whilst there may some minor changes to the amenity of neighbouring properties due to increased overshadowing and the subject dwelling. However, these impacts are not considered significant and can be mitigated through design features and landscaping.

*Economic Impacts*

The construction of a renewed, modern dwelling may have a positive impact on surrounding property values. The project will create temporary employment opportunities during the construction phase.

The proposed development is anticipated to have generally minor environmental impacts. Any potential adverse impacts can be effectively managed through appropriate conditions of consent. The project is considered to be in the public interest due to its provision of additional housing and its positive contribution to the streetscape.

These impacts are generally minor in nature and have been determined to be consistent with the relevant planning controls which apply to the development. Overall, the proposal is considered acceptable with regards to environmental impacts.

## 4.1 Suitability of the Site – Section 4.15(1)(c)

The proposed development for alterations and additions to an existing residential use, is permissible with consent in the R2 'Low Density Residential' zone. As detailed in this SEE, the proposed development is consistent with the objectives of the zone and complies with the objectives and controls within the *KLEP 2015* and *KDCP 2024*. Given the above, the site is considered suitable for the proposed development.

## 4.2 Submissions – Section 4.15(1)(d)

Any public submissions received in response to the development proposal are required to be considered in light of Section 4.15 of the Act, having regard to:

- The stated and underlying objectives of the relevant planning controls.
- The specific merits and circumstances that apply to the proposed development and the site.
- The acceptable nature of the likely impacts of the proposal.
- The suitability of the site in accommodating the proposed development; and,
- The acceptable nature of the proposal when considering the wider public interest.

## 4.3 Public Interest – Section 4.15(1)(e)

The proposal is permissible with consent under the R2 Low Density Residential zoning of the site. The proposal is not anticipated to have any significant adverse impact upon neighbouring properties or the streetscape. The proposed design is sympathetic to surrounding development with the vertically proportioned openings, new roof, and high-quality finishes and materials consistent with the streetscape character.

The proposed development will provide a positive and improved contribution to the streetscape of Athena Avenue. The development is compatible with the scale and pattern of development in the area. For these reasons approval of the development is not contrary to the public interest.

# 5.0 Conclusion

The proposed development has been assessed against the provisions of Section 4.15 of the Act. On balance, the development is satisfactory and warrants development consent, having regard to the following matters:

- The proposal is consistent with the relevant aims and objectives of KLEP 2015.
- The proposal is generally consistent with relevant development controls and requirements within KDCP. Where non-compliances with the controls have been identified, the proposal has been demonstrated to satisfy the objectives of the control.
- The proposal does not result in undue impacts to significant vegetation within the vicinity of the site.
- There are no matters that warrant refusal of the proposal on the grounds of it being contrary to the public interest.

Accordingly, it is recommended that Ku-ring-gai Council support and approve this development application.

# 6.0 Attachment A – Compliance Table

| Table 1: Compliance against Ku-ring-gai Development Control Plan | | |
|---|---|---|
| Development Control | Proposed | Complies |
| **SECTION A** | | |
| **Part 2 – Site Analysis** | | |
| **Part 2 Site Analysis** | | |
| Development applications are to contain a site analysis | A site analysis is provided on drawing P101-02. | Yes |
| **Part 4 –Dwelling House** | | |
| **4A – Site Design** | | |
| **4A.1 Local Character and Streetscape** | | |
| Visual Character | The proposed alterations and additions retain the existing building setbacks and | Yes |

| Table 1: Compliance against Ku-ring-gai Development Control Plan | | |
|---|---|---|
| Development Control | Proposed | Complies |
| Design components of new development are to be based on the existing predominant and high-quality visual character of the local neighbourhood. | lowers the height plane to provide a building envelope that is compatible with the surrounding low-density neighbourhood. The proposed development sensitively responds to the natural features and topography of the site, and preserves significant vegetation.<br><br>The proposed dwelling façade will ensure a revitalised, contemporary design that will contribute positively to the visual character of the area. | |
| The appearance of the dwelling is to maintain the local visual character by considering the following elements:<br>i) Visibility of on-site development when viewed from the street, public reserves, and adjacent properties; and<br>ii) Relationship to the scale, layout and character of the tree dominated streetscape of Ku-ring-gai. | The proposed dwelling has been designed with consideration of the local visual character. It will be compatible with existing visual character which comprises a mix of part-two-storey-part-three-storey dwellings along Athena Avenue, as well as surrounding streets in the immediate locality. The front setback will comprise existing, mature canopy trees and achieves the desired landscape setting of development when viewed from public space. Furthermore, the mature vegetation in the front setback will also partially screen the dwelling from Athena Avenue. | Yes |
| The prominent and high-quality characteristics of the neighbourhood are to be identified and considered as part of the site analysis. | Sufficient information regarding the site and context is provided. | Yes |
| Public Domain and Communal Space<br>Development is to integrate with surrounding sites by:<br>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;<br>ii) Minimising overshadowing;<br>iii) Integrating built form and soft landscaping (gardens/trees) within the tree canopy that links the public and private domain throughout Ku-ring-gai. | The development's height and scale are consistent with existing dwellings, particularly when considering the sloping topography from the street boundary in a north-westerly slope. Furthermore, the building's massing and scale remains within the existing building envelope to minimise solar access impacts and harmoniously integrate with the local tree canopy. | Yes |

| Table 1: Compliance against Ku-ring-gai Development Control Plan | | |
|---|---|---|
| Development Control | Proposed | Complies |
| Visually Prominent Sites<br>Development on visually prominent sites is to:<br>i) Be integrated into the existing landscape through the site planning process and avoid tall and bulky structures;<br>ii) Have a selection of external colours and finishes that are sensitive to the site and locality;<br>iii) Retain significant landscape and vegetation elements;<br>iv) Consider views to the site as well as those from the site; and<br>v) Soften visual impact by extensive landscaping including larger trees and shrubs. | The site is not visually prominent. | N/A |
| 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 area. | The site is in close proximity to bushland area. The colours and materials are in harmony with the built and natural landscape elements of the area. | Yes |
| **4A.2 – Building Setbacks** | | |
| Building Line (Front Setback)<br>The location of development on the site is to demonstrate its consideration of:<br>The existing setback of adjoining properties;<br>The setback pattern of its street block; and<br>Council's minimum and average setback requirements. | The existing building line (wall) is retained as existing | Yes |
| Two-storeys:<br>Low side – Min. 9m / average 11m | Noting that the front boundary is a curved chord, the dwelling front setback is presented as a range. The existing setbacks are retained under this development application.<br><br>The existing ground floor is setback approximately 12.24m–12.72m and the first floor is setback approximately 12.21m – 12.56m. | N/A |
| Buildings are to be located so that at least 75% of the front elevation of the building is set back not less than the specified average setbacks, and the balance of the building frontage (not more than 25%) may be located up to the minimum setback. | The entry porch and front facing balcony extends across the entirety of the front elevation and is within the 11m front setback requirement. However, it is noted that the porch and balcony is retained as existing, and therefore no further exacerbation of the front setback is proposed. | No |

| Table 1: Compliance against Ku-ring-gai Development Control Plan | | |
|---|---|---|
| Development Control | Proposed | Complies |
| | All parts of the building are setback more than 9m. | Yes |
| Building Line (Rear Setbacks)<br>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 average site depth is 42.42m, and 25% is 10.60m.<br><br>The rear façade is setback 13.85m – 15.92m. It is noted that the rear setbacks remain unchanged from the existing building envelope and are considered to be appropriate and does not exacerbate the building bulk and scale. | Yes |
| Building Line (Side Setbacks)<br><20m site width:<br>Single storey elements – 1.5m<br>Two-storey – 2m | The site has a width of 19.89m.<br><br>West: 1m (garage)<br>East: 1.5m (2-storey dwelling)<br><br>The proposed development retains all existing side walls and setbacks. The development does not propose to increase the building wall height and therefore the existing side setbacks do not increase any overshadowing or result in an unreasonable privacy impacts to the neighbouring development. | <br><br>No<br>No |
| 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. | The development consists of existing landscaping along both side boundaries, consisting of steppingstones, lawn, shrubbery, and hedges, with pedestrian access available along both boundaries. | Yes |
| **4A.3 Built-Upon Area (BUA)** | | |
| Max. 54% BUA for a two-storey development on a site area of 935.8m$^2$ (505.332m$^2$). | The proposal results in a BUA of 515m$^2$ (55.03%). | No (see below) |
| for alterations and additions, on sites where the existing BUA is greater than that listed above, the maximum BUA is the existing BUA, however, a reduction in BUA is desirable. | The existing development has a BUA of 550m$^2$. The proposed development seeks to reduce the BUA by 35m$^2$ to 515m$^2$ which is a 6.36% decrease.<br><br>The proposed development therefore represents a 1.91% contravention of the development control. Given the | Yes |

| Table 1: Compliance against Ku-ring-gai Development Control Plan | | |
|---|---|---|
| Development Control | Proposed | Complies |
| | reduction in BUA and the minor variation to the development control, the proposed development is regarded as compatible and appropriate for the site. | |
| The proposal is to include a reasonable provision of built elements, normally associated with a residential property, such as pathways, and show consideration of these elements at an early stage of the design process. | Reasonable provision of built elements provided and included in the calculation. | Yes |
| Max. 30% (74.07m$^2$) BUA for the front setback. | Approximately 67.10m$^2$ BUA is located within the front setback, which represents 27.6% of the front setback. | Yes |
| **4A.4 Landscaping** | | |
| Tree Retention<br>Landscape proposals are to retain existing trees, where possible. This may be achieved by:<br>i) Minimising changes to existing ground levels within Tree Protection Zones (TPZ);<br>ii) Confining building works where appropriate to pre-existing building footprints. | The proposal seeks to remove four trees located within the front setback of the property. Consent for their removal is not required as the site is situated within a designated 10/50 Vegetation Clearing Scheme area. Under this scheme, landowners are permitted to clear trees within 10 metres of a dwelling house without the need for formal approval. As all four trees proposed for removal are located within 10 metres of the existing dwelling, the works are permissible under the 10/50 provisions. Accordingly, the removal of the trees does not constitute a non-compliance with Council's planning controls, and the proposal remains consistent with the applicable legislative framework.<br><br>The significant trees within the site are protected and will be retained. | Yes |
| Tree Replenishment and Planting<br>850m$^2$ to 1,000m$^2$ – 5 Trees | The landscape plan demonstrates provision of two trees to be accommodated on site. This is to supplement the existing trees to be retained at the rear of the site which satisfies the requirement for five trees. | Yes |

| Table 1: Compliance against Ku-ring-gai Development Control Plan | | |
|---|---|---|
| Development Control | Proposed | Complies |
| Landscaping is to include tall trees, small trees, shrubs, and ground covers. | The Landscape Plan includes provision of a mix of tall/small trees, shrubs, and ground cover across the site. | Yes |
| 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 landscaping detailed by the landscape plan reflects the landscape character of the area including the scale and style of planting. | Yes |
| **4B Access and Parking** | | |
| **4B.1 Vehicle Access** | | |
| Vehicular Access<br>Where possible, driveways must be located so that driver and pedestrian sight lines are clear. | Despite a .3m width reduction, the existing driveway will maintain pedestrian and driver sight lines and protection of significant vegetation. | Yes |
| Driveway must be designed so that vehicles may exit the property in a forward direction where:<br>i) The access is located on a major roadway; or<br>ii) The property is a battle-axe allotment; or<br>iii) Sight lines are restricted. | Not required. | N/A |
| Driveways<br>A maximum of two driveways may be provided on any property with a street frontage more than 18m. | One driveway provided near south-western corner. | Yes |
| Max. 3.5m crossing width for any driveway. | Driveway is retained as existing. | Yes |
| Location and construction of driveways are to avoid disturbance (incl. altered soil levels) to the root zones beneath the canopy trees protected by Part 13 of the DCP. | Driveway is retained as existing. | Yes |
| Driveways design in accordance with AS 2890.1 (2004) Off Street Car Parking. | Driveway is retained as existing and is compliant. | Yes |
| As per design control in Part 22.2 of the DCP:<br>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:<br>i) Change in colour or finish;<br>ii) Recessing; and/or<br>iii) Exposed brick or block work. | Existing retaining wall along the west and driveway to be retained as existing. | Yes |

| Table 1: Compliance against Ku-ring-gai Development Control Plan | | |
|---|---|---|
| Development Control | Proposed | Complies |
| | | |
| **4B.2 Car Parking Provisions** | | |
| Single occupancy dwellings are to provide two car spaces on-site | Two car parking spaces retained in a tandem arrangement, one located outside and one space is maintained within the garage. | Yes |
| The min. dimensions of a residential parking space are to be:<br>i) Carport – 2.7m x 5.4m<br>ii) Single garage – 3m x 5.4m (min. 2.4m opening)<br>iii) Double garage – 5.4m x 5.4m (min. 4.8m opening) | The single garage is 5.06m x 7.06m and is accessible by a 4.2m wide opening. | Yes |
| Internal access to car parking and the required car parking area is to be max. 31m$^2$. Car parking and access thereto exceeding the requirements of this control must be included as GFA. | The GFA of the car parking area and internal access amounts to approximately 20m$^2$ and has been excluded from GFA. | 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. | The existing garage is located behind the front building line, setback 15.22m. | Yes |
| The scale and design of carport and garage structures are:<br>i) To be sympathetic to existing development on-site;<br>ii) To consider adjacent buildings;<br>iii) To consider proximity to drainage systems;<br>iv) To be integrated into the building design;<br>v) Not to dominate the site, dwelling and landscape, or the streetscape. | The scale and design of the existing garage is consistent with these requirements. | Yes |
| The width of any carport/garage visible from the street is max. 6m (measured to the outer face) | Proposed garage door is 4.9m wide. | Yes |
| Basement garage is only permitted on sloping land where max. 1m excavation is required for driveway access. | A basement garage is not proposed. | N/A |
| **4C Building Design and Sustainability** | | |
| **4C.1 Building Envelopes** | | |

| Table 1: Compliance against Ku-ring-gai Development Control Plan | | |
|---|---|---|
| Development Control | Proposed | Complies |
| Max. height of 9.5m for a dwelling, and present as a two-storey dwelling house. | A flat roof with a maximum building height of 9.34m (RL157.200 – RL147.860) is proposed.<br>In contrast, the existing dwelling consists of a pitched roof and a building height of 11.21m (RL159.070 – RL147.86m). | Yes |
| The following matters are to be considered with regard to the potential impact on neighbouring properties and local character:<br>i) Opportunities to minimise overshadowing or living and private open space (POS) areas and solar panels;<br>ii) Opportunities to minimise overlooking of living and POS areas;<br>iii) Opportunities to minimise adverse impacts on any significant bushland, or distant views;<br>iv) The relationship with the streetscape. | The proposed height and scale are consistent with existing dwellings, especially when considering the sloping streetscape. The development contributes positively to this overall built form and amenity of the area and has been designed to acknowledge and mitigate the impact on solar access and visual privacy of adjoining development, particularly when considering the constraints of the site. It will not affect any significant bushland or distant views. | Yes |
| Development is to avoid the creation of an overbearing effect upon adjoining development by:<br>i) Ensuring appropriate side setbacks and landscaping are incorporated into the design;<br>ii) Ensuring all built structures are within the building height plane (4m at 45° to 9.5m height line);<br>iii) Relationship with the streetscape. | The proposal retains the existing side, rear, and front setbacks, and significantly reduces the building height and roof pitch.<br><br>The proposed development also reduces the established built upon area and, while there is existing minor non-compliance with the side setbacks, the design has been carefully considered in relation to the site's unique characteristics and surrounding context.<br><br>The proposed envelope represents a substantial reduction in bulk compared to the existing dwelling. The current building contravenes the plane by 4.37m (RL 154.70 – 159.07). The proposed development reduces this primary breach to 2.5m (RL 154.70 – 157.20). This constitutes a material reduction in the visible bulk presented to the eastern neighbour. | No |

| Table 1: Compliance against Ku-ring-gai Development Control Plan | | |
|---|---|---|
| Development Control | Proposed | Complies |
| | The upper range of the contravention (4.71m) is a localised anomaly derived from the retention of existing ground levels, specifically the external staircase providing access to the rear yard. This specific numerical spike is a product of the steep drop in existing ground level rather than an excessive wall height or building scale.<br><br>The articulation of the façade and the reduction in overall height compared to the existing roof form results in a built form that is less dominant than the current structure.<br><br>The reduction in the extent of the breach ensures that solar access and visual privacy for the eastern neighbour are improved or maintained relative to the existing condition.<br><br>Additionally, mature vegetation at the front and rear of the site is preserved, which further helps mitigate any visual impact from the surrounding area. This not only enhances privacy but also reinforces the natural character of the site, contributing to the broader streetscape and neighbourhood. | |
| **4C.2 Building Facades** | | |
| Extensive blank or unarticulated walls to street frontages will not be permitted. | A blank or unarticulated street elevation is not proposed. | Yes |
| All external facades are to be articulated to reduce the apparent building mass and present a human scale. | All external facades are adequately articulated. | Yes |
| The maximum length for an unrelieved wall is 12m. | The development does not consist of unrelieved walls of more than 12m | Yes |
| Where walls exceed 4m in height, the maximum length for an unrelieved wall is 8m. | Eastern Side Elevation<br>9.55m long and height 5.9m<br><br>The proposed alterations and additions do not alter the side building profiles and therefore the existing side wall elevations are retained. It is also noted | No |

| Table 1: Compliance against Ku-ring-gai Development Control Plan | | |
|---|---|---|
| Development Control | Proposed | Complies |
| | that the configuration of the new east-facing windows is designed to be similar in size, and in the same location as existing windows to maintain appropriate visual and acoustic privacy between the subject development and the adjoining dwelling at no. 73 Athena Avenue. | |
| Side elevations are to avoid unrelieved walls. This may be achieved by:<br>i) Dividing walls into sections, bays, or modules;<br>ii) Separating wall sections with recesses or courtyards. | Side elevations incorporate sections to avoid unrelieved walls. | Yes |
| Alterations and additions to an existing dwelling are to be:<br>i) designed so that they are integrated into the existing building;<br>ii) result in the new and old structures appearing as one building from the street. This may be achieved through the choice of materials, detailing, building proportion and configuration. | The proposed alterations and additions have been designed to result in a building that has a uniform appearance. | Yes |
| Building design is to integrate soft landscaping and natural site features and make provision for tall shrub plantings. | The proposed landscape design integrates the soft landscaping and natural site features which include trees and shrubs plantings. | Yes |
| **4C.3 First Floor Design and Roof Forms** | | |
| First Floor Design<br>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 first floor is setback 1.55m – 2.6m from the eastern side boundary and is setback 6.4m from the western side boundary. These varied setbacks avoid larger vertical wall surfaces, and are stepped back from the lower built form to ensure the development does not have an overbearing bulk/scale impact on neighbouring dwellings. | Yes |
| The placement of windows in first floor walls facing side boundaries are to respect the privacy of neighbouring properties. | Eastern Elevation:<br>The eastern elevation window is associated with a walk-in wardrobe. The walk-in wardrobe window does not have direct sightlines to the neighbouring development at no.73 Athena Avenue. It is also noted that the subject window associated with the | Yes |

| Table 1: Compliance against Ku-ring-gai Development Control Plan | | |
|---|---|---|
| Development Control | Proposed | Complies |
| | walk-in wardrobe is located where existing window is, and is of similar size and configuration.<br><br>Western Elevation<br>The western elevation window is associated with a bathroom. The bathroom window has a lintel height of 1.5m and is setback 6.4m from the western side boundary. As such, the window will not compromise the visual and acoustic privacy of the neighbouring development at no. 69 Athena Avenue.<br><br>Northern Elevation<br>The rear glazed doors associated with the Master Bedroom, Bedroom 2, and Bedroom 3. The Master Bedroom glazed door has an 18.95m separation distance from the rear boundary and does not face the side boundaries. The glazed doors associated with Bedrooms 2 and 3 have a separation distance of 19.10m from the rear boundary, and also do not face the side boundaries. It is also noted that significant, mature vegetation is retained along the rear boundary to maintain appropriate screening of the development. As such, these glazed doors will not compromise the visual and acoustic privacy of neighbouring developments to the rear. | |
| Roof Line<br>Roof structures are to be designed to minimise bulk and overshadowing of neighbouring buildings and open spaces by:<br>i) Considered selection of material, colour and pitch;<br>ii) Use of low-angled pitched roofs providing that they are compatible with existing development and the streetscape character; or<br>iii) Inclusion of habitable rooms within the roof space. | The proposed flat, light grey Colorbond Klip Lok roof is appropriate as it minimises the bulk of the development and impacts on neighbouring properties. | Yes |
| Clerestory Windows and Skylights | Clerestory windows and skylights are not proposed. | Yes |

| Table 1: Compliance against Ku-ring-gai Development Control Plan | | |
|---|---|---|
| Development Control | Proposed | Complies |
| The location, size, configuration and layout of clerestory windows and skylights must be sympathetic to the overall design of the dwelling and the streetscape. | | |
| **4C.4 Private Open Space (POS)** | | |
| Min. one area of useable POS which has min. depth of 5m and min. area of $50^2$ provided. | The site accommodates a useable POS which includes external decking, a swimming pool and adjoins the rear open lawn area. | Yes |
| Landscape areas are to provide functional outdoor areas that:<br>i) Are useable and relate well to indoor living areas;<br>ii) Have a character that is consistent with or enhances the landscape character of the area;<br>iii) Are located in consideration of noise, temperature, shade and screening;<br>iv) Are not dominated by adjoining development (in terms of overshadowing and overlooking). | The landscaped areas are functional, appropriately located with respect to indoor living areas, reflect the character of the locality and are not dominated by adjoining development. | Yes |
| POS is to constitute min. one north facing area providing adequate solar access. | The primary POS at the rear has a northern aspect and receives adequate sunlight. | 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:<br>i) Consideration of siting and orientation of buildings;<br>ii) Use of setbacks which increase with building heights;<br>iii) Landscape design and location of vegetation including deciduous or tall trees;<br>iv) Consideration of window locations and size. | Solar access to the subject and neighbouring sites is preserved through the proposal's north to south orientation, retained side setbacks and building siting, which minimises overshadowing impacts. | Yes |
| A building is to be designed and sited to maintain solar access to adjoining properties of at least four 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. | Shadow diagrams confirm that the adjoining property to the west at 73 Athena Avenue maintains 4 hours of solar access to their north-facing windows, living areas, and principal private open space between 11am and 3pm on 21st June. The adjoining property to the east at 69 Athena Avenue, maintains 4 hours of solar access to their north-facing windows, living areas, and principal private open space between 9am and 1pm on 21st | Yes |

| Table 1: Compliance against Ku-ring-gai Development Control Plan | | |
|---|---|---|
| Development Control | Proposed | Complies |
| | June. | |
| Where shadows cast by existing buildings preclude satisfying the above requirements, sunlight during the winter solstice (21st June) should not be reduced by more than 20%. | Not proposed | N/A |
| Dwelling design and orientation are to provide at least 4 hours between 9am and 3pm on 21st June to north facing windows and all living areas (family rooms, rumpus, lounge, and kitchen) and the principal private open space including swimming pools and patios, to the proposed dwelling. | The proposal is designed to receive 4 hours of direct sunlight to its north-facing living areas and principal private open space (including the swimming pool) between 9am and 3pm on 21st June.<br>] | Yes |
| Development is to consider the use of sun protection devices that preserve internal amenity. These can include window shades and awnings, roof and eave overhangs, use of pergolas and landscaping for shading of openings. | Eave overhangs, awnings, and landscaping preserves internal amenity. Building and glazing finishes have been proposed in accordance with the BASIX Certificate. | Yes |
| Professionally prepared Shadow Diagrams must accompany all applications for new dwellings. | Hourly interval shadow diagrams have been prepared to assist in demonstrating the specific amount of solar access presently received and achieved because of the development. | Yes |
| **4C.6 Natural Ventilation** | | |
| Building design is to incorporate measures for natural cross ventilation. | The proposal achieves natural cross ventilation by providing openings on opposite walls, providing an open-plan design, and including doors for sectioning off rooms. | Yes |
| **4C.9 Waste Management** | | |
| During the design of the development, construction waste is to be minimised by:<br>i) using recycled materials, selecting materials that reduce waste or do not require disposal, or can be reused or recycled in the future.<br>ii) designing with minimal site disturbance by avoiding unnecessary excavation or fill.<br>iii) | The waste management plan minimises construction waste and unnecessary excavation or fill has been avoided. | 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. | The waste storage area has been detailed on the Architectural Plans. The waste storage area is as existing, and is located behind the building line. | Yes |

| Table 1: Compliance against Ku-ring-gai Development Control Plan | | |
|---|---|---|
| Development Control | Proposed | Complies |
| An area is to be nominated for on-site composting. | Sufficient area on-site to accommodate composting. | Yes |
| **4C.10 Materials and Finishes** | | |
| External walls must be constructed of high quality and durable materials and finishes. | External walls utilise high quality and durable materials and finishes. A schedule of materials and finishes is provided within the submitted Architectural Plans. | Yes |
| Large, unbroken expanses of any single material and finish (rendered or not) to building facades must be avoided. | The proposal does not include large expanses of unbroken single materials. | Yes |
| New development is to avoid extensive use of highly reflective or gloss materials on the exterior of buildings. | Highly reflective and gloss materials are not proposed. | Yes |
| The exterior finish material (e.g., sandstone or brick) must be integral to the overall building façade design and must not appear to be cosmetic. | The exterior finish is integral to the façade design and does not appear cosmetic. | 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. | A Schedule of Materials and Finishes has been provided with the Architectural Plans. The exterior finish is integral to the façade design and does not appear cosmetic<br><br>The base colour is light in tone being natural white. The proposal uses highlight colours and articulating materials including Bribie organic stone wall cladding, vertical timber looking battens and black aluminium framing. | Yes |
| Natural earth tones are to be used on building facades in close proximity to bushland. | Natural earth tones have been selected. | Yes |

## DCP Section B, Part 15 Land Contamination

As noted above, in the consideration of the proposal against the provisions of SEPP Resilience and Hazards 2021, the site is not considered to be used for any contaminated purpose and as such, no further investigation is warranted. Therefore, the development is also taken to be consistent with the matters for consideration set out under this Part of the DCP.

## DCP Section B, Part 16 – Bushfire Risk

The site is mapped as bush fire prone land.

In accordance with the provisions of Section 4.14 of the Environmental Planning and Assessment Act (EPAA) 1979, the application is accompanied by a Bushfire Certificate prepared by Bushfire Consulting Services Pty Ltd, who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment (BPAD46966). The Bushfire Certificate confirms the development conforms to the relevant specifications and requirements. The building is subject to a Bushfire Attack Level (BAL) of BAL19, except for the southern elevation which is subject to BAL12.5.

The development does not rely upon alternative solutions and satisfies the Planning for Bushfire Protection 2019. The Bushfire Risk Assessment states that the development conforms to the relevant specifications and requirements. As such, the application does not require a referral to Rural Fire Services.

## DCP Section B, Part 18 – Biodiversity

The proposal = seeks to remove four trees located within the front setback of the property. Consent for their removal is not required as the site is situated within a designated 10/50 Vegetation Clearing Scheme area. Under this scheme, landowners are permitted to clear trees within 10 metres of a dwelling house without the need for formal approval. As all four trees proposed for removal are located within 10 metres of the existing dwelling, the works are permissible under the 10/50 provisions. Accordingly, the removal of the trees does not constitute a non-compliance with Council's planning controls.

Ku-ring-gai Council's online interactive mapping demonstrates that the subject site is not mapped as part of the Ku-ring-gai Greenweb, and does not contain any mapped vegetation. The site does contain unmapped vegetation; however, the extent of the proposed alterations and additions does not impact upon the structural root zone or tree protection zones.

Given the proposal does not adversely affect any mapped trees, the proposal achieves the objectives of the control.

## DCP Section C

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

**Table 2: Compliance against Ku-ring-gai Development Control Plan – Section B**

| Development Control | Proposed | Complies |
|---|---|---|
| **Part 21 General Site Design** | | |
| **21.1 Earthworks and Slope** | | |
| Development is to be accommodated within the natural slope of the land. Level changes across | Earthworks are not proposed. | N/A |

| | | |
|---|---|---|
| the site are to be primarily resolved within the building footprint. This may be achieved by:<br>i) stepping buildings down a site; and<br>ii) locating the finished ground floor level as close to existing ground level as practicable. | | |
| Development is to minimise earthworks on steeply sloping sites. Sites with a slope in excess of 15% may require certification from a geotechnical engineer as to the stability of the slope in regard to the proposed design. | Not proposed. | N/A |
| Landscape cut or fill should not be more than 600mm above or below natural ground line. | Minor cut associated with the removal of the pedestrian path within the front setback and the .3m wide landscape strip adjacent to the western side of the driveway is proposed. | 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. | Not proposed. | N/A |
| Existing ground level is to be maintained for a distance of 2m from any boundary. | Not proposed. | N/A |
| Fill and excavation is to be avoided within sensitive environments, such as riparian lands, bushland, vegetation or natural rock outcrops. | Not proposed. | N/A |
| Retaining walls, excavated and filled areas are to be located and constructed to have no adverse impact on:<br>i) structures to be retained on the site;<br>ii) structures on adjacent public or private land;<br>iii) trees and vegetation to be retained on site or on adjoining sites. | Not proposed. | N/A |
| Excavated and filled areas are to be constructed so as not to redirect or concentrate stormwater or surface water runoff onto adjoining properties. | Not proposed. | N/A |
| The design of the proposal is to consider the impacts of altered subsurface/groundwater flows or direction on groundwater dependent ecosystems or species. | No cut or fill is proposed within the building footprint. | N/A |
| For any dwelling house development, excavation within the building footprint is not to exceed 1.0m depth relative to ground level (existing), fill | Earthworks are not proposed. | N/A |

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| is not to exceed 1m relative to ground level, with a maximum level difference across the building footprint of 2m | | |
| Retaining walls on low and medium residential density sites are not to exceed 1m in height above existing ground level. Where greater level change over the site is required, the site should be terraced. | New retaining walls are not proposed. | N/A |
| Excavation for basements and subterranean rooms are not permitted on low density single dwelling sites unless on sloping site where no more than 1m excavation is required. | Excavation for basements and subterranean rooms are not proposed | N/A |
| **21.2 Landscape Design** | | |
| Site Planning and Design | | |
| The site planning and design of developments is to:<br>i) retain and enhance indigenous vegetation, biodiversity corridors and existing natural features on the site including trees, shrubs and groundcovers, soils, rock outcrops and water features. These provide habitat, breeding sites, food and shelter for a wide variety of life forms and ecological processes that support life and define the character of the locality.<br>ii) retain significant and visually prominent trees and vegetation that contributes to neighbourhood character;<br>iii) Retain habitat within the site including:<br>• drainage features and damp areas;<br>• rock outcrops<br>• hollow-bearing trees;<br>• areas of leaf litter;<br>• bushrock. | Existing significant mature vegetation have been retained to ensure that the development continues to complement its natural setting, and to ensure ecological processes and biodiversity values are not unduly compromised. | Yes |
| Landscape design is to demonstrate consideration of:<br>i) the proximity of trees to buildings, walls and other structures on site and on adjoining sites;<br>ii) the proximity of trees to stormwater, electricity, gas, sewer and other services; and<br>iii) the potential hazard of planting types and densities on sites prone to bushfire risk (refer to Planning for Bushfire Protection 2019). | The proposed landscape design considers the proximity of planting to structures and services, and has been prepared in accordance with the recommendations provided by the bushfire consultant. | Yes |

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| The retention of existing appropriate screen planting is encouraged. | Existing screen planting along front and rear boundaries are retained to ensure appropriate level of privacy is maintained. | Yes |
| Disturbance of natural soil profiles is to be minimised. | Minimal disturbance of natural soil profiles is proposed to accommodate the proposed landscape design which includes native shrubs and ground cover. | Yes |
| Structures (including services) are to be located outside the Tree Protection Zone of trees to be retained. This applies to street trees, trees on site and on adjoining sites. | The proposed new structures have been designed with consideration of existing trees and are located outside of the Tree Protection Zones of retained trees. | Yes |
| Existing ground level are to be maintained beneath the Tree Protection Zone of trees to be retained. | Existing ground level are maintained beneath the Tree Protection Zones of retained trees. | Yes |
| Vegetation retention is to consider the following:<br>i) healthy specimens that have a high Useful Life Expectancy are to be the first priority for retention;<br>ii) trees and vegetation within heritage items or heritage conservation areas are to be assessed in terms of heritage significance. | The trees proposed for removal are for the purposes of bushfire protection. All significant trees including trees containing high retention value are retained. | Yes |
| Planting | | |
| Artificial grass surfaces are to be avoided except in exceptional circumstances. | Artificial grass surfaces are not proposed. | Yes |
| Continuous rows of monoculture planting (consisting of one species or variety) to boundaries are to be avoided. Planting is to include a diversity of species and heights including trees shrubs and ground covers. | A range of species of various heights are proposed as part of the landscape design. Refer to submitted Landscape Plans for planting schedule. | Yes |
| Planting beds for screen planting is to be of adequate width to allow the plants to flourish. | Planting beds with sufficient widths are provided. Refer to submitted Landscape Plans for further details. | Yes |
| The use of vigorous growing and dense species such as Bamboo and Leighton Green are to be avoided. | Bamboo and Leighton Green are not proposed. The proposed planting does not use vigorous growing and dense species. Refer to submitted Landscape Plans for planting schedule. | Yes |
| The height of planting within the front setback is to allow partial views to and from the dwelling or main building and beyond; | Existing mature landscaping within the front setback is largely retained, and allows for partial views to and from the dwelling or main building and beyond | Yes |

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| Where a property boundary is within 300m from bushland at least 55% of the overall number of trees and shrubs are to be locally indigenous vegetation. Species are to reflect the relevant vegetation communities within the area. | The proposed planting species are all locally indigenous vegetation. Refer to submitted Landscape Plans for planting schedule. | Yes |
| The planting of species listed in Council's Weed Management Policy and the Greater Sydney Regional Strategic Weed Management Plan is not permitted. | Species listed in Council's Weed Management Policy and the Greater Sydney Regional Strategic Weed Management Plan have not been selected. | Yes |
| Species used for planting in or directly adjacent to areas with significant vegetation or habitat should be of local provenance | The proposed planting species are all locally indigenous vegetation. Refer to submitted Landscape Plans for planting schedule. | Yes |
| Siting and choice of planting is to consider amenity outcomes on the site such as shading and cooling. | The landscape design is mostly retained as existing within the rear setback and private open spaces. Existing trees provide adequate shading and cooling. | Yes |
| **Part 22 General Access and Parking** | | |
| Dwelling Houses – 2 spaces for single occupancy | Two spaces are provided – one within the garage, and a tandem space in front of the garage. | Yes |
| **Part 23 General Building Design and Sustainability** | | |
| **23.3 Sustainability of Building Materials** | | |
| Development proposals are to consider the following in the selection of building materials:<br>i) retain, re-use, recycle materials with:<br>• low embodied energy such as sandstone and timber; and<br>• high embodied energy such as brick and concrete.<br>ii) materials that come from renewable sources;<br>iii) materials that generate a lower environmental cost over time;<br>iv) materials with a low life cycle cost and/or high durability;<br>v) production methods with a low environmental impact;<br>vi) avoid large expanses of dark coloured materials that contribute to urban heat. | The use of light grey Colorbond metal roofing, light coloured walls, and stone cladding provides high durability, low life cycle cost, and minimal maintenance, while avoiding the need for resource-intensive replacements over time. Lightweight aluminium cladding with a timber-look finish and black aluminium-framed windows provide longevity and resistance to weathering, reducing the demand for ongoing material replacement. Rendered and painted existing brickwork retains and reuses the structural fabric of the dwelling, consistent with the objective of reducing embodied energy through the reuse of materials. Natural finishes, including limestone external cladding and cobblestone paving, draw from materials with inherent durability and low embodied energy when compared with high-energy synthetic alternatives. | Yes |

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| | The colour palette has been deliberately selected to include light and natural tones, such as light grey roofing and limestone, to avoid large expanses of dark-coloured surfaces and to minimise contribution to urban heat.<br><br>Landscaping incorporates Dichondra Silver Falls to soften the built form and complement the natural character of the site. Overall, the proposal demonstrates a material selection that prioritises durability, re-use, environmental performance, and reduced long-term impacts in accordance with Council's requirements. | |
| **23.6 Building Services** | | |
| Air conditioning units located on the roof will only be permitted where they are well screened, integrated into the building form and do not result in adverse noise impacts on neighbouring occupants. | The proposal does not include the installation of roof mounted air conditioning units. | N/A |
| **23.7 General Acoustic Privacy** | | |
| Development is to be designed to minimise the impact of external noise sources (e.g., busy roads, railways, swimming pools, heavy vehicle entries) on the internal and external spaces used by occupants. | The development is not impacted by external noise sources. | N/A |
| Buildings must be designed to minimise noise transmission by, but not limited to:<br>i) careful siting and orientation of the building.<br>ii) locating bedrooms away from both internal and external noise generators of a development, e.g., by using storage or circulation areas as a buffer | The building is designed to minimise noise transmission, with bedrooms located away from primary areas of private open space. | Yes |
| Measures such as mounding or high solid fencing will only be permitted where they are compatible with the streetscape. | The proposal does not include mounding or high solid fencing. | N/A |
| When designing and siting active open space areas (e.g., 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 to the rear of the dwelling away from noise sensitive rooms. | Yes |

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| Noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of equipment or in combination shall not be audible within any habitable room in any residential premises before 7am and after 10pm. Outside of these restricted hours noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of equipment or in combination shall not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the boundary of the nearest potentially affected neighbouring properties. The background (LA90, 15 min) level is to be determined without the source noise present. | The proposal will include new mechanical plant; and is capable of being managed through ongoing conditions requirements to minimise potential acoustic impacts have been included in the recommendation. | Yes |
| **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. | Despite a non-compliant side setback, the new windows have been designed and positioned to avoid direct or unreasonable overlooking of adjacent dwellings. The relative floor levels and window types ensure visual amenity is maintained between properties. The retention of existing landscaping, further protects privacy and minimises visual impacts. Accordingly, the proposal achieves compliance with the objective of protecting the visual privacy of both future occupants and neighbouring dwellings. | Yes |
| For low density residential development first floor decks, balconies and roof top terraces are not permitted where they unreasonably overlook or would directly overlook principal living spaces or private open space and the impact cannot be adequately mitigated. | Given the substantial setback to the rear lot boundary and existing mature vegetation, the proposed rear facing balcony does not result in the unreasonable or direct overlooking into the principal living spaces or private open spaces of adjoining dwellings. | Yes |
| Continuous transparent balustrades are not permitted to balconies or terraces for the lower 3 storeys. | The proposed continuous transparent glass balustrades to the rear-facing balconies at ground floor and first floor levels are considered appropriate in this instance and meet the objectives of the control. The balconies are orientated to the rear of the site, which provides a substantial setback of approximately 14.7m to the rear boundary. It is noted that the rear boundary consists | No |

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| | of existing mature vegetation which provide screening of the subject development.<br><br>Additionally, the first-floor terrace/balcony is as existing, and therefore there is no further added impact beyond the existing approved building.<br><br>As such, there are no visual privacy impacts to neighbouring occupants, and the proposed design maintains a high level of residential amenity for both future occupants and adjoining sites.<br><br>Further to the above, the transparent balustrades also ensure that outlook, solar access, and ventilation are not compromised, while allowing for the functional use of the balconies as principal private open space. Accordingly, the proposal achieves the intent of the control by protecting the privacy of adjoining residents, while also delivering a high standard of amenity for future occupants. | |
| **23.9 Construction, Demolition and Disposal** | | |
| Site disturbance during construction or demolition must be minimised by:<br>i) avoiding excavation beyond the building area.<br>ii) restricting machinery and vehicle movement to the building footprint and access corridor.<br>iii) locating service lines close to the building or within previously excavated areas where possible; and<br>iv) locating storage areas to areas outside the tree protection zones of trees to be retained | Earthworks are not proposed. Construction management measures will be implemented during the construction phase, as required by Council. | Yes |
| An environmental site management plan showing tree protection area, 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. | It is anticipated that Council will require the provision of sediment controls and storage of materials during construction stages. Erosion and Sediment Control Plan has been provided in the Stormwater Management Plan prepared by KHH Consulting Engineers. | 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 |

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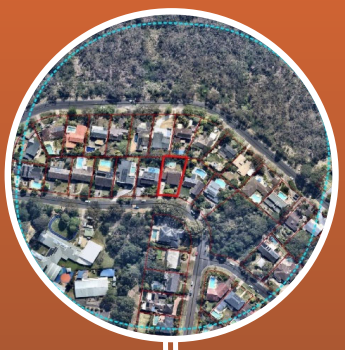
| All development applications must be accompanied by an 'Erosion and Sediment Control Plan' (ESCP) that describes the measures undertaken at development sites to minimise land disturbance and to control sediment pollution. The ESCP shall be prepared in accordance with "Managing Urban Stormwater, Soil and Construction, 2006 (Landcom)". | Erosion and Sediment Control Plan has been provided in the Stormwater Management Plan prepared by KHH Consulting Engineers. | 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. | The development is accompanied by a Stormwater Management Plan prepared by KHH Consulting Engineers and has been prepared in accordance with Council's requirements. | Yes |

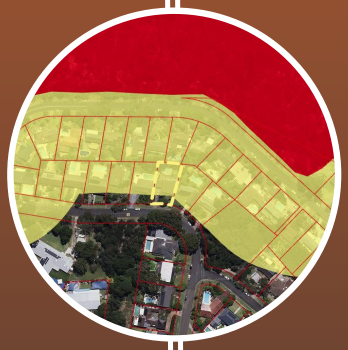
# Bushfire Assessment Report

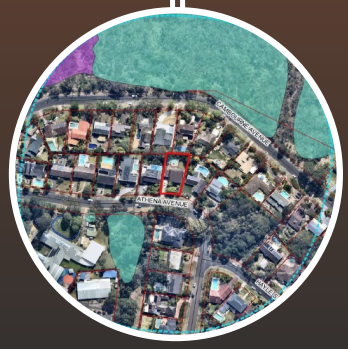
## *Proposed:*
## Alterations & additions

## *At:*
## 71 Athena Avenue, St Ives

*Reference Number:* 250428B







**27th October 2025**

*Prepared By:*
**Building Code & Bushfire Hazard Solutions Pty Limited**

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PO Box 124
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SILVER MEMBER
Fire Protection Association Australia

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- Attachments

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**Legal status:**

This report has been prepared as a submission document in support of a development application to Council and in instances may rely upon information provided by a number of external sources including Councils, State Government Agencies and it is assumed that the information provided was accurate at the time. This report cannot be relied upon for commencement of works or construction until such time as it has been endorsed or otherwise included within the consent conditions issued by Council as part of the DA determination.

S4.14 applications (under the Environmental Planning and Assessment Act 1979) and all infill development applications *may be* referred by Council to the NSW Rural Fire Service for review and concurrence during the DA process. S100B applications under the Rural Fires Act 1997 (subdivisions and Special Fire Protection Purpose Developments), Flame Zone determinations and Alternate Solutions *must be* referred by Council to the NSW Rural Fire Service for review and receipt of a Bushfire Safety Authority (BSA) or other such recommended conditions from the NSW Rural Fire Service before the consent can be granted.

The onus is on the applicant to cross reference this document with any conditions of consent issued by Council or any requirements supplied by the NSW Rural Fire Service following development approval. BCBHS can review and cross reference these documents however the onus is on the applicant to provide them to us and request this review – Building Code and Bushfire Hazard Solutions Pty. Ltd. is not in a position to track every DA through Council and we rely upon the applicant to undertake this role as project co-ordinator.

Where any discrepancy between this document and the development approval or the NSW Rural Fire Service requirements is found, the conditions of consent always take precedence until such time as an application to review, amend or vary these conditions is approved.

**Disclaimer:**

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| Version Control | | | | |
|---|---|---|---|---|
| Version | Date | Author | Reviewed by | Details |
| 1 | 8/07/2025 | Duncan Armour | Andrew Muirhead | Final Report |
| 2 | 27/10/2025 | Duncan Armour | Andrew Muirhead | Plan Update |

## List of Abbreviations:

| | |
|---|---|
| APZ | Asset Protection Zone |
| AS3959 | Australian Standard 3959 – 2018 |
| BAL | Bushfire Attack Level |
| BPMs | Bushfire Protection Measures |
| BPLM | Bushfire Prone Land Map |
| Council | Ku-ring-gai Council |
| DA | Development Application |
| ELVIS | Elevation and Depth Foundation Spatial Data |
| EP&A Act | *Environmental Planning and Assessment Act* - 1979 |
| ESD | Ecologically Sustainable Development |
| FRNSW | Fire and Rescue NSW |
| IPA | Inner Protection Area |
| NASH | National Association of Steel-framed Housing |
| NCC | National Construction Code |
| NP | National Park |
| NSP | Neighbourhood Safer Place |
| OPA | Outer Protection Area |
| PBP | *Planning for Bush Fire Protection* – 2019 |
| ROW | Right of Way |
| RF Act | *Rural Fires Act* - 1997 |
| RFS | NSW Rural Fire Service |
| SEPP | State Environmental Planning Policy |
| SFPP | Special Fire Protection Purpose |
| SWS | Static Water Supply |

## 1.0 Introduction

The development proposal relates to the alterations and additions to an existing dwelling within a residential allotment located at 71 Athena Avenue, St Ives (Lot 7 DP 238776).

The subject site has street frontage and access to Athena Avenue to the south and abuts similar private residential allotments to the north, east and west.

Properties considered to be affected by possible bushfire impact are determined from the local Bushfire Prone Land Map as prepared by Council and or the Rural Fire Service. All property development within affected areas is subject to the conditions detailed in the document 'Planning for Bush Fire Protection - 2019' (PBP).

PBP formally adopted on the 1st March 2020 provides for the protection of property and life (including fire-fighters and emergency service personnel) from bushfire impact.

Ku-ring-gai Council's Bushfire Prone Land Map identifies the subject property as containing the Vegetation Buffer. As the subject site is bushfire prone in accordance with section 4.14 of the *Environmental Planning and Assessment Act* 1979 development consent cannot be granted unless the proposal satisfies the relevant specifications and requirements of PBP.

As the application relates to the alterations and additions to an existing dwelling within residential allotment the relevant specifications and requirements under PBP are the aim and objectives detailed in Chapter 1 'Introduction' and specific objectives and bushfire protection measures detailed in Chapter 7 'Residential Infill Development' of PBP applied.

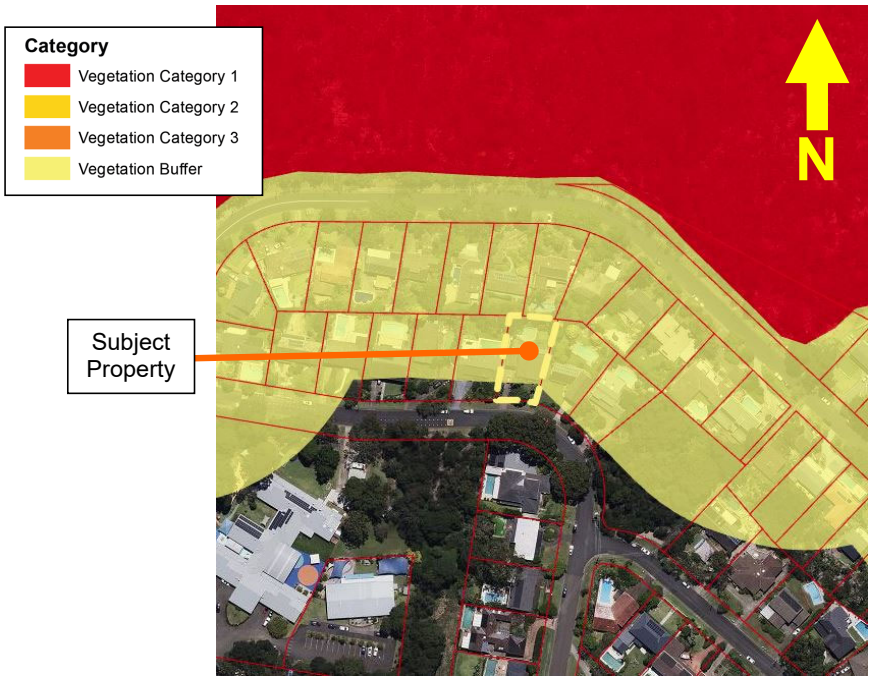



Figure 01: Extract from Ku-ring-gai Council's Bushfire Prone Land Map.

## 2.0 Legislative Requirements

The subject site is designated as Bushfire Prone Land (Figure 01).

In accordance with section 4.14 of the *Environmental Planning and Assessment Act* 1979 development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land unless the consent authority:

*(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection, or*

*(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

*(1A) If the consent authority is satisfied that the development does not conform to the relevant specifications and requirements, the consent authority may, despite subsection (1), grant consent to the carrying out of the development but only if it has consulted with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire.*

This Bushfire Assessment Report and accompanying certificate has been prepared by a person who is recognised by the NSW Rural Fire Service (RFS) as qualified in bushfire risk assessment and has been accredited by the Fire Protection Association of Australia as a Level 3 BPAD qualified practitioner.

## 3.0 Purpose of Report

The purpose of this Bushfire Assessment Report is to provide the owners and Council with an independent bushfire assessment together with appropriate recommendations for both new building construction and bushfire mitigation measures considered necessary having regard to construction within a designated 'bushfire prone' area.

The recommendations contained within this report may assist in forming the basis of any specific construction conditions and/or bushfire mitigation measures that Council and/or the NSW Rural Fire Service may elect to place within any consent conditions issued for the subject Development Application.

## 4.0 Scope of this Report

The scope of this report is limited to providing a bushfire assessment and recommendations for the subject property. Where reference has been made to the surrounding lands, this report does not purport to directly assess those lands; rather it may discuss bushfire impact and/or progression through those lands and possible bushfire impact to the subject property.

## 5.0 Compliance Tables & Notes

The following table sets out the project's compliance with *Planning for Bush Fire Protection – 2019*.

| | North | East | South | West |
|---|---|---|---|---|
| **Vegetation Structure** | Forest | Remnant | Managed Land | Managed Land |
| **Slope** | 15 - 20 degrees down | 0 degrees & up | N/A | N/A |
| **Available Asset Protection Zone** | >74 metres | >31 metres | N/A | N/A |
| **Significant Landscape Features** | Neighbouring maintained allotments | Neighbouring maintained allotments | Athena Avenue | Neighbouring maintained allotments |
| **Threatened Species** | APZ Existing | APZ Existing | APZ Existing | APZ Existing |
| **Aboriginal Relics** | APZ Existing | APZ Existing | APZ Existing | APZ Existing |
| **Bushfire Attack Level** | BAL 19 | BAL 12.5 | BAL Low | BAL Low |
| **Required Construction Level** | BAL 19 | BAL 19 | BAL 12.5 | BAL 19 |

| Compliance Summary of Bushfire Protection Measures | | | |
|---|---|---|---|
| **Bushfire Protection Measure (s7 PBP)** | **Acceptable Solution** | **Performance Solution** | **Report Section** |
| **Asset Protection Zones** | ☒ | ☐ | 8.02 |
| **Access** | ☒ | ☐ | 8.04 |
| **Water Supplies** | ☒ | ☐ | 8.05 |
| **Electricity and Gas Services** | ☒ | ☐ | 8.05 |
| **Construction Standards** | ☒ | ☐ | 8.03 |
| **Landscaping** | ☒ | ☐ | 8.07 |

## 6.0 Aerial view of the subject allotment

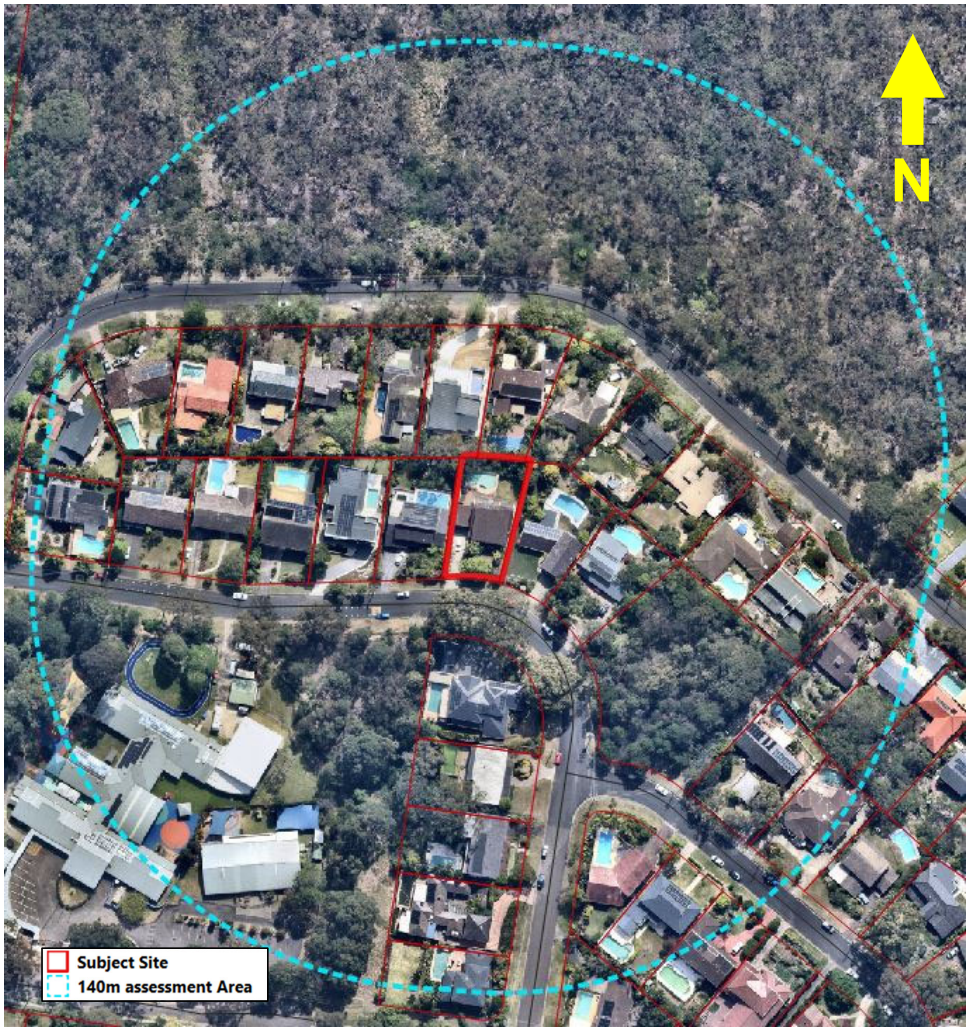



Figure 02: Aerial view of the subject area C/- Nearmap.

# 7.0 Site Assessment

A representative of Building Code & Bushfire Hazard Solutions completed a site inspection of the subject site and surrounding area on 13th November 2024.

The following external data sources have been relied upon for this assessment:

- Aerial imagery of the subject area (NSW Spatial Services & Nearmap).
- 1 metre contour mapping of the subject area (Elevation and Depth Foundation Spatial Data – Geoscience Australia)
- NSW Planning Portal Spatial Viewer
- Vegetation mapping (NSW State Vegetation Type Map)
- NSW Bush Fire Prone Land (NSW Rural Fire Service)

## 7.01 Location

The subject property is known as 71 Athena Avenue, St Ives (Lot 7 DP 238776) and is a residential allotment (zoned R2: Low Density Residential) located within Ku-ring-gai Council's Local Government Area.

The subject site has street frontage to Athena Avenue to the south and abuts similar private residential allotments to the north, east and west.

The vegetation identified as being the potential hazard is located within Cambourne North Reserve to the north and Hayle Street Reserve to the east of the proposed works.

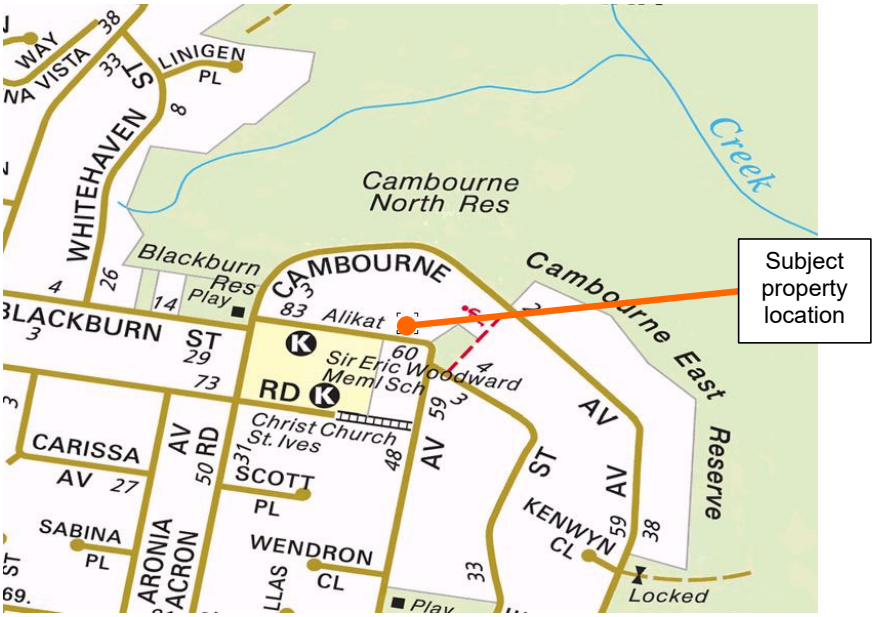



Figure 03: Extract from street-directory.com.au

## 7.02 Vegetation

The vegetation identified as being the potential hazard is located within Cambourne North Reserve to the north and Hayle Street Reserve to the east of the proposed works.

The vegetation posing a threat to the proposed development to the north and east was found to consist of trees 10 - 20 metres in height with 50 - 70% foliage cover and an understorey of low trees and shrubs.

The vegetation posing a threat to the proposed development to the east was found to be less than 1Ha in size (0.3Ha). In accordance with section A1.11 of PBP this vegetation has been assessed as a Remnant and Rainforest fuel loads have been applied to determine the Bushfire Attack Level.

The NSW Vegetation mapping identifies the vegetation to the north as Sydney Coastal Sandstone Bloodwood Shrub Forest (PCT: 3593) and Sydney Turpentine Ironbark Forest (PCT: 3262).

For the purpose of assessment under PBP the vegetation posing a hazard to the north has been assessed as Forest and the vegetation to the east has been assessed as Remnant - Rainforest.

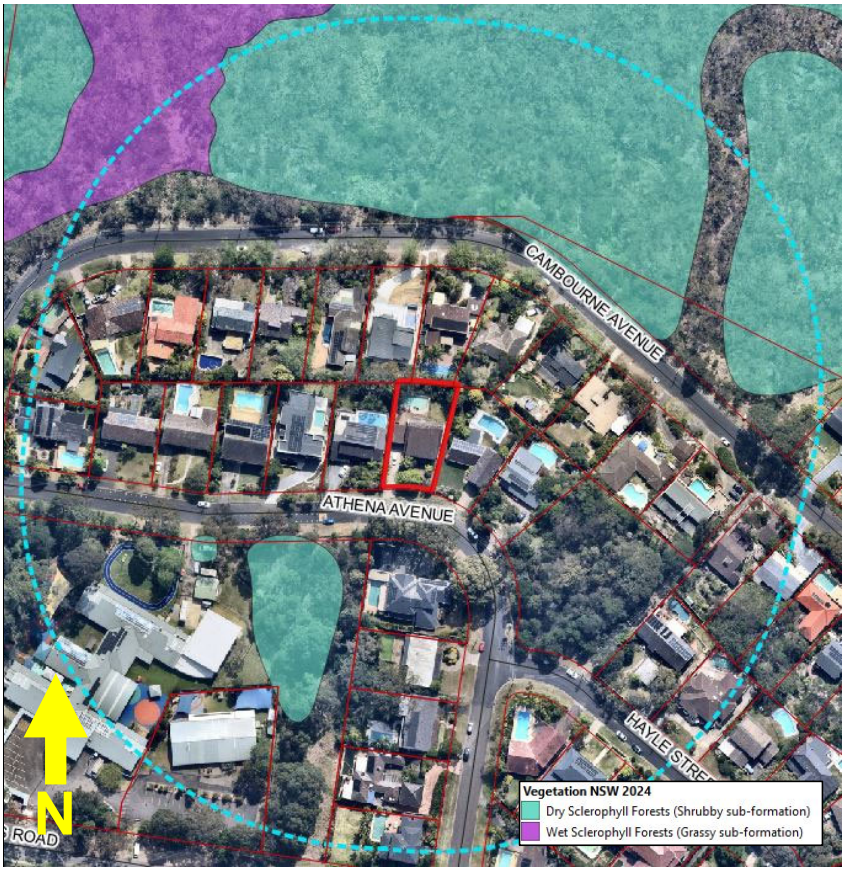



Figure 04: Extract from NSW Vegetation mapping.




Photograph 01: View into the vegetation to the north within Cambournet




Photograph 02: View toward the vegetation to the east within Hayle Street Reserve.

## 7.03 Slope and Topography

The slope of the land under the classified vegetation has a direct influence on the forward rate of spread, fire intensity and radiant heat exposure. The effective slope is considered to be the slope under the classified vegetation which will most significantly influence bushfire behaviour toward the development site.

In accordance with A1.4 'Determine slope' of PBP the slope assessment is to be derived from the most detailed contour data available.

The slope that would **most significantly** influence bushfire impact was determined onsite using an inclinometer and verified from topographic imagery to be:

- 15 - 20 degrees down slope within the hazard to the north
- 0 degrees & up slope within the hazard to the east

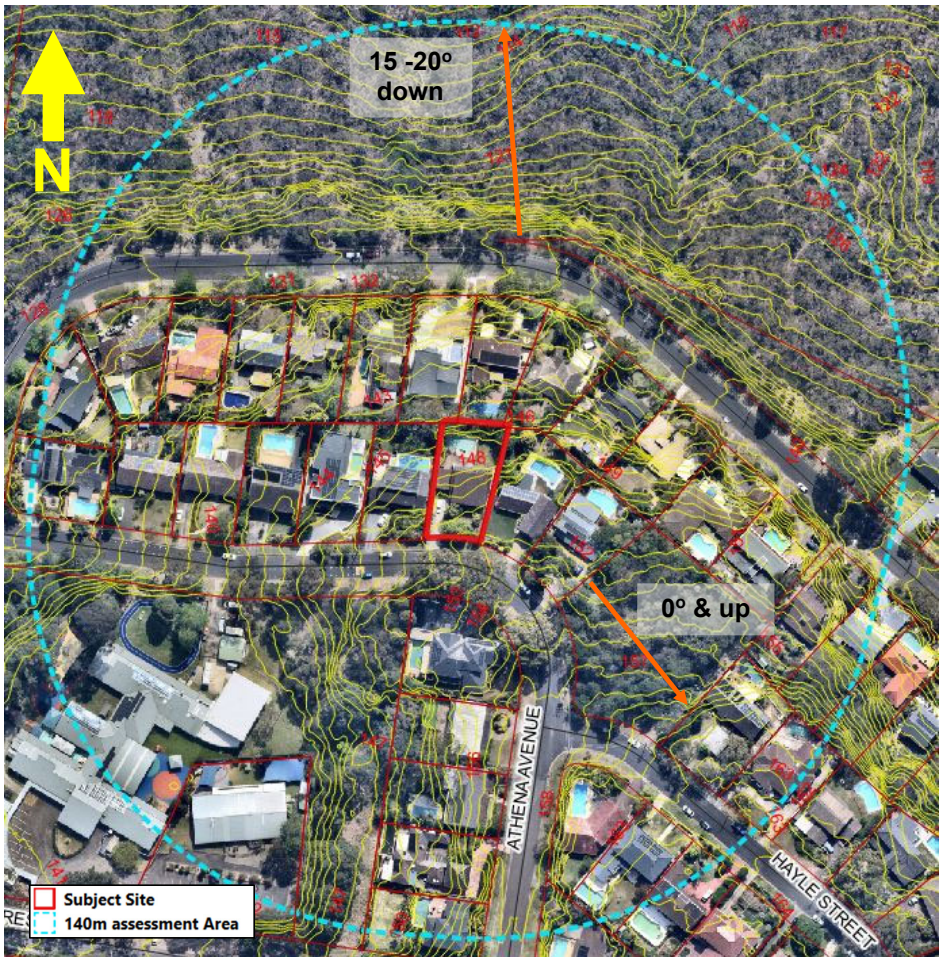



Figure 05: Extract from ELVIS - Geoscience Australia - 1m contours

# 8.0 Bushfire Protection Measures

## 8.01 Planning for Bush Fire Protection - 2019

*Planning for Bush Fire Protection* – 2019 (PBP) is applicable to development located on land determined as being 'bushfire prone' in accordance with the local Bushfire Prone Land Map.

*Bushfire prone land are defined as those areas;*

- *containing or within 100m of Category 1 Vegetation; or*
- *containing or within 30m of Category 2 or 3 Vegetation.*

Ku-ring-gai Council's Bushfire Prone Land Map identifies the subject property as containing the Vegetation Buffer therefore PBP must apply in this instance.

The application of Planning for Bush Fire Protection requires satisfactory demonstration of the aim and objectives and the following bushfire protection measures (BPMs):

- Asset Protection Zones
- Building construction, siting & design
- Access arrangements
- Water supply & utilities
- Landscaping

As the proposal relates to the alterations and additions to the existing dwelling and therefore the proposal must comply with the bushfire protection measures detailed within Chapter 7 'Residential Infill Development' of PBP applied.

## 8.02 Asset Protection Zones

An Asset Protection Zone (APZ) is an area between the development (in this instance the building footprint) and the identified bushfire hazards where fuels are maintained to a minimum to prevent the spread of fire between a hazard and an asset.

The width of the APZ is determined by the vegetation structure of the identified hazard, Forest Fire Danger Index, effective slope and the type of development (residential development or Special Fire Protection Purpose).

The Acceptable Solution under Table 7.4a of PBP requires APZs be provided in accordance with Table A1.12.2, consistent with that for residential subdivisions.

The minimum required APZ for the proposed works was determined from Table A1.12.2 of PBP to be 56 metres from the Forest vegetation to the north and 11 metres from the Remnant vegetation to the east.

The available APZs to the proposed works is >74 metres to the north and >31 metres to the east exceeding the minimum required APZ in accordance with A1.12.2 of PBP.

All grounds not built upon within the subject site shall be maintained in accordance with an APZ (Inner Protection Area). This will result in the provision of a defendable space for attending fire service and in conjunction with the application of the recommended construction provisions will provide APZs commensurate with the construction.

The Landscape Plan prepared by Chris Jordan, Project Reference D1703, Revision D, Dated 09.10.2025 has been reviewed and complies with the requirements of an APZ.

## 8.03 Building construction, siting & design

Australian Standard 3959 – 2018 'Construction of buildings in bushfire-prone areas' (AS3959) specifies construction standards for buildings within various Bushfire Attack Levels as determined by Planning for Bush Fire Protection – 2019.

AS3959 provides for six (6) levels of building construction these being BAL - Low, BAL - 12.5, BAL - 19, BAL - 29, BAL - 40 and BAL - FZ.

| Bushfire Attack Level | Maximum radiant heat impact ($kW/m^2$) | Level of construction under AS3959-2018 |
|---|---|---|
| Low | | No special construction requirements |
| 12.5 | ≤12.5 | BAL - 12.5 |
| 19 | 12.6 to 19.0 | BAL - 19 |
| 29 | 19.1 to 29.0 | BAL - 29 |
| 40 | 29.1 to 40.0 | BAL - 40 |
| Flame Zone | >40.0 | BAL FZ No deemed to satisfy provisions |

Table 01: Correlation between bushfire impact and AS3959

The highest Bushfire Attack Level to the proposed works was determined from Table A1.12.5 of PBP to be 'BAL 19'. The proposed works will be constructed to sections 3 and 6 (BAL 19) under AS3959 – 2018 and the additional construction requirements detailed in section 7.5 of PBP. The southern elevation has been downgraded to BAL 12.5 due to shielding by the dwelling itself in accordance with A1.8 of PBP.

## 8.04 Property Access

The subject property has street access to Athena Avenue to the south. Persons seeking to egress from the subject property will be able to do so via the existing access drive and public roads.

The most distant external point of the proposed works is within 70 metres from a public road supporting the operational use of fire fighting vehicles and therefore the Access requirements detailed in Table 7.4a of PBP are not applicable.

Access to the hazard is available via the Cambourne Avenue, Athena Avenue and Hayle Street for hazard reduction or for fire suppression activities.

The existing access is considered adequate for this development.

## 8.05 Water Supply & Utilities

Hydrants are available along Athena Avenue and the surrounding road network. The most distant external point of the building footprint is less than 70 metres from an operational hydrant and therefore a Static Water Supply is not required in consideration of AS2419.1 – 2021 and Chapter 7 of PBP.

The proposed works will be connected to the existing electrical network.

Any new gas connections must comply with Table 7.4a of PBP.

The existing water supply is adequate for this development for this proposal.

## 8.06 Emergency management arrangements

Evacuation is possible by utilising existing road infrastructure.

It is encouraged that the occupants complete a Bush Fire Survival Plan. The template for this plan is available at https://www.rfs.nsw.gov.au/resources/bush-fire-survival-plan.

## 8.07 Landscaping

Any new landscaping must comply with Table 7.4a of *Planning for Bush Fire Protection* 2019.

## 8.08 Aim & Objectives of PBP

The following table details the aim and objectives of Planning for Bush Fire Protection 2019 and the proposals ability to comply.

| Aim / Objective | Comment |
|---|---|
| **The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.** | With the inclusion of the recommendations made herein it is of our opinion that the aim of PBP has been satisfied. |
| **(i) afford buildings and their occupants protection from exposure to a bush fire;** | The proposed works will be constructed to the relevant Bushfire Attack Levels and along with the APZ will protect occupants from exposures to a bushfire. |
| **(ii) provide for a defendable space to be located around buildings;** | There are defendable spaces available to the identified hazards. |
| **(iii) provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings;** | The APZs, in conjunction with construction measures will prevent the likely fire spread to the buildings. |
| **(iv) ensure that appropriate operational access and egress for emergency service personnel and occupants is available;** | The existing access and road network provides appropriate operational access and egress for emergency services. |

| Aim / Objective | Comment |
|---|---|
| **(v) provide for ongoing management and maintenance of bush fire protection measures, (BPMs); and** | All grounds not built upon shall maintained in accordance with an Asset Protection Zone / Inner Protection Area as detailed in Appendix 4 of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service publication 'Standards for Asset Protection Zones'.<br><br>Any new landscaping is to comply with the provisions of Table 7.4a and Appendix 4 of PBP. |
| **(vi) ensure that utility services are adequate to meet the needs of firefighters.** | The existing water supply is adequate for the replenishment of attending fire services. |

It is therefore of our opinion that the proposal can satisfactorily comply with the aim and objectives of Planning for Bush Fire Protection 2019.

# 9.0 Recommendations

The following recommendations are provided as the minimum necessary for compliance with Planning for Bush Fire Protection – 2019 and Australian Standard 3959 'Construction of buildings in bushfire-prone areas - 2018. Additional recommendations are provided to supplement these minimum requirements where considered necessary.

## Asset Protection Zones

1. That all grounds not built upon within the subject site shall continue to be maintained as an Asset Protection Zone (Inner Protection Area) as detailed in the NSW Rural Fire Service's document 'Standards for Asset Protection Zones' and Appendix 4 of *Planning for Bush Fire Protection* 2019.

Note: The Landscape Plan prepared by Chris Jordan, Project Reference D1703, Revision D, Dated 09.10.2025 has been reviewed and complies with the requirements of an APZ.

## Construction

2. That all new roofing and construction facing north, east and west shall comply with sections 3 and 6 (BAL 19) Australian Standard AS3959-2018 "Construction of buildings in bush fire-prone areas' and section 7.5 of *"Planning for Bush Fire Protection* - 2019".
3. That all new construction facing south shall comply with sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 "Construction of buildings in bush fire-prone areas' and section 7.5 of *"Planning for Bush Fire Protection* - 2019".

## Landscaping

4. That any new landscaping is to comply with Table 7.4a of *Planning for Bush Fire Protection* 2019.

## Gas (where applicable)

5. That any new gas services are to comply with Table 7.4a of Planning for Bush Fire Protection 2019 as follows:
   - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
   - all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
   - connections to and from gas cylinders are metal;
   - polymer-sheathed flexible gas supply lines are not used; and
   - above-ground gas service pipes are metal, including and up to any outlets.

## Emergency management

6. That the occupants of the subject dwelling complete a Bush Fire Survival Plan.

## 10.0 Conclusion

Given that the property is deemed bushfire prone under Ku-ring-gai Council's Bushfire Prone Land Map any development would need to meet the requirements of Planning for Bush Fire Protection – 2019 and of the construction requirements of AS3959 – 2018. The determination of any bushfire hazard must be made on a site-specific basis that includes an assessment of the local bushland area and its possible impact to the subject property.

The subject property is a residential allotment within an area of similar properties. The vegetation identified as being the potential hazard is located within Cambourne North Reserve to the north and Hayle Street Reserve to the east of the proposed works. The vegetation posing a hazard has been assessed as Forest to the north and Remnant to the east.

The highest Bushfire Attack Level to the proposed works was determined from Table A1.12.5 of PBP to be 'BAL 19'. The proposed works will be constructed to sections 3 and 6 (BAL 19) under AS3959 – 2018 and the additional construction requirements detailed in section 7.5 of PBP. The southern elevation has been downgraded to BAL 12.5 due to shielding by the dwelling itself in accordance with A1.8 of PBP.

The existing water supply and existing access provisions are considered adequate.

In accordance with the bushfire safety measures contained in this report, and consideration of the site-specific bushfire risk assessment it is our opinion that when combined, they will provide a reasonable and satisfactory level of bushfire protection to the subject development.

We are therefore in support of the development application.

Should you have any enquiries regarding this project please contact me at our office.

Prepared by
Building Code & Bushfire Hazard Solutions

***Duncan Armour***
Bushfire Consultant

Reviewed and endorsed by
Building Code & Bushfire Hazard Solutions

***Andrew Muirhead***
*Senior Bushfire Consultant*
Graduate Diploma in Bushfire Protection WSU
Bachelor of Engineering Technology Major in Civil UniSQ
FPA Australia BPAD Level 3 Accredited Practitioner
BPAD Accreditation No. BPAD46966

# 11.0 Annexure 01

## List of Referenced Documents

Australian Building Codes Board (2022). *National Construction Code Volume Two - Building Code of Australia*. ABCB

*ELVIS* -Elevation -*Foundation Spatial Data*. Elevation.fsdf.org.au. Available at: http://elevation.fsdf.org.au/

Keith, D. (2004). "*Ocean Shores to Desert Dunes*" Department of Environment and Conservation, Sydney

Landscape Plan prepared by Chris Jordan, Project Reference D1703, Revision D, Dated 09.10.2025

NSW Department of Planning and Environment (2019). *Planning Portal*. Accessed at: https://www.planningportal.nsw.gov.au/

NSW Rural Fire Service (2019). *Planning for Bush Fire Protection. A Guide for Councils, Planners, Fire Authorities and Developers*.

Proposed plans prepared by Studio Coco Jen Pty Ltd, Project No. P101, Revision P1, Date 24/12/2024.

Standards Australia (2018). *AS3959 Construction of buildings in bushfire-prone areas.*

Standards Australia (2014). *AS/NZS 1596 The storage and handling of LP Gas*

Rural Fire Service NSW (2005). *Standards for Asset Protection Zones*

Acknowledgements to:

Geoscience Australia
Nearmaps
Street-directory.com.au

## Attachments

Attachment 01: s4.14 Compliance Certificate

# Bush Fire Certificate

**Certificate issued unders4.14(1)(b) of the *Environmental Planning & Assessment Act, 1979* and *Planning for Bush Fire Protection 2019***

This Certificate has been issued by a person accredited by Fire Protection Association Australia (FPA Australia) under the Bush Fire Planning and Design (BPAD) Accreditation Scheme and who is recognised by the NSW Rural Fire Service as a qualified consultant in bushfire risk assessment within the meaning of section 4.14(1)(b) of the *Environmental Planning and Assessment Act 1979* (NSW).

## Property Details and Description of Works

| | | | | |
|---|---|---|---|---|
| **Address Details** | **Unit no** | **Street no** 71 | **Street name** Athena Avenue | **Lot/Sec/DP** 7/-/238776 |
| | **Suburb** St Ives | | **State** NSW | **Postcode** 2075 |
| **Local Government Area** | Ku-ring-gai | | | |
| **BCA class of the building** | 1A | | | |
| **Description of the proposal** | Alterations & additions | | | |
| **Development Application Reference** | | | | |

## Bush Fire Assessment Report

| | |
|---|---|
| A detailed Bush Fire Assessment Report is attached, which includes the relevant submission requirements set out in *Appendix* 2 of *Planning for Bush Fire Protection 2019* together with recommendations as to how the relevant specifications and requirements are to be achieved. | ☑ YES ☐ NO |
| Report Reference and date | 250428 |
| | 27th October 2025 |

## BPAD Certification

**Name**
Andrew Muirhead

**Company Details & ABN**
Bushfire Hazard Solutions

19 057 337 774

I hereby certify, in accordance with Section 4.14(1)(b) of the *Environmental Planning and Assessment Act 1979* that:

- I am a person recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment; and
- the development conforms to the relevant specifications and requirements of Planning for Bush Fire Protection 2019 in accordance with section 4.14(1)(b) of the *Environmental Planning and Assessment Act 1979* (NSW).

| **BPAD Accreditation Number** | **Signature** | **Date** |
|---|---|---|
| 46966 BPAD Bushfire Planning & Design Accredited Practitioner Level 3 | | 27th October 2025 |

# BASIX™ Certificate

Building Sustainability Index
www.planningportal.nsw.gov.au/development-and-assessment/basix

## Alterations and Additions

Certificate number: A1801071_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: Tuesday, 14 October 2025
To be valid, this certificate must be lodged within 3 months of the date of issue.

NSW GOVERNMENT

| **Project address** | |
|---|---|
| Project name | 71 Athena Avenue St Ives NSW 2075_02 |
| Street address | 71 ATHENA Avenue ST IVES 2075 |
| Local Government Area | Ku-ring-gai Council |
| Plan type and number | Deposited Plan DP238776 |
| Lot number | 7 |
| Section number | - |
| **Project type** | |
| Dwelling type | Dwelling house (detached) |
| Type of alteration and addition | The estimated development cost for my renovation work is $50,000 or more, and does not include a pool (and/or spa). |
| N/A | N/A |
| **Certificate Prepared by** (please complete before submitting to Council or PCA) | |
| Name / Company Name: Certified Energy | |
| ABN (if applicable): 95 164 564 210 | |

| Fixtures and systems | Show on DA Plans | Show on CC/CDC Plans & specs | Certifier Check |
|---|---|---|---|
| **Hot water** | | | |
| The applicant must install the following hot water system in the development: electric heat pump system that is eligible to create Renewable Energy Certificates under the (Commonwealth) Renewable Energy (Electricity) Regulations 2001 (incorporating Amendment Regulations 2005 (No. 2)). | ✔ | ✔ | ✔ |
| **Lighting** | | | |
| The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps. | | ✔ | ✔ |
| **Fixtures** | | | |
| The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. | | ✔ | ✔ |
| The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. | | ✔ | ✔ |
| The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating. | | ✔ | |

| Construction | Show on DA Plans | Show on CC/CDC Plans & specs | Certifier Check |
|---|---|---|---|
| **Insulation requirements** | | | |
| The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists. | ✔ | ✔ | ✔ |

| Construction | Additional insulation required (R-value) | Other specifications |
|---|---|---|
| external wall: framed (weatherboard, fibro, metal clad) | R1.30 (or R1.70 including construction) | |
| external wall: cavity brick | nil | |
| external wall: concrete block/ plasterboard | R1.18 (or R1.70 including construction) | |
| flat ceiling, flat roof: framed | ceiling: R2.50 (up), roof: none | light (solar absorptance < 0.475) |

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

| Glazing requirements | Show on DA Plans | Show on CC/CDC Plans & specs | Certifier Check |
|---|---|---|---|

**Windows and glazed doors glazing requirements**

| Window/door number | Orientation | Area of glass including frame (m2) | Overshadowing height (m) | Overshadowing distance (m) | Shading device | Frame and glass type |
|---|---|---|---|---|---|---|
| WLG1 | N | 1.53 | 0 | 0 | awning (fixed) >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |
| WLG2 | N | 3.24 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |
| WLG3 | N | 7.23 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |
| WLG4 | N | 5.76 | 0 | 0 | eave/ verandah/ pergola/balcony >=750 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |
| Door | N | 2.5 | 0 | 0 | awning (fixed) >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |

| Glazing requirements | | | | | | | Show on DA Plans | Show on CC/CDC Plans & specs | Certifier Check |
|---|---|---|---|---|---|---|---|---|---|
| Window/door number | Orientation | Area of glass including frame (m2) | Overshadowing height (m) | Overshadowing distance (m) | Shading device | Frame and glass type | | | |
| WG02 | N | 8.49 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) | | | |
| WG03 | N | 5.66 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) | | | |
| WG04 | N | 7.05 | 0 | 0 | none | timber or uPVC, double Lo-Tsol/air gap/clear, (U-value: 2.3, SHGC: 0.19) | | | |
| WG05 | E | 4.5 | 0 | 0 | none | timber or uPVC, double Lo-Tsol/air gap/clear, (U-value: 2.3, SHGC: 0.19) | | | |
| WG06 | E | 0.91 | 0 | 0 | eave/ verandah/ pergola/balcony >=450 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) | | | |

| Glazing requirements | Show on DA Plans | Show on CC/CDC Plans & specs | Certifier Check |
|---|---|---|---|

**Windows and glazed doors glazing requirements**

| Window/door number | Orientation | Area of glass including frame (m2) | Overshadowing height (m) | Overshadowing distance (m) | Shading device | Frame and glass type |
|---|---|---|---|---|---|---|
| WG07 | E | 0.92 | 0 | 0 | eave/ verandah/ pergola/balcony >=450 mm | standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47) |
| WG08 | S | 1.92 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |
| WG09 | S | 1.82 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |
| WG10 | S | 1.45 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |
| WG11 | S | 2.91 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |

| Glazing requirements | | | | | | | Show on DA Plans | Show on CC/CDC Plans & specs | Certifier Check |
|---|---|---|---|---|---|---|---|---|---|
| Window/door number | Orientation | Area of glass including frame (m2) | Overshadowing height (m) | Overshadowing distance (m) | Shading device | Frame and glass type | | | |
| W101 | N | 6.61 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) | | | |
| W102 | N | 6.61 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) | | | |
| W103 | N | 8.26 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) | | | |
| W104 | E | 2 | 0 | 0 | none | timber or uPVC, double Lo-Tsol/air gap/clear, (U-value: 2.3, SHGC: 0.19) | | | |
| W105 | S | 2.2 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) | | | |

| Glazing requirements | Show on DA Plans | Show on CC/CDC Plans & specs | Certifier Check |
|---|---|---|---|

**Windows and glazed doors glazing requirements**

| Window/door number | Orientation | Area of glass including frame (m2) | Overshadowing height (m) | Overshadowing distance (m) | Shading device | Frame and glass type |
|---|---|---|---|---|---|---|
| W106 | S | 2.06 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |
| W107 | S | 5.65 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |
| W108 | S | 1.65 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |
| W109 | S | 3.3 | 0 | 0 | eave/ verandah/ pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) |

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

# DEVELOPMENT APPLICATION

# ASSESSMENT REPORT

| | |
|---|---|
| **REPORT TITLE** | 1183 Pacific Highway, Turramurra - Alterations and additions to a residential flat building approved under the development consent to DA0521/19 including an additional storey, relocation of top floor level, three additional apartments, nomination of eight apartments as affordable housing and associated works |

| | |
|---|---|
| **APPLICATION NO** | eDA0556/25 |
| **PROPERTY DETAILS** | 1183 Pacific Highway, Turramurra<br>Lot 8 in DP 1294710<br>2380 $m^2$<br>R4 High Density Residential |
| **WARD** | Wahroonga |
| **PROPOSAL/PURPOSE** | Alterations and additions to a residential flat building approved under the development consent to DA0521/19 including an additional storey, relocation of top floor level, three additional apartments, nomination of eight apartments as affordable housing and associated works |
| **TYPE OF DEVELOPMENT** | Local |
| **APPLICANT** | Prestige Turramurra Pty Ltd |
| **OWNER** | Prestige Turramurra Pty Ltd |
| **DATE LODGED** | 13 October 2025 |
| **RECOMMENDATION** | Deferred Commencement Development Consent |

## PURPOSE OF REPORT

To determine Development Application No. eDA0556/25 for alterations and additions to a residential flat building approved under the development consent to DA0521/19 including an additional storey, relocation of top floor level, three additional apartments, nomination of eight apartments as affordable housing and associated works at No. 1183 Pacific Highway, Turramurra.

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 is considered sensitive development to which *State Environmental Planning Policy (Housing) 2021, Chapter 4 Design of residential apartment development* applies.

And:

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** | Building height<br>Heritage proximity |
| **Submissions** | 10 |
| **Land and Environment Court** | N/A |
| **Recommendation** | Deferred Commencement Development Consent |

## 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 |
|---|---|---|---|---|
| DA | DA0521/19 | Demolition of existing structures and construction of a 5-storey residential flat building containing 35 units, basement parking and associated works.. | Approved | 14/12/2020 |
| MOD | MOD0062/22 | Modification of consent to DA0521/19 proposing changes to the basement parking plan, internal reconfiguration that reduces the number of units to 32 and changes to windows. | Approved | 8/09/2022 |
| eMOD | MOD0109/23 | Modification to DA0521/19 to delete deferred commencement term 1A and minor internal changes to the floor plans. | Approved | 22/09/2023 |
| eMOD | eMOD0069/24 | Modification of consent to DA0521/19 (residential flat building) proposing increased building height, relocation of air conditioning units to balconies and roof, addition of a roof top screen for mechanical services, addition of a basement staircase and changes to Conditions 1b, 28, 37 and 100. | Approved | 3/07/2024 |

### Current Development Application History

| Date | Action |
|---|---|
| 13/10/2025 | Application lodged. |
| 29/10/2025 | The application was notified to neighbouring property owners for a period of 30 days. Ten unique submissions were received. |
| 9/12/2025 | Council sent a letter to the applicant advising that the following issues were required to be addressed:<br>• Engineering. Clarification in respect of traffic and parking for affordable, market and visitor parking.<br>• Environmental Health. Plans are to be updated to show waste and recycling facilities as well as providing a roof layout showing mechanical and plant details, including mitigation measures. |

| | |
|---|---|
| | • Heritage. Provide additional information in respect of heritage concerns such as increasing setbacks, reconsidering colours and materials.<br>• Planning and Design. Seeking revision to the plans to address design matters, provide a design verification statement, reconsider ADG amenity matters and provide additional information on silver and platinum level housing. |
| 23/12/2025 | The applicant submits additional information. |
| 23/02/2026 | Referral to Transport for NSW (TfNSW) |
| 13/03/2026 | TfNSW referral received. |

**THE SITE**

The subject site is described as Lot 8 in DP 1294710 and is known as No. 1183 Pacific Highway, Turramurra. As shown within **Figure 1,** the site is irregular in shape, with seven site boundary lines, comprising a 55.23 metres south-western frontage to the Pacific Highway, an eastern side boundary of 72.6 metres, a sawtooth (in alignment) rear boundary, comprising three segments of 18.29 metres (north-east orientation), 13.2 metres (re-entrant western corner) and 21.335 metres (northern orientation). The remaining western side boundary is 32.355 metres in length.

The site is on the northern side of Pacific Highway, Turramurra, between Warrangi Street to the east, and Womerah Street to the west. The site is approximately 440 metres walking distance from the entrance to Turramurra Railway Station. The site comprises an area 2,379m$^2$.

The site benefits from an active development consent granted to DA0521/19 for a residential flat building. The Construction Certificate for DA0521/19 was issued on 21 October 2025. Construction works including site preparation and excavation of the basement commenced after the Construction Certificate was issued. At a site inspection on 18 February 2026, site works had been completed (demolition, tree removal, etc) the basement had been constructed and the slab for the ground floor had been poured.

The site is shown in **Figure 1** below and photos of the site are shown at **Figure 2**, **Figure 3** and **Figure 4**.



*Figure 1: Aerial photograph of site and surrounds*



*Figure 2: View looking north on western boundary*



*Figure 3: View looking North West from South East Boundary*



*Figure 4: View looking West on southern boundary*

| Constraint: | Application: |
|---|---|
| Visual character study category | Pre - 1920. |
| Easements/rights of way | Yes, a piped drainage easement from the northern side of the site then travels in an easterly direction burdening No. 8-10 Warrangi Street, Turramurra   |
| Heritage Item - Local | No |
| Heritage Item - State | No |
| Heritage conservation area | No. |
| Within 100m of a heritage item | Yes, locally listed item adjacent to the site at No. 1187 Pacific Highway   |
| Bush fire prone land | No |
| Natural Resources Biodiversity | Yes |
| Natural Resources Greenweb | Yes, support for core biodiversity and canopy remnant |
| Natural Resources Riparian | No |
| Within 25m of Urban Bushland | No |
| Contaminated land | No |

**Surrounding development**

The local area is characterised as a high and medium density residential living area flanked by the Pacific Highway to the south and low density residential to the north. The locality is undergoing urban renewal, with single dwellings gradually being replaced with residential flat buildings and multi dwelling housing.

Development adjoining the site to the west is zoned R3 Medium Density Residential and includes a heritage item at No. 1187 Pacific Highway. The heritage item is a federation era two-storey building, constructed of brick, with detailing in timber shingles and a terracotta tiled hipped roof. The building is currently used as a dual occupancy.

The site has a northern and eastern interface with land zoned R4 High Density Residential. Development adjoining the rear boundary to the north at No.1 Womerah Street comprises two residential flat buildings, accommodating 75 units which was completed in September 2018.

To the east, the site adjoins Nos 2 to 6 Warrangi Street which consists of three residential flat buildings accommodating 59 units. Development adjoining the rear boundary to the east at Nos. 8 to 10 Warrangi Street comprises land zoned R3 Medium Density Residential. The lots were amalgamated as part of satisfying a condition of consent included in a Land and Environment Court consent (Appeal No. 263182 of 2016 or DA0330/16) for 11 townhouses and basement car parking.

Site surrounding locality is shown at **Figure 5**.




***Figure 5: Locality Mark up***

## THE PROPOSAL

The application seeks alterations and additions to the development under the consent to DA0521/19. This application is an amending development application (Amending DA) to DA0521/19 that seeks to add an additional storey to the approved 5 storey residential flat building utilising the in-fill affordable housing provisions in Chapter 2 Division 1 of *State*

*Environmental Planning Policy (Housing) 2021* (SEPP Housing). Specifically, the application includes:

- Insert a new storey:
  - Add a new Level 4 to accommodate three new apartments (Apartments 31, 32, and 33).
- Relocate the top floor:
  - Move the previously approved top floor—containing Apartments 34 and 35 and the rooftop communal open space—up one level to become the new Level 5. Minor design changes are proposed to this relocated floor.
- Designate affordable housing:
  - Nominate eight existing, already approved apartments on Levels 1 and 2 as affordable housing. No physical changes are proposed to these apartments.

The following table provides a comparison of the key features of the development between DA0521/19 and eDA0556/25:

| Element | DA0521/19 | eDA0556/25 | Difference |
|---|---|---|---|
| Site Area | 2,379m$^2$ | 2,379m$^2$ | No change |
| Car Parking Total | 53 | 53 | No Change |
| Building Height | 19.09m | 22.289m | +3.2m |
| Gross Floor Area<br><br>Floor Space Ratio | 3,167.6m$^2$<br><br>1.33:1 | 3,632.1m$^2$<br><br>1.526:1 | +464.5m$^2$<br><br>+14.79% |
| Number of Apartments | 32 units | 35 units | +3 units |
| Site Coverage | 715.5 m$^2$ (30%) | 715.5m$^2$ (30%) | No Change |
| Communal Open Space | 254.1 m$^2$ (10.68%) | 254.1 m$^2$ (10.68%) | No Change |
| Deep Soil Area | 1,116.6 m$^2$ (46.9%) | 1,116.6 m$^2$ (46.9%) | No Change |
| Affordable Units | 0 | 8 | +8 |

**Amended plans dated 23 December 2025**

The amended plans and documentation comprised the following:

- Additional information that addressed Councils RFI dated 9 December 2025, including:
  - Updated plans in respect of residential car parking.
  - Updated plans in respect to waste storage.
  - Updated the roof plan in respect of screening devices of mechanical equipment.
- An addendum to the heritage assessment that sought to address Council's concerns.
- An amended Design Verification Statement
- The following amendments to the plans in response to Council's urban design concerns including:
  - Amendments to level 5, unit 34 balcony treatments
  - Additional supporting information on sustainability
  - Details of affordable housing units

## 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. 10 submissions were received from the following:

1. *M Marnane 50/1, Womerah Street, Turramurra*
2. *E Marnane, 50/1 Womerah Street, Turramurra*
3. *PWM Leung & MLK Chan & ACH Leung, 42/2-6, Warrangi Street, Turramurra*
4. *Mr MJ Lothian, 14 Warrangi Street, Turramurra*
5. *KJ Park, 51/1 Womerah Street, Turramurra*
6. *J Ju, 53/1 Womerah Street, Turramurra*
7. *SR Karunaratne & NK Galagoda, 28/1 Womerah Street, Turramurra*
8. *A Dimos, 52/1 Womerah Street, Turramurra*
9. *MJM Spelliscy, 38/1 Womerah Street, Turramurra*
10. *SR Williams & DT Suleiman, 75/1 Womerah Street, Turramurra*

The submissions raised the following issues:

***The development will create undesirable precedent for an extra storey (additional height).***

The site is located within 800m of an identified town centre and seeks to benefit from the additional height under the Chapter 6 Low to Mid Rise (LMR) provisions of the State Environmental Planning Policy (Housing) 2021, and Chapter 2 Affordable housing of the State Environmental Planning Policy (Housing) 2021, therefore the building is below the maximum permissible height.

***Loss of trees***

The application does not include the removal of any trees. Tree removal for the site will remain as per that approved in the development consent to DA0521/19 as modified.

***Insufficient parking is provided, placing burden on the surrounding local roads for street parking.***

The application provides compliant parking under the SEPP. It's noted that the site is "well-located" and additional parking is not necessary as the site is located within 800m of public transport. Under the SEPP a total 33 parking spaces are required for non-affordable units and 4.4 (5) spaces are required for affordable units. The applicant proposes 53 parking spaces which exceeds the parking requirements.

***The site is landlocked site which compromises its inability to be evacuated effectively.***

The site has suitable access to a main road. Condition 126 of the development consent to DA0521/19 requires an annual fire safety statement be prepared. Annual Fire Safety Statement (AFSS) in NSW requires confirmation that all essential fire safety measures, which often include evacuation plans, paths of travel, and exit signage, are in place and functional.

***Non-compliant building height***

The building height is compliant with the building height development standard of 22.298 metres under Section *16 Affordable housing requirements for additional floor space ratio* of SEPP (Housing) 2021. A maximum of 22.289m is proposed and complies with the requirement.
***The application is inconsistent with the local area.***

This locality is nominated within 800m of a town centre and the site and surrounding properties are zoned for medium to high density residential. The proposal is consistent with the zone objectives and the likely future character as envisaged by Ku-ring-gai LEP 2015 and State Environmental Planning Policy (Housing) 2021.

***There will be adverse impacts to solar access and privacy for surrounding residents.***

The DA package includes detailed solar modelling that demonstrates the proposed additional height does not unreasonably restrict solar access to adjacent dwellings.

Additional shadowing impact on No. 1179-1181 Pacific highway would occur from 1.15pm onwards, with this property having suitable solar access from 9am – 1pm. Council did seek additional information from the applicant requiring a breakdown of solar impacts in 15-minutes intervals to determine if the additional height unreasonably restricted solar access. The application has demonstrated it does not. Solar access is compliant with the requirements of the Apartment Design Guide.

In respect to privacy, the development provides 3 additional units that are located within the built form and does not seek to reduce the approved setbacks. The additional units are sufficiently separated from surrounding properties and the application includes appropriate privacy screening elements from balcony spaces to maintain adequate levels of privacy. Council sought additional information from the applicant on this matter. **Condition 89** is recommended that restricts the hours during which use of the roof top communal open space is permitted, to ensure reasonable levels of privacy are maintained.

**Amended plans dated 23 December 2025**

The amended plans were not notified to surrounding residents as the proposed amendments do not result in a greater environmental impact than the original proposal.

**Internal Referrals**

**Urban design**

After the initial review of the proposal by Council's Urban Design Consultant, additional comments were received by the consultant and these are inserted as text after the date of **21/01/2025** highlighted in **bold red**:

| *1* | *Context and Neighbourhood Character* | *Satisfactory* |
|---|---|---|
| | 1. *Response to Country – A more substantial Response is not expected as the application is for a modification to existing approved DA0521/19. However, good design practice would anticipate an acknowledgement of the Country on which the proposed building will be, for consistency with required annual CPD and AIA guidance.* | |
| | 2. *Visual appearance – Generally satisfactory, subject to comments at 9-Aesthetics for minor amendments to balcony treatments for new Level 5 addressing the Pacific Highway.* | |
| | 3. *Documentation - Plan – a Level 3 plan is to be* | |

| | | |
|---|---|---|
| | *submitted. This is needed to fully explain the proposed development and avoid confusion. The plan is to clearly identify any proposed changes if proposed. As submitted, it is unclear whether proposed Level 4 repeats the Level 3 layout or proposes a different layout within the same envelope of the approved Level 3 below.*<br><br>***21/12/2025**: Additional information now clarifies the proposed additional level and context of Level 3 below.*<br><br>4. *Site analysis – not required other than a streetscape elevation as submitted. This adequately demonstrates the proposed modification as a comparison of the approved building envelope and proposed additions in context of the heritage item I794 neighbouring the site to the west and residential apartment building(s) 1179-1181 Pacific Highway to the east.*<br><br>5. *Building entry – No change*<br><br>6. *Setbacks and streetscape character – No change.* | |
| ***2*** | ***Built Form and Scale*** | ***Satisfactory*** |
| | 1. *Building form – No change to the podium and mid-levels. The top floor modulation and roof form is raised one-storey, with Level 4 inserted as a new level. The top two-storeys read together as the terminating form being set inboard of building edges.*<br>*The generally achieves a satisfactory modulation of the building form, however, minor amendments are required for the Level 5 balcony treatment – see comments at 9-Aesthetics.*<br><br>2. *Over-shadowing – further information is required to clarify the impacts of additional height on neighbouring units at 1179-1181 Pacific Highway. See comments at 6-Amenity.*<br><br>***21/12/2025**: See comments at 6-Amenity.*<br><br>3. *Height Floor-to-Floor height – proposed minimum 3.2m FL-FL heights is supported noting the context of future compliance with Design and Building Practitioners Act requirements.*<br>*ADG min 2.7m FL-CL heights for habitable rooms plus requirements for the DPB Act is seeing common industry practice now accommodating 3.2m FL-FL as a minimum.* | |

| | | |
|---|---|---|
| | *This is generally accepted as the clearances needed to accommodate structure, insulation, and effective waterproofing with further allowances foreseeable where wet areas are not vertically aligned through the building and/or accessible paths of travel may be required between internal and external spaces. Note Ku-ring-gai's requirements that 15% of dwellings are to be Platinum Level housing.*<br><br>4. *Building separation – is satisfactory.* | |
| ***3*** | ***Density*** | ***Satisfactory*** |
| | 1. *FSR - Documentation – cover sheet. Clarify the stated FSR controls are correct for the site. See comments at 8-Housing Diversity and Social Interaction for clarification of affordable housing units.*<br><br>2. *Yield – yield and apartment mix appears satisfactory for the increased density being sought. Note: KDCP provisions for 15% Platinum Level housing is accommodated.* | |
| ***4*** | ***Sustainability*** | ***Satisfactory*** |
| | 1. *BASIX compliance noted for urban design.*<br><br>2. *NatHers – further information is required to clarify required performance. An average 7-stars performance with no unit below 6-stars should be demonstrated. The stated average is 6.5 stars with many units falling below 6 stars. Provide further information on architectural documents top clarify whether performance is operating under previous requirements, and/or whether new units are required to meet the new provisions noting they came into effect 1 October 2023.*<br><br>*The following general comments at Point 3 below are to encourage wider design approaches that strengthens environmental performance for the life of the building and needed to improve NatHERS performance.*<br>*a) Clean Energy – all electric systems no gas connections, rooftop PV enhanced by green roofs, potential for battery storage.*<br>*b) Electric Mobility – EV charging vehicles, ebikes, scooters.*<br>*c) Passive Design & Thermal Comfort – solar access and natural ventilation and cross ventilation maximised, external shading, avoid curtain glazed facades, NatHERS average 7-stars no units below 6-stars.*<br>*d) Water Efficiency – fixtures and appliances,* | *For urban design subject to clarification from Council regarding BASIX and NatHERS requirements* |

| | | |
|---|---|---|
| | *rainwater storage and reuse, landscape selections for water tolerance.*<br>e) *Embodied Carbon Reduction – reuse/recycle wherever possible, simplify design, minimise basement excavation/dedicated below-ground car parking uses, design for spatial efficiency and comfort, limit materials palette and expose structure to avoid linings, durable materials selections, prioritise low-carbon/renewable materials – consider introducing CLT.*<br><br>***21/12/2025**: Additional information notes the subject DA is amending the original approved application DA0521/19 and subsequent modifications.*<br><br>*The provided Sustainability Letter prepared by ECO Certificates (18 December 2025) confirms the NatHERS and BASIX requirements applicable to the current application remain 2019 provisions – subject to Council's confirmation.*<br><br>*From an urban design perspective assuming the 2019 requirements are current, the proposed environment performance is accepted.*<br><br>*However, the applicant is still encouraged to pursue opportunities to improve sustainability and environmental performance as far as possible to align with new requirements.*<br><br>*The rapidly changing policy environment is seeking to reduce emissions created by urban environments. This includes that all development types are fit for purpose over their lifetime as the country transitions to lower emissions and full electrification.*<br><br>*Opportunities that incorporate previous comments 2 (a)-(e) above, therefore, should remain a consideration for design development should an approval be granted.* | |
| ***5*** | ***Landscape*** | ***Satisfactory*** |
| | 1. *Driveway setback – No changes.*<br><br>2. *Setback zones – no change – appears all setback landscape will remain in common ownership.*<br><br>3. *COS – No change. Previously approved rooftop COS is supported.*<br><br>4. *Deep soil – it is noted proposed deep soil* | |

| | | |
|---|---|---|
| | *remains unchanged at 46.9% as approved under eMOD0069/24.* | |
| ***6*** | ***Amenity*** | ***Generally Satisfactory.*** |
| | 1. *Natural daylight and natural ventilation – All habitable rooms or spaces including studies are to have direct access to natural daylight and ventilation. Internalised studies are not supported. This should be considered in context of increased need to work fromhome and preparedness for future health events such as the recent pandemic. The public awareness regarding the need for high natural ventilation amenity has become a health focus for good design practice. ADG minimum performance is expected for fundamental amenity.*<br><br>*Proposed study space of Unit 33 demonstrated inadequate daylight and ventilation amenity being located along the entry hallway. Amendments should switch with the storage room adjacent to the kitchen to improve direct access to daylight and ventilation. Open the northern wall of the space into the living space. Storage can be located in the space along the hallway.*<br><br>***21/12/2025**: Additional information has now provided the necessary daylight and natural ventilation amenity for study areas.*<br><br>2. *Solar access – neighbouring properties – 3-D sun-eye (views-from-the-sun) has included modelling showing the increased impacts to the neighbouring units at 1179-1181 Pacific Highway. It is also noted the Design Verification Statement includes the percentages of solar access impacted. However, further solar modelling should be provided to demonstrate the duration of solar access currently achieved and time/percentage of loss for affected units as shadows progress – 15-minute increments to be provided.*<br><br>***21/12/2025**: Additional architectural information has provided 15-minute increments of solar modelling demonstrating the solar amenity and overshadowing impacts on eight Units in the neighbouring development 2-6 Warangi Street (aka 1179 Pacific Highway).*<br><br>*The revised Design Verification Statement* | *4A Solar and Daylight Access*<br><br>*Minor information required for completeness* |

*prepared by Zhinar (15 December 2025) has identified the impacts to these units, which notes (p4) "an average of about 25%" of increased overshadowing on the western elevation of the neighbouring building resulting from the additional built form. Extrapolating from the architectural information provided, all impacted units do retain 'some' solar amenity. Noting units B1, B5 and B9 are most impacted.*

*The additional information partially addresses the information requested. However, no information was provided that identifies the amount of solar access each of these neighbouring units achieved under DA0521/19 (including any solar amenity before 9am-12pm if it was achieved noting self-shadowing impacts may have negated solar amenity to the lower-level units).*
*It is accepted that all impacted units retain 'some' solar access albeit for Unit B1 the loss is 2hrs, Unit B5 is 1.5hrs, and Unit B9 is 1hr, which is significant for these units.*

*For completeness, the comparison of approved and proposed solar amenity achieved for each of the eight impacted units should be provided, particularly in context of the significantly changed policy environment now enabling the proposed increased height and FSR so that the design can demonstrate how it has sought to mitigate impacts including through amendments to the original approval(s) that may have relocated GFA to improve outcomes.*

3. *Shading – ensure window/opening exposed to aspects in the range east-north-west include external shading devices and/or hoods for effective protection during colder months. Dark tinted glazing is not supported.*

   ***21/12/2025**: Additional information confirms shading of openings with aspects through the range east-north-west are to be provided. This will need to be supported by conditions should an approval be granted.*

4. *Natural cross ventilation – proposed units achieve adequate natural cross ventilation.*

5. *Privacy amenity – Generally, the proposed additional units do not raise issues for visual and acoustic privacy. The exception is Unit 34's*

| | | |
|---|---|---|
| | *primary open space terrace facing the highway. Fully glazed balustrading is not supported due to poor building appearance, and poor amenity outcomes.*<br><br>*Building separations are consistent with the ADG.*<br><br>***21/12/2025**: Additional information has amended the balustrade treatment so that adequate privacy is achieved.*<br><br>6. *Noise and pollution – the site is fully exposed to high levels of noise and associated poor quality air from heavy traffic along the highway. Without implementing noise barrier planning principles (locating services rooms towards the noise source so that living rooms and bedroom has an aspect away from the noise), the development relies on air-conditioning to address both acoustic comfort and air-quality and more defensive balcony treatments. Proposed Level 4 provides inadequate balustrade protection for the primary open space terrace addressing the highway.*<br><br>***21/12/2025**: Amendments have addressed the balustrade treatment to improve the acoustic protections of the Level 4 balcony.*<br><br>7. *Balustrades – to address Points 5 and 6 above, fully glazed balconies are not supported along Unit 34's living room terrace. Amend the balustrade to be consistent with the treatment of the balustrade at the northern terrace edge of Level 5 (North Elevation). This comprises a solid masonry upstand with only a small component of glazing above to NCC compliant height.*<br><br>***21/12/2025**: Amendments have addressed the balustrade treatment by including the solid masonry upstands.* | |
| ***7*** | ***Safety*** | ***Satisfactory*** |
| | 1. *Sightlines – CPTED principles are demonstrated – such as clear sightlines, avoiding furtive spaces and clear wayfinding.* | |
| ***8*** | ***Housing Diversity and Social Interaction*** | ***Satisfactory*** |
| | 1. *Affordable Housing – the Cover Sheet includes the list of unit types proposed as affordable housing. Further architectural information is required to clarify the following:*<br>- *GFA proposed for allocation as affordable housing*<br>- *all plans are to identify each unit proposed* | |

| | | |
|---|---|---|
| | *to be affordable*<br>- *ensure an equitable mix of types and amenity across the development. Requirements regarding a Housing Provider should be confirmed.*<br><br>***21/12/2025**: Additional information confirms the component of affordable housing and identifies the eight nominated affordable units.*<br><br>2. *Platinum Level housing – It appears adequate units are accommodated consistent with KDCP minimum of 15% of the development. Note: This is a 2-part certification, firstly at design stage – (Provisional Certification) and as-built (Final Certification). Adaptable housing that requires future internal modification other than cabinetry will not demonstrate Ku-ring-gai's housing requirements are met.*<br><br>***21/12/2025**: Additional information confirms the design requirements for Platinum Level units and identifies the six required units noting the 2-part certification through design development to post-construction applies.*<br><br>3. *Silver Level housing – KDCP requirement is for 100% Silver Level be demonstrated.*<br><br>***21/12/2025**: Silver Level housing requirements appear are accommodated noting the retention of approved unit types noting the 2-part certification process through design development to post-construction applies.* | |
| ***9*** | ***Aesthetics*** | ***Satisfactory*** |
| | 1. *Materials – proposed materials and their application is consistent with previous approvals.*<br><br>2. *Balustrading Proposed fully glazed balustrading addressing the Pacific Highway at Unit 34 is not supported. It offers inadequate visual privacy from the busy highway, poor quality amenity and lacks the needed integration into the architectural expression achieved addressing the highway. Provide a solid masonry upstand with small component of glazing above, to NCC compliant height, similar to the Level 5 rear balustrade treatment.*<br><br>***21/12/2025**: Amendments have addressed* | |

*the balustrade treatment by including the solid masonry upstands.*

3. *Street presentation – amendments to the Unit 34 balustrade will help address the building's appearance in the street and avoid an appearance of the additional level presenting as an ad hoc addition. The highway presentation needs to be quite defensive so the elevation appearance more cohesive, residents have visual and acoustic protection and to avoid the unsightly installation of ad hoc screens to manage privacy levels along this exposed frontage.*

   ***21/12/2025**: Amendments have addressed the balustrade treatment by including the solid masonry upstands.*

Council's Urban Design Consultant has commented on solar access to adjoining properties. Amended plans were provided that undertook a detailed solar modelling (15-minutes intervals and elevational shadow diagrams) exercise that showed the additional shadow compared to the existing approved shadow. Whilst there would be additional impact to Units B1, B5 and B9, from 1.15pm onwards, these properties would obtain solar access between 9am – 1pm which would be unimpeded by the development.

DA0109/11 was determined with 74% solar compliance (44/59 Units). Units B1 was non-compliant with ADG solar at the time of determination, whilst B5 and B9 was compliant with solar access (Living areas and private open space).

Unit B5 solar compliance will be non-compliant (Living areas only) by virtue of the additional overshadowing to living areas and Unit B9 solar remains compliant.

The additional impact results in the development having 72.88% solar compliance (43/59 units). It is noted that this figure is based on the previous ADG requirement of 3 hours solar access, which has been changed to 2. Council has not reconsidered the entire developments solar compliance based on the contemporary 2 hours ADG requirement as opposed to the previous 3 hours requirement. It's likely that solar compliance for DA0109/11 is greater than stated based on the current 2-hour requirement.

The additional impact onto these receivers, does not impact cumulative compliance with ADG solar requirements being less than 70% for DA0109/11 and EDA0556/25 results in compliant solar access for DA0109/11 and further revision is not required.

The proposal is for alterations and additions to an existing approval, which has been modified. Therefore, where documentation has been modified to reflect the current changes under eDA0556/25, these are reflected within the recommended conditions.

The observations and conclusions of the Urban Design consultant are concurred with.

**Heritage**

Council's Heritage Advisor commented on the proposal as follows:

***Ku-ring-gai Local Environmental Plan (KLEP) 2015:***

*Clause 5.10 (4) of the KLEP2015 requires that before granting consent to the proposed works Council must consider the effect of the works on the heritage values of a place listed in the Heritage Schedule of KLEP2015.*

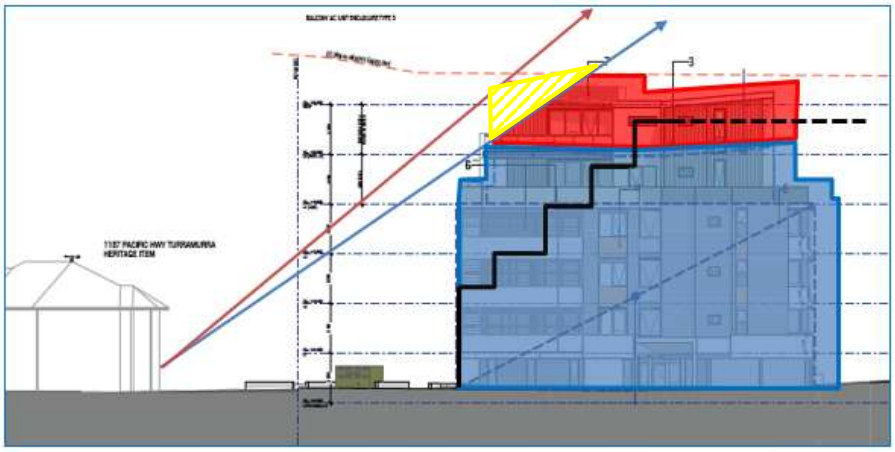
*Clause 5.10 of the KLEP 2015 requires that before granting consent to the proposed works Council must consider the effect of the works on the heritage item, nearby items or conservation area concerned. Clause 5.10 (5) allows Council to require a Heritage Impact Statement before granting consent.*

***Heritage Status***

| | |
|---|---|
| *Local Heritage Item* | ***NO*** |
| *Heritage Conservation Area* | ***NO*** |
| *Immediate vicinity of a heritage item* | ***YES*** |
| *Immediate vicinity of a HCA* | ***NO*** |
| *Interim Heritage Order* | ***NO*** |
| *SHR* | ***NO*** |

***Comment***

| ***Issue*** | ***Suggested amendment*** |
|---|---|
| ***19F.1.2i***<br>• *The proposed building would visually dominate the heritage item due to its height and scale facing the item. This has adverse impact on visual curtilage and setting of the Heritage Item.* | • *Reduce scale or height facing the item.*<br>*Consider increasing setback of top level to retain the existing skyline.* |

| *Issue* | *Suggested amendment* |
|---|---|
| ***Comment:***<br>*Additional arguments were provided, based on applicant's assessment of significance of views and extent of setting of the item.*<br>*It was also pointed out that:*<br>• *FSR is not exhausted, and proposed FSR is considerably below the maximum permissible.*<br>• *Prevailing controls over-ride the DCP controls.*<br>• *The original DA approval which, albeit non-compliant with the DCP, is deemed binding.*<br>***Recommendation:*** *Additional heritage impact recognised but balanced with prevailing planning controls, objection to the proposal is resolved.*<br>  <br>***Figure 1:*** *Line of view of the sky from ground floor of the item.* | |
| ***19F.1.2iv***<br>• *Proposal includes a strongly contrasting colour scheme, including white or off-white painted concrete and rendered areas, polychromatic brickwork and cantilevered concrete details painted white.*<br>• *Proposal includes a visually distracting, strong forms and details incompatible with the character of the item and its setting, including sharp corners and deep recesses and cantilevered balconies.* | • *Use more harmonised colour scheme.*<br>• *Avoid plain white, off-white, metal gun grey or black.*<br>• *Consider basing the colour scheme on previously approved.*<br>• *Eliminate or soften sharp angles, minimise cantilevered areas.* |
| ***Comment:*** *Proposal was amended. This matter is resolved.* | |

| *Issue* | *Suggested amendment* |
|---|---|
| ***19F.1.2iv***<br>***19F.2.2***<br>***19F.2.3ii***<br>***19F.2.3iii***<br>***19F.2.6***<br>• *Proposal includes enlarging envelope and massing which is already exceeding permissible under the DCP. Proposed new building would increase this non-compliance.*<br>• *Proposed new building would increase massing facing the item and would create an interface which is not adequate to the context.* | • *Following parameters in the DCP Figure 19E.2-1, modulate and amend form of the additional proposed envelope to create an interface of scale and bulk to preserve the amenity to the adjacent Heritage Item.* |
| ***Comment:*** *As per advice on pt. 19F.1.2iv above, this matter is resolved.* | |
| ***19F.4.11***<br>• *Slope for the proposed vehicular ramp begins on regulation line and would present a visual interruption in the streetscape.*<br>• *Proposal includes fence of rendered walls which is out of character of the area and would impact on views of the heritage item from the street.* | • *Redesign fence in keeping with the DCP Objectives.* |
| ***Comment:*** *The applicant raised similarities with previously approved fence. This argument is accepted.*<br>***Recommendation:*** *This matter is resolved.* | |

***Conclusion***

*The proposed amendments have addressed majority of earlier raised matters. Other matters were resolved on balance with planning controls.*

The proposal is for alterations and additions to an existing approval, which has been modified. Therefore, where documentation has been modified to reflect the current changes under eDA0556/25, these are reflected within the recommended conditions. The conclusion of Council's Heritage Advisor is concurred with.

**Landscaping**

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

| ***SEPP (Sustainable Building: BASIX) 2022*** | | |
|---|---|---|
| ***Part 3 Aims*** | ***Proposed*** | ***Complies*** |
| *To encourage sustainable residential development* | *Certificate 1059336M_06 dated 11/07/25 is submitted with the application.*<br><br>*The BASIX certificate is consistent with the landscape plans.* | *YES* |

<table>
<tr><td colspan="3">SEPP (Housing) 2021</td></tr>
<tr><td colspan="3">Chapter 2 – Development for Affordable Housing</td></tr>
<tr><td>Part 2 Div 1 Infill Affordable Housing</td><td>Proposed</td><td>Complies</td></tr>
<tr><td>19 non-discretionary development standards – the Act, s4.15<br><br>2(b) a minimum landscaped area that is the lesser of— (i) 35m2 per dwelling, or (ii) 30% of the site area</td><td>The proposal satisfies this part.<br><br>landscaped area means the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area<br><br><u>Assessment details:</u><br><br>• Minimum landscaped area required for the site is 30% in accordance with 2(b)(ii)<br>• The site area is 2380m$^2$<br>• 30% of the site is 714m$^2$<br>• No plans or calculations have been provided to demonstrate compliance with this provision. However, noting that a deep soil area of 1,116.6 m² (46.9%) was approved under the previous consent (eMOD0069/24), the proposal is considered capable of satisfying this requirement. Given that the deep soil area is assessed against more stringent parameters than the landscaped area, it is reasonable to conclude that the landscaped area would substantially exceed the minimum 30% requirement under this provision.</td><td>YES</td></tr>
<tr><td colspan="3">Apartment Design Guide</td></tr>
<tr><td colspan="3">Part 3 – Siting the development</td></tr>
<tr><td>Objective 3E-1 Deep soil zones</td><td>Proposed</td><td>Complies</td></tr>
<tr><td>DSZ definition<br>area of soil within a development that are unimpeded by buildings or structures above and below ground and have a minimum dimension of 6m. Deep soil zones exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and</td><td>The proposal satisfies this part.<br><br>Deep soil zones are to meet the following requirements:<br><br>
<table>
<tr><th>Site Area</th><th>Min dimension</th><th>Deep Soil Zone (% of Site area)</th></tr>
<tr><td>Less than 650m$^2$</td><td>-</td><td rowspan="4">7%</td></tr>
<tr><td>650m$^2$ – 1500m$^2$</td><td>3m</td></tr>
<tr><td>Greater than 1500m$^2$</td><td>6m</td></tr>
<tr><td>Greater than 1500m$^2$ with significant existing tree cover</td><td>6m</td></tr>
</table>
</td><td>YES, subject to conditions</td></tr>
</table>

| | | |
|---|---|---|
| *roof areas.*<br><br>***Figure 3E.4***<br>*Pedestrian pathways and paving which is specifically designed for tree root growth can occupy up to 10% of the deep soil zone* | *On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:*<br>*• 10% of the site as deep soil on sites with an area of 650m$^2$ - 1,500m$^2$*<br>*• 15% of the site as deep soil on sites greater than 1,500m$^2$*<br><br>*Assessment details:*<br><br>• *The site area is 2380m$^2$*<br>• *In accordance with the above table the DSZ is to have a minimum dimension of 6 metres.*<br>• *No plans or calculations have been provided to demonstrate compliance with this provision. However, the proposal is considered capable of satisfying the deep soil provision under this part. On this basis, a calculation of the DSZ was carried out in accordance with the parameters of this provision, resulting in a DSZ of 290.7 m², representing 12.21% of the site area which satisfies this part. (Refer to the DSZ compliant areas identified in **Figure 6** below).*<br>• *The paths within the DSZ compliant areas do not occupy more than 10% of the DSZ. However, a condition will be imposed to ensure that the paths are designed for tree root growth to satisfy Figure 3E.4 in the ADG.* | |
| *Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees.* | *The proposal satisfies this part:* | *YES* |
| ***Part 4 - Designing the building*** | | |
| ***Objective 4O-1***<br>*Successful landscape design complements the existing natural and cultural features of a site and contributes to the building's setting* | *The proposal satisfies this part.*<br><br>*Table 4 - Recommended tree planting in deep soil zones*<br><br>— *Site area up to 850sqm:*<br>*One medium tree per 50sqm of deep soil zone*<br>— *Site area between 850-1500sqm:*<br>*One large tree or two medium sized trees per 90sqm of deep soil zone.* | *YES* |

| | | |
|---|---|---|
| | — *Site area greater than 1500sqm: One large tree or two medium trees per 80sqm of deep soil zone*<br><br>*<u>Assessment details:</u>*<br>• *Site Area – 2380m$^2$*<br>• *Deep soil – 290.7m$^2$*<br>• *Required Trees – 4 x large or 8 x medium*<br>• *Proposed Trees – 6 x large and 4 x medium* | |
| ***Objective 4O-2*** *Landscape design contributes to the streetscape and amenity*<br><br>*Landscape design responds to the existing site conditions including:*<br>*• changes of levels*<br>*• views*<br>*• significant landscape features including trees and rock outcrops* | *The proposal satisfies this part.* | *YES* |
| ***Objective 4P*** *Planting on structures* | *The proposal satisfies this part.*<br><br>• *The planter boxes detailed on landscape plans 4 and 5 comply with the following parameters.*<br><br>***Large trees*** *(12-18m high, 16m crown spread)*<br>*Soil volume – 150 cubic metres*<br>*Soil Depth – 1200mm*<br>*Soil area – 10m x 10m*<br><br>***Medium trees*** *(8-12m high, 8m crown spread)*<br>*Soil volume – 35 cubic metres*<br>*Soil Depth – 1000mm*<br>*Soil area – 6.0m x 6.0m*<br><br>***Small trees*** *(6-8m high, 4m crown spread)*<br>*Soil volume – 9 cubic metres*<br>*Soil Depth – 800mm*<br>*Soil area – 3.5m x 3.5m or equivalent*<br><br>***Shrubs***<br>*500-600mm soil depth*<br><br>***Ground cover***<br>*300-450mm soil depth*<br><br>***Turf***<br>*200mm* | *YES* |

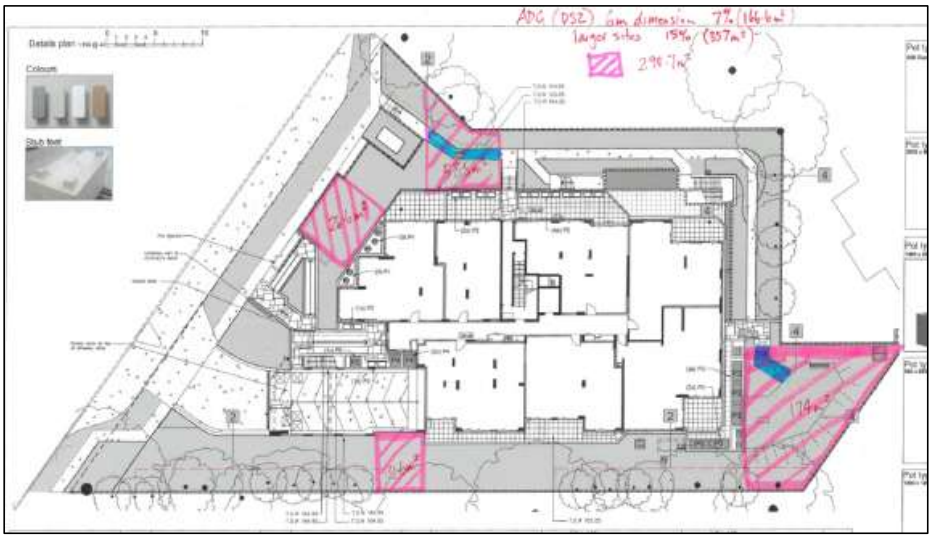


***Figure 6: ADG Dimensions***

| KDCP COMPLIANCE TABLE | | |
|---|---|---|
| **Control** | **Proposed** | ***Satisfies*** |
| ***Part 7A.1 Local Character and Streetscape*** | | |
| *Provide a garden setting with building surrounded by landscape gardens, including canopy trees on all sides.* | *The proposal satisfies this part.* | *YES* |
| ***Part 7A.6 Deep Soil Landscaping*** | | |
| *C1. Residential flat development is to have a minimum deep soil landscape area:* | *The proposal does not satisfy this part, however, is acceptable on merit.*<br>• *As the site area is 2,380m², the Deep Soil Landscaping (DSL) requirement under the DCP is 50%, equating to 1,190m².*<br>• *The deep soil area for the proposal is 1,116m² (46.9%) which is unchanged from the currently approved consent for the site under DA0521/19.*<br>• *While the proposal does not meet the numerical requirement, the objectives of the control can still be achieved, as the proposed DSL areas are largely continuous and free from encumbrances such as retaining walls and built structures.* | *YES, acceptable on merit* |
| *C2. Deep soil zones are to be configured to retain healthy and significant trees on* | *The proposal satisfies this part* | *YES* |

<table>
<tr><td>site and adjoining sites where possible.</td><td></td><td></td></tr>
<tr><td>C3. Deep soil zones are to be configured to allow for required tree planting including tall tree planting and garden and screen planting at front, side and rear boundaries</td><td>The proposal satisfies this part</td><td>YES</td></tr>
<tr><td>C4. Deep soil landscaping is to be provided in the common areas as a buffer between buildings that softens the bulk and scale of the buildings</td><td>The proposal satisfies this part</td><td>YES</td></tr>
<tr><td>C7. Tree replenishment and planting.</td><td>The proposal does not satisfy this part:<br><br>Lots with the following sizes are to support a minimum number of tall trees capable of attaining a mature height of at least 18m on shale, transitional soils and 15m on sandstone derived soils.<br><br>
<table>
<tr><td>Lot Size</td><td>Number of Tall Trees</td></tr>
<tr><td>1,200m$^2$ (or less)</td><td>1 per 400m$^2$ of site area or part thereof</td></tr>
<tr><td>1,201m$^2$ - 1,800m$^2$</td><td>1 per 350m$^2$ of site area or part thereof</td></tr>
<tr><td>1,801m$^2$ +</td><td>1 per 300m$^2$ of site area or part thereof</td></tr>
</table>
<ul>
<li>The site area is 2380m$^2$, requiring 8 trees that will attain 18 metres in height.</li>
<li>Two existing trees (T26 and T44) will attain a mature height of 18 metres</li>
<li>5 trees are proposed for planting - including 3 x Syncarpia glomulifera (Turpentines), 1 x Eucalyptus saligna (Sydney Blue Gum) and 1 x Eucalyptus paniculata (Grey Ironbark) will also meet this height requirement at maturity.</li>
<li>One additional tree is required to be planted. A condition will be imposed to plant an additional tree in the rear setback.</li>
<li>Due to the proposed increased height of the building it is recommended that one of the proposed Turpentines be relocated from the</li>
</ul></td><td>YES, subject to condition</td></tr>
</table>

| | | |
|---|---|---|
| | *front setback to the western side setback, between the 2 x ASM (Acmena smithii). A condition will be imposed to address this issue.* | |
| *C8. In addition to tall trees, a range of medium, small trees and shrubs are to be selected to ensure that vegetation softens the built form and creates a garden setting.*<br><br>*At least 50% of all tree plantings are to be locally occurring trees and spread around the site.* | *The proposal satisfies this part:*<br><br>*The proposal satisfies this part.* | *YES*<br><br>*YES* |
| *C9. Trees are to be planted within all setback areas. At least 30% of the required number of tall trees are to be planted within the front setback* | *The proposal satisfies this part.* | *YES* |
| ***Part 7C.5 Building Entries*** | | |
| *To soften the impact of hard landscaping within the site.*<br><br>*C12. Building entry paths are to be a minimum 1.2m wide and located within the common area with a minimum dimension of 1.2m on either side for landscape planting.* | *The proposal satisfies this part.* | *YES* |
| ***Part 13 Tree and Vegetation Preservation*** | | |
| *To manage Ku-ring-gai's tree and vegetation resources in a sustainable manner.* | ***Tree removal***<br><br>• *Trees 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 17, 18, 19, 29 & 35 were approved for removal under the previous approval of eMOD0069/24. These trees have been removed as construction of the approved development has commenced.*<br>• *The footprint of the proposed development remains unchanged and as such, no additional trees require removal.* | *YES* |

| | | |
|---|---|---|
| | ***Tree impacts***<br>• *No tree impacts* | *YES* |
| ***Part 19 Heritage Items and Heritage Conservation Areas*** | | |
| *19F.3 Gardens and Landscaping – in the vicinity of Heritage Items/HCAs* | *The proposal satisfies this part*<br>• *The proposed landscaping remains unchanged from the landscape plans approved under DA0521/29.*<br>• *Due to the proposed increased height of the building, it is recommended that one of the proposed Syncarpia glomulifera (Turpentine) be relocated from the front setback to the western side setback, between the 2 x ASM (Acmena smithii). This will provide additional softening of the building when viewed from the heritage item.* | *YES, subject to conditions* |
| ***Part 21 General Site Design*** | | |
| *C4.A minimum 0.6m width is required between retaining walls.* | *The proposal satisfies this part.* | *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 any 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 satisfies this part.* | *YES* |
| *21.2 Landscape Design*<br>*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 acceptable subject to a condition to resolve the following issues:*<br>• *To satisfy Control 7 of Part 7A.6 one (1) additional tree that will attain a height of 18 metres is to be planted. The additional tree is to be planted in the rear setback.*<br>• *Due to the proposed increased height of the building, one of the proposed Syncarpia glomulifera (Turpentine) must be relocated from the front setback to the western side setback, between the 2 x ASM (Acmena smithii).* | *YES, subject to conditions* |

The proposal is for alterations and additions to an approved development, which has been modified. Therefore, where documentation has been modified to reflect the current changes under eDA0556/25, these are reflected within the recommended conditions. The proposal is acceptable, subject to the recommended conditions. The comments of Council's Senior Landscape and Tree Assessment Officer are concurred with.

**Engineering**

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

***Water management***

*The subject site has a gentle fall from Pacific Highway to the north towards the rear of the site. A townhouse development was approved at 1185 Pacific Highway. An easement has since been registered ((1189 Pacific Highway (DP1221867) dated 26 May 2017 and 10 Warrangi Street (DP1215554) dated 16 January 2017)) containing a 375 diameter pipe to benefit 1185 and the site at 1189/1197 Pacific Hwy, 1-1A Womerah Street.*

*DA0521/19 was approved, subject to a deferred commencement development consent term requiring documentary evidence to be provided to Council confirming that the property downstream of No.1183 Pacific Highway had expanded the terms of the easement to convey stormwater runoff from both 1183 and 1185 Pacific Highway to drain over the downstream properties.*

*The stormwater plans show all roof areas to be collected and conveyed to a combined detention / retention tank comprising a total of 59$m^3$ and 6,000L respectively located under the lower basement floor. The overflow from the detention system is directed to the existing interallotment drainage easement containing a 375mm diameter pipe that drains to Council's drainage system in Warrangi Street. The invert levels of the as-built stormwater pit within 1183-1185 Pacific Highway to which connection is proposed to the interallotment drainage system has been checked to ensure that the development site can drain by gravity.*

*The sizing of the detention system complies with Part 24C.5. The location of the access pits to the detention and retention system can be readily accessible external to the building and within the common landscaped area.*

*An updated BASIX Certificate has been submitted, with the water commitments requiring a rainwater tank of 6,000 litres to collect runoff from 200$m^2$ of roof area and be reused for irrigation of 947.70$m^2$ of landscaped areas. The rainwater retention and re-use has met the 50% reduction in runoff days required under Part 24C.3 of the KDCP.*

*Two separate pump-out systems with storage capacity of 3$m^3$, respectively, have been provided within the basement carpark to drain 100sqm of the driveway. It has been designed to have the rising main discharge to the water quality chamber within the OSD tank. The pump-out tank has been designed based on the 100 year 2 hour storm as required under Part 24B.5 of the KDCP.*

*The captured stormwater is to be treated by using a proprietary pollution device prior to connection into the interallotment drainage easement. The captured stormwater will be treated using OCEANGUARD inserts to external pits as well as providing OCEANGUARD '4 x StormFilter' located within the OSD tank. The pollutant load standards set out in Part 24C.6 of the KDCP has 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.*

*Furthermore, consideration has been given to the proposed development in relation to the relevant provisions of Clause 6.5 Stormwater and water sensitive urban design of KLEP 2015 as the requirements of Part 24 Water Management of KDCP and the proposal is satisfactory in this regard.*

***Vehicle access and accommodation arrangements***

*Car Parking Rates*

*The subject site is approximately 433 metres walking distance to Turramurra Station and town centre. As such, the subject site is identified as low and mid-rise housing area, and more specifically, low, and mid-rise housing outer area.*

*The ADG specifies that sites within 800 metres of a railway station or light rail stop can satisfy the minimum parking requirements specified in the RMS "Guide to Traffic Generating Developments" (October 2002). It is noted that the guide has now been superseded and replaced by the 'Guide to Transport Impact Assessment' (November 2024). Under the new guide, the subject site sits in Category 2, and the same car parking rates as the 2002 continue to apply.*

*A total of 35 residential apartments, including 8 affordable dwellings, are proposed in the new building as follows:*

*Statement of Environmental Effects*

- *1 bedroom apartments: 3 x 0.6 = 1.8 (including 2 affordable dwellings)*
- *2 bedroom apartments: 19 x 0.9 = 17.1 (including 6 affordable dwellings)*
- *3 bedroom apartments: 9 x 1.4 = 12.6*
- *4 bedroom apartments: 4 x 1.4 = 5.6*
  *Total Residential = 37 spaces*
- *1 space per 5 units for visitors = 7 spaces*
  *Total = 44 spaces*

*The development is within 800m of the Turramurra and Warrawee Railway Station. The application is relying on the State Environmental Planning Policy (Housing) 2021 (SEPP) Part 2, Division 1, Section 18 'minimum parking requirements for infill affordable housing' which provides the following car parking rates:*

*SEPP Car Parking Requirements*

*Affordable*

- *1 bedroom unit: 0.4 space per unit (1 x 0.4 = 0.4)*
- *2 bedroom unit: 0.5 space per unit (6 x 0.5 = 3)*
- *3 bedroom unit : 1 space per unit (1 x 1 = 1*
- *Total = 4.4 spaces*

*Market*

- *1 bedroom unit: 0.5 space per unit (1 x 0.4 = 0.4)*
- *2 bedroom unit: 1.0 spaces per unit (13 x 1= 13)*
- *3-4 bedroom unit: 1.5 spaces per unit (13 x 1.5 = 19.5)*
  *Total = 33 spaces*

*Therefore: 37 residential spaces are required.*

*In comparison, the Ku-ring-gai Development Control Plan (DCP) provides the maximum car parking rates for residential flat buildings that are within 800 metres walking distance of a railway station entry.*

*It should be noted that the DCP does not differentiate between affordable and market dwellings.*

*Ku-ring-gai DCP Part 7B.1 (maximum number of parking spaces) Parking Requirements*

- *1 bedroom unit: 1 space per unit (3 x 1 = 3)*
- *2 bedroom unit: 1.25 space per unit (19 x 1.25 = 23.75)*
- *3-4 bedroom unit: 2 spaces per unit (13 x 2 = 26)*
- *Visitor parking: 1 space per 6 units (35 /6 = 6)*

*According to the DCP controls, the proposal would seek 53 residential spaces and 6 visitor spaces. In this instance the SEPP controls take precedence over Council's DCP requirements.*

*The proposed development seeks provision for a total of 53 off-street car parking spaces comprising 44 resident parking spaces (including 6 accessible spaces which consists of the 15% Platinum) and 9 visitor spaces, which satisfies the State Environmental Planning Policy (Housing) 2021.*

*The DCP does require that one visitor parking space is provided as an accessible parking space, which has been provided.*

*The three levels of basement plan showing location and dimensional requirements of all residential car spaces (affordable and market) and accessible spaces have been shown on the amended architectural plans.*

*Vehicular access*

*MOD0062/22 approved changes to the basement parking plan. The application was referred to Transport for NSW (TfNSW) for comment and the approved basement vehicular access onto the Pacific Highway onto the slip lane was found by TfNSW to be acceptable. There are no changes proposed to the approved vehicular access and parking.*

*Traffic generation*

*No changes are proposed to the previously approved car parking spaces yield and as a result the traffic generation rates to the proposed modifications will thereby result in no change in the traffic generation potential of the site per the relevant provisions of the Guide to Transport Impact Assessment.*

The proposal is for alterations and additions to an approved development, which has been modified. Therefore, where documentation has been modified to reflect the current changes under eDA0556/25, these are reflected within the recommended conditions. The comments of Council's Team Leader Development Engineers are concurred with.

**Environmental Health**

Council's Senior Environmental Health Officer commented on the proposal as follows:

> *The applicant is proposing to place air conditioning condensers on balconies. Appropriate conditions are recommended.*

The comments of Council's Senior Environmental Health are concurred with.

**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 onsite comprises of (T44-Eucalyptus punctata) Grey Gum located within the south-western corner of the subject property. The Grey Gum is representative of PCT 3136 Blue Gum High Forest (BGHF) listed as a Critically Endangered Ecological Community (CEEC) under the Biodiversity Conservation Act 2016.*<br><br>*The proposal does not trigger entry into the biodiversity offset Scheme (BOS) as the proposal will not result in the removal of native vegetation from the Biodiversity Land Values map.*<br><br>*No biodiversity development assessment Report (BDAR) is deemed to be necessary in this instance.* | *YES* |
| ***KLEP 2015 COMPLIANCE TABLE*** | | |
| ***Part 6 Additional local provisions*** | ***Proposed*** | ***Complies*** |
| ***Clause 6.3 – Biodiversity Protection***<br>*The objective of this clause is to protect maintain and improve the diversity and condition of native vegetation and habitat* | *The subject property is mapped in its entirety as "Terrestrial biodiversity". The proposed alterations maintain the existing approved building footprint and will not result in the removal of native vegetation.* | *YES* |

| *KDCP COMPLIANCE TABLE* | | |
|---|---|---|
| ***Control*** | ***Proposed*** | ***Complies*** |
| ***Part 18 Biodiversity Controls*** | | |
| *18.3 Category – Support for Core Biodiversity Lands.*<br><br>*18.5 Category – Biodiversity Corridors and Buffer Areas* | *The proposed development is located within lands mapped as being support for core & biodiversity corridors and Buffer area.*<br><br>*No native vegetation is to be removed, and the proposed development will not likely impact native biodiversity values within green web categories.* | *YES* |

The comments of Council's Ecological Assessment Officer are concurred with.

**Building Surveyor**

Council's Co-ordinator Building Inspections Services commented on the proposal as follows:

> *The plans and documents supplied by the applicant, including the Access Report prepared by Vista Access Architects have been reviewed.*
>
> *The access report demonstrates the modifications to the development for accessibility can be appropriately achieved.*
>
> *A detailed assessment of the BCA will be undertaken by the Principal Certifier at the Construction Certificate stage.*

The comments of Council's Co-ordinator Building Inspections Services are concurred with.

**External Referrals**

The application was referred to Transport for NSW (TfNSW) as it seeks to amend the previous development consent that was subject to concurrence requirements. TfNSW provided advice, dated 13 March 2026, as follows:

> *Reference is made to Council's referral regarding the abovementioned Development Application (DA) which was referred to Transport for NSW (TfNSW) for advice under clause 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021.*
>
> *TfNSW has reviewed the submitted information and notes the proposed modifications are unlikely to have a significant impact on the classified road network. TfNSW reiterates the comments and requirements provided in the previous submission of 30 September 2020 (TAB A) which remain applicable.*

No objection was raised by TfNSW to this application, subject to the previous concurrence requirements being applicable. The previous concurrence requirements will remain applicable to DA0521/19 and have been included in the recommended conditions of consent for completeness.

## STATUTORY PROVISIONS

**Draft Climate Change and Natural Hazards State Environmental Planning Policy**

The Explanation of Intended Effect for the proposed Climate Change and Natural Hazards SEPP was publicly exhibited between 17 February and 16 March 2026. The submissions received during the exhibition period are currently under consideration by the Department.

The Climate Change and Natural Hazards SEPP is intended to replace the Resilience and Hazards SEPP. This SEPP is intended to address risks associated with climate change, urban heat, bushfire, coastal hazards and flooding. The proposed works will not create any additional risks that would be contrary to the proposed SEPP.

**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 Chapter 6 Water catchments Hawkesbury-Nepean River**

Chapter 6 of the SEPP applies to land within the Hawkesbury Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context.

The provisions of Section 6.6 'Water quality and quantity' have been considered in the assessment of the proposal. The proposal includes measures to capture and minimise stormwater run-off from the site that would adversely impact upon any natural waterbody or the regulated catchment. The proposal is consistent with the provisions of Clause 6.6 and Chapter 6 of the SEPP.

**State Environmental Planning Policy (Transport and Infrastructure) 2021 – Division 17 Roads and traffic**

The property has a frontage to a classified road, being Pacific Highway, and consideration is required pursuant to Division 17 Section 2.119 SEPP. The DA (DA0521/19) was subject to concurrence and had relevant conditions imposed on that consent.

As described under the external referrals section, comment from TfNSW was received who raised no issues with the development, subject to the previous concurrence requirements remaining applicable.

As the property has frontages to a classified road Section *2.120 Impact of road noise or vibration on non-road development* requires the consent authority to consider the noise impacts on residential accommodation. The base DA previously was supported by an acoustic assessment and this amending DA is supported by a traffic noise assessment that has determined that the proposed development will comply with the SEPP's noise criteria.

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

A valid BASIX certificate has been submitted, and the proposal is consistent with commitments identified in the certificate. As per the requirements of Clause 2.1(5) the consent authority is satisfied that the application includes information in which the embodied emissions attributable to the development have been quantified.

**State Environmental Planning Policy (Housing) 2021**

This amending DA seeks to utilise several provisions of the SEPP Housing, being:

- Chapter 2 Affordable housing
- Chapter 4 Design of residential apartment development
- Chapter 6 Low- and mid-rise housing

The application is assessed as being compliant with these provisions as detailed below:

**Chapter 2 Affordable housing**

This amending DA seeks to apply the Division 1 infill affordable housing bonuses to the development. The application provides infill affordable housing for 15 years and obtains an increase to floor space and height.

This Amending DA is being lodged pursuant to Section 15C (1) of the SEPP Housing that applies to development that includes residential development. The subject development is development permitted with consent under the KLEP 2015.

The proposed development comprises an affordable housing component of 13.71% and is located on land in the Six Cities Region in an accessible area.

The subject site is located within walking distance to the public entrance of Turramurra Station and Town Centre. The subject site is also located within 400 metres walking distance to the following two bus stops which are serviced by the 575 Hornsby to Macquarie University via Turramurra route that runs every half an hour Monday to Sunday:

- 160m walking distance to Pacific Hwy after Warrangi Street Stop (Bus Stop ID: G207326)
- 190m walking distance to Pacific Hwy at Womerah Street Stop (Bus Stop ID: G207421)

As the application seeks to utilise the infill affordable housing provisions, the non-discretionary development standards apply. The application is assessed as consistent with these standards as described in the below table:

| Non-discretionary standard | Proposed | Complies |
|---|---|---|
| 15C Development to which division applies | There are no exclusions that prevent the chapter from applying and the affordable housing proposed is consistent with the requirements. | **YES** |
| 16 Affordable housing requirements for additional floor space ratio<br><br>16(1)-(2) Floor Space Ratio Bonus | The proposed development seeks to provide 13.71% affordable housing which allows a FSR bonus of 27.42%. | **YES** |

| Non-discretionary standard | Proposed | Complies |
|---|---|---|
| | The maximum floor space applicable to the site is 1.9113:1 (1.27 x 1.5). The proposed floor space is 1.526:1. | |
| 16(3) Height Bonus | The non-discretionary development standard of a maximum height of building of 17.5m is applicable under Chapter 6 Low to Mid Rise.<br><br>In accordance with the bonus formula provided, the maximum allowable height of building is 22.298m (17.5 x 1.2742).<br><br>A maximum height of 22.289m is proposed. | **YES** |
| 19 Non-discretionary development standards—the Act, s 4.15 | | |
| a minimum site area of 450m2, | The subject site has an area of 2,379m$^2$ | **YES** |
| (b) a minimum landscaped area that is the lesser of—<br>(i) 35m2 per dwelling, or<br>(ii) 30% of the site area, | 30% of the site is the lesser of (i) and (ii), and requires an area of 713.7m$^2$. 1,116.6m$^2$ (46.9%) of deep soil area has been provided (unchanged from the approved development under DA0521/19) | **YES** |
| (e) the following number of parking spaces for dwellings used for affordable housing—<br>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,<br>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,<br>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space, | Total of 4.4 spaces is required for dwellings used for affordable housing and is accommodated in the approved basement car park.<br><br>A condition of consent will be imposed regarding this matter (**Condition 28**). | **YES** |
| (f) the following number of parking spaces for dwellings not used for affordable housing—<br>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,<br>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,<br>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces, | A total of 33 spaces is required for dwellings not being used for affordable housing.<br><br>The existing development has surplus parking to the SEPP's requirements | **YES** |
| (g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development, | Complies with ADG requirements | **YES** |
| **20 Design requirements** | | |
| (3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—<br><br>(a) the desirable elements of the character of the local area, or | The application is for alterations to an existing residential flat building. The alterations are consistent with the emerging future character of the locality and is consistent with the low to mid rise planning provisions.<br><br>The application meets the desired future character of the locality. | **YES** |

| Non-discretionary standard | Proposed | Complies |
|---|---|---|
| (b) for precincts undergoing transition—the desired future character of the precinct. | | |
| 21 Must be used for affordable housing for at least 15 years | | |
| (1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider. | Noted. As the application seeks to apply floor space and height bonuses to the development.<br><br>The application nominates eight approved apartments on Levels 1 and 2 as affordable housing.<br><br>Conditions are recommended (**Conditions 98, 97, 88, 87, 86**) as required under *Section 82 In-fill affordable housing of the Environmental Planning and Assessment Regulation 2021.* | **YES, by condition** |

**Chapter 4 Design of residential apartment development**

Chapter 4 Design of residential apartment development applies to the development as it proposes substantial alterations to an existing residential flat building, as such the consent authority must consider this part.

Sections 147 and 148 of the SEPP Housing require consideration as to whether the development meets the 9 design qualities of the ADG and that the Design Verification Statement reflects the prescriptive and non-prescriptive provisions of the SEPP Housing.

The assessment of the proposed development has been carried out and it is deemed acceptable for reasons outlined in this report. Clause 148 provides for non-discretionary development standards, Council's assessment of these is below:

| Non-discretionary standard | Proposed | Complies |
|---|---|---|
| 148 Non-discretionary development standards for residential apartment development—the Act, s 4.15 | | |
| (b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide, | The additional units are 3- and 4-bedroom units, that all exceed the 95m$^2$ requirement. | **YES** |
| (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide. | The proposal has compliant ceiling heights. **Condition 17** ensures compliance. | **YES** |

Section 29(1A) of the Environmental Planning and Assessment Regulation 2021 requires the submission of a design verification statement from the building designer at lodgement of the development application. This documentation has been submitted and is satisfactory.

The SEPP requires the assessment of any development application for residential flat development against the design quality principles contained in the SEPP, which has been undertaken by Council's Urban Design Consultant. The SEPP also requires consideration of the matters contained in the Apartment Design Guide. As such, the following consideration has been given to the requirements of the SEPP and Apartment Design Guide.

**Apartment Design Guide**

The following table is an assessment of the proposal against the applicable guidelines of the ADG.

| ADG COMPLIANCE TABLE | |
|---|---|
| **Guideline** | **Compliance** |
| *Objective 3A-1*<br>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context | YES |
| *Objective 3B-1*<br>Building types and layouts respond to the streetscape and site while optimising solar access within the development | YES |
| *Objective 3B-2*<br>Overshadowing of neighbouring properties is minimised during mid-winter | YES |
| *Objective 3C-1*<br>Transition between private and public domain is achieved without compromising safety and security | YES |
| *Objective 3C-2*<br>Amenity of the public domain is retained and enhanced | YES |
| *Objective 3D-1*<br>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping | Remains as per DA0521/19 |
| ***Design criteria*** | |
| 1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)<br><br>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter) | YES<br><br>254.1m$^2$ or 10.68% is proposed.<br><br>This remains unchanged from the existing approval. |
| *Objective 3D-2*<br>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting | Remains as per DA0521/19 |
| *Objective 3D-3*<br>Communal open space is designed to maximise safety | Remains as per DA0521/19 |
| *Objective 3D-4*<br>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood | Remains as per DA0521/19 |
| *Objective 3E-1*<br>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality | YES, per DA0521/19 |

<table>
<tr><th colspan="2">ADG COMPLIANCE TABLE</th></tr>
<tr><th>Guideline</th><th>Compliance</th></tr>
<tr><td colspan="2">Design criteria</td></tr>
<tr><td>Deep soil zones are to meet the following minimum requirements:<br><br>
<table>
<tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr>
<tr><td>less than 650m$^2$</td><td>-</td><td></td></tr>
<tr><td>650m$^2$ - 1,500m$^2$</td><td>3m</td><td></td></tr>
<tr><td>greater than 1,500m$^2$</td><td>6m</td><td></td></tr>
<tr><td>greater than 1,500m$^2$ with significant existing tree cover</td><td>6m</td><td></td></tr>
</table>
</td><td>YES<br>A total of 1,116.6m$^2$ (46.9%) of deep soil (as defined by the ADG) is provided as approved which exceeds the required 15% of site area for lots greater than 1,500m$^2$<br><br>This remains unchanged by the amending DA.</td></tr>
<tr><td>Objective 3F-1<br>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</td><td>YES<br>The new Level 5 separation between properties is compliant and which ensures adequate privacy protection and maintains equitable amenity between neighbours.</td></tr>
<tr><td colspan="2">Design criteria</td></tr>
<tr><td>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:<br><br>
<table>
<tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th><th>Proposal</th></tr>
<tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td><td>9m</td></tr>
<tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td><td>9m</td></tr>
<tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td><td>N/A</td></tr>
</table>
Note: Separation distances between buildings on the same sit should combine required building separations dependin on the type of room (see figure 3F.2)<br>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties</td><td>YES<br><br>The new Level 5 provides the following separation from surrounding residential flat buildings (RFB):<br><br>• 19m to northern RFB<br>• 18.16m to eastern RFB</td></tr>
<tr><td>Objective 3F-2<br>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space</td><td>YES</td></tr>
<tr><td>Objective 3G-1<br>Building entries and pedestrian access connects to and addresses the public domain</td><td>Remains as per DA0521/19</td></tr>
</table>

| ADG COMPLIANCE TABLE | |
|---|---|
| **Guideline** | **Compliance** |
| *Objective 3G-2*<br>Access, entries and pathways are accessible and easy to identify | Remains as per DA0521/19 |
| *Objective 3G-3*<br>Large sites provide pedestrian links for access to streets and connection to destinations | Remains as per DA0521/19 |
| *Objective 3H-1*<br>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes | Remains as per DA0521/19 |
| ***Design guidance*** | |
| Car park access should be integrated with the building's overall facade. Design solutions may include:<br>• the materials and colour palette to minimise visibility from the street<br>• security doors or gates at entries that minimise voids in the facade<br>• where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed | Remains as per DA0521/19 |
| *Objective 3J-1*<br>1. Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas | YES |
| ***Design criteria*** | |
| 1. For development on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street. | YES complies with Chapter 2 of SEPP Housing |
| *Objective 3J-2*<br>Parking and facilities are provided for other modes of transport | Remains as per DA0521/19 |
| *Objective 3J-3*<br>Car park design and access is safe and secure | Remains as per DA0521/19 |
| *Objective 3J-4*<br>Visual and environmental impacts of underground car parking are minimised | Remains as per DA0521/19 |
| *Objective 4A-1*<br>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space | YES |

| ADG COMPLIANCE TABLE | |
|---|---|
| **Guideline** | **Compliance** |
| ***Design criteria*** | |
| 1 Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas<br>2 In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter<br>3 A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter | YES<br><br>80% of all units (28 of 35 units) achieve direct solar access to living rooms for 2 hours between 9am and 3pm at midwinter. |
| *Objective 4A-3*<br>Design incorporates shading and glare control, particularly for warmer months | YES |
| *Objective 4B-1*<br>All habitable rooms are naturally ventilated | YES |
| *Objective 4B-2*<br>The layout and design of single aspect apartments maximises natural ventilation | YES |
| *Objective 4B-3*<br>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents | YES |
| ***Design criteria*** | |
| At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed<br>2 Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line | YES<br>85.7% of all units (30 of 35 units) are naturally cross ventilated.<br>Openable windows are proposed for all habitable rooms. |
| *Objective 4C-1*<br>Ceiling height achieves sufficient natural ventilation and daylight access | YES |
| ***Design criteria*** | |
| Measured from finished floor level to finished ceiling level, minimum ceiling heights are:<br><br>**Minimum ceiling height for apartment and mixed use buildings** — **Proposal**<br>Habitable rooms — 2.7m — 3.2m<br>Non-habitable — 2.4m — 3.2m<br>For 2 storey apartments — 2.7m for main living area floor; 2.4m for second floor, where its area does not exceed 50% of the apartment area | Remains as per DA0521/19 |
| *Objective 4C-2*<br>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms | YES |

| ADG COMPLIANCE TABLE | |
|---|---|
| **Guideline** | **Compliance** |
| *Objective 4C-3*<br>Ceiling heights contribute to the flexibility of building use over the life of the building | Remains as per DA0521/19 |
| *Objective 4D-1*<br>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity | YES |
| ***Design criteria*** | |
| Apartments are required to have the following minimum internal areas:<br><br>**Apartment type** — **Minimum internal area** — **Proposal**<br>Studio — 35m$^2$ — N/A<br>1 bedroom — 50m$^2$ — N/A<br>2 bedroom — 70m$^2$ — N/A<br>3 bedroom — 90m$^2$ — Min 135.4m$^2$<br>4 bedroom — 102m$^2$ — Min 123.6m$^2$<br><br>The minimum internal areas include only one bathroom. Additiona bathrooms increase the minimum internal area by 5m2 each<br><br>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each<br><br>Every habitable room must have a window in an external wall witl a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms | YES<br><br>This amending DA adds 3 additional 3 bedroom + units which are compliant. |
| *Objective 4D-2*<br>Environmental performance of the apartment is maximised | YES |
| ***Design criteria*** | |
| 1 Habitable room depths are limited to a maximum of 2.5 x the ceiling height<br><br>2 In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window | YES |
| *Objective 4D-3*<br>Apartment layouts are designed to accommodate a variety of household activities and needs | YES |

| ADG COMPLIANCE TABLE | |
|---|---|
| **Guideline** | **Compliance** |
| ***Design criteria*** | |
| 1 Master bedrooms have a minimum area of 10m$^2$ and other bedrooms 9m$^2$ (excluding wardrobe space)<br>2 Bedrooms have a minimum dimension of 3m (excluding wardrobe space)<br>3 Living rooms or combined living/dining rooms have a minimum width of:<br>• 3.6m for studio and 1 bedroom apartments<br>• 4m for 2 and 3 bedroom apartments<br>4 The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts | YES<br>YES<br>YES<br>YES |
| *Objective 4E-1*<br>Apartments provide appropriately sized private open space and balconies to enhance residential amenity | YES |
| ***Design criteria*** | |
| All apartments are required to have primary balconies as follows:<br><br>**Dwelling type** / **Minimum area** / **Minimum depth**<br>Studio apartments / 4m$^2$ /<br>1 bedroom apartments / 8m$^2$ / 2m<br>2 bedroom apartments / 10m$^2$ / 2m<br>3+ bedroom apartments / 12m$^2$ / 2.4m<br>The minimum Balcony depth to be counted as contributing to the balcony area is 1m / / Balconies width 2m<br><br>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m$^2$ and a minimum depth of 3m | YES |
| *Objective 4E-2*<br>Primary private open space and balconies are appropriately located to enhance liveability for residents | YES |
| Objective 4E-3<br>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building | YES |
| *Objective 4E-4*<br>Private open space and balcony design maximises safety | YES |
| *Objective 4F-1*<br>Common circulation spaces achieve good amenity and properly service the number of apartments | YES |
| ***Design criteria*** | |
| 1. The maximum number of apartments off a circulation core on a single level is eight<br><br>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40 | YES |

| ADG COMPLIANCE TABLE | |
|---|---|
| **Guideline** | **Compliance** |
| *Objective 4F-2*<br>Common circulation spaces promote safety and provide for social interaction between residents | YES |
| *Objective 4G-1*<br>Adequate, well designed storage is provided in each apartment | YES |
| **Design criteria** | |
| In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:<br><br>**Dwelling type** / **Storage size volume** / **Proposal**<br>Studio apartments — $4m^3$<br>1 bedroom apartments — $6m^3$<br>2 bedroom apartments — $8m^3$<br>3+ bedroom apartments — $10m^3$ — Complies<br><br>At least 50% of the required storage is to be located within the apartment | YES<br>Each new unit has greater than $10m^3$ of storage. |
| *Objective 4G-2*<br>Additional storage is conveniently located, accessible and nominated for individual apartments | YES |
| *Objective 4H-1*<br>Noise transfer is minimised through the siting of buildings and building layout | YES |
| *Objective 4H-2*<br>Noise impacts are mitigated within apartments through layout and acoustic treatments | YES |
| *Objective 4J-1*<br>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings | YES |
| *Objective 4J-2*<br>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission | YES |
| *Objective 4K-1*<br>A range of apartment types and sizes is provided to cater for different household types now and into the future | YES |
| *Objective 4K-2*<br>The apartment mix is distributed to suitable locations within the building | YES |
| *Objective 4L-1*<br>Street frontage activity is maximised where ground floor apartments are located | Remains as per DA0521/19 |
| *Objective 4L-2*<br>Design of ground floor apartments delivers amenity and safety for residents | Remains as per DA0521/19 |
| *Objective 4M-1*<br>Building facades provide visual interest along the street while respecting the character of the local area | YES |
| *Objective 4M-2*<br>Building functions are expressed by the façade | YES |

| ADG COMPLIANCE TABLE | |
|---|---|
| **Guideline** | **Compliance** |
| *Objective 4N-1*<br>Roof treatments are integrated into the building design and positively respond to the street | YES |
| *Objective 4N-2*<br>Opportunities to use roof space for residential accommodation and open space are maximised | YES |
| *Objective 4N-3*<br>Roof design incorporates sustainability features | YES |
| *Objective 4O-1*<br>Landscape design is viable and sustainable | Remains as per DA0521/19 |
| *Objective 4O-2*<br>Landscape design contributes to the streetscape and amenity | Remains as per DA0521/19 |
| *Objective 4P-1*<br>Appropriate soil profiles are provided | Remains as per DA0521/19 |
| *Objective 4P-2*<br>Plant growth is optimised with appropriate selection and maintenance | Remains as per DA0521/19 |
| *Objective 4P-3*<br>Planting on structures contributes to the quality and amenity of communal and public open spaces | YES |
| *Objective 4Q-1*<br>Universal design features are included in apartment design to promote flexible housing for all community members | YES |
| *Objective 4Q-2*<br>A variety of apartments with adaptable designs are provided | YES |
| *Objective 4Q-3*<br>Apartment layouts are flexible and accommodate a range of lifestyle needs | YES |
| *Objective 4R-1*<br>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place | YES, the alterations maintain the existing aesthetic of the building |
| *Objective 4S-2*<br>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents | YES |
| *Objective 4U-1*<br>Development incorporates passive environmental design | Remains as per DA0521/19 |
| *Objective 4U-2*<br>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer<br>Adequate natural ventilation minimises the need for mechanical ventilation | YES |
| *Objective 4U-3*<br>Adequate natural ventilation minimises the need for mechanical ventilation. | YES<br>85.7% of units (30 of 35) are naturally cross-ventilated (ADG guideline – 60%). |
| *Objective 4V-1*<br>Potable water use is minimised | YES |
| *Objective 4V-2*<br>Urban stormwater is treated on site before being discharged to receiving waters | YES |

| ADG COMPLIANCE TABLE | |
|---|---|
| **Guideline** | **Compliance** |
| *Objective 4V-3*<br>Flood management systems are integrated into site design | YES |
| *Objective 4W-1*<br>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents | YES |
| *Objective 4W-2*<br>Domestic waste is minimised by providing safe and convenient source separation and recycling | YES |
| *Objective 4X-1*<br>Building design detail provides protection from weathering | YES |
| *Objective 4X-2*<br>Systems and access enable ease of maintenance | YES |
| *Objective 4X-3*<br>Material selection reduces ongoing maintenance costs | YES |

**Chapter 6 Low to Mid Rise Housing**

The site is located within a Low to mid rise housing area, being within 800m walking distance of an identified town centre. The aims of this chapter are to encourage development within proximity to local centres that are well-located with services and have suitable public transport.

The surrounding locality is noted to be within proximity of the Turramurra Station and Town Centre which is a described town centre for the purposes of Chapter 6 of the SEPP Housing.

**Application of policy**

The site is located within a nominated town centre and the site is not affected by any specific exclusions as nominated in Section 164, therefore the site can benefit from the policy and relevant planning controls.

**Walking distance**

Chapter 6 provides relevant planning controls for residential flat buildings based on their proximity by walking distance to a nominated town centre. The site is located within 433.82 metres (**Figure 7**) of Turramurra Station and Town Centre. By definition, the site is located within a *low and mid rise housing outer area*. This is defined as:

> ***low and mid rise housing outer area*** *means—*
> *(a) land between 400m and 800m walking distance of—*
> *(i) land identified as "Town Centre" on the Town Centres Map, or*
> *(ii) a public entrance to a railway, metro or light rail station listed in Schedule 11, or*
> *(iii) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station, and*
> *(b) if a site area contains land identified in paragraph (a)—the site area, unless the site area is also in the low and mid rise housing inner area.*

The applicant has provided a detailed walking distance analysis within their Statement of Environmental Effects that adequately demonstrates the site is located within a low- and mid-rise housing outer area.




***Figure 7: Extract from applicant's amended SEE Figure 2 (Source: CPS)***

**Part 4 Residential Flat Buildings and Shop Top Housing**

As the site is zoned R4 under the KLEP 2015 Section *176 Development standards—low and midrise housing outer area* of SEPP Housing and Section *180 Non-discretionary development standards—residential flat buildings and shop top housing in Zone R3 or R4* provides applicable development standards that apply to the development.

The below table provides an assessment of the development against the applicable standards:

| Non-discretionary standard | Proposed | Complies |
|---|---|---|
| **176 Development standards—low and mid rise housing outer area** | | |
| (1) This section applies to land in a low and mid rise housing outer area in Zone R3 Medium Density Residential or R4 High Density Residential. | The site is located within the *low and mid rise housing outer area* as described above. | **YES** |
| 180 Non-discretionary development standards—residential flat buildings and shop top housing in Zone R3 or R4 | | |
| (1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential. | Per above, site is located within the R4 zone of the KLEP 2015 and is within a low- and mid-rise housing area. | **YES** |

**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 consistent with the Aims for the reasons given within the assessment report.

**Zoning and permissibility**

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

**Zone objectives**

The objectives of this zone are:

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

The development is consistent with the zone objectives as:

- The development is well-located to goods and services
- The development provides for housing in proximity to public transport options
- The development provides a residential flat building consistent with expectations for a high density residential environment
- The development provides for affordable housing which is a housing need of the community

**Development standards (applicable)**

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

| Development standard | Proposed | Complies |
|---|---|---|
| **Cl 6.6 - Requirements for multi dwelling housing and residential flat buildings:** Development consent must not be granted for the erection of multi dwelling housing or a residential flat building on a lot in a residential zone unless the lot has an area of at least 1,200 square metres and minimum dimensions (width and depth) of at least—<br>(a) if the area of the land is less than 1,800 square metres—24 metres, or<br>(b) if the area of the land is 1,800 square metres or more—30 metres. | The subject site has a site area of 2,379m$^2$ and a frontage of 55m to Pacific Highway. | **YES** |

Note, the height and FSR standards under SEPP Housing prevail over those in KLEP 2015.

**Part 5 Miscellaneous provisions**

**Clause 5.10 – Heritage conservation**

The subject site does not contain a heritage item, however is located within 100m of an Item. The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance.

The application has been considered by Council's Heritage Advisor who considers the proposal as being acceptable in this regard.

**Part 6 Additional local provisions**

**Clause 6.3 - Biodiversity protection**

The site is mapped as land comprising biodiversity significance.

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

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

Council's Team Leader Development Engineer's has given consideration to the objective of this clause which seeks to minimise the adverse impacts of urban water on the site and within the catchment. The proposal does not increase the impermeable area of the site and the stormwater design remains consistent with the proposal as approved under DA0521/19 and as modified.

## 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 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 7: Residential Flat Buildings**

The application is for alterations and additions to an existing residential flat building. The existing residential flat building (as modified) has been previously assessed against the KDCP.

As the base consent has been assessed in detail against Part 7 of the KDCP, further assessment for 3 units has been kept brief.

The proposal is assessed against the applicable controls in the below compliance table.

| COMPLIANCE TABLE | | |
|---|---|---|
| **Development Control** | **Proposed** | **Complies** |
| **Part 7 Residential Flat Buildings** | | |
| **7A.1 – Local character and streetscape** | | |
| All Residential Flat Buildings are to be designed by an architect registered with the NSW Architects Registration Board. | The building is designed by a registered architect. | **YES** |
| 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 additions colours and materials are compatible with the adjoining heritage item and match what was previously approved. | **YES** |
| **7A.2 – Site layout** | | |
| The site layout is to demonstrate a clear and appropriate design strategy and arrangement of building mass in response to the Site Analysis in Part 2 Site Analysis of this DCP. Demonstration of design strategies to address opportunities and constraints based on Site Analysis are to include: | Per Previous approval | **YES** |
| Overshadowing should not compromise the development potential of the adjoining yet to be redeveloped sites. | Adjoining properties (1179-1181 Pacific Highway), will have compliant solar access, with impact occurring to lower levels from 1pm onwards | **YES** |
| **7A.3 – Building setbacks** | | |
| Residential flat buildings are to meet the following side and rear setback requirements to ensure deep soil, landscaping and tall trees are accommodated to all sides of the building:<br><br>i) a minimum of 6m from the side boundary for all levels up to the fourth storey.<br>ii) a minimum of 9m to the fifth storey and above. | The development is as approved under eMOD0069/24 up until Level 3.<br><br>Level 4<br>- Eastern side setback: 9 metres<br>- Western side setback: 9 metres<br><br>Level 5<br>- Eastern side setback: 9 metres<br>- Western side setback: 12 metres | **YES** |
| **7A.4 – Building Separation** | | |
| The minimum separation between residential buildings on the development site is to comply with the following controls:<br><br>Up to 4th storey:<br>• 12m between habitable rooms/balconies<br>• 9m between habitable rooms/balconies and non-habitable rooms<br>• 6m between non-habitable rooms | Up to 4th storey<br>- 15 metres to northern RFB<br>- 12.16 metres eastern RFB | **YES** |

| | | |
|---|---|---|
| 5th storey & above:<br>• 18m between habitable rooms/balconies<br>• 13.5m between habitable rooms/balconies and non-habitable rooms<br>• 9m between non-habitable rooms | Up to 5th storey<br>- 19 metres to northern RFB<br>- 18.16 metres to eastern RFB | |
| **7A.5 – Site coverage** | | |
| The site coverage may be up to a maximum of 30% of the site area, provided that the deep soil landscaping requirements in Section A Part 7A.6 Deep Soil Landscaping are met. | Deep soil proposed is 1166m$^2$ (46.9%) and remains as approved under DA0521/19. | **YES** |
| **7B – Access and parking** | | |
| **7B.1 – Car parking provision** | | |
| All residential flat developments are to provide on-site car parking within basements**.** | The approved development includes a basement car park. | **YES** |
| Basement car park areas are to be consolidated under building footprints. | Parking remains as approved | **YES** |
| At least one visitor car space is to be accessible and be provided within the site for every 6 apartments or part thereof and is to comply with the dimensional and locational requirements of AS2890.6. | Complies per DA0521/19 | **YES** |
| A clearly signposted parking bay for temporary parking of service and removalist vehicles is to be provided. The space is to have the following standards:<br>i) a minimum dimension of 3.5m x 6m;<br>ii) a minimum manoeuvring area 7m wide. | Complies per DA0521/19 | **YES** |
| One visitor parking bay is to be provided with a tap, to make provision for on-site car washing. | Complies per DA0521/19 | **YES** |
| Parking areas are to be designed and constructed so that electric vehicle charging points can be installed. | Complies per DA0521/19 | **YES** |
| **7B.2 – Bicycle parking and support facilities provision** | | |
| Provide on-site, secure bicycle parking spaces and storage at the following rates:<br><br>i) 1 bicycle parking space per 5 units or part thereof for residents within the residential car park area; and<br>ii) 1 bicycle parking space (in the form of a bicycle rail) per 10 units for visitors in the visitor car park area. | 7 bicycle spaces for residents and 4 bicycle spaces for visitors is provided as approved under DA0521/19. | **YES** |
| **7C – Building design and sustainability** | | |
| **Part 7C.1 - SEPP 65 and Apartment Design Guide requirements** | | |
| All residential flat buildings are to comply with the objectives, Design Criteria and Design Guidance of the following *Apartment Design Guide* sections:<br>3F Visual Privacy<br>4A Solar and Daylight Access<br>4B Natural Ventilation<br>4C Ceiling Heights<br>4D Apartment Size and Layout | Refer to the ADG compliance table. | **YES** |

| | | |
|---|---|---|
| 4E Private Open Space and Balconies<br>4F Common Circulation and Spaces<br>4G Storage | | |
| **7C.2 – Communal open space** | | |
| At least 10% of the site area must be provided as communal open space. Each parcel of communal open space is to have a minimum dimension of 5m. | 275.6m$^2$ (11.6%) of communal open space is provided as approved under DA0521/19. | **YES** |
| The location and design of the Primary communal open space is to optimise opportunities for active and passive social and recreation activities, solar access and orientation, summer shade, outlook, and maintain the privacy of residents on adjoining sites zoned differently for lower density residential development sites. | Complies per DA0521/19 | **YES** |
| At least 50% of the area of the Primary communal open space and any Secondary communal open space are to receive direct sunlight for at least two hours between 9am and 3pm on 21st June. | Complies per DA0521/19 | **YES** |
| Communal open space design is to avoid creation of concealment or entrapment areas. | Complies per DA0521/19 | **YES** |
| Shared facilities such as barbecue facilities, shade structures, play equipment and seating, are to be provided within the Primary communal open space. | Complies per DA0521/19 | **YES** |
| **7C.4 – Apartment mix and accessibility** | | |
| Range of apartment sizes (one, two, three bedroom) included within the development | A mix of 1, 2, 3 and 4 bedroom apartments is proposed. | **YES** |
| Mix of 1, 2 & 3 bedroom apartments located on the ground level. | N/A – no change to apartment mix at ground level | **N/A** |
| All apartments are to be designed to Silver Level under the Livable Housing Design Guidelines | 14.28% of the units are Platinum Level, and all other units are of Silver Level. | **YES** |
| At least 15% of the dwellings (or part thereof) are to be designed to Platinum Level under the Livable Housing Design Guidelines. | Complies per DA0521/19 | **YES** |
| **7C.6 – Building Form and Facades** | | |
| All facades are to be designed to minimise on-going maintenance and weathering through measures such as:<br>i) selecting appropriate robust materials/finishes; and<br>ii) including appropriate building edge, balcony edge, sill, head and parapet detailing that demonstrates protection from prevailing weather and harsh solar aspects. | The building entry and foyer remains per DA0521/19. | **YES** |
| ***Facade Articulation*** | | |
| All building facades are to be articulated with wall planes varying in depth by not less than 0.6m, and supplemented with architectural | Complies per DA0521/19 | **YES** |

| | | |
|---|---|---|
| elements. | | |
| Facade articulation is to be well composed with attractive proportions and coherent rhythms and integrated into the building form and structure. | Complies per DA0521/19 | **YES** |
| All developments are to utilise shading/glare control devices to articulate the facade and contribute to the streetscape. | New units have suitable shading devices | **YES** |
| ***Building Length*** | | |
| The continuous length of a single building on any elevation is not to exceed 36m. | The eastern elevation exceeds 36m and proposes a wall of 46m high. Noting the shape of the site and environmental constraints, Council previously considered the merit of the development and approved of the departure. It is noted the exceedance is located in the portion of the building design that is to be retained as approved under DA0521/19 | **NO, previously approved with a variation under DA0521/19** |
| The length of a single building elevation facing the side or rear boundary may exceed 36m provided that:<br>i) the façade is recessed in depth and width to appear as distinctive and separate building bays or wings; and<br>ii) the recess is retained as common area with landscaping which includes at least one medium tree (at least 8m canopy diameter at maturity). | Per above | **No, per above** |
| **7C.8 – Top storey design and roof forms** | | |
| The top storey of a building is to be designed so that:<br>i) the GFA of the top storey of a residential flat building does not exceed 60% of the GFA of the storey immediately below it; and<br><br>ii) for the purposes of this section, the top storey applies to the building as a whole and does not apply to the top level of each part of a stepped building. | 65.28% of the GFA of the storey immediately below it. | **NO** |
| The top storey of a building is to be set back a minimum of 2.4m from the outer face of the floors below on all sides (roof projection is allowed beyond the outer face of the top storey). | The new top storey does not comply on all aspects with the 2.4 metres setback.<br><br>The development provides:<br>• North (Rear) between 11.5 metres to 13.8 | **NO** |

| | | |
|---|---|---|
| | metres<br>• South (Front) between 0 metres – 3.4 metres<br>• East (Side) between 1.6 metres to 3 metres.<br>• West (Side) 0 metres | |
| The upper storeys of residential buildings are to be articulated with differentiated roof forms, maisonettes or mezzanine penthouses and the like. | Upper storeys are articulated with differentiated roof form. | **YES** |
| Service elements are to be integrated into the overall design of the roof and not be visible from the public domain or any surrounding development. These elements include lift overruns, plant equipment, air conditioning units, chimneys, vent stacks, water storage, communication devices and signage. | Air conditioning in basement, lift and other service elements is integrated with the building. | **YES** |
| Roof design is to respond to solar access and prevailing weather with the use of eaves, skillion roofs, awnings and the like with a minimum overhang of 0.6m | The roof design has been designed to respond to solar access and prevailing weather, with a skillion roof and overhand of at least 0.6 metres. | **YES** |
| Roof top gardens for private or communal use are encouraged. | Roof top garden proposed | **YES** |
| **7C.11 – Acoustic Privacy** | | |
| Noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, other mechanical ventilation systems and other plant are to comply with the requirements in Part 23.8 of the DCP. | Council has assessed these provisions under the determination of DA0521/19 and its subsequent modifications. | **YES** |

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

*Part 7C.8 Top Storey Design and Roof Forms – Control* 1

The Application seeks variation to Part 7 of the KDCP, specifically 7C.8 (1), which requires the top storey GFA to not exceed 60% of the GFA of the storey immediately below it.

The objectives of the control seek to minimise visual bulk of the top floor of a building, reduce overshadowing caused by top levels and to ensure the top floor is visually different from the floors below it.

The application proposes 65.28% GFA on the top level, which is a variation of 5.28%. The variation is acceptable for the following reasons:

i. The additional overshadowing when compared to the existing approved shadow caused by the development on surrounding properties, remains compliant with the ADG as demonstrated in plan set DA.25.

ii. The top floor building expression includes sufficient articulation and design elements that make it visually distinct from the lower building form.
iii. The visual bulk of the top addition does not unreasonably impact the visual catchment of the adjoining heritage item.
iv. The development has compliant GFA and the overall bulk and scale caused by the development on balance is acceptable.

*Part 7C.8 Top Storey Design and Roof Forms – Control* 2

The Application seeks variation to Control 2, which requires the top storey of a building to be setback a minimum 2.4m from the outer face of the floors below it on all sides.

The objectives of the control seek to minimise visual bulk of the top floor of a building, reduce overshadowing caused by top levels and to ensure the top floor is visually different from the floors below it.

The application proposes the following setbacks from the floors below it:

- North (Rear) between 11.5 metres to 13.8 metres
- South (Front) between 0 metres – 3.4 metres
- East (Side) between 1.6 metres to 3 metres.
- West (Side) 0 metres

Setbacks to the rear are compliant, however setbacks to South, East and West are non-compliant to varying degrees. The variation is acceptable for the following reasons:

i. Level 5 and 4 are designed to appear as one floor. Whilst Level 5 does not have the compliant setbacks at all aspects, Level 4 does have compliant setbacks as per DA0521/19. (**Figure 8**)
ii. The additions appear visually unique when compared to the bottom levels.
iii. Solar access is not unreasonably reduced by the non-compliance.

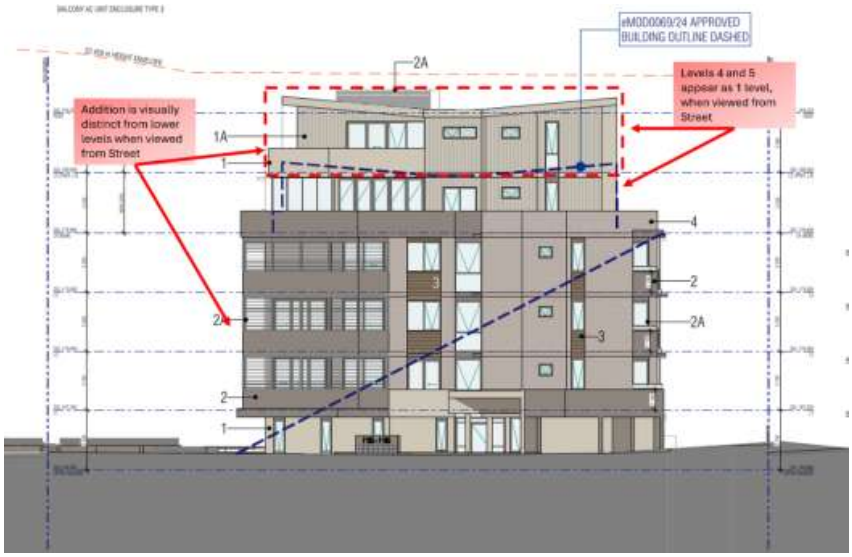



***Figure 8: Mark up of South Elevation (Base Source: Zhinar Architects)***

**Part 15 – Land Contamination**

The site is not mapped as being contaminated it is unlikely to contain contamination and further investigation is not warranted in this case.

**Part 16 – Bushfire Risk**

The site is not mapped as bush fire prone land.

It is noted that the base consent (DA0521/19) was supported by a bushfire assessment as the site was previously mapped as affected by bushfire. Since revised mapping has occurred, it is no longer bushfire mapped land. The existing conditions under the consent to DA0521/19 relating to bushfire remain.

**Part 18 – Biodiversity**

The site is mapped as land comprising biodiversity significance.

Council's Ecological Assessment Officer is satisfied that the proposed development will not result in a significant detrimental impact contrary to the objectives of these provisions in relation to the diversity and condition of native vegetation, fauna and habitat, subject to conditions. Refer to the referral comments earlier in the report for further details in this regard.

**Part 19 – Heritage and Conservation Areas**

The site is within 100 metres of a heritage item at No. 1187 Pacific Highway but is not listed as a heritage item or within a heritage conservation area. Council's Heritage Advisor finds the proposal acceptable with regard to Part 19.

**Part 20 – Development near Road or Rail noise**

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

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

**Section C**

Part 21 General Site Design

The extent of excavation remains the same as approved under the consent to DA0521/19. It is noted that Council has assessed these provisions under DA0521/19 and its subsequent modifications, and that given the proposal largely retains the development approved under DA0521/19, it is considered that the proposal continues to comply with the relevant controls. Further assessment is not required in this case.

Part 22 General Access and Parking

The developments compliance with the controls under Part 22 of the KDCP remain as previously assess, as the development seeks to add 3 additional units, further assessment under this part is not warranted.

Part 23 General Building Design and Sustainability

The developments compliance with the controls under Part 23 of the KDCP remain as previously assess, as the development seeks to add 3 additional units, further assessment under this part is not warranted.

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**

The development proposes three additional units, which results in an increased demand for community infrastructure. The development contribution amount has been based upon the following:

- 3 additional units (3 bedroom)

The development attracts a Section 7.11 contribution of **$147,609.72** which is required to be paid prior to the issue of any Construction Certificate (**Condition 34)**.

**Housing and Productivity Contribution**

A Housing and Productivity Contribution (HPC) applies to the proposed development as it proposes additional dwellings. The contribution will assist in delivering essential state infrastructure such as schools, hospitals, major road and public transport infrastructure.

The HPC contribution is only levied against additional dwellings proposed above DA0521/19.

| Housing and productivity contribution | Amount |
|---|---|
| Housing and productivity contribution (base component) | $32,436.52 |
| Total Housing and productivity contribution | $32,436.52 |

The application was lodged after 1 July 2024; therefore the new Ministerial Order applies. The proposed development generates a contribution rate of $32,436.52 which is required to be paid prior to issue of any Construction Certificate (**Condition 35).**

## REGULATION

Under the Environmental Planning and Assessment Regulation 2021 (EPAR 2021), several requirements will be applicable to the determination of this application including:

1) Imposition of Condition under Section 67 of the EPAR 2021

As the application seeks the consent authority use its powers under Section 4.17 (b) of the Environmental Planning and Assessment Act 1979, to impose a condition that requires an application be amended/surrendered. The recommended conditions include **Condition 1** of Schedule A that requires the applicant to submit a notice of modification to DA0521/19, in accordance with Section 67 requirements.

2) Development permitted under State Environmental Planning Policy (Housing) 2021, infill affordable housing

As the applicant seeks to provide infill affordable housing in accordance with Chapter 2 of the SEPP Housing conditions must be imposed that require the affordable housing be used for affordable housing purposes for 15 years from issuing of an occupation certificate and managed by an affordable housing provider.

Conditions **98, 97, 88, 87** and **86** are recommended in this regard.

## LIKELY IMPACTS

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

## SUITABILITY OF THE SITE

The site is suitable for the proposed development.

## PUBLIC INTEREST

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

## CONCLUSION

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

### RECOMMENDATION

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

A. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, being satisfied that the proposed development would be in the public interest, grant deferred commencement development consent to eDA0556/25 for alterations and additions to a residential flat building approved under the development consent to DA0521/19 including an additional storey, relocation of top floor level, three additional apartments, nomination of eight apartments as affordable housing and associated works at No. 1183 Pacific Highway, Turramurra, subject to conditions. Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the deferred commenced terms are not satisfied within 5 years of the date of granting this determination and the approved works are not physically commenced within five years of the date on which the consent becomes operable.

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

**SCHEDULE A: Deferred Commencement – Term to be satisfied prior to the consent becoming operable**

The following Deferred Commencement term must be complied with to the satisfaction of Council within five years of the date of granting of this deferred commencement development consent:

**1. Modification of the development consent to Development Application No. DA0521/19**

The following development consent must be modified such as to incorporate the development consent to eDA0556/25 in accordance with the requirements in Section 67 of the *Environmental Planning and Assessment Regulation 2021*:

| Application No. | Date of determination | Development |
|---|---|---|
| DA0521/19 | 21/12/2020 | Demolition of existing structures and construction of a 5-storey residential flat building containing 35 units, basement parking and associated works |

The Development Consent to DA0521/19 shall be amended in the following manner:

**Condition 1** shall be amended by replacing the text above the table which identifies the approved plans and documentation with the following text:

'Except where amended by the plans and documentation referenced in **Condition 1** of Schedule B of the Development Consent to eDA0556/25 the development must be carried out in accordance with the plans and documentation listed below, except where amended by other conditions of this Development Consent:'

**Reason:** To ensure that the previous consent is modified to reflect the approval.

Once the consent becomes operable, the conditions in Schedule B will apply. Upon written receipt from the Council that the deferred commencement term in Schedule A has been satisfied, the following conditions will apply:

**SCHEDULE B: Conditions of consent**

**CONDITIONS THAT IDENTIFY APPROVED PLANS:**

**1. Approved architectural plans and documentation**

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this Development Consent:

| Plan no. | Drawn by | Dated |
|---|---|---|
| *Architectural Plans* | | |
| DA.1 (Issue I) Cover | Zhinar Architects | 12/12/2025 |
| DA.5 (Issue I) Basement 2 | Zhinar Architects | 12/12/2025 |
| DA.6 (Issue F) Basement 1 | Zhinar Architects | 12/12/2025 |

| | | |
|---|---|---|
| DA.7 (Issue H) Lower Ground | Zhinar Architects | 12/12/2025 |
| DA.8 (Issue J) Upper Ground | Zhinar Architects | 12/12/2025 |
| DA.9 (Issue K) Typical Level 1 & 2 plan | Zhinar Architects | 12/12/2025 |
| DA.10 (Issue J) Level 3 plan | Zhinar Architects | 12/12/2025 |
| DA.11 (Issue K) Level 4 plan | Zhinar Architects | 12/12/2025 |
| DA.12 (Issue K) Level 5 plan | Zhinar Architects | 12/12/2025 |
| DA.13 (Issue H) Roof plan | Zhinar Architects | 12/12/2025 |
| DA.14 (Issue I) South Elevation | Zhinar Architects | 12/12/2025 |
| DA.15 (Issue I) North Elevation | Zhinar Architects | 12/12/2025 |
| DA.16 (Issue I) East Elevation | Zhinar Architects | 12/12/2025 |
| DA.17 (Issue I) West Elevation | Zhinar Architects | 12/12/2025 |
| DA.18 (Issue F) Street Fence Elevation (South) | Zhinar Architects | 12/12/2025 |
| DA.20 (Issue H) Section 1 | Zhinar Architects | 12/12/2025 |
| DA.21 (Issue H) Section 2 | Zhinar Architects | 12/12/2025 |
| DA.22 (Issue H) Section 3 | Zhinar Architects | 12/12/2025 |
| DA.23 (Issue H) LHA - Platinum & Silver Level Units | Zhinar Architects | 12/12/2025 |
| DA.23A (Issue B) LHA - Platinum & Silver Level Units 2 | Zhinar Architects | 12/12/2025 |
| DA.30 (Issue A) Affordable Housing Area | Zhinar Architects | 12/12/2025 |

| | | |
|---|---|---|
| *Landscape Plans* | | |
| Sheet 1 of 5 (Issue C) Landscape site plan | Paul Scrivener Landscape Architecture | 10/07/2025 |
| Sheet 2 of 5 (Issue C) Details Plan | Paul Scrivener Landscape Architecture | 10/07/2025 |
| Sheet 3 of 5 (Issue C) Planting Plan | Paul Scrivener Landscape Architecture | 10/07/2025 |
| Sheet 4 of 5 (Issue C) Level 4 and 5 landscape plan and Planting Plan | Paul Scrivener Landscape Architecture | 10/07/2025 |
| Sheet 5 of 5 (Issue C) Planting Schedule | Paul Scrivener Landscape Architecture | 10/07/2025 |
| *Stormwater Management Plans* | | |
| Drawing No. SW 202 (Revision C) Basement level 1 plan & details | Quantum Engineers | 17/07/2025 |
| Drawing No. SW 208 (Revision C) Level 4 Floor Plan | Quantum Engineers | 17/07/2025 |
| Drawing No. SW 209 (Revision C) Level 5 Floor Plan | Quantum Engineers | 17/07/2025 |
| Drawing No. SW 210 (Revision C) Roof Plan | Quantum Engineers | 17/07/2025 |

| **Document(s)** | **Dated** |
|---|---|
| Access Report by Vista Access Architects Ref: 19245 | 19/04/2022 |
| Traffic Noise Assessment Report prepared by Rodney Stephens Acoustics Ref: R190481R1 | 15/09/2025 |
| BASIX certificate No. 1059336M_06 | 11/07/2025 |
| NatHERS Certificate No. #HR-8LLPEG-01 | 11/07/2025 |
| Design Verification Statement prepared by Zhinar Architects Rev: 07 | 15/12/2025 |
| Waste Management Plan prepared by Northern Group V Revision H | 11/07/2025 |
| Construction Traffic Management Plan prepared by SBMG Planning Ref: SBMG01991-00 | 12/11/2019 |

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

**2. Inconsistency between documents**

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

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

**3. Livable housing guidelines- platinum and silver level**

Prior to the issue of any Construction Certificate, an independent and suitably qualified access consultant is to submit Stage 1 – Provisional Mark Certification certifying that detailed plans and construction drawings demonstrate full compliance with the requirements of each standard within the Liveable Housing Design Guidelines, and as identified within the accessibility report prepared Vista Access Architects reference number 19245 as follows:

Apartments identified as Silver - showing compliance with the Silver Level requirements of the Livable Housing Australia Livable Housing Guidelines and as detailed in the access report prepared by Vista Access Architects listed in Condition 1 of the consent. Note: Apartment 08 identified as Silver must show compliance with the Silver Level internal corridor/passageway width requirement of at least 1m at the entry corridors per the requirements of Livable Housing Australia Livable Housing Guidelines.

Apartments as Platinum - Apartments Unit 04, Unit 11, Unit 12, Unit 19, Unit 20 & Unit 31- showing compliance with the Platinum Level requirements of the Livable Housing Australia Livable Housing Guidelines and as detailed in access report prepared by Vista Access Architects listed in Condition 1 of the consent.

**Reason:** To ensure Ku-ring-gai's housing strategy for equitable and dignified access to housing for all people is constructed.

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

**4. Asbestos works**

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

**Reason:** To ensure public safety.

**5. Notice of commencement**

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

**Reason:** Statutory requirement.

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

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

**Reason:** Statutory requirement.

**7. Dilapidation survey and report (public infrastructure)**

Prior to the commencement of any works, the applicant must obtain a dilapidation report on the public infrastructure and the Principal Certifier shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure has been completed and submitted to Council:

Public infrastructure

- full road pavement width, including kerb and gutter, of Pacific Highway over the site frontage.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The Applicant may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier prior to the commencement of any excavation works.

**Reason:** To record the structural condition of public infrastructure before works commence.

**8. Archival recording of buildings**

Prior to the commencement of any works, the Principal Certifier shall be satisfied that an archival report has been submitted to Council's Heritage Advisor.

The report must consist of an archival standard photographic record of the building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for "Photographic Recording of Heritage Items Using Film or Digital Capture (2006)" prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. The report shall include copies of photographs, referenced to plans of the site. Two (2) copies (one (1) copy to include a archival quality DVD, CD or USB of images shall be submitted to Council's Heritage Advisor. The recording document will be held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

A written acknowledgement from Council must be obtained, attesting to this condition being satisfied and submitted to the Certifier, prior to the issue of any Construction Certificate.

**Reason:** To ensure there is a historical record of buildings to be altered or demolished and their context.

**9. Dilapidation survey and report (private property)**

Prior to the commencement of any works, the applicant must obtain a dilapidation report on the identified private property/ires below and the Principal Certifier shall be satisfied that a dilapidation report on the visible and structural condition of all structures on the following properties has been completed and submitted to Council:

**Address**:

- 2 to 6 Warrangi Street, Turramurra (western side of units)

The dilapidation report must include a photographic record of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report**.**

In the event that access for undertaking the dilapidation survey is denied by a property owner, the Applicant must demonstrate in writing to the satisfaction of the Principal Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

A copy of the dilapidation report is to be provided to Council prior to the commencement of any works. The dilapidation report is for record keeping purposes only and may be used by the Applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

**Reason:** To record the structural condition of likely affected properties before works commence.

**10. Construction traffic management plan**

A construction traffic management plan (CTMP) is to be submitted to Council and approved prior to the commencement of any works.

The plan is to consist of a report with traffic control plans attached.

The report is to contain commitments which must be followed by the demolition and excavation contractor, builder, owner and subcontractors. The CTMP applies to all persons associated with demolition, excavation and construction of the development. The report is to contain the following:

- construction vehicle routes for approach and departure to and from all directions, showing loaded and empty vehicles
- a site plan showing entry and exit points
- swept paths on the site plan showing access and egress for a 12.5 metres long heavy rigid vehicle and 19.0 metres articulated vehicle
- swept path analysis plans showing the existing trees being retained and their tree protective fencing requirements (consistent with this Development Consent) these plans shall be to scale to ensure that truck access and tree fencing requirements do not conflict
- show locations for site offices and materials storage areas which are to be located outside the tree protection zones

The traffic control plans are to be prepared by a RMS accredited consultant. One traffic control plan must be provided to Council for each of the following stages of the works:

- demolition
- excavation
- concrete pour
- construction of vehicular crossing and reinstatement of footpath
- traffic control for vehicles reversing into or out of the site

Traffic controllers must be in place at the site entry and exit points to control heavy vehicle movements in order to maintain the safety of pedestrians and other road users.

**For safety and amenity, no construction vehicle movements are to occur in Bobbin Head Road during school drop-off (8.00am to 9.30am) and pick up (2.30pm to 4.00pm) times on school days.**

Other railway bridges will require the applicant to provide approval from Transport for NSW (TfNSW) for all vehicles over 4.5t gross vehicle mass as well as obtaining a permit under the National Heavy Vehicle Regulator (NHVR) if required by Heavy Vehicle National Law (HVNL).

When a satisfactory CTMP is received and the relevant fees paid in accordance with Council's adopted fees and charges, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved CTMP as well as any conditions in the letter issued by Council. No works may be carried out unless Council has approved the CTMP.

**Reason:** To ensure that appropriate measures have been made to minimise impacts upon surrounding roads during the construction phase.

**11. Temporary construction exit**

A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration of construction works.

**Reason:** To reduce or prevent the transport of sediment from the construction site onto public roads.

**12. Noise and vibration management plan (part 1)**

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifier. The management plan is to identify amelioration measures to achieve the best practice objectives of Australian Standard 2436-2010 - Guide to noise and vibration control on construction, demolition and maintenance sites and NSW Department of Environment and Climate Change Interim Construction Noise Guidelines. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters:

- identification of the specific activities that will be carried out and associated noise sources

- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints

**Reason:** To protect the amenity of surrounding residents during construction.

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

**13. Amendments to approved architectural plans**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the approved architecture plan(s), listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:

| Plan no. | Drawn by | Dated |
|---|---|---|
| Lower Ground Sheet DA.07 Issue H | Zhinar Architects | 12/12/25 |
| Upper ground DA.08 Issue J | Zhinar Architects | 12/12/25 |

The above architectural plan(s) shall be amended as follows:

a) The plans must be amended to be consistent with the approved landscape plan regarding the front ramped path and the electrical substation.

**Reason:** To ensure consistency between the documents approved under the development consent.

**14. Amendments to approved landscape plans**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the approved landscape plan(s), listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:

| Plan no. | Drawn by | Dated |
|---|---|---|
| Landscape Plans Sheets 1, 3 & 5 Issue C | Paul Scrivener Landscapes | 10/07/25 |

The above landscape plan(s) shall be amended as follows:

a) One (1) additional tree that will attain a height of 18 metres is to be planted. The additional tree is to be planted in the rear setback.

b) One (1) of the Syncarpia glomulifera (Turpentine) proposed to be planted in the front setback must be relocated to the western side setback, between the 2 x ASM (Acmena smithii).

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the landscape plan has been amended as required by this condition.

An amended plan, prepared by a landscape architect or qualified landscape designer shall be submitted to the Certifier.

**Reason:** To ensure adequate landscaping of the site.

**15. Stormwater quality control**

Prior to issue of any Construction Certificate, the Certifier is to be satisfied that Stormwater Treatment Measures for the proposed development has been designed in accordance with the requirements of Part 24C.6 of the Ku-ring-gai DCP and is to be included with the plans and specifications accompanying any Construction Certificate. Any variation to the approved proprietary device as shown on the stormwater management plans listed in condition 1a of the consent will require a lodgement of a Section 4.55 application to Council for amendment of the consent.

**Reason:** To protect the environment.

**16. Amendments to stormwater plans**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the approved plan(s), listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:

| Plan no. | Drawn by | Dated |
|---|---|---|
| Drawing No.SW 202 (Revision C) Basement level 1 plan & details | Quantum Engineers | 17/07/2025 |
| Drawing No.SW 208 (Revision C) Level 4 Floor Plan | Quantum Engineers | 17/07/2025 |
| Drawing No.SW 209 (Revision C) Level 5 Floor Plan | Quantum Engineers | 17/07/2025 |
| Drawing No.SW 210 (Revision C) Roof Plan | Quantum Engineers | 17/07/2025 |

The above plan(s) shall be amended as follows:

- All trees to be retained shall be clearly indicated on the plan.
- All trees to be retained shall be numbered in accordance with the approved landscape plan
- The stormwater pipes and pits are to be relocated as close as possible to the eastern edge of the building within a 10 metres radius of Tree 34.

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

**17. Floor-to-floor heights**

Prior to the issue of any Construction Certificate, except for demolition, all architectural plans, sections and construction details; including any structural engineering design details, hydraulics engineering design details or diagrams must provide for the following floor-to-floor levels:

| Level | Floor to floor height (metres) |
|---|---|
| Lower Ground | 3.250m |
| Ground | 3.300m |
| 1 | 3.150m |
| 2 | 3.200m |
| 3 | 3.200m |
| 4 | 3.250m |
| 5 | 3.200m |

For the purposes of the levels and reference to levels, they are taken from Section 1 Issue H of plans by Zhinar Architects

No Construction Certificate shall be issued by the Certifier until all plans and documentation relied upon for construction demonstrate compliance with this condition.

Prior to the pouring of any slab in the building, a registered surveyor must certify that the forming of the slab will achieve the above floor-to-floor separation and unobstructed floor-to-ceiling heights as depicted on the architectural plans referenced as Condition 1b in Schedule B. This certification is to be provided to the Certifier prior to the pouring of the slab(s).

**Reason:** To ensure compliance with the Apartment Design Guide.

**18. Compliance with BASIX certificate**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all commitments listed in the approved BASIX Certificate (referred to under Condition 1) are detailed on the plans forming the Construction Certificate.

**Reason:** Statutory requirement.

**19. Long service levy**

A Construction Certificate shall not be issued until any long service levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

**Reason:** Statutory requirement.

**20. Outdoor lighting**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 *Lighting for roads and public spaces.*

Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of any Construction Certificate.

**Reason:** To provide high quality external lighting for security without adverse impacts on public amenity from excessive illumination.

**21. Prohibition of external service pipes and the like**

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building. Details confirming compliance with this condition must be shown on Construction Certificate plans and detailed with Construction Certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on Construction Certificate plans and detailed with Construction Certificate specifications. External vents or roof vent pipes must not be visible from any place unless detailed upon development consent plans. Where there is any proposal to fit external service pipes or the like, this must be detailed in an application to modify this Development Consent (S4.55) and submitted to Council for determination.

Vent pipes required by Sydney Water must not be placed on the front elevation of the building or front roof elevation. The Applicant, owner and builder must protect the appearance of the building from the public place and the appearance of the streetscape by elimination of all external services excluding vent pipes required by Sydney Water and those detailed on the Development Consent plans.

**Reason:** To protect the streetscape and the aesthetic integrity of the approved development.

**22. Access for people with disabilities (residential)**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided prior to the issue of any Construction Certificate. All details shall be prepared in consideration of the *Disability Discrimination Act*, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

**23. Excavation for services**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that no proposed underground services (ie: water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under the Ku-ring-gai Development Control Plan, located on the subject allotment and adjoining allotments.

**Reason:** To protect existing trees.

**24. Location of plant**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all air conditioning equipment is located as outlined on architectural plans prepared by Zhinar Architects Pty Ltd dated 12 December 2025.

**Reason:** To minimise impact on surrounding properties and to improve the appearance of the approved development.

**25. Acoustic design report**

An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier with the application for any Construction Certificate. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners, car park exhaust, bathroom/toilet and garbage room exhaust, roller shutter doors, lifts and pumps associated with rain water reuse systems proposed as part of the approved development.

The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure that the operation of an individual piece of equipment or operation of equipment in combination will not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise from an individual piece of equipment or in combination shall not be greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary.

A Construction Certificate shall not be issued unless the Certifier is satisfied that the acoustic design report satisfies the requirements of this condition and that the proposal will be constructed in accordance with its requirements.

**Reason:** To comply with best practice standards for residential acoustic amenity.

**26. Noise from road or rail**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the development will be acoustically designed and constructed to ensure that the following LAeq levels are not exceeded:

(a) in any bedroom in the building 35 dB(A) at any time between 10 pm and 7 am
(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) 40dB(A) at any time

Plans and specifications of the required acoustic design shall be prepared by a practicing acoustic engineer and shall be submitted to the Certifier prior to the issue of any Construction Certificate.

**Reason:** To minimise the impact of road/rail noise on the occupants of the approved development.

**27. Air conditioning condensers**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all air conditioning condensers will be located and installed so that the operation of an individual piece of equipment or operation of equipment in combination will comply with the following acoustic requirements:

- during peak time (7.00am to 10.00pm) - noise from air conditioning condensers will not exceed 5dB(A) above the ambient background noise (LA90, 15 min) level when measured at any property boundary, and
- during off peak time (10.00pm to 7.00am) - noise from air conditioning condensers will not be audible in habitable rooms of any residential occupancy.

The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the acoustic amenity of residential occupants and neighbouring properties.

**28. Car parking allocation**

Car parking within the development shall be allocated as follows:

| | |
|---|---|
| Resident car spaces (Market) | 39 |
| Resident car spaces (Affordable Housing) | 5 |
| Visitor spaces | 9 |
| Total spaces | 53 |

At least one visitor space shall also comply with the dimensional and location requirements of AS2890.1 - *parking spaces for people with disabilities*.

The car parking shall be dedicated to the corresponding units based on bedroom numbers as approved and cannot be sold separately.

Consideration must be given to the means of access from disabled car parking spaces to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with any Construction Certificate.

**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation.

**29. Ausgrid requirements**

Prior to issue of any Construction Certificate, Ausgrid must be contacted regarding power supply for the subject development. A written response, detailing the full requirements of Ausgrid (including any need for underground cabling, substations or similar within or in the vicinity of the development) shall be submitted and approved by the Certifier for approval prior to issue of any Construction Certificate.

Any structures or other requirements of Ausgrid shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Certifier and Ausgrid. The requirements of Ausgrid must be met in full prior to issue of an Occupation Certificate.

**Reason:** To ensure compliance with the requirements of Ausgrid.

**30. Utility provider requirements**

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

accordance with the specifications of the utility providers.

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

**31. Building performance**

Prior to the issue of any Construction Certificate, design documentation is to be prepared verifying effective waterproofing and water-shedding can be achieved in the building.

The documentation must demonstrate that the roof, floor, and external walls (including all penetrations and inclusions and perimeter edges) in the building have been designed to prevent the ingress of water and water vapour, and prevent condensation to all parts of the approved building both above ground and below ground.

An independent expert qualified in waterproofing, construction, and experienced in design, building remediation and peer review is to certify that compliant and effective water-proofing, water-shedding and façade design has been achieved.

**Reason:** To promote the prevention of future water-proofing defects consistent with the objects of the EP&A Act.

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

**32. Infrastructure damage security bond and inspection fee**

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

(a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.

(b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.

(c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of any Construction Certificate and the commencement of any earthworks or construction.

(d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.

(e) **Release of the bond** – Upon receipt of an Occupation Certificate, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

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

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

(f) In this condition:

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

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

**Reason:** To maintain public infrastructure.

**33. Construction certificate plans**

The Construction Certificate plans must be consistent with the approved plans and documents referred to in Condition No. 1 of this Development Consent.

**Reason:** To ensure that the works are carried out in accordance with the Development Consent.

**34. Section 7.11 contributions - centres**

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

| **Key Community Infrastructure** | **Amount** |
|---|---|
| LGA Wide Local Recreational & Cultural | $8,634.84 |
| Turramurra TC Local Parks & Sporting Facilities | $77,100.60 |
| Turramurra TC New Roads & Road Mods | $16,630.80 |
| Turramurra TC Townscape Transport & Pedest Fac | $45,243.48 |
| **Total:** | **$147,609.72** |

The contribution specified above is subject to indexation and will continue to be indexed to reflect changes in the Consumer Price Index (All Groups Sydney) and Established House Price Index (Sydney) until paid in accordance with Ku-ring-gai Contributions Plan 2010 subject to the requirement of any Ministerial Direction in effect under s7.17 which limits the maximum amount of local infrastructure contributions payable in this area.

Prior to payment, please contact Council directly to verify the current contribution payable.

The contribution shall be paid to Council prior to the issue of any Construction Certificate, Linen Plan, Subdivision Certificate or Occupation Certificate, whichever comes first in accordance with Ku-ring-gai Contributions Plan 2010.

**Note:** Copies of Council's Contributions Plan can be viewed at Council Chambers at 818 Pacific Hwy Gordon or on Council's website at www.krg.nsw.gov.au.

**Reason:** To ensure the provision, extension or augmentation of the Key Community Infrastructure identified in Ku-ring-gai Contributions Plan 2010 that will, or is likely to be, required as a consequence of the development.

**35. Housing and productivity contribution**

Prior to the issuing of a Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

| **Housing and productivity contribution** | **Amount** |
|---|---|
| Housing and productivity contribution (base component) | $32,436.52 |
| Transport project component | N/A |
| Strategic Biodiversity Component | N/A |
| **Total Housing and productivity contribution** | **$32,436.52** |

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* **(HPC Order).**

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

**Reason:** To require contributions towards the provision of regional infrastructure

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

**36. Road opening permit**

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

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

**37. Prescribed conditions**

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

1. the work must be carried out in accordance with the requirements of the Building Code of Australia
2. in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence
3. if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
   (a) protect and support the building, structure or work from possible damage from the excavation, and
   (b) where necessary, underpin the building, structure or work to prevent any such damage.

**Reason:** Statutory requirement.

**Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989**

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

(b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

7) ***relevant date*** has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.

**Notification of Home Building Act 1989 requirements**

1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.

2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following -

(a) for work that requires a principal contractor to be appointed -

i. the name and licence number of the principal contractor, and

ii. the name of the insurer of the work under the *Home Building Act 1989*, Part 6,

(b) for work to be carried out by an owner-builder -

i. the name of the owner-builder, and

ii. if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989* - the number of the owner-builder permit.

3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.

4) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

**Shoring and adequacy of adjoining property**

1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.

2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense -

(a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and

(b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

3) This section does not apply if -

(a) the person having the benefit of the development consent owns the adjoining land, or

(b) the owner of the adjoining land gives written consent to the condition not applying.

**Fulfilment of BASIX commitments**

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled -

a) BASIX development,

b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

**Reason:** Statutory requirement.

**38. Hours of work**

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

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

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

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

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

**39. Approved plans to be on site**

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

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

**40. Combustibility of external walls and cladding**

External walls, including attachments, must comply with the relevant requirements of the Building Code of Australia (BCA) and the Building Products (Safety) Act 2017.

Prior to the issue of any Construction Certificate the Certifier must:

1. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the relevant requirements of the BCA and the Building Products (Safety) Act 2017; and

2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

Prior to the issue of an Occupation Certificate, the Principal Certifier must:

1. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the relevant requirements of the BCA and the Building Products (Safety) Act 2017; and

2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

**Reason:** To ensure the safety of occupants.

**41. Control of construction noise**

During any demolition, excavation or building works, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

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

**42. Site notice**

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifier and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at height of 1.6 metres above natural ground on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

**Reason:** To ensure public safety and public information.

**43. Dust control**

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

- physical barriers shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out at least daily
- no advertising or signage is permitted to be attached to dust cloth material.

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

**44. Post-construction dilapidation report**

A suitably qualified person shall prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifier must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads

A copy of this report is to be forwarded to Council at the completion of construction works.

**Reason:** Management of records.

**45. Toilet facilities**

1. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons working at the site.
2. Each toilet must:
    a. be a standard flushing toilet connected to a public sewer, or
    b. have an on-site effluent disposal system approved under the Local Government Act 1993 <https://www.legislation.nsw.gov.au/>, or
    c. be a temporary chemical closet approved under the Local Government Act 1993 <https://www.legislation.nsw.gov.au/>.

**Reason:** Statutory requirement.

**46. Garbage receptacle**

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

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

**47. Construction signage**

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5$m^2$
- are removed within 14 days of the completion of all construction works

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

**48. Road reserve safety**

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

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

**49. Services**

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

**Reason:** Provision of utility services.

**50. Drainage to inter-allotment easement**

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped and connected to the inter-allotment stormwater drainage line benefiting the site. The inter-allotment line must be covered by the necessary easement for drainage which may exist or need to be created under this consent.

**Reason:** To protect the environment.

**51. Sydney Water Section 73 compliance certificate**

An application for a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994* shall be made through an authorised Water Servicing Co-ordinator. The applicant should refer to Sydney Water's web site at www.sydneywater.com.au <http://www.sydneywater.com.au> or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

**Reason:** Statutory requirement.

**52. No storage of materials beneath trees**

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

**Reason:** To protect existing trees.

**53. Removal of refuse**

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

**Reason:** To protect the environment.

**54. Removal of weeds**

All urban environmental weed species as listed in the Biosecurity Act 2015 (NSW), Council's Weed Management Policy and/or weed species listed within Council's Development Control Plan shall be removed from the property prior to completion of building works.

**Reason:** To protect the environment.

**55. On site retention of waste dockets**

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

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

**Reason:** To protect the environment.

**56. Vibration**

Vibration emitted from activities associated with the demolition, excavation, construction and fitout of buildings and associated infrastructure shall satisfy the values referenced in Table 2.2 of the Environment Protection Authority Assessing Vibration - a Technical Guideline.

**Reason:** To protect residential amenity during construction.

**57. Control of construction noise (Australian Standard)**

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with best practice objectives of AS 2436-2010 and NSW Environment Protection Authority Interim Construction Noise Guidelines.

**Reason:** To protect the amenity of neighbouring properties

**58. Site fencing**

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

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

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

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

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

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

**Reason:** To ensure public safety.

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

**59. Acoustic control measures**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the acoustic measures as recommended in the Traffic Noise Assessment Report listed in Condition 1 of Schedule B have been installed. Written advice from an acoustic engineer is to be submitted to the Principal Certifier confirming that the acoustic measures achieve the noise objectives specified in the acoustic assessment.

**Reason:** To protect the amenity surrounding residents.

**60. Acoustic control measures - glazing**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied all new internal and external glazing and the associated frame assembly shall be provided in accordance with the Traffic Noise Assessment Report listed in Condition 1 of Schedule B.

Written confirmation from an acoustic engineer that the acoustic glazing has been installed as specified in the Traffic Noise Assessment Report is to be submitted to the Principal Certifier.

**Reason:** To protect the amenity of the occupants and neighbouring residents.

**61. Dedication of land - (slip lane)**

Prior to the issue of an Occupation Certificate, the land dedication required by Transport for NSW (TfNSW) (Concurrence Condition 100) is to be completed and evidence of such dedication is to be provided to TfNSW and Council demonstrating that the land has been dedicated as a public road.

**Reason:** To ensure the land dedication occurs as required by the TfNSW concurrence conditions.

**62. Compliance with BASIX certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all commitments listed in approved BASIX Certificate (referred to under Condition No 1) have been complied with.

**Reason:** Statutory requirement.

**63. Mechanical ventilation**

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifier shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. The installation and performance of the mechanical systems complies with:

    - The Building Code of Australia
    - Australian Standard AS1668
    - Australian Standard AS3666 where applicable

**Reason:** To protect the amenity of occupants.

**64. Completion of landscape works**

Prior to the issue of an Occupation Certificate, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.

**Reason:** To ensure that the landscape works are consistent with the Development Consent.

**65. Mechanical noise control**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the mechanical ventilation systems and other plant, including but not limited to air conditioners, car park and garbage room exhaust, roller shutter doors and lifts when in operation either as an individual piece of equipment or in combination with other equipment will not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the boundary of the nearest potentially affected residential occupancies. The background (LA90, 15 min) level is to be determined without the source noise present.

Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifier.

**Reason:** To protect the amenity of the occupants and neighbouring residents**.**

**66. Outdoor lighting**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and is mounted, screened and directed in a way that does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 *Lighting for roads and public spaces*.

**Reason:** To provide high quality external lighting for security without adverse impacts on public amenity from excessive illumination.

**67. Noise control - air conditioning**

Prior to the issue of an Occupation Certificate, acoustic certification, prepared by an appropriately qualified acoustic consultant, is to be submitted to the Principal Certifier, confirming that any installed air conditioning system/s when in operation either as an individual piece of equipment or in combination do not:

(a) during peak time (7.00am to 10pm) - exceed more than 5dB(A) above the ambient background noise (LA90, 15 min) level when measured at the boundary of the nearest potentially affected residential occupancy; and

(b) during off peak time (10pm to 7am) - operate at a noise level that will be audible in habitable rooms of any adjoining residences.

The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of neighbouring residents**.**

**68. Location of plant**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all air conditioning equipment is located in accordance with the following drawings endorsed at Condition 1b:

| Plan no. | Dated |
|---|---|
| DA.7 (Issue H) Lower ground floor | 12/12/25 |
| DA.8 (Issue J) Upper ground plan | 12/12/25 |
| DA.9 (Issue K) Typical Level 1 & 2 plan | 12/12/25 |
| DA.10 (Issue J) Level 3 plan | 12/12/25 |
| DA.11 (Issue K) Level 4 plan | 12/12/25 |
| DA.12 (Issue K) Level 5 plan | 12/12/25 |
| DA.13 (Issue H) Roof Plan | 12/12/25 |

Architectural plans identifying the location of all plant and equipment in accordance with the requirements of this condition shall be provided to the Certifier prior to the issue of any Occupation Certificate.

**Reason:** To minimise noise impact on surrounding properties and to improve the appearance of the approved development.

**69. Accessibility**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 - 2009 and the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

**Reason:** To facilitate disabled access.

**70. Silver and platinum units**

Prior to the issue of an Occupation Certificate, an independent and suitably qualified access consultant is to submit Stage 2 – Final Mark Certification certifying that the constructed building demonstrates full compliance with the requirements of each standard within the Liveable Housing Design Guidelines, and as identified within the accessibility report prepared by Vista Access Architects reference number 19245 as follows:

Apartments identified as Silver - showing compliance with the Silver Level requirements of the Livable Housing Australia Livable Housing Guidelines and as detailed in the access report prepared by Vista Access Architects listed in Condition 1b of the consent. Note: Apartment 08 identified as Silver must show compliance with the Silver Level internal corridor/passageway width requirement of at least 1m at the entry corridors per the requirements of Livable Housing Australia Livable Housing Guidelines.

Apartments as Platinum - Apartments Unit 04, Unit 11, Unit 12, Unit 19, Unit 20 & Unit 31- showing compliance with the Platinum Level requirements of the Livable Housing Australia Livable Housing Guidelines and as detailed in access report prepared by Vista Access Architects listed in Condition 1b of the consent.

**Reason:** To ensure Ku-ring-gai's housing strategy for equitable and dignified access to housing for all people is constructed.

**71. Easement for waste collection**

Prior to the issue of an Occupation Certificate, an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

**Reason:** To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

**72. Retention and re-use positive covenant**

Prior to issue of an Occupation Certificate, the a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property shall be created.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to the Water Management Part 24R.8.2 of the Ku-ring-gai Development Control Plan). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the NSW Land Registry Services in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifier prior to issue of an Occupation Certificate.

**Reason:** To ensure appropriate storm-water management.

**73. Certification of drainage works**

Prior to issue of an Occupation Certificate, the Principal Certifier is to be satisfied that:

1. The stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
2. The minimum retention and on-site detention storage volume requirements of Ku-ring-gai DCP 2015 Part 24 'Water Management' have been achieved. Council's On-Site Detention And Retention Certification sheet shall be completed.
3. Retained water is connected and available for use.
4. All grates potentially accessible by children are secured.
5. Components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2018 and the Building Code of Australia.
6. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

**Reason:** To ensure appropriate stormwater management.

**74. Works as executed plans for stormwater management and disposal (dual occupancy and above)**

Prior to issue of an Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifier prior to issue of an Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Certifier stamped construction certificate stormwater plans.

**Reason:** To ensure appropriate stormwater management.

**75. Basement pump-out maintenance**

Prior to issue of an Occupation Certificate, the Principal Certifier shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

A maintenance regime specifying that the system is to be regularly inspected and checked by qualified practitioners is to be prepared by a suitable qualified professional and provided to the Principal Certifier.

**Reason:** To ensure appropriate stormwater management.

**76. OSD positive covenant/restriction**

Prior to issue of an Occupation Certificate, a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot shall be created.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to the Water Management Part 24R.8.1 of the relevant Ku-ring-gai Development Control Plan 2015). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the NSW Land

Registry Services in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifier prior to issue of an Occupation Certificate.

**Reason:** To ensure appropriate stormwater management.

**77. Sydney Water Section 73 compliance certificate**

Prior to issue of an Occupation Certificate, the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifier.

**Reason:** Statutory requirement.

**78. On-site detention system marker plate**

A marker plate is to be permanently attached and displayed within the immediate vicinity of the On-Site Detention System prior to the issue of the Occupation Certificate.

This marker plate can be purchased from Council.

**Reason:** To prevent unlawful alteration.

**79. Certification of as-constructed driveway/carpark - RFB**

Prior to issue of an Occupation Certificate, the Principal Certifier is to be satisfied that:

1. The as-constructed car park complies with the approved Construction Certificate plans.
2. The completed vehicle access and accommodation arrangements comply with Australian. Standard 2890.1 - 2004 “Off-Street car parking" in terms of minimum parking space dimensions.
3. Finished driveway gradients and transitions will not result in the scraping of the underside of cars.
4. No doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
5. The development complies with vehicular headroom requirements of Australian Standard 2890.1 - “Off-street car parking”,
6. **2.6 metres** height clearance for waste collection trucks (refer Part 23.7 of the Ku-ring-gai DCP) are met from the public street into and within the applicable areas of the basement carpark.

Evidence from a suitably qualified and experienced traffic/civil engineer demonstrating compliance with the above is to be provided to and approved by the Principal Certifier prior to the issue of an Occupation Certificate.

**Reason:** To ensure that vehicular access and accommodation areas are compliant with Australian Standards and the Development Consent.

**80. Reinstatement of redundant crossings and completion of infrastructure works**

Prior to issue of an Occupation Certificate, and upon completion of any works which may cause damage to Council's property, the Principal Certifier must receive a signed inspection form from Council which states that the following works in the road reserve have been completed:

1. new concrete driveway crossing in accordance with levels and specifications issued by Council
2. removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
3. full repair and resealing of any road surface damaged during construction
4. full replacement of damaged sections of grass verge to match existing
5. reconstruction of kerb and gutter with associated road pavement restoration for the full frontage of the development site

This inspection may not be carried out by the Principal Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Clause 161 of the Environmental Planning and Assessment Regulation 2000.

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

**Reason:** To protect the public infrastructure.

**81. Construction of works in public road - approved plans**

Prior to issue of an Occupation Certificate, the Principal Certifier must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

The works must be supervised by the Applicant's engineer and completed to the satisfaction of Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped drawings. The works are to be subject to inspections by Council at the hold points noted on the Roads Act approval. All conditions attached to the approved drawings for these works must be met prior to an Occupation Certificate being issued.

**Reason:** To ensure that works undertaken in the road reserve are to the satisfaction of Council.

**82. Infrastructure repair**

Prior to issue of an Occupation Certificate and upon completion of any works which may cause damage to Council's property, the Principal Certifier must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council and at no cost to Council.

**Reason:** To protect public infrastructure.

**83. Fire safety certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that a fire safety certificate for all the essential fire or other safety measures forming part of this Development Consent has been completed and provided to Council.

**Reason:** To ensure suitable fire safety measures are in place.

**84. Garbage and recycling facilities - residential premises**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the waste storage area has been installed and adequately contains the waste bins, has rendered internal walls that are coved at the floor/wall intersection, has a floor that is graded and drained to the sewer and is provided with a tap with hot and cold water to facilitate cleaning.

**Reason:** To protect residential amenity and to prevent environmental pollution.

**85. Solar shading**

Prior to the issue of an Occupation Certificate, a vertical operable louvre external shading device shall be provided to the west-facing living room window of Unit 32.

**Reason:** To provide effective solar control to west-facing fenestration.

**86. Restriction on title - affordable rental properties**

Prior to the issue of an Occupation Certificate, a restriction is to be registered on the title of the property in accordance with Section 88B of the *Conveyancing Act 1919* that ensures the apartments identified on Drawing DA.8 and DA.9 issue K prepared by Zhinar Architects and dated 12 December 2025 are retained as affordable rental properties for a period of 15 years in accordance with the requirements of Section 82 of the Environmental Planning and Assessment Regulations 2021.

**Reason:** To satisfy the requirements of SEPP (Housing) 2021.

**87. Prescribed condition - temporarily affordable housing**

Prior to the issuing of an Occupation Certificate, the applicant must provide evidence to the Certifier that:

(1) This section applies to development permitted under State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1, other than development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.

(2) It is a condition of the development consent that before the issue of an occupation certificate for the development-
   (a) a restriction must be registered, in accordance with the Conveyancing Act 1919, section 88E, against the title of the property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and
   (b) evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
   (c) evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.

(3) It is a condition of the development consent that during the relevant period-
   (a) the affordable housing component must be used for affordable housing, and
   (b) the affordable housing component must be managed by a registered community housing provider, and
   (c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
   (d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

(4) In this condition, ***affordable housing component*** has the same meaning as in *State Environmental Planning Policy (Housing) 2021*, section 21.

***relevant period*** means a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.

**Reason:** Statutory requirement per Section 82 'In-fill affordable housing' of the Environmental Planning and Assessment Regulation 2021.

**88. Affordable housing occupation**

An Occupation Certificate for the affordable housing apartments allocated in Condition 1 of Schedule B to be managed by the Community Housing Provider must be issued concurrently or before any Occupation Certificate for the market residential component of the development.

**Reason:** Statutory requirement per Section 82 'In-fill affordable housing' of the Environmental Planning and Assessment Regulation 2021.

**CONDITIONS TO BE SATISFIED AT ALL TIMES:**

**89. Use of communal open space**

The communal terrace on Level 5 shown on drawing DA.12 (Issue K) and endorsed at Condition 1 is not to be used between the hours of 10pm to 7am. The restriction of this space is to be sign posted and included in the development's strata rules.

**Reason:** To protect the amenity of surrounding residents.

**90. Shading devices**

At all times, all shading devices on windows and balconies are to be fully operable to enable maximum flexibility for adjusting levels solar access that allows residents:

a) full extent of balcony or glazed areas to be unobstructed for maximum solar, daylight and outlook amenity, and
b) adjust levels for partial shading, and
c) full protection from solar gain where necessary, and
d) where outlook and privacy levels can be managed.

**Reason:** For flexibility required to achieve adequate levels of resident amenity.

**91. Encroachment over burdens**

No part of any structure shall encroach over any easement and no loadings are to be imposed upon utilities within any easement unless approved by the owner(s) of the land having the benefit of the easement, or the person having benefit of any easement in gross, or the owner of any such utilities.

This Development Consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any parties by the existence and/or terms of the grant of any easements or rights-of-carriageway on or over the subject lot(s). It is the applicant's responsibility to ensure that any rights-at-law are investigated and upheld. Council accepts no responsibility for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway.

The applicant's attention is directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of a structure approved by this consent. In the event that such a structure causes damage, blockage or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard.

**Reason:** To ensure compliance with the Development Consent.

**92. Noise control - mechanical plant and machinery**

Noise levels associated with mechanical plant and machinery shall not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and shall not exceed the background level at night (between 10.00pm - 7.00am) when measured at the boundary of the nearest potentially affected residential occupancies. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of surrounding residents.

**93. Noise control - air conditioning**

Noise levels associated with air conditioning units shall not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and evening, when measured at the boundary of the nearest potentially affected residential occupancies and shall not operate at a noise level that is audible in habitable rooms of any adjoining residences at night (between 10pm and 7am). The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of surrounding residents.

**94. Use of car parking**

The visitor car parking spaces are to be clearly identified and are to be for the exclusive use of visitors to the site. On site permanent car parking spaces are not to be used other than by an occupant or tenant of the development. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

**Reason:** To ensure parking spaces are used in accordance with the Development Consent.

**95. Loading and unloading**

At all times, all loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site.

**Reason:** To ensure safe traffic movement.

**96. Annual fire safety statement**

Each 12 months after the installation of essential fire or other safety measures, the Owner of a building must provide the Council with an Annual Fire Safety Statement for the building. In addition, a copy of the Statement must be given to the NSW Fire Commissioner and a third copy must be displayed prominently in the building.

**Reason:** To ensure maintenance of essential statutory fire safety measures.

**97. Affordable housing occupation**

The apartments shown on drawing DA.8 and DA.9 issue K prepared by Zhinar Architects and dated 12 December 2025, must be used for the purposes of affordable housing and otherwise managed in accordance with section 82(3) of *State Environmental Planning Policy (Housing) 2021* for a period of 15 years from the date of the issue of an Occupation Certificate.

**Reason:** To ensure the development is consistent with the SEPP provisions.

**98. Ongoing affordable housing occupation**

The Applicant (or others responsible for the management of the affordable housing apartments, such as the Community Housing Provider) must use best endeavours to ensure that the affordable housing units for each stage of the Development are at full occupancy and by 30 June of each year, must submit Council a report relating to the previous 12-months period as to:

a. the occupancy rate of the affordable housing units for that year;
b. and compliance with the requirement in this condition to use best endeavours.

**Reason:** To ensure that affordable housing approved, is being used

**99. Screening of roof top services**

The roof top services on the roof level are to be adequately screened in order to ensure they cannot be seen from the adjoining properties.

**Reason:** To ensure the air conditioning condenser units are screened to minimise visual impacts.

**CONCURRENCE CONDITIONS:**

**100. Transport for NSW**

1. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au

   A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued;

2. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

   The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@rms.nsw.gov.au

   If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work;

3. The proposed deceleration lane and driveway crossing along Pacific Highway shall be designed to meet TfNSW requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to development.sydney@rms.nsw.gov.au

   The developer is required to enter into a Works Authorisation Deed (yVAD) for the abovementioned works.

   TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works;

4. Detailed design comments are to be addressed to be addressed following consent (if provided) prior to providing further design revision:

   i. The slip lane cross section should continue to fall away from Pacific Highway, modification of drainage structures will be important to understand;
   ii. A long section of the driveway and ramp this will need to developed in accordance to AS2890 to ensure appropriate sight lines on approach to the footpath;
   iii. Footpath alignment could be improved, the horizontal radii appears extreme;
   iv. Pedestrians should be prioritised via a raised crossing across the driveway.

5. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well

as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement;

6. Sight distances from the proposed vehicular crossings to vehicles on Pacific Highway are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 - Sight Distance) and AS2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists;

7. All vehicles are to enter and leave the site in a forward direction;

8. All vehicles are to be wholly contained on site before being required to stop;

9. Any realignment boundary to facilitate a footway resulting from the proposed road widening works must be dedicated as public road at no cost to the TfNSW;

10. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents;

11. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate;

12. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Pacific Highway during construction activities. A ROL can be obtained through https:/lmyrta.com/oplinc2/pages/security/oplincLogin.jsf

13. AII demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pacific Highway;

14. AII buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Pacific Highway boundary.

15. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS2890.2-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway;

16. It is recommended that to support and encourage active transport, bicycle parking facilities are provided within the development or close to it. Bicycle Parking should be provided in accordance with AS2890.3;

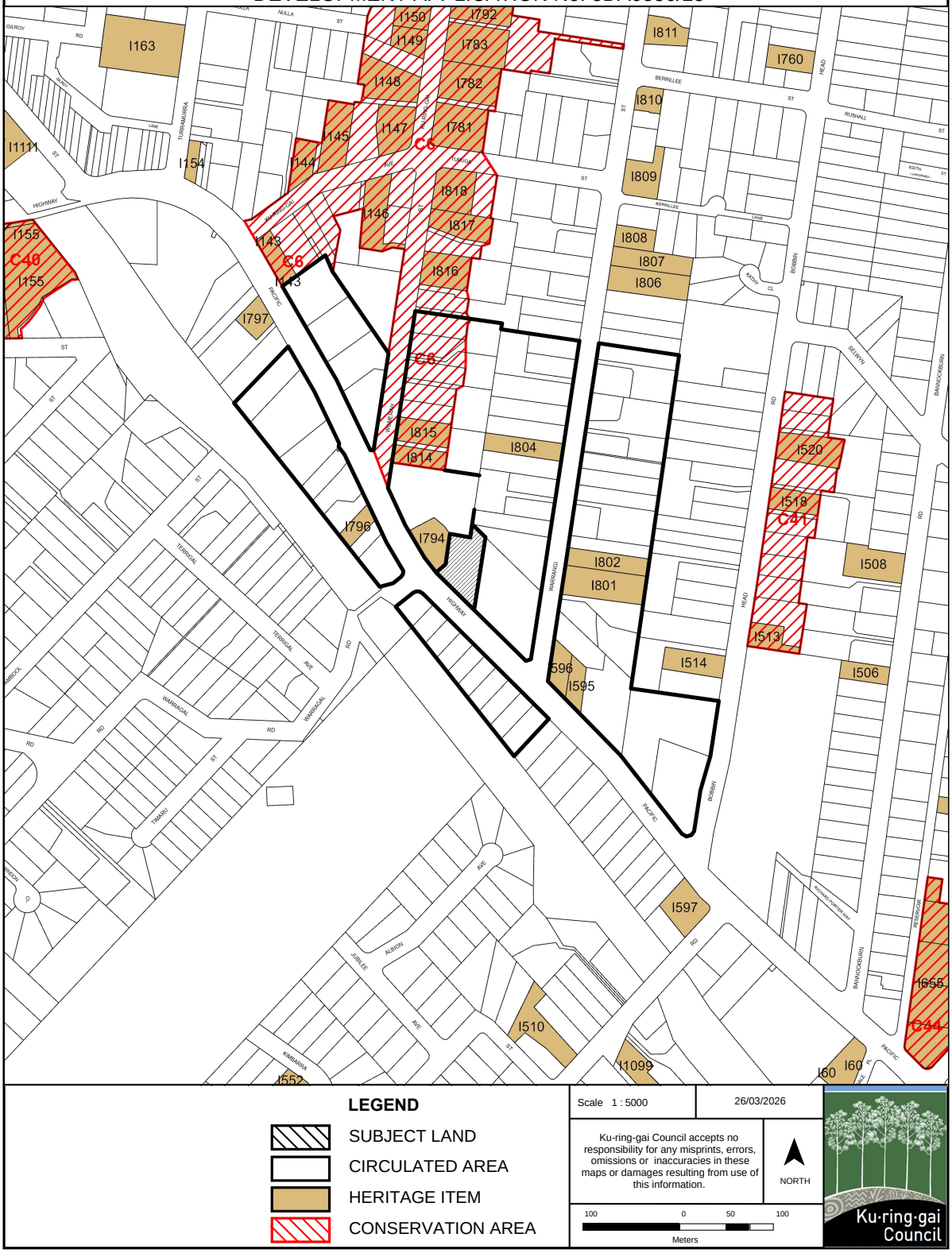
17. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.

**Reason:** Statutory requirement

# LOCATION SKETCH

1183 Pacific Highway TURRAMURRA NSW 2074

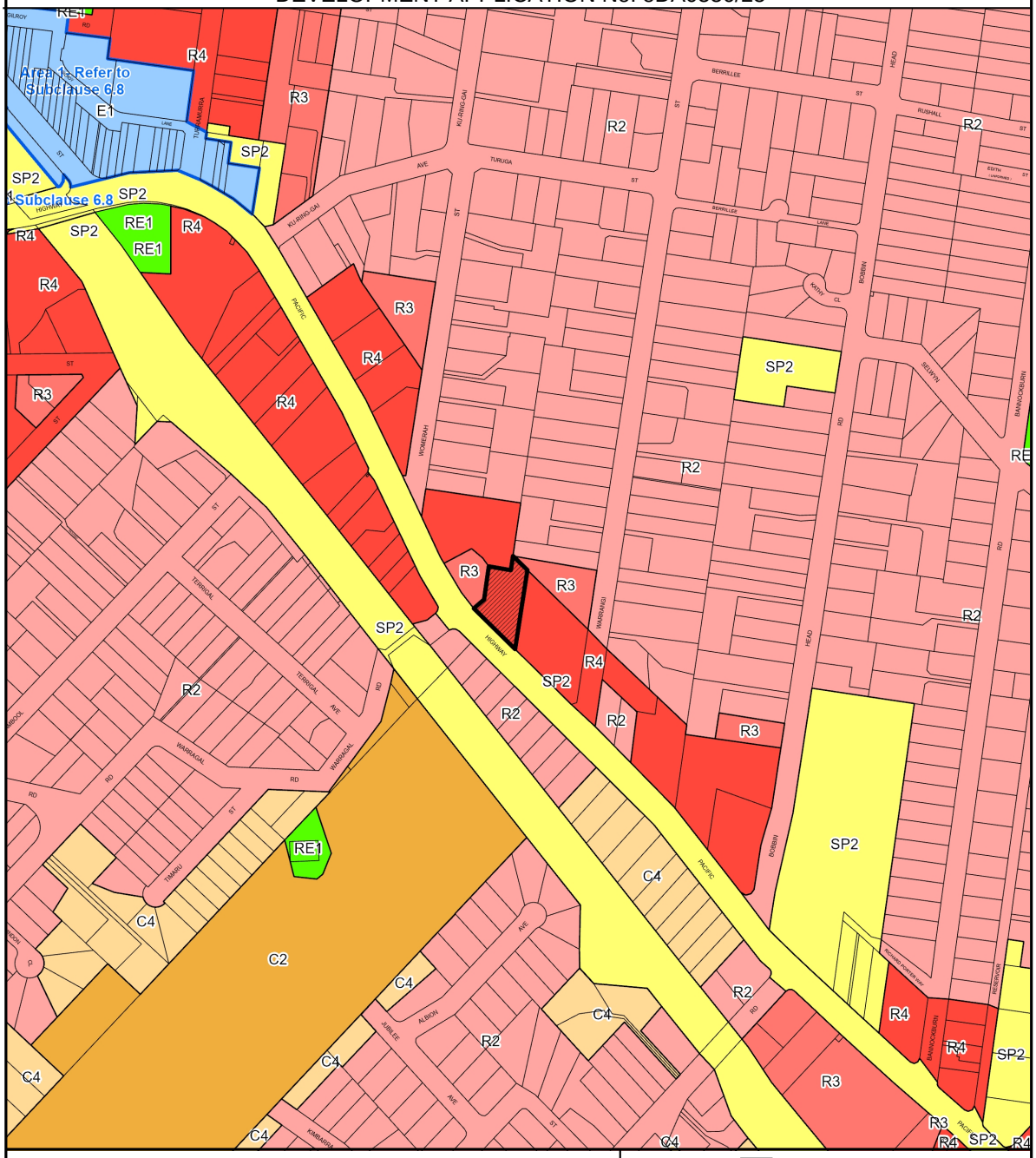
DEVELOPMENT APPLICATION No. eDA0556/25



# KU-RING-GAI LEP 2015 ZONING EXTRACT

1183 Pacific Highway TURRAMURRA NSW 2074

DEVELOPMENT APPLICATION No. eDA0556/25




## 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: 26/03/2026

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

0 100 200

Meters

Ku·ring·gai Council

zhinarchitects

# Development Application

## Residential Flat Building Development
## 1183 Pacific Highway Turramurra NSW 2074

**ALTERATIONS & ADDITIONS**
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS

eMOD0069/24 APPROVED UNCHANGED




STREET PERSPECTIVE - PACIFIC HIGHWAY

**DEVELOPMENT SUMMARY (INFILL AH)**

| | | |
|---|---|---|
| ADDRESS | LOT 8, DP 12947710 | |
| SITE AREA | 2 379 m² | |
| ZONE | R4 - High Density Residential | |
| BUILDING HEIGHT | Control = 17.5 m<br>13.71% AH = 22.45m | |
| FSR | Permissible = 1.5:1<br>Proposed = 1.53:1<br>13.71% AH = 1.9113:1 (4 547.3 m²) | |
| GFA | Control = 3 568.5 m²<br>13.71% AH = 623.435 m²<br>Total GFA (Control + AH) = 4 547.3 m² | |
| C.O.S | Required = Min. 10% of Site Area<br>Proposed =254.1 m² (10.68%)<br>(173.5 m² Ground +80.6 m² Roof) | |
| DEEP SOIL | Required = Min. 50%<br>Proposed = 1 116.6 m² (46.9%) | |
| SITE COVERAGE | Required = Min. 30%<br>Proposed = 715.5 m² (30.0%) | |
| UNIT MIX / YIELD | | |
| Lower Ground Floor | Three Bedrooms | 2 units |
| Ground Floor | One Bedroom<br>Two Bedrooms<br>Three Bedrooms | 1 unit<br>5 units<br>1 units |
| 1st Floor | One Bedroom<br>Two Bedrooms<br>Three Bedrooms | 1 unit<br>6 units<br>1 unit |
| 2nd Floor | One Bedroom<br>Two Bedrooms<br>Three Bedrooms | 1 unit<br>6 units<br>1 unit |
| 3rd Floor | Two Bedroom<br>Three Bedrooms<br>Three Bedrooms + study<br>Four Bedrooms + study | 2 unit<br>1 unit<br>1 unit<br>1 unit |
| 4th Floor | Three Bedroom<br>Four Bedrooms | 1 unit<br>2 units |
| 5th Floor | Three Bedroom<br>Four Bedrooms | 1 unit<br>1 unit |
| Unit Summary | *One Bedroom*<br>*Two Bedrooms*<br>*Three Bedrooms*<br>*Four Bedrooms* | *3 units*<br>*19 units*<br>*9 units*<br>*4 units* |
| TOTAL | | 35 units |
| | *Includes 15% Platinum LHDG units (PL)* | *6 units* |
| PARKING | | |
| Residents | (Required: 36.8 spaces) | 39 spaces |
| Visitor | | 9 spaces |
| TOTAL | Required DCP<br>PROVIDED | 58 spaces<br>53 spaces |
| | *(Includes 6 accessible resident parking spaces)* | |
| BICYCLE | Residents<br>Visitor | 7 spaces<br>4 spaces |

DIAL BEFORE YOU DIG www.1100.com.au

| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
|---|---|---|---|---|
| DA-I | REVISED EXTERNAL COLOURS TO DA0521/19 COND. 3 | 12/12/2025 | AH | AHM |
| DA-H | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |

Print Date: Wednesday, 17 December 2025 3:02 PM

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GENERAL NOTES

Figured dimensions shall be taken in preference to scaling. Drawing to be read in conjunction with information on first page. Check all dimensions and levels on site before commencing work or ordering materials. All existing ground lines & trees location are approximate, therefore to be verified on-site by the builder. Any discrepancies to be verified back to Zhinar Architects before proceeding. All workmanship and materials shall comply with all relevant codes, ordinances, Australian Standards and manufacturer's instructions. Unless noted 'Issued for Construction', drawing not to be used for construction.

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PROJECT PARTNERS

| | |
|---|---|
| + Access Consultant | Vista Access Architects |
| + Acoustic Engineer | Rodney Stevens Acoustics |
| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Cover

DESIGNED: AHM | DRAWN: AH | COMMENCED: Sept 2019 | SCALE: AS NOTED | PRINT: A1 SHEET

L.G.A. : Ku-ring-gai Council

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www.zhinar.com.au / w
28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

JOB No. 08753 | DRAWING No. DA.1 | ISSUE I

**zhinar**chitects

ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
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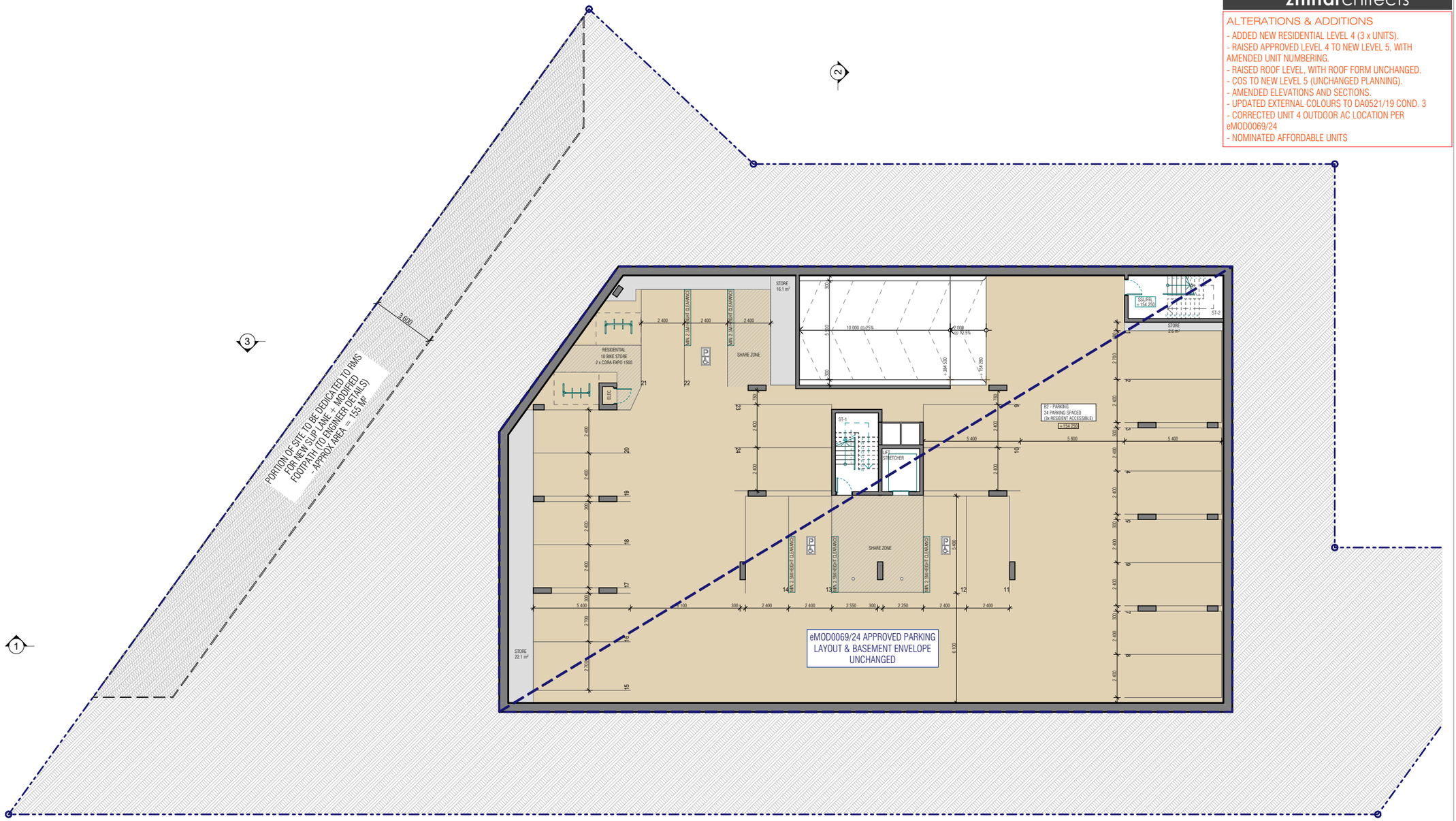


1 Basement 2
Scale 1:100 @ A1

| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
|---|---|---|---|---|
| DA-I | RBISSUE CAR SPACE TO COUNCIL RFI COMMENT | 12/12/25 | AH | AHM |
| DA-H | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |
| DA-G | ISSUE FOR NEW SECTION 4.55 MODIFICATION | 13/06/24 | MM | AH |
| DA-F | ISSUE FOR SECTION 4.55 MODIFICATION | 18/03/20 | AH | AHM |

Print Date: Tuesday, 16 December 2025 2:09 PM

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| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Basement 2

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

L.G.A.: Ku-ring-gai Council

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PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

JOB No. 08753 | DRAWING No. DA.5 | ISSUE I

**zhinar**chitects

ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
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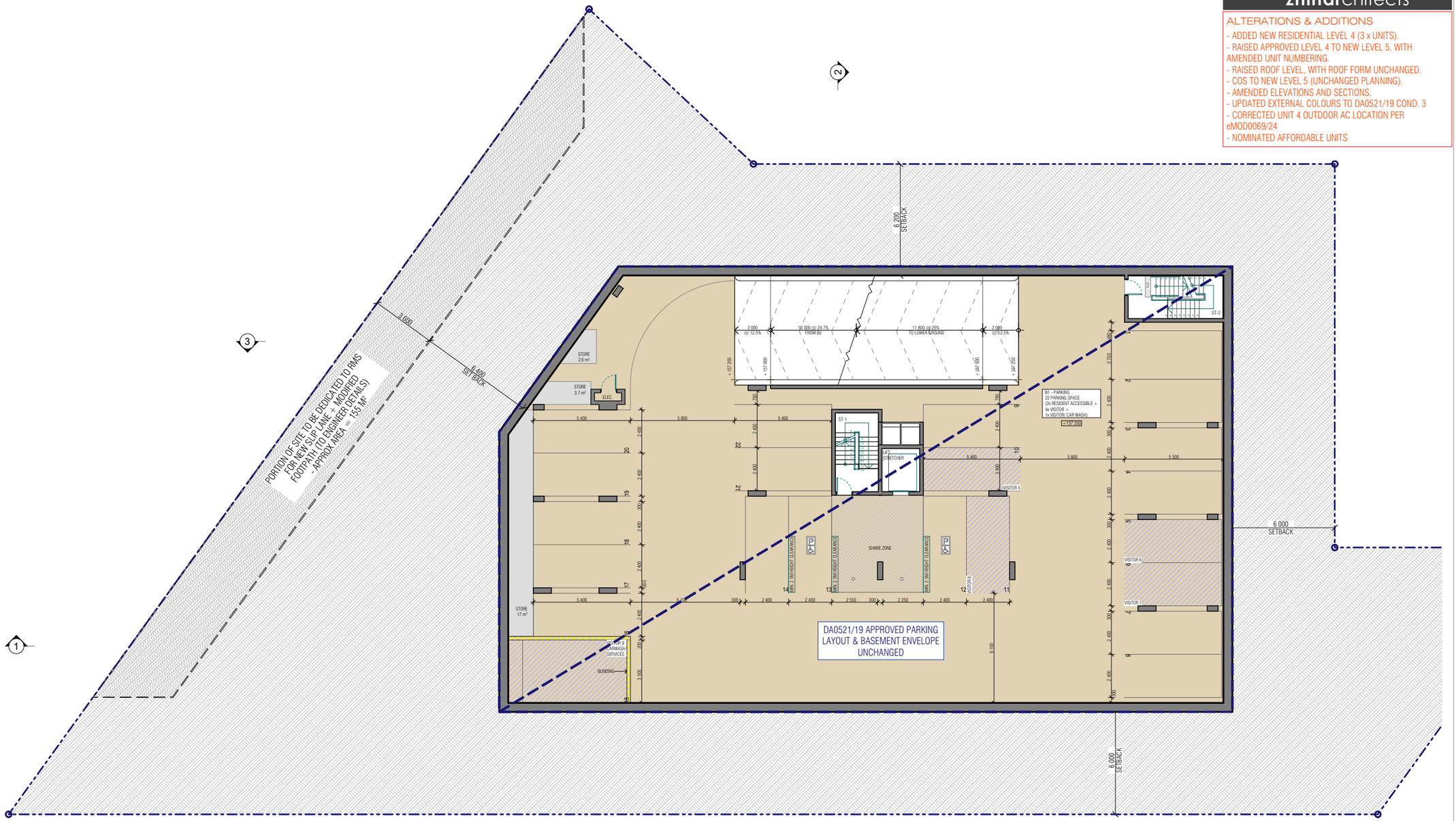


1 Basement 1
Scale 1:100 @ A1

| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
|---|---|---|---|---|
| DA-F | REISSUE CAR SPACE TO COUNCIL RFI COMMENT | 12/12/25 | AH | AHM |
| DA-E | REVISED AS PER COUNCIL COMMENTS | 17/11/20 | AH | AHM |

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| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Basement 1

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

L.G.A.: Ku-ring-gai Council

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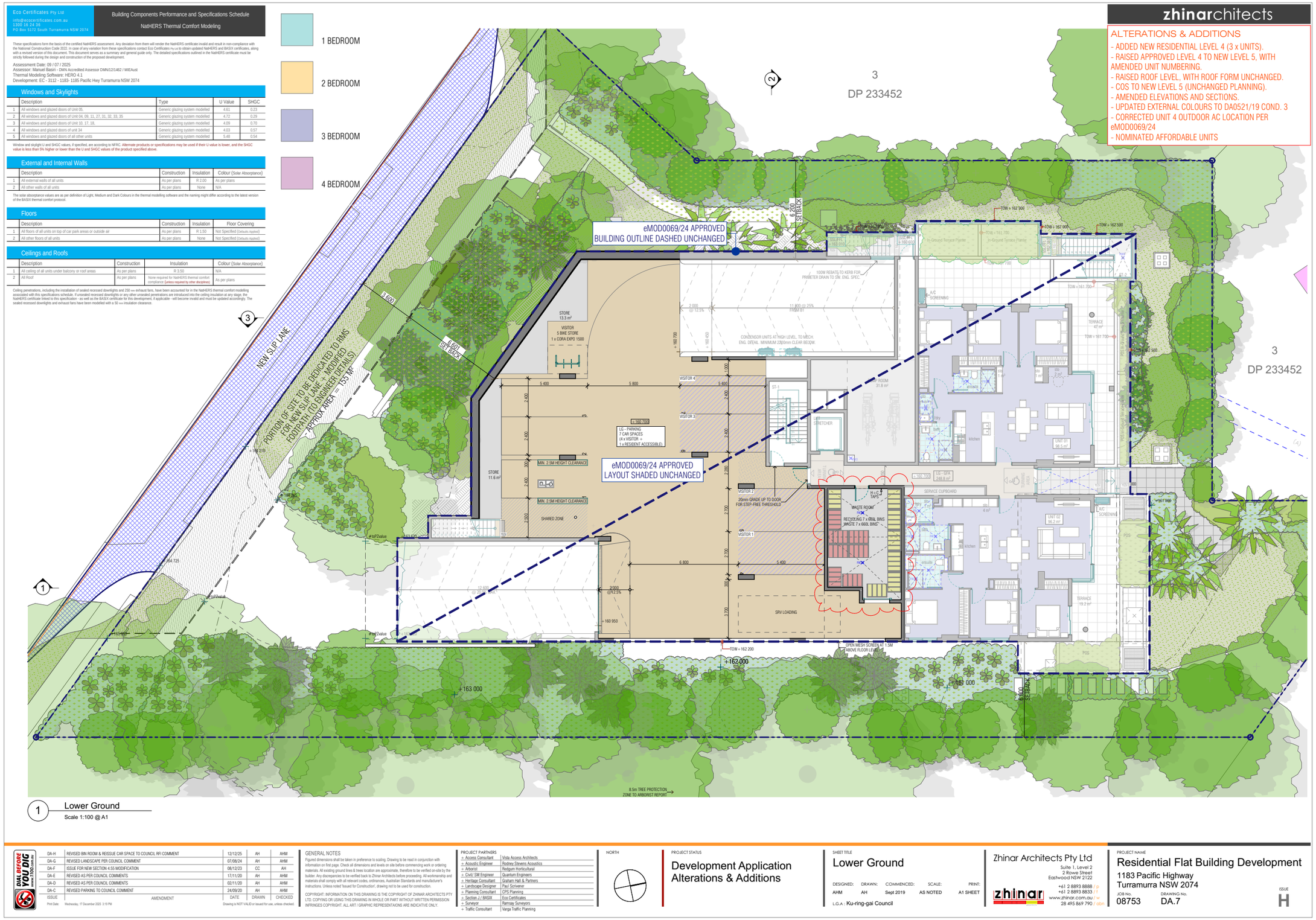
PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

JOB No. 08753 | DRAWING No. DA.6 | ISSUE F

**ATTACHMENT NO: 4 – ARCHITECTURAL PLANS**

**ITEM NO: GB.4**




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: 09 / 07 / 2025
Assessor: Manuel Basiri - DMN Accredited Assessor DMN/12/1462 / MIEAust
Thermal Modeling Software: HERO 4.1
Development: EC - 3112 - 1183- 1185 Pacific Hwy Turramurra NSW 2074

## Windows and Skylights

| | Description | Type | U Value | SHGC |
|---|---|---|---|---|
| 1 | All windows and glazed doors of Unit 05, | Generic glazing system modelled | 4.61 | 0.23 |
| 2 | All windows and glazed doors of Unit 04, 09, 11, 27, 31, 32, 33, 35 | Generic glazing system modelled | 4.72 | 0.29 |
| 3 | All windows and glazed doors of Unit 10, 17, 18, | Generic glazing system modelled | 4.09 | 0.70 |
| 4 | All windows and glazed doors of unit 34 | Generic glazing system modelled | 4.03 | 0.57 |
| 5 | All windows and glazed doors of all other units | Generic glazing system modelled | 5.48 | 0.54 |

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 external walls of all units | As per plans | R 2.00 | As per plans |
| 2 | All other walls of all units | 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 units on top of car park areas or outside air | As per plans | R 1.50 | Not Specified (Defaults Applied) |
| 2 | All other floors of all units | As per plans | None | Not Specified (Defaults Applied) |

## Ceilings and Roofs

| | Description | Construction | Insulation | Colour (Solar Absorptance) |
|---|---|---|---|---|
| 1 | All ceiling of all units under balcony or roof areas | As per plans | R 3.50 | N/A |
| 2 | All Roof | As per plans | None required for NatHERS thermal comfort compliance (unless required by other disciplines) | 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.

| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
|---|---|---|---|---|
| DA-H | REVISED BIN ROOM & REISSUE CAR SPACE TO COUNCIL RFI COMMENT | 12/12/25 | AH | AHM |
| DA-G | REVISED LANDSCAPE PER COUNCIL COMMENT | 07/08/24 | AH | AHM |
| DA-F | ISSUE FOR NEW SECTION 4.55 MODIFICATION | 08/12/23 | CC | AH |
| DA-E | REVISED AS PER COUNCIL COMMENTS | 17/11/20 | AH | AHM |
| DA-D | REVISED AS PER COUNCIL COMMENTS | 02/11/20 | AH | AHM |
| DA-C | REVISED PARKING TO COUNCIL COMMENT | 24/09/20 | AH | AHM |

Print Date: Wednesday, 17 December 2025 3:19 PM
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GENERAL NOTES

Figured dimensions shall be taken in preference to scaling. Drawing to be read in conjunction with information on first page. Check all dimensions and levels on site before commencing work or ordering materials. All existing ground lines & trees location are approximate, therefore to be verified on-site by the builder. Any discrepancies to be verified back to Zhinar Architects before proceeding. All workmanship and materials shall comply with all relevant codes, ordinances, Australian Standards and manufacturer's instructions. Unless noted 'Issued for Construction', drawing not to be used for construction.

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PROJECT PARTNERS

| | |
|---|---|
| + Access Consultant | Vista Access Architects |
| + Acoustic Engineer | Rodney Stevens Acoustics |
| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Lower Ground

DESIGNED: AHM | DRAWN: AH | COMMENCED: Sept 2019 | SCALE: AS NOTED | PRINT: A1 SHEET

L.G.A.: Ku-ring-gai Council

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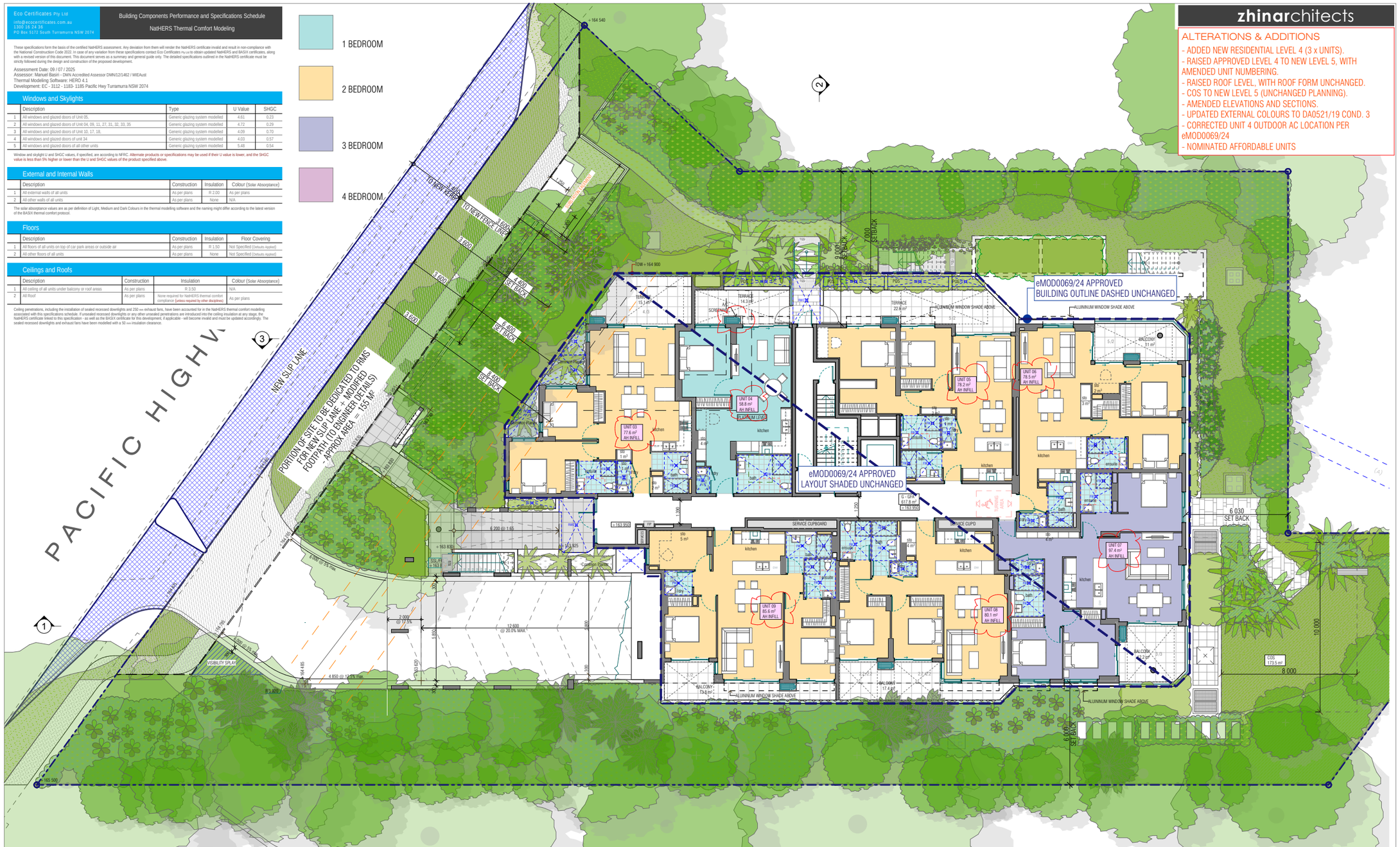
28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

JOB No. 08753 | DRAWING No. DA.7 | ISSUE H

**ATTACHMENT NO: 4 – ARCHITECTURAL PLANS**

**ITEM NO: GB.4**




Eco Certificates Pty Ltd
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1300 16 24 16
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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: 09 / 07 / 2025
Assessor: Manuel Basiri - DMN Accredited Assessor DMN/12/1462 / MIEAust
Thermal Modeling Software: HERO 4.1
Development: EC - 3112 - 1183- 1185 Pacific Hwy Turramurra NSW 2074

## Windows and Skylights

| | Description | Type | U Value | SHGC |
|---|---|---|---|---|
| 1 | All windows and glazed doors of Unit 05, | Generic glazing system modelled | 4.61 | 0.23 |
| 2 | All windows and glazed doors of Unit 04, 09, 11, 27, 31, 32, 33, 35 | Generic glazing system modelled | 4.72 | 0.29 |
| 3 | All windows and glazed doors of Unit 10, 17, 18, | Generic glazing system modelled | 4.09 | 0.70 |
| 4 | All windows and glazed doors of unit 34 | Generic glazing system modelled | 4.03 | 0.57 |
| 5 | All windows and glazed doors of all other units | Generic glazing system modelled | 5.48 | 0.54 |

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 external walls of all units | As per plans | R 2.00 | As per plans |
| 2 | All other walls of all units | 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 units on top of car park areas or outside air | As per plans | R 1.50 | Not Specified (Defaults Applied) |
| 2 | All other floors of all units | As per plans | None | Not Specified (Defaults Applied) |

## Ceilings and Roofs

| | Description | Construction | Insulation | Colour (Solar Absorptance) |
|---|---|---|---|---|
| 1 | All ceiling of all units under balcony or roof areas | As per plans | R 3.50 | N/A |
| 2 | All Roof | As per plans | None required for NatHERS thermal comfort compliance (unless required by other disciplines) | 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.

zhinarchitects

ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS

1 Upper Ground
Scale 1:100 @ A1

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| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
|---|---|---|---|---|
| DA-J | AMENDED UNIT 4 AC & CLARIFY AFFORDABLE UNIT NOMINATON TO COUNCIL RFI REQUIREMENT | 12/12/25 | AH | AHM |
| DA-I | AMENDED OUTDOOR AC LOCATION TO COUNCIL COMMENT | 04/09/24 | AH | AHM |
| DA-H | REVISED LANDSCAPE PER COUNCIL COMMENT | 07/08/24 | AH | AHM |
| DA-G | ISSUE FOR NEW SECTION 4.55 MODIFICATION | 08/12/23 | CC | AH |
| DA-F | ISSUE FOR 4.55 MODIFICATION | 28/08/23 | CC | AH |
| DA-E | REVISED AS PER COUNCIL COMMENTS | 17/11/20 | AH | AHM |

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GENERAL NOTES
Figured dimensions shall be taken in preference to scaling. Drawing to be read in conjunction with information on first page. Check all dimensions and levels on site before commencing work or ordering materials. All existing ground lines & trees location are approximate, therefore to be verified on-site by the builder. Any discrepancies to be verified back to Zhinar Architects before proceeding. All workmanship and materials shall comply with all relevant codes, ordinances, Australian Standards and manufacturer's instructions. Unless noted 'Issued for Construction', drawing not to be used for construction.

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PROJECT PARTNERS

| | |
|---|---|
| + Access Consultant | Vista Access Architects |
| + Acoustic Engineer | Rodney Stevens Acoustics |
| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Upper Ground

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

L.G.A.: Ku-ring-gai Council

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28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

| JOB No. | DRAWING No. | ISSUE |
|---|---|---|
| 08753 | DA.8 | J |

Eco Certificates Pty Ltd
info@ecocertificates.com.au
1300 16 24 16
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: 09 / 07 / 2025
Assessor: Manuel Basiri - DMN Accredited Assessor DMN/12/1462 / MIEAust
Thermal Modeling Software: HERO 4.1
Development: EC - 3112 - 1183- 1185 Pacific Hwy Turramurra NSW 2074

## Windows and Skylights

| | Description | Type | U Value | SHGC |
|---|---|---|---|---|
| 1 | All windows and glazed doors of Unit 05, | Generic glazing system modelled | 4.61 | 0.23 |
| 2 | All windows and glazed doors of Unit 04, 09, 11, 27, 31, 32, 33, 35 | Generic glazing system modelled | 4.72 | 0.29 |
| 3 | All windows and glazed doors of Unit 10, 17, 18, | Generic glazing system modelled | 4.09 | 0.70 |
| 4 | All windows and glazed doors of unit 34 | Generic glazing system modelled | 4.03 | 0.57 |
| 5 | All windows and glazed doors of all other units | Generic glazing system modelled | 5.48 | 0.54 |

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 external walls of all units | As per plans | R 2.00 | As per plans |
| 2 | All other walls of all units | 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 units on top of car park areas or outside air | As per plans | R 1.50 | Not Specified (Defaults Applied) |
| 2 | All other floors of all units | As per plans | None | Not Specified (Defaults Applied) |

## Ceilings and Roofs

| | Description | Construction | Insulation | Colour (Solar Absorptance) |
|---|---|---|---|---|
| 1 | All ceiling of all units under balcony or roof areas | As per plans | R 3.50 | N/A |
| 2 | All Roof | As per plans | None required for NatHERS thermal comfort compliance (unless required by other disciplines) | 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.

1 BEDROOM
2 BEDROOM
3 BEDROOM
4 BEDROOM

**zhinar**chitects

ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS




1 TYP Level 1 + Level 2
Scale 1:100 @ A1

| | | | | |
|---|---|---|---|---|
| DA-K | CLARIFY AFFORDABLE UNIT NOMINATION TO COUNCIL RFI REQUIREMENT | 12/12/2025 | AH | AHM |
| DA-J | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |
| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |

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GENERAL NOTES

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PROJECT PARTNERS

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| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Typical Level 1 & 2

DESIGNED: AHM | DRAWN: AH | COMMENCED: Sept 2019 | SCALE: AS NOTED | PRINT: A1 SHEET

L.G.A.: Ku-ring-gai Council

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+61 2 8893 8833 / f
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28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

JOB No. 08753 | DRAWING No. DA.9 | ISSUE K

Eco Certificates Pty Ltd
info@ecocertificates.com.au
1300 16 24 16
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: 09 / 07 / 2025
Assessor: Manuel Basiri - DMN Accredited Assessor DMN/12/1462 / MIEAust
Thermal Modeling Software: HERO 4.1
Development: EC - 3112 - 1183- 1185 Pacific Hwy Turramurra NSW 2074

## Windows and Skylights

| | Description | Type | U Value | SHGC |
|---|---|---|---|---|
| 1 | All windows and glazed doors of Unit 05, | Generic glazing system modelled | 4.61 | 0.23 |
| 2 | All windows and glazed doors of Unit 04, 09, 11, 27, 31, 32, 33, 35 | Generic glazing system modelled | 4.72 | 0.29 |
| 3 | All windows and glazed doors of Unit 10, 17, 18, | Generic glazing system modelled | 4.09 | 0.70 |
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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 external walls of all units | As per plans | R 2.00 | As per plans |
| 2 | All other walls of all units | 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 units on top of car park areas or outside air | As per plans | R 1.50 | Not Specified (Defaults Applied) |
| 2 | All other floors of all units | As per plans | None | Not Specified (Defaults Applied) |

## Ceilings and Roofs

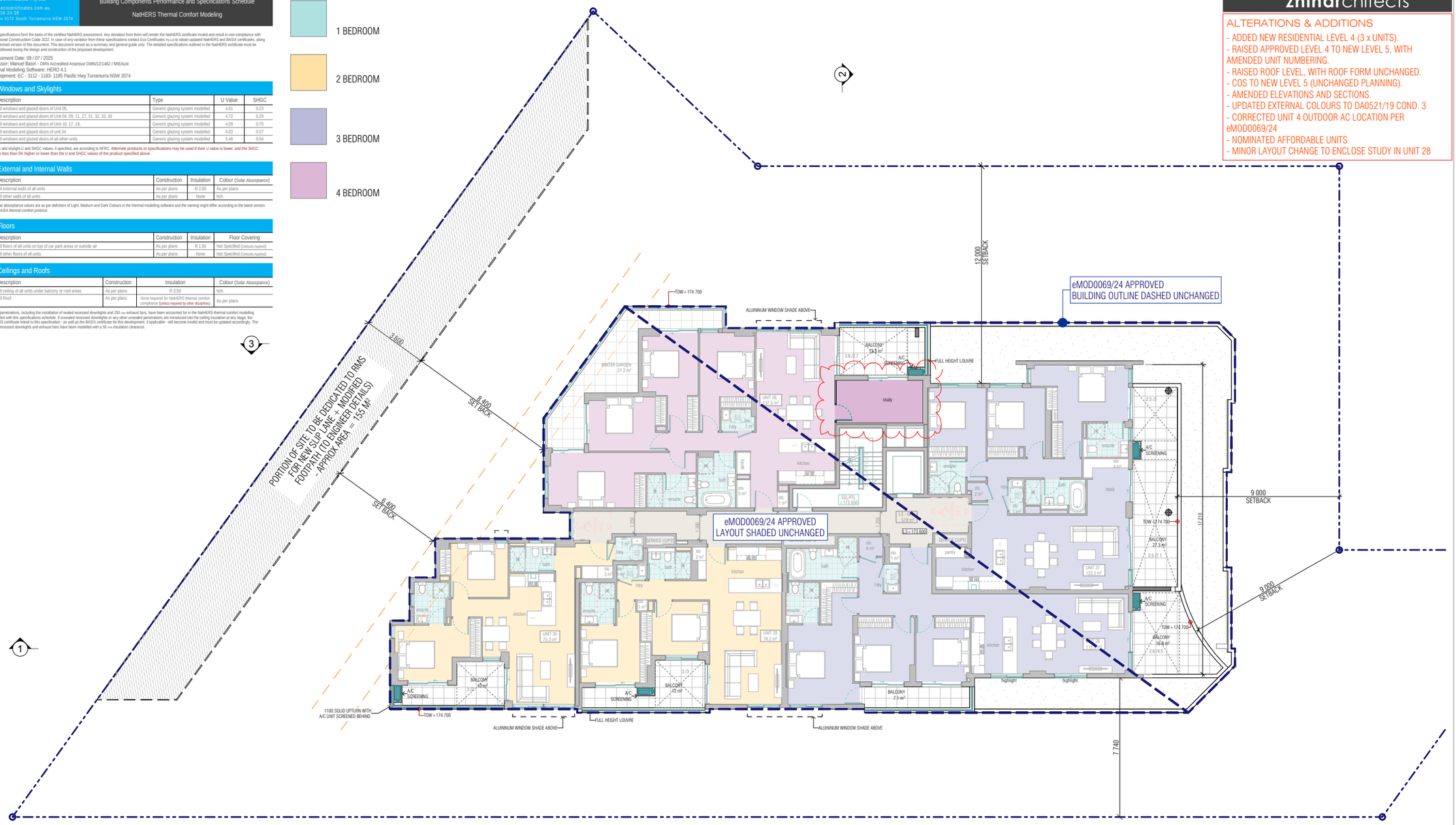
| | Description | Construction | Insulation | Colour (Solar Absorptance) |
|---|---|---|---|---|
| 1 | All ceiling of all units under balcony or roof areas | As per plans | R 3.50 | N/A |
| 2 | All Roof | As per plans | None required for NatHERS thermal comfort compliance (unless required by other disciplines) | 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 assessed 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.

1 BEDROOM
2 BEDROOM
3 BEDROOM
4 BEDROOM

**zhinar**chitects

ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28




1 Level 03
Scale 1:100 @ A1

| | | | | |
|---|---|---|---|---|
| DA-J | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 12/12/25 | AH | AHM |
| DA-I | AMENDED OUTDOOR AC LOCATION TO COUNCIL COMMENT | 04/09/24 | AH | AHM |
| DA-H | UPDATED SCREENING PER COUNCIL COMMENT | 07/08/24 | AH | AHM |
| DA-G | ISSUE FOR NEW SECTION 4.55 MODIFICATION | 08/12/23 | CC | AH |
| DA-F | ISSUE FOR 4.55 MODIFICATION | 18/03/20 | AH | AHM |
| DA-E | REVISED AS PER COUNCIL COMMENTS | 17/11/20 | AH | AHM |
| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |

Print Date: Wednesday, 17 December 2025 3:20 PM
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GENERAL NOTES
Figured dimensions shall be taken in preference to scaling. Drawing to be read in conjunction with information on first page. Check all dimensions and levels on site before commencing work or ordering materials. All existing ground lines & trees location are approximate, therefore to be verified on-site by the builder. Any discrepancies to be verified back to Zhinar Architects before proceeding. All workmanship and materials shall comply with all relevant codes, ordinances, Australian Standards and manufacturer's instructions. Unless noted "Issued for Construction', drawing not to be used for construction.

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PROJECT PARTNERS

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| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Level 3

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

L.G.A.: Ku-ring-gai Council

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28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

JOB No. 08753
DRAWING No. DA.10
ISSUE J

**ATTACHMENT NO: 4 – ARCHITECTURAL PLANS**

**ITEM NO: GB.4**


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PO Box 5172 South Turramurra NSW 2074


Building Components Performance and Specifications Schedule

NatHERS Thermal Comfort Modeling

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Assessment Date: 09 / 07 / 2025
Assessor: Manuel Basiri - DMN Accredited Assessor DMN/12/1462 / MIEAust
Thermal Modeling Software: HERO 4.1
Development: EC - 3112 - 1183- 1185 Pacific Hwy Turramurra NSW 2074

## Windows and Skylights

| | Description | Type | U Value | SHGC |
|---|---|---|---|---|
| 1 | All windows and glazed doors of Unit 05, | Generic glazing system modelled | 4.61 | 0.23 |
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| 4 | All windows and glazed doors of unit 34 | Generic glazing system modelled | 4.03 | 0.57 |
| 5 | All windows and glazed doors of all other units | Generic glazing system modelled | 5.48 | 0.54 |

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 external walls of all units | As per plans | R 2.00 | As per plans |
| 2 | All other walls of all units | 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 units on top of car park areas or outside air | As per plans | R 1.50 | Not Specified (Defaults Applied) |
| 2 | All other floors of all units | As per plans | None | Not Specified (Defaults Applied) |

## Ceilings and Roofs

| | Description | Construction | Insulation | Colour (Solar Absorptance) |
|---|---|---|---|---|
| 1 | All ceiling of all units under balcony or roof areas | As per plans | R 3.50 | N/A |
| 2 | All Roof | As per plans | None required for NatHERS thermal comfort compliance (unless required by other disciplines) | 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.

1 BEDROOM
2 BEDROOM
3 BEDROOM
4 BEDROOM




1 Level 04 (New)
Scale 1:100 @ A1

zhinarchitects

ALTERATIONS & ADDITIONS

- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28

| | | | | |
|---|---|---|---|---|
| DA-K | REVISED BALCONY GLAZING & STUDY LOCATION TO COUNCIL COMMENT | 12/12/2025 | AH | AHM |
| DA-J | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |
| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |

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| PROJECT PARTNERS | |
|---|---|
| + Access Consultant | Vista Access Architects |
| + Acoustic Engineer | Rodney Stevens Acoustics |
| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Level 4

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

L.G.A. : Ku-ring-gai Council


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+61 2 8893 8833 / f
www.zhinar.com.au / w
28 495 869 790 / abn


PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

JOB No. 08753
DRAWING No. DA.11
ISSUE K

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: 09 / 07 / 2025
Assessor: Manuel Basiri - DMN Accredited Assessor DMN/12/1462 / MIEAust
Thermal Modeling Software: HERO 4.1
Development: EC - 3112 - 1183- 1185 Pacific Hwy Turramurra NSW 2074

## Windows and Skylights

| | Description | Type | U Value | SHGC |
|---|---|---|---|---|
| 1 | All windows and glazed doors of Unit 05, | Generic glazing system modelled | 4.61 | 0.23 |
| 2 | All windows and glazed doors of Unit 04, 09, 11, 27, 31, 32, 33, 35 | Generic glazing system modelled | 4.72 | 0.29 |
| 3 | All windows and glazed doors of Unit 10, 17, 18, | Generic glazing system modelled | 4.09 | 0.70 |
| 4 | All windows and glazed doors of unit 34 | Generic glazing system modelled | 4.03 | 0.57 |
| 5 | All windows and glazed doors of all other units | Generic glazing system modelled | 5.48 | 0.54 |

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 external walls of all units | As per plans | R 2.00 | As per plans |
| 2 | All other walls of all units | 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 units on top of car park areas or outside air | As per plans | R 1.50 | Not Specified (Defaults Applied) |
| 2 | All other floors of all units | As per plans | None | Not Specified (Defaults Applied) |

## Ceilings and Roofs

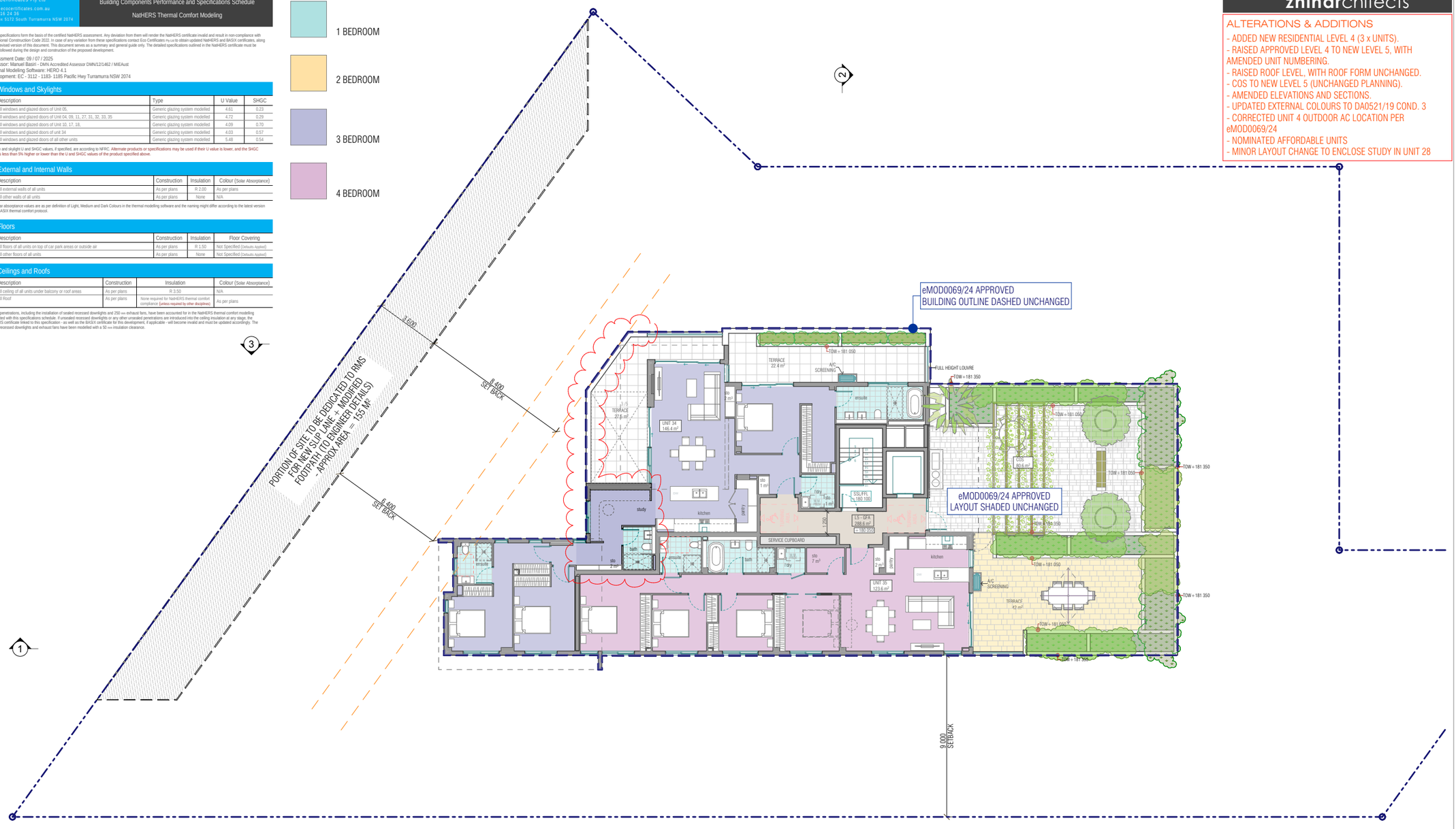
| | Description | Construction | Insulation | Colour (Solar Absorptance) |
|---|---|---|---|---|
| 1 | All ceiling of all units under balcony or roof areas | As per plans | R 3.50 | N/A |
| 2 | All Roof | As per plans | None required for NatHERS thermal comfort compliance (unless required by other disciplines) | 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.

1 BEDROOM
2 BEDROOM
3 BEDROOM
4 BEDROOM

**zhinar**chitects

ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28




1 Level 05 (Prev. Level 04)
Scale 1:100 @ A1

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| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
|---|---|---|---|---|
| DA-K | REVISED BALCONY GLAZING & STUDY LOCATION TO COUNCIL COMMENT | 12/12/2025 | AH | AHM |
| DA-J | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |

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GENERAL NOTES
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PROJECT PARTNERS

| | |
|---|---|
| + Access Consultant | Vista Access Architects |
| + Acoustic Engineer | Rodney Stevens Acoustics |
| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Level 5

DESIGNED: AHM | DRAWN: AH | COMMENCED: Sept 2019 | SCALE: AS NOTED | PRINT: A1 SHEET

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28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

JOB No. 08753 | DRAWING No. DA.12 | ISSUE K

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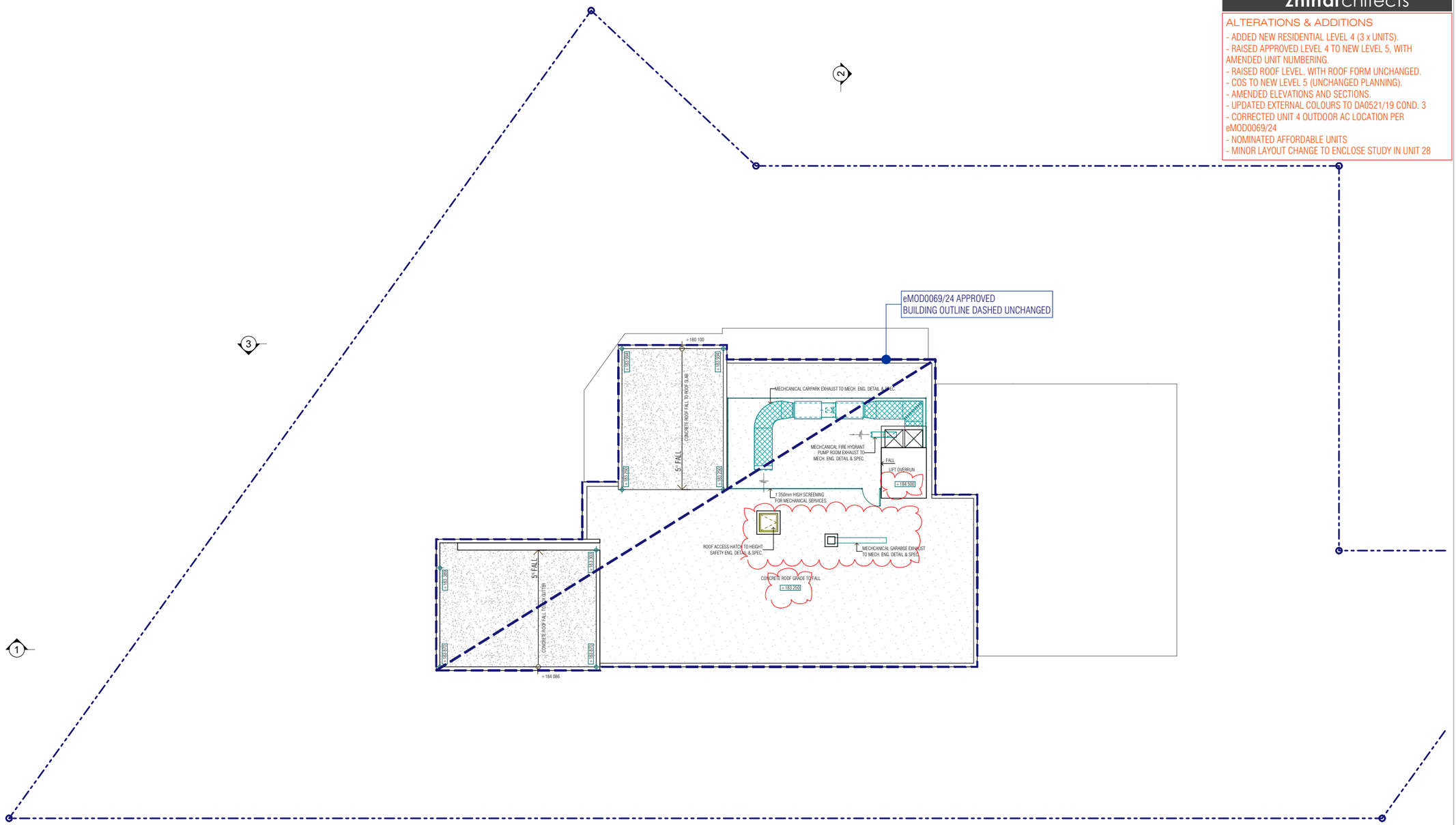
ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28




1 Roof
Scale 1:100 @ A1

| | | | | |
|---|---|---|---|---|
| DA-H | CLARIFY ROOF SERVCIES TO COUNCIL RFI REQUIRMENTS | 12/12/2025 | AH | AHM |
| DA-G | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |
| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |

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PROJECT PARTNERS

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|---|---|
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| + Acoustic Engineer | Rodney Stevens Acoustics |
| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Roof

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

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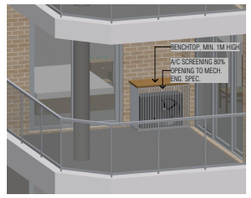
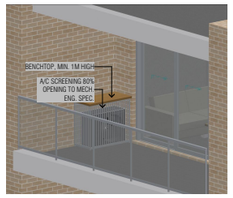
+61 2 8893 8833 / f
www.zhinar.com.au / w
28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

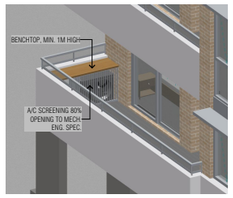
JOB No. 08753 | DRAWING No. DA.13 | ISSUE H



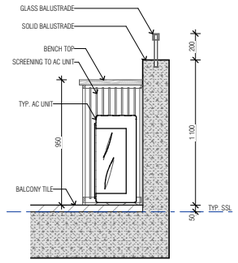

BALCONY AC UNIT ENCLOSURE TYPE 1




BALCONY AC UNIT ENCLOSURE TYPE 2

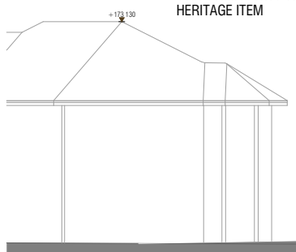


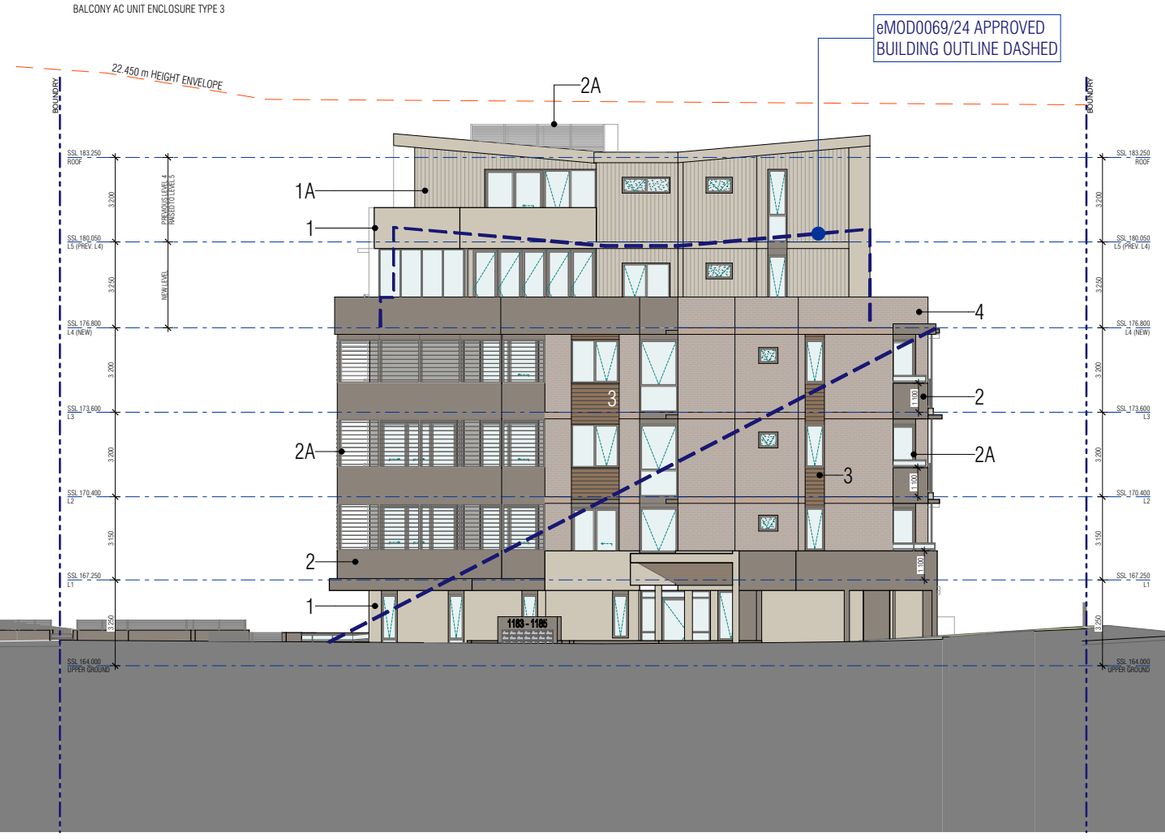

BALCONY AC UNIT ENCLOSURE TYPE 3




2 AC enclosure Type 3 Section Detail
Scale 1:20 @ A1

1187 PACIFIC HWY TURRAMURRA
HERITAGE ITEM




South Elevation (Street)
Scale 1:100 @ A1

BUILT APPROVED DEVELOPMENT DA0109/11
1179 & 1181 PACIFIC HWY TURRAMURRA

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ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28

## MATERIALS LEGEND

*O.S.A: Or Similar Approved
DISCLAIMER : COLOUR USE MAY VARY FROM THE ORIGINAL BRUSHOUT. COLOURS NEED TO BE CONFIRMED BEFORE PAINTING.

1 Render / Paint
Dulux Acratex - 'Evening Haze'
TO DA0521/19 COND. 3(d)

1A Linear (Vertical) James Hardies Axon Cladding 133mm Smooth
Dulux - Colorbond 'Evening Haze'
TO DA COND. 3(d)

2 Render + Paint
Dulux Acratex - 'Jasper'
TO DA0521/19 COND. 3(b)

2A Windows, Doors, Privacy screens
Powdercoat Aluminium
Colorbond - 'Jasper'
TO DA0521/19 COND. 3(c)

3 Feature Timber-look Panel
Cemintel Territory - 'Woodlands'



4 Face Brick
Austral Bricks - Bowral 'Gertrudis Brown'
TO DA0521/19 COND. 3(e)



5 Glass (to BASIX & Acoustic Requirements)
Window, Door, Balustrade, alcony Louvres
Clear to all areas, except bathrooms to be Opaque

2A Roof Service Screen
Powdercoat Aluminium
Colorbond - 'Jasper'
TO DA0521/19 COND. 3(c)



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| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
|---|---|---|---|---|
| DA-I | REVISED EXTERNAL COLOURS TO DA0521/19 COND. 3 | 12/12/2025 | AH | AHM |
| DA-H | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |

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| PROJECT PARTNERS | |
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| + Acoustic Engineer | Rodney Stevens Acoustics |
| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
South Elevation

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

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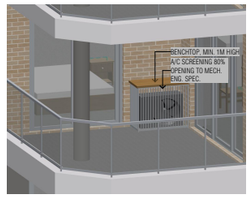
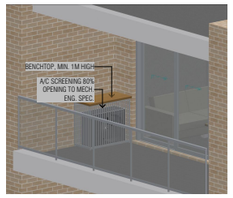
+61 2 8893 8833 / f
www.zhinar.com.au / w
28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

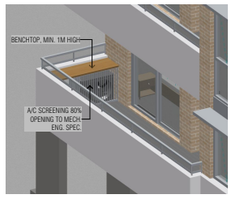
JOB No. 08753
DRAWING No. DA.14
ISSUE




BALCONY AC UNIT ENCLOSURE TYPE 1




BALCONY AC UNIT ENCLOSURE TYPE 2




BALCONY AC UNIT ENCLOSURE TYPE 3

**zhinar**chitects

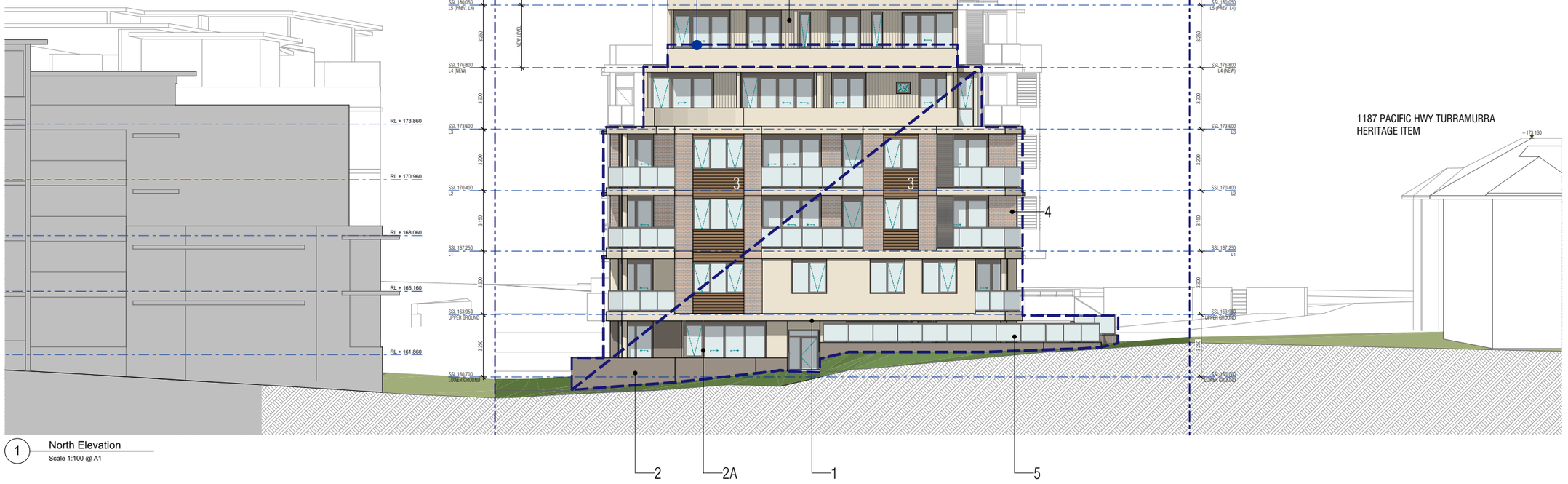
ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28

BUILT APPROVED DEVELOPMENT DA0109/11
1179 & 1181 PACIFIC HWY TURRAMURRA

eMOD0069/24 APPROVED BUILDING OUTLINE DASHED

22.450 m HEIGHT ENVELOPE

1187 PACIFIC HWY TURRAMURRA
HERITAGE ITEM




1 North Elevation
Scale 1:100 @ A1

## MATERIALS LEGEND

*O.S.A: Or Similar Approved
DISCLAIMER : COLOUR USE MAY VARY FROM THE ORIGINAL BRUSHOUT. COLOURS NEED TO BE CONFIRMED BEFORE PAINTING.

1 Render / Paint
Dulux Acratex - 'Evening Haze'
TO DA0521/19 COND. 3(d)

1A Linear (Vertical) James Hardies Axon Cladding 133mm Smooth
Dulux - Colorbond 'Evening Haze'
TO DA COND. 3(d)

2 Render + Paint
Dulux Acratex - 'Jasper'
TO DA0521/19 COND. 3(b)

2A Windows, Doors, Privacy screens
Powdercoat Aluminium
Colorbond - 'Jasper'
TO DA0521/19 COND. 3(c)

3 Feature Timber-look Panel
Cemintel Territory - 'Woodlands'



4 Face Brick
Austral Bricks - Bowral 'Gertrudis Brown'
TO DA0521/19 COND. 3(e)



5 Glass (to BASIX & Acoustic Requirements)
Window, Door, Balustrade, alcony Louvres
Clear to all areas, except bathrooms to be Opaque

2A Roof Service Screen
Powdercoat Aluminium
Colorbond - 'Jasper'
TO DA0521/19 COND. 3(c)



| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
|---|---|---|---|---|
| DA-I | REVISED EXTERNAL COLOURS TO DA0521/19 COND. 3 | 12/12/2025 | AH | AHM |
| DA-H | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |

Print Date: Tuesday, 16 December 2025 3:00 PM
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GENERAL NOTES
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| PROJECT PARTNERS | |
|---|---|
| + Access Consultant | Vista Access Architects |
| + Acoustic Engineer | Rodney Stevens Acoustics |
| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paci Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
North Elevation

DESIGNED: AHM | DRAWN: AH | COMMENCED: Sept 2019 | SCALE: AS NOTED | PRINT: A1 SHEET

L.G.A. : Ku-ring-gai Council

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2 Rowe Street
Eastwood NSW 2122
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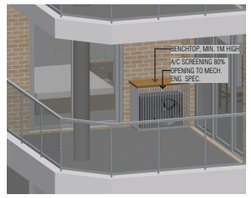
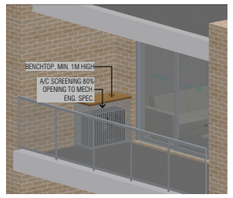
+61 2 8893 8833 / f
www.zhinar.com.au / w
28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

JOB No. 08753 | DRAWING No. DA.15 | ISSUE I



BALCONY AC UNIT ENCLOSURE TYPE 1



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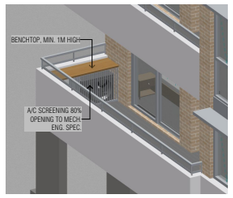

BALCONY AC UNIT ENCLOSURE TYPE 3

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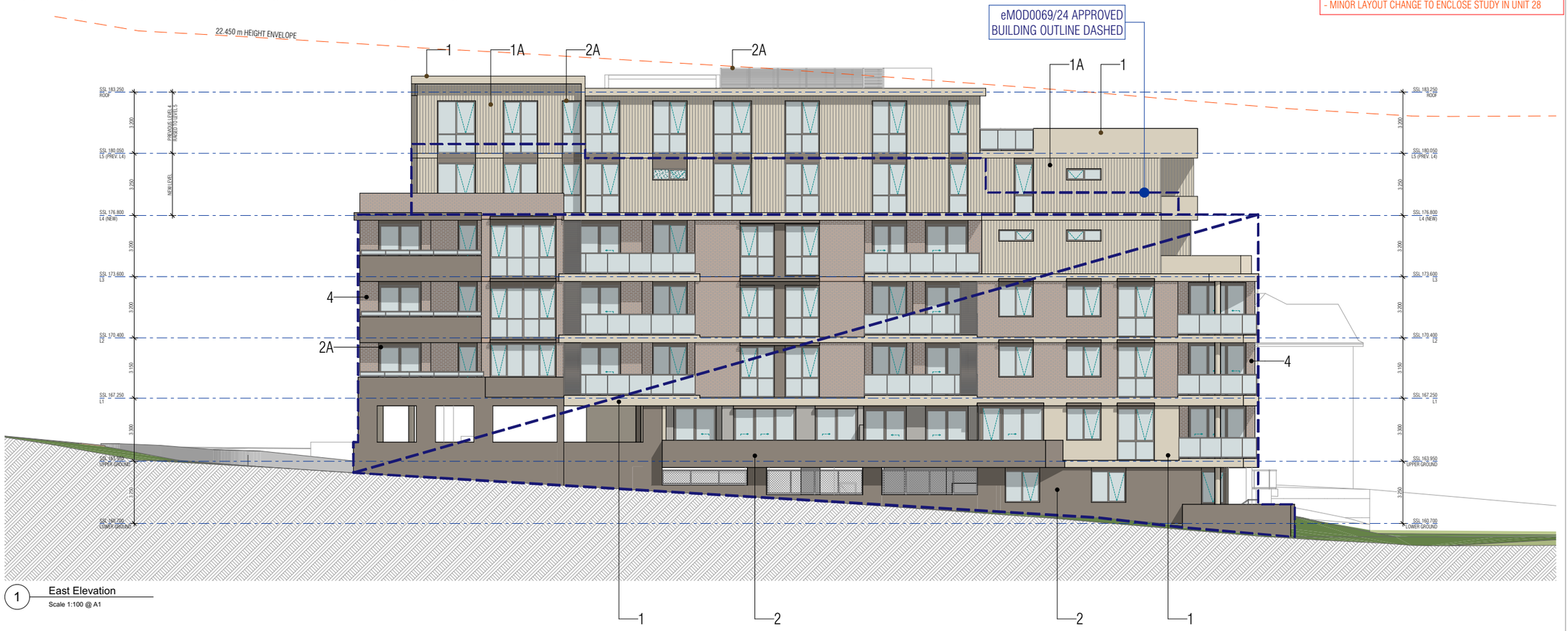
ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28




1 East Elevation
Scale 1:100 @ A1

## MATERIALS LEGEND

*O.S.A: Or Similar Approved
DISCLAIMER : COLOUR USE MAY VARY FROM THE ORIGINAL BRUSHOUT. COLOURS NEED TO BE CONFIRMED BEFORE PAINTING.

1 Render / Paint
Dulux Acratex - 'Evening Haze'
TO DA0521/19 COND. 3(d)

1A Linear (Vertical) James Hardies Axon Cladding 133mm Smooth
Dulux - Colorbond 'Evening Haze'
TO DA COND. 3(d)

2 Render + Paint
Dulux Acratex - 'Jasper'
TO DA0521/19 COND. 3(b)

2A Windows, Doors, Privacy screens
Powdercoat Aluminium
Colorbond - 'Jasper'
TO DA0521/19 COND. 3(c)

3 Feature Timber-look Panel
Cemintel Territory - 'Woodlands'



4 Face Brick
Austral Bricks - Bowral 'Gertrudis Brown'
TO DA0521/19 COND. 3(e)



5 Glass (to BASIX & Acoustic Requirements)
Window, Door, Balustrade, alcony Louvres
Clear to all areas, except bathrooms to be Opaque

2A Roof Service Screen
Powdercoat Aluminium
Colorbond - 'Jasper'
TO DA0521/19 COND. 3(c)



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| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
|---|---|---|---|---|
| DA-I | REVISED EXTERNAL COLOURS TO DA0521/19 COND. 3 | 12/12/2025 | AH | AHM |
| DA-H | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |

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PROJECT PARTNERS

| | |
|---|---|
| + Access Consultant | Vista Access Architects |
| + Acoustic Engineer | Rodney Stevens Acoustics |
| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
East Elevation

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

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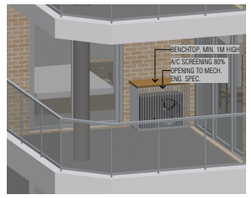
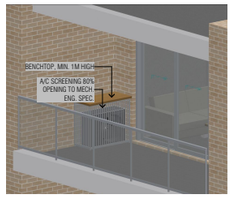
28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

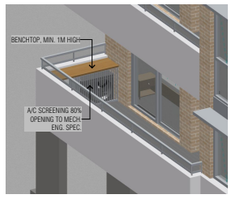
JOB No. 08753
DRAWING No. DA.16
ISSUE I




BALCONY AC UNIT ENCLOSURE TYPE 1




BALCONY AC UNIT ENCLOSURE TYPE 2

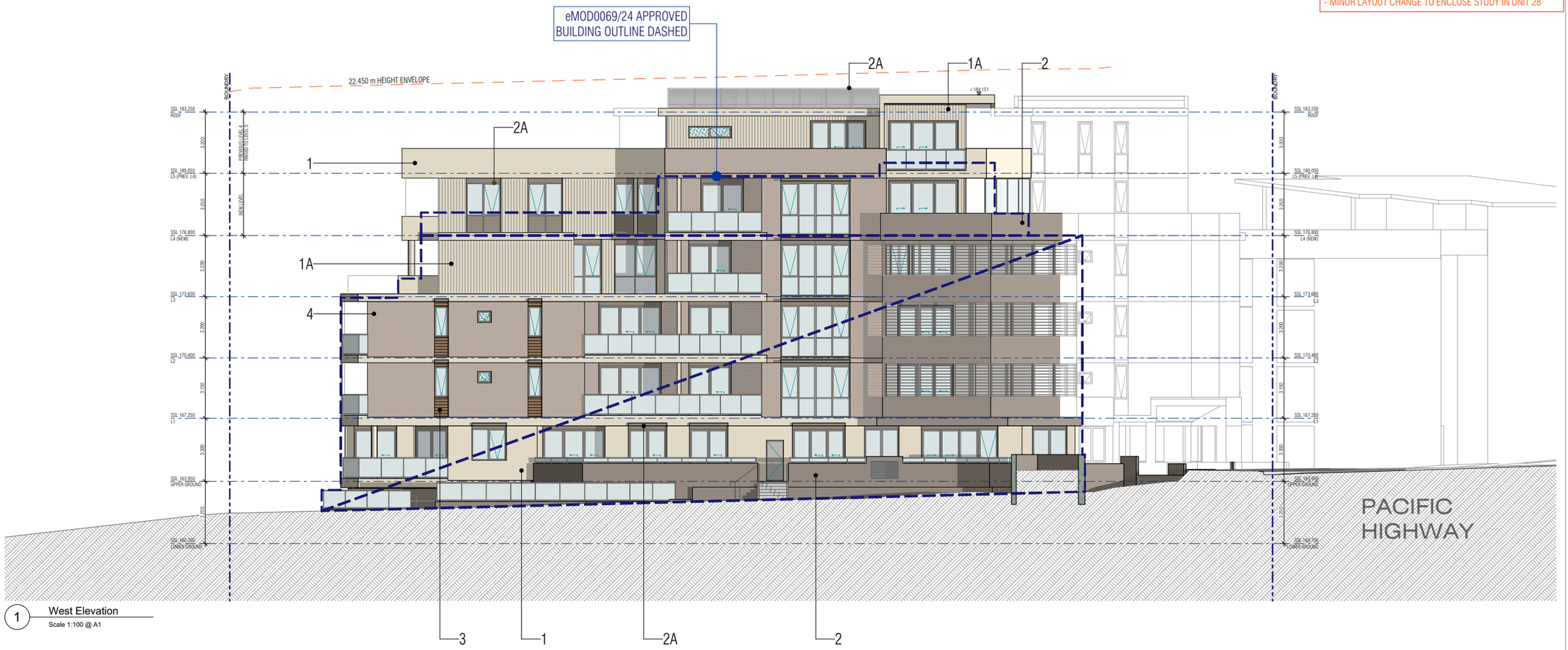



BALCONY AC UNIT ENCLOSURE TYPE 3

**zhinar**chitects

ALTERATIONS & ADDITIONS

- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28




1 West Elevation
Scale 1:100 @ A1

## MATERIALS LEGEND

*O.S.A: Or Similar Approved
DISCLAIMER : COLOUR USE MAY VARY FROM THE ORIGINAL BRUSHOUT. COLOURS NEED TO BE CONFIRMED BEFORE PAINTING.

1 Render / Paint
Dulux Acratex - 'Evening Haze'
TO DA0521/19 COND. 3(d)

1A Linear (Vertical) James Hardies Axon Cladding 133mm Smooth
Dulux - Colorbond 'Evening Haze'
TO DA COND. 3(d)

2 Render + Paint
Dulux Acratex - 'Jasper'
TO DA0521/19 COND. 3(b)

2A Windows, Doors, Privacy screens
Powdercoat Aluminium
Colorbond - 'Jasper'
TO DA0521/19 COND. 3(c)

3 Feature Timber-look Panel
Cemintel Territory - 'Woodlands'



4 Face Brick
Austral Bricks - Bowral 'Gertrudis Brown'
TO DA0521/19 COND. 3(e)



5 Glass (to BASIX & Acoustic Requirements)
Window, Door, Balustrade, alcony Louvres
Clear to all areas, except bathrooms to be Opaque

2A Roof Service Screen
Powdercoat Aluminium
Colorbond - 'Jasper'
TO DA0521/19 COND. 3(c)



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| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
|---|---|---|---|---|
| DA-I | REVISED EXTERNAL COLOURS TO DA0521/19 COND. 3 | 12/12/2025 | AH | AHM |
| DA-H | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |

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PROJECT PARTNERS

| | |
|---|---|
| + Access Consultant | Vista Access Architects |
| + Acoustic Engineer | Rodney Stevens Acoustics |
| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
West Elevation

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

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www.zhinar.com.au / w
28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

| JOB No. | DRAWING No. | ISSUE |
|---|---|---|
| 08753 | DA.17 | I |

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ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28




1 Fence Elevation (South)
Scale 1:100 @ A1

## MATERIALS LEGEND

*O.S.A: Or Similar Approved
DISCLAIMER : COLOUR USE MAY VARY FROM THE ORIGINAL BRUSHOUT. COLOURS NEED TO BE CONFIRMED BEFORE PAINTING.

1 Render / Paint
Dulux Acratex - 'Evening Haze'
TO DA0521/19 COND. 3(d)

1A Linear (Vertical) James Hardies Axon Cladding 133mm Smooth
Dulux - Colorbond 'Evening Haze'
TO DA COND. 3(d)

2 Render + Paint
Dulux Acratex - 'Jasper'
TO DA0521/19 COND. 3(b)

2A Windows, Doors, Privacy screens
Powdercoat Aluminium
Colorbond - 'Jasper'
TO DA0521/19 COND. 3(c)

3 Feature Timber-look Panel
Cemintel Territory - 'Woodlands'



4 Face Brick
Austral Bricks - Bowral 'Gertrudis Brown'
TO DA0521/19 COND. 3(e)



5 Glass (to BASIX & Acoustic Requirements)
Window, Door, Balustrade, alcony Louvres
Clear to all areas, except bathrooms to be Opaque

2A Roof Service Screen
Powdercoat Aluminium
Colorbond - 'Jasper'
TO DA0521/19 COND. 3(c)



| | | | | |
|---|---|---|---|---|
| DA-F | REVISED EXTERNAL COLOURS TO DA0521/19 COND. 3 | 12/12/2025 | AH | AHM |
| DA-E | REVISED AS PER COUNCIL COMMENTS | 17/11/2020 | AH | AHM |
| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |

Print Date: Tuesday, 16 December 2025 3:00 PM
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| PROJECT PARTNERS | |
|---|---|
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| + Acoustic Engineer | Rodney Stevens Acoustics |
| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Street Fence Elevation (south)

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

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+61 2 8893 8833 / f
www.zhinar.com.au / w
28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

JOB No. 08753 | DRAWING No. DA.18 | ISSUE F

**zhinar**chitects

ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28




1 Section 1
Scale 1:100 @ A1

| | | | | |
|---|---|---|---|---|
| DA-H | REVISED TO COUNCIL RFI REQUIREMENTS | 12/12/2025 | AH | AHM |
| DA-G | ISSUED FOR DEVELOPMENT APPLICATION – ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |
| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |

Print Date: Monday, 15 December 2025 7:04 PM
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| PROJECT PARTNERS | |
|---|---|
| + Access Consultant | Vista Access Architects |
| + Acoustic Engineer | Rodney Stevens Acoustics |
| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco.Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Section 1

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

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Eastwood NSW 2122
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+61 2 8893 8833 / f
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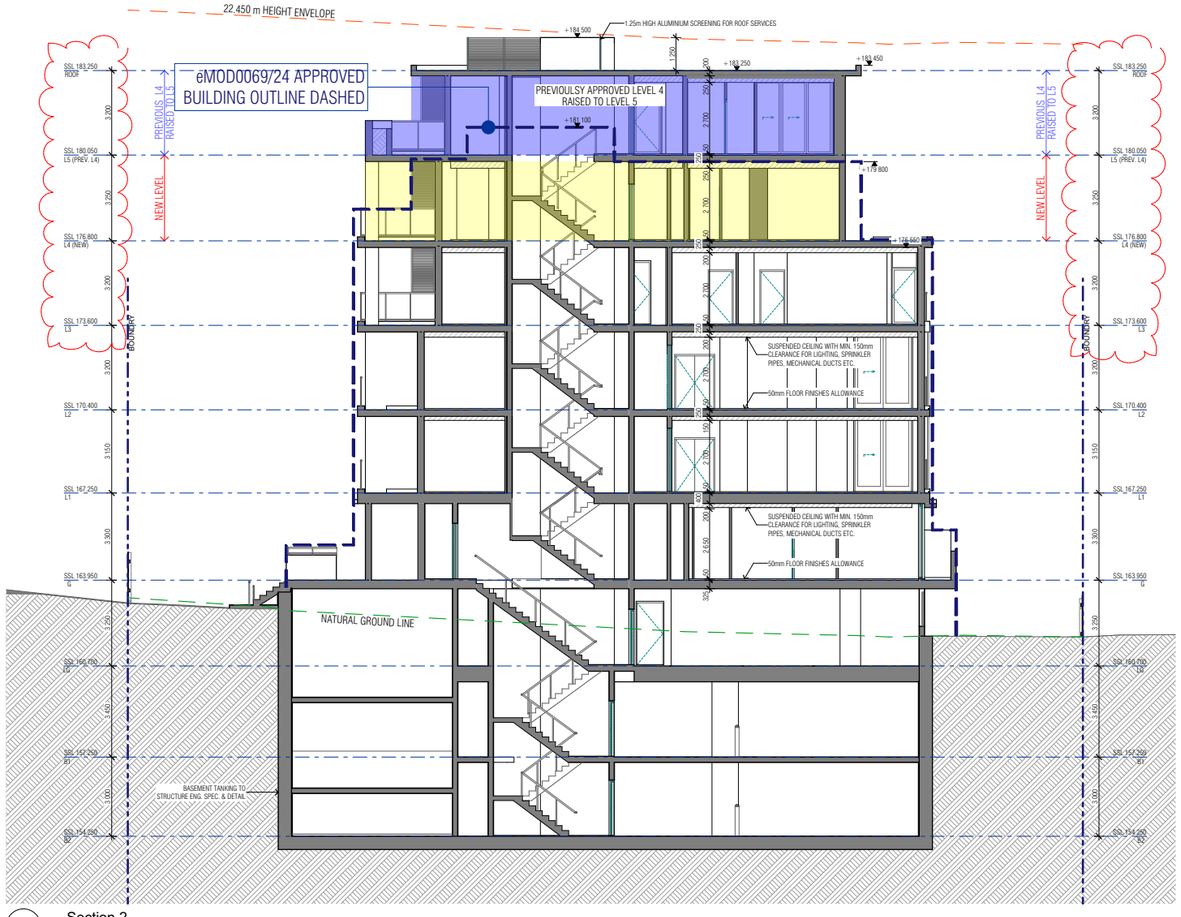
28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

JOB No. 08753
DRAWING No. DA.20
ISSUE H

**zhinar**chitects

ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28




1 Section 2
Scale 1:100 @ A1

| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
|---|---|---|---|---|
| DA-H | REVISED TO COUNCIL RFI REQUIREMENTS | 12/12/2025 | AH | AHM |
| DA-G | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |

Print Date: Tuesday, 16 December 2025 3:00 PM

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PROJECT PARTNERS

| | |
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| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Section 2

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

L.G.A.: Ku-ring-gai Council

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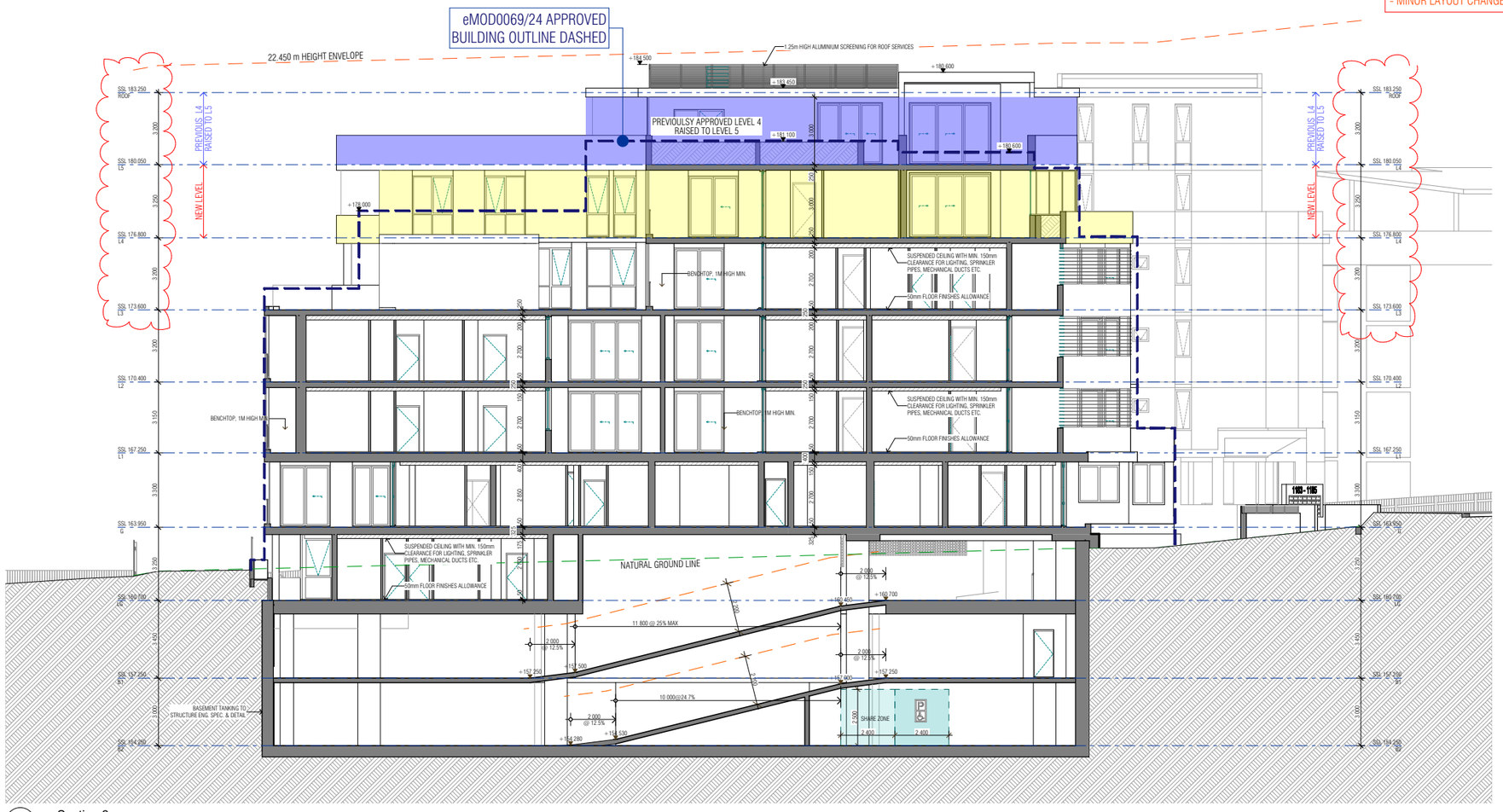
+61 2 8893 8833 / f
www.zhinar.com.au / w
28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

JOB No. 08753 | DRAWING No. DA.21 | ISSUE H

zhinarchitects

ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28




1 Section 3
Scale 1:100 @ A1

| | | | | |
|---|---|---|---|---|
| DA-H | REVISED TO COUNCIL RFI REQUIREMENTS | 12/12/2025 | AH | AHM |
| DA-G | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |
| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |

Print Date: Tuesday, 16 December 2025 3:00 PM

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PROJECT PARTNERS

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| + Access Consultant | Vista Access Architects |
| + Acoustic Engineer | Rodney Stevens Acoustics |
| + Arborist | Redgum Horticultural |
| + Civil/ SW Engineer | Quantum Engineers |
| + Heritage Consultant | Graham Hall & Partners |
| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Section 3

DESIGNED: AHM | DRAWN: AH | COMMENCED: Sept 2019 | SCALE: AS NOTED | PRINT: A1 SHEET

L.G.A. : Ku-ring-gai Council

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2 Rowe Street
Eastwood NSW 2122
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+61 2 8893 8833 / f
www.zhinar.com.au / w
28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

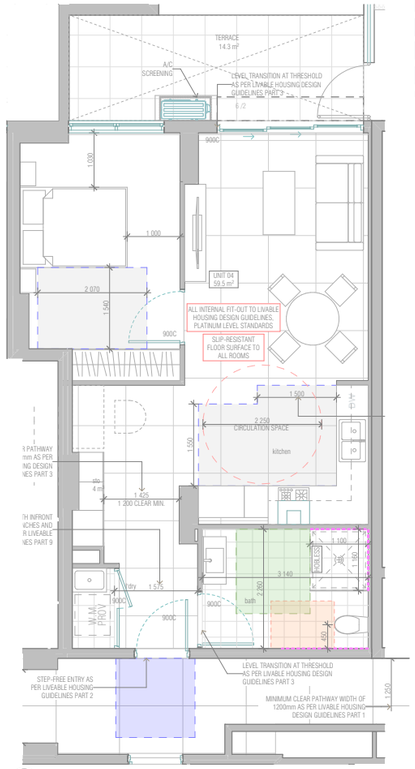
JOB No. 08753 | DRAWING No. DA.22 | ISSUE H

LIVABLE HOUSING DESIGN GUIDELINES - PLATINUM LEVEL UNITS
6 UNITS (15%) - Unit 04, Unit 11, Unit 12, UNIT 19, Unit 20 & Unit 31

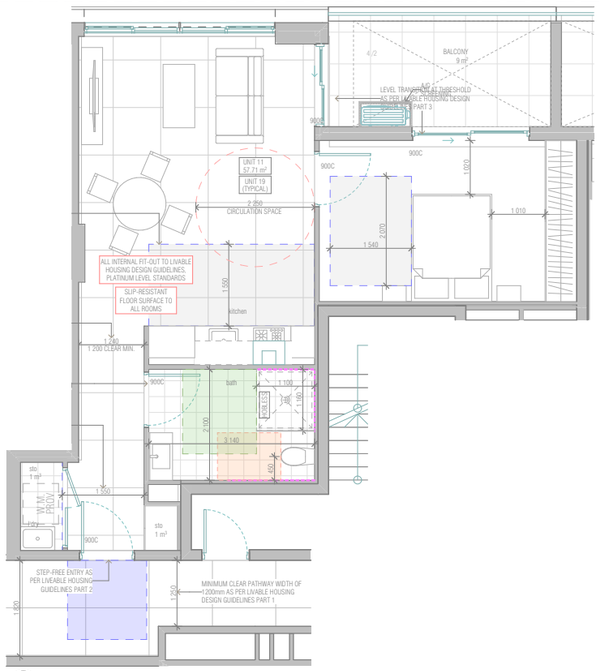
PLATINUM UNITS 04, 11, 19, 12 & 20 PER eMOD0069/24 APPROVED UNCHANGED

**zhinarchitects**

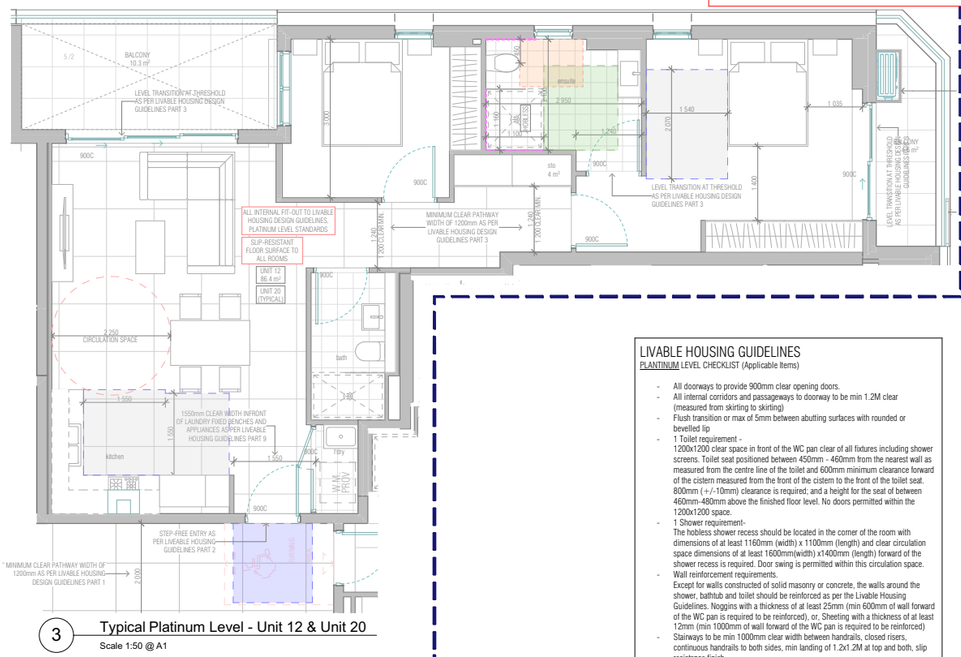
ALTERATIONS & ADDITIONS
- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28




1 Platinum Level - Unit 04
Scale 1:50 @ A1




2 Typical Platinum Level - Unit 11 & Unit 19
Scale 1:50 @ A1

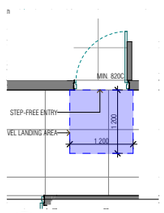



3 Typical Platinum Level - Unit 12 & Unit 20
Scale 1:50 @ A1

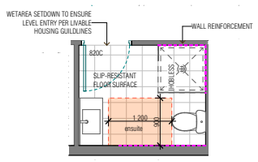
LIVABLE HOUSING GUIDELINES
PLATINUM LEVEL CHECKLIST (Applicable Items)

- All doorways to provide 900mm clear opening doors.
- All internal corridors and passageways to doorway to be min 1.2M clear (measured from skirting to skirting)
- Flush transition or max of 5mm between abutting surfaces with rounded or bevelled lip
- 1 Toilet requirement -
  1200x1200 clear space in front of the WC pan clear of all fixtures including shower screens. Toilet seat positioned between 450mm - 460mm from the nearest wall as measured from the centre line of the toilet and 600mm minimum clearance forward of the cistern measured from the front of the cistern to the front of the toilet seat. 800mm (+/-10mm) clearance is required; and a height for the seat of between 460mm-480mm above the finished floor level. No doors permitted within the 1200x1200 space.
- 1 Shower requirement-
  The hobless shower recess should be located in the corner of the room with dimensions of at least 1160mm (width) x 1100mm (length) and clear circulation space dimensions of at least 1600mm(width) x1400mm (length) forward of the shower recess is required. Door swing is permitted within this circulation space.
- Wall reinforcement requirements.
  Except for walls constructed of solid masonry or concrete, the walls around the shower, bathtub and toilet should be reinforced as per the Livable Housing Guidelines. Noggins with a thickness of at least 25mm (min 600mm of wall forward of the WC pan is required to be reinforced), or, Sheeting with a thickness of at least 12mm (min 1000mm of wall forward of the WC pan is required to be reinforced)
- Stairways to be min 1000mm clear width between handrails, closed risers, continuous handrails to both sides, min landing of 1.2x1.2M at top and both, slip resistance finish.
- Kitchen and Laundry requirements-
  At least 1550mm clearance provided in front of fixed benches and appliances; with slip resistant flooring
  Floor finishes should extend under cabinetry to enable cupboards to be removed without affecting the flooring. (Not required for flooring under fixture such as floor oven)
  Task lighting to be installed above worksapces.
- 1 bedroom requirement
  Size is of at least 10m² with one wall a minimum length of 3m;
  Provide for a minimum path of travel of at least 1000mm on at least one side of the bed.
  Provide a space of at least 1540mm (width) x 2070mm (in the direction of travel) on the side on the bed that is closest to the door approach; and
  Provide for a minimum path of travel of 1000mm on the remaining sides of the bed.
- Light switches and powerpoints
  Light switches should be positioned in a consistent location:
  between 900mm - 1100mm above the finished floor level; and horizontally aligned with the door handle at the entrance to a room.
  Powerpoints should be installed not lower than 300mm above the finished floor level.
  Light and powerpoint switches should be rocker action, toggle or push pad in design with a recommended width of 35mm.
- Door and tap hardware
  Doorways should feature door hardware installed at between 900mm - 1100mm above the finished floor.
  Doorways should feature lever or D-pull style door hardware as per AS1428.1; and
  Basins, sinks and tubs should feature lever or capstan style tap hardware with a central spout.
- Window requirements
  All Window sills in living areas and bedroom spaces (excluding kitchen, bathroom and utility spaces) should be positioned no higher than 1000mm above the finished floor level
  Window controls should be able to be easy to operate with one hand and located within easy reach from either a seated or standing position.
- All floor coverings should:
  be firm and even, slip resistant and feature a level transition between abutting surfaces (a maximum vertical tolerance of 5mm between abutting surfaces is allowable provided the lip is rounded or beveled).

LIVABLE HOUSING DESIGN GUIDELINES - SILVER LEVEL UNITS
27 UNITS - ALL OTHER UNITS




4 Typical Silver Level Entry & Internal Passage
Scale 1:50 @ A1

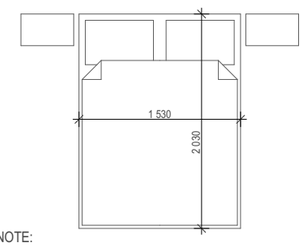



5 Typical Silver Level Bathroom
Scale 1:50 @ A1

LIVABLE HOUSING GUIDELINES
SILVER LEVEL CHECKLIST (Applicable Items)

**External**
- A level landing area of 1200mm x 1200mm should be provided at the level (step-free) entrance door.
- Where the threshold at the entrance exceeds 5mm and is less than 56mm, a 1:8 grade ramped threshold is to be provided

**Internal**
- All doorways to have a minimum clear opening width of 820mm
- A level (step-free) transition and threshold (maximum vertical tolerance of 5mm between abutting surfaces is allowable provided the lip is rounded or bevelled) is to be provided to all areas.
- Internal corridors/passageways to the doorways to ground floor level should provide a minimum clear width of 1000mm when measured from skirting to skirting or skirting to benchtop or benchtop to benchtop as applicable.
- 1 WC pan to be in a corner and to have a minimum clear space of 900mm (width) x 1200mm (forward of pan) clear of door swing or any fixtures including hand basins and to have a minimum 600mm wall in front of the WC pan to allow for wall reinforcements.
- Bathroom to have at least 1 slip resistant, hobless (step-free) shower recess in the corner of the bathroom. Shower screens are permitted provided they can be removed at a later date
- Wall reinforcements for the WC pan, shower and bathtub are required to be as shown in the Livable Housing Guidelines i.e. with 12mm sheeting or 25mm nogging. Note that walls may have to be thickened to allow for noggins where cavity slider doors are used.




NOTE:

STANDARD AUSTRALIAN QUEEN -SIZE BED - 1 530 x 2 030

| | | | | |
|---|---|---|---|---|
| DA-H | REVISED TO COUNCIL RFI REQUIREMENTS | 12/12/2025 | AH | AHM |
| DA-G | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |
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NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
LHA - Platinum & Silver Level Units

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

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28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

JOB No. 08753 | DRAWING No. DA.23 | ISSUE H

LIVABLE HOUSING DESIGN GUIDELINES - PLATINUM LEVEL UNITS
6 UNITS (15%) - Unit 04, Unit 11, Unit 12, UNIT 19, Unit 20 & Unit 31




1 Typical Platinum Level - Unit 31
Scale 1:50 @ A1

LIVABLE HOUSING GUIDELINES
SILVER LEVEL CHECKLIST (Applicable Items)

**External**
- A level landing area of 1200mm x 1200mm should be provided at the level (step-free) entrance door.
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- All doorways to have a minimum clear opening width of 820mm
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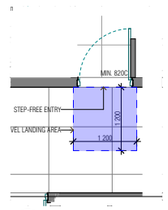
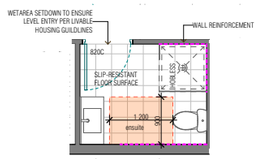
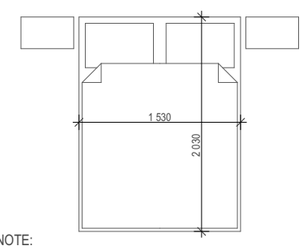



2 Typical Silver Level Entry & Internal Passage
Scale 1:50 @ A1




3 Typical Silver Level Bathroom
Scale 1:50 @ A1

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STANDARD AUSTRALIAN QUEEN -SIZE BED - 1 530 x 2 030

LIVABLE HOUSING GUIDELINES
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ALTERATIONS & ADDITIONS
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- RAISED APPROVED LEVEL 4 TO NEW LEVEL 5, WITH AMENDED UNIT NUMBERING.
- RAISED ROOF LEVEL, WITH ROOF FORM UNCHANGED.
- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28

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| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
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| DA-A | ISSUED FOR DEVELOPMENT APPLICATION - ALTERATIONS & ADDITIONS | 11/07/2025 | MM | AH |

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| + Section J / BASIX | Eco Certificates |
| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
LHA - Platinum & Silver Level Units 2

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

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28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

| JOB No. | DRAWING No. | ISSUE |
|---|---|---|
| 08753 | DA.23A | B |

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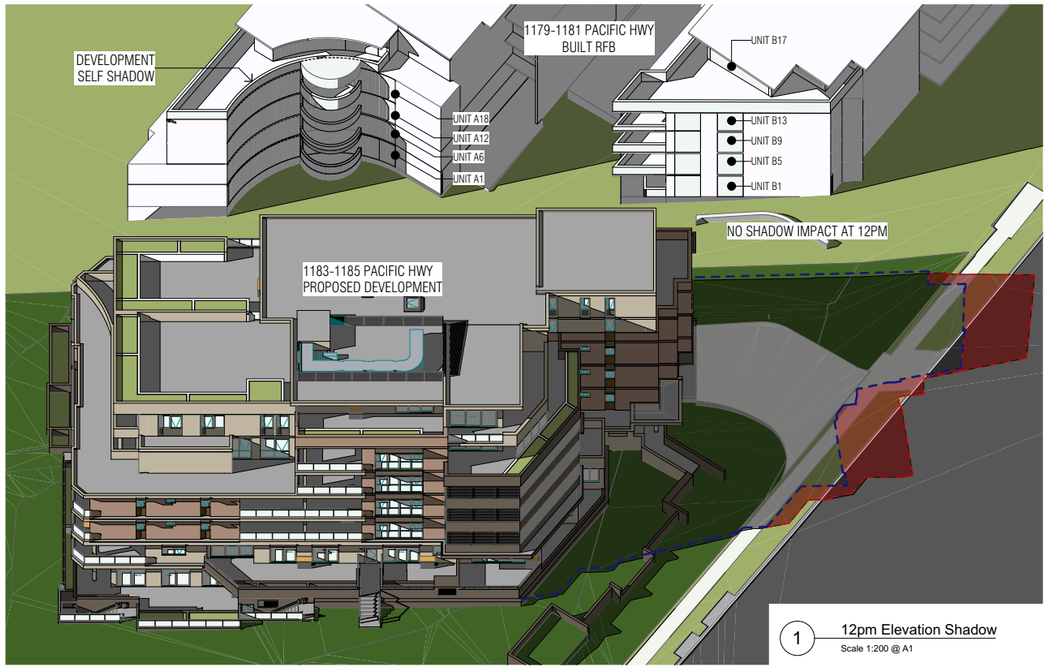
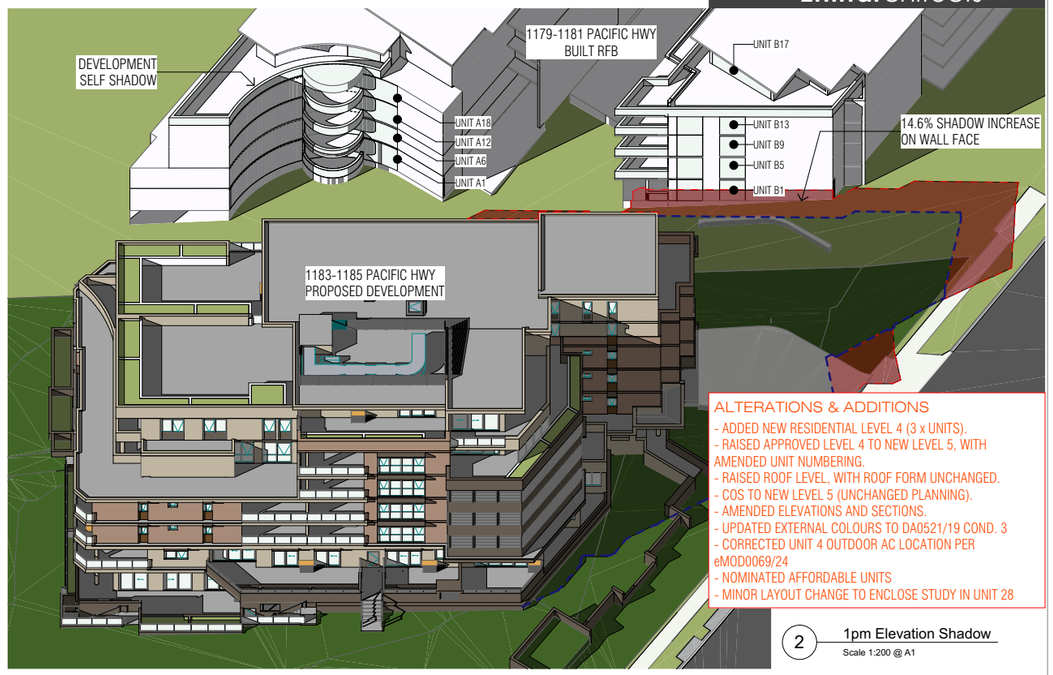



1 12pm Elevation Shadow
Scale 1:200 @ A1




ALTERATIONS & ADDITIONS
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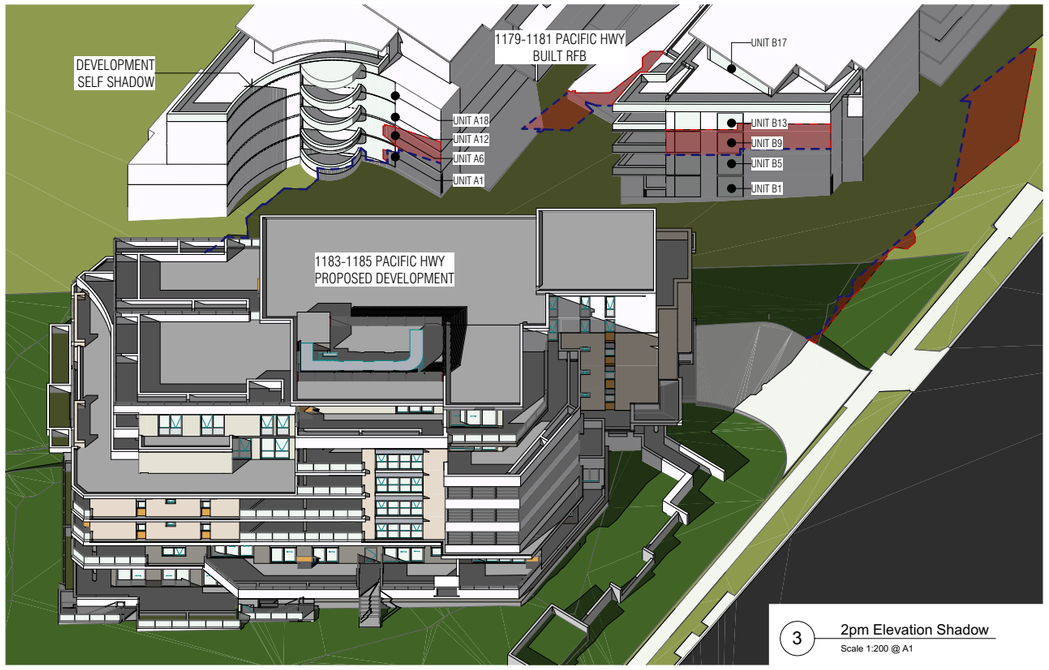
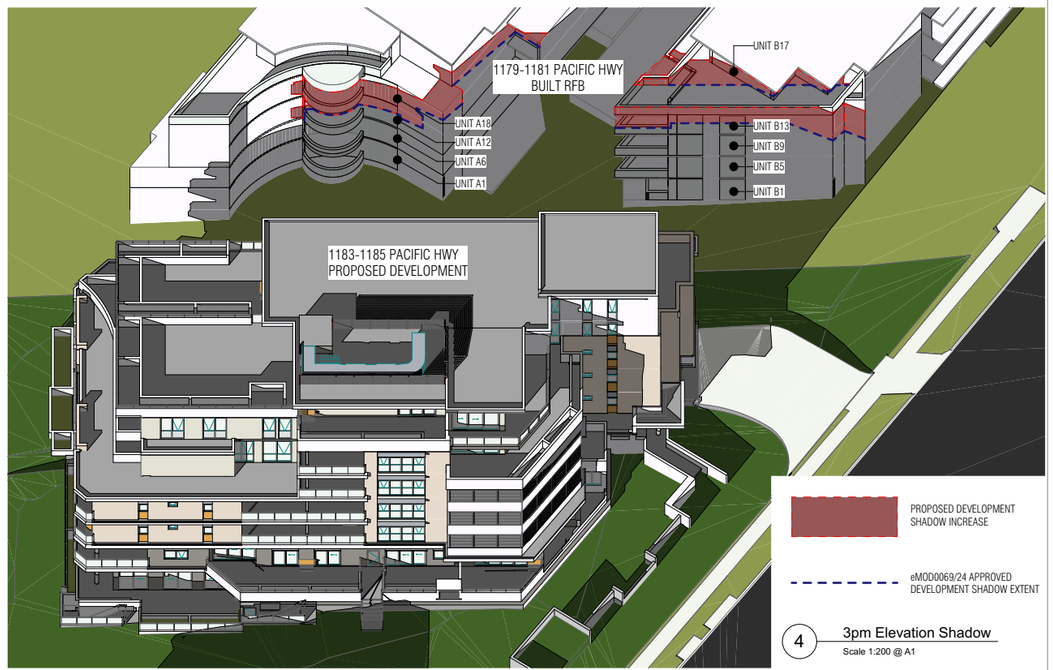
2 1pm Elevation Shadow
Scale 1:200 @ A1




3 2pm Elevation Shadow
Scale 1:200 @ A1




PROPOSED DEVELOPMENT SHADOW INCREASE

eMOD0069/24 APPROVED DEVELOPMENT SHADOW EXTENT

4 3pm Elevation Shadow
Scale 1:200 @ A1

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| + Surveyor | Ramsay Surveyors |
| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Elevation Shadow Impact
21 JUNE

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
| AHM | AH | Sept 2019 | AS NOTED | A1 SHEET |

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28 495 869 790 / abn

PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

| JOB No. | DRAWING No. | ISSUE |
|---|---|---|
| 08753 | DA.25 | H |

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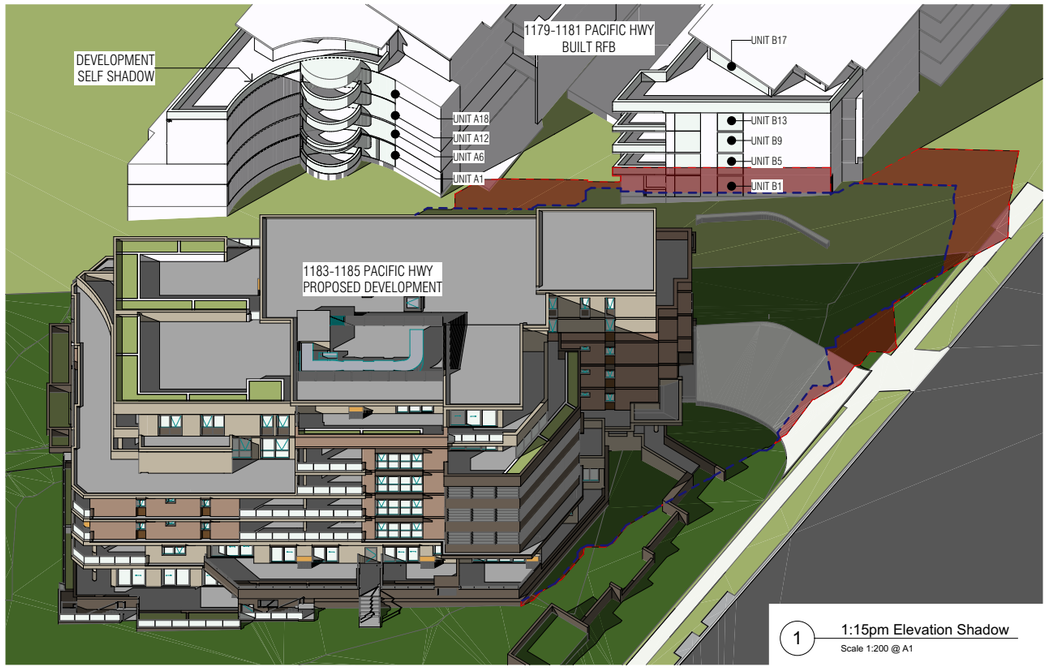
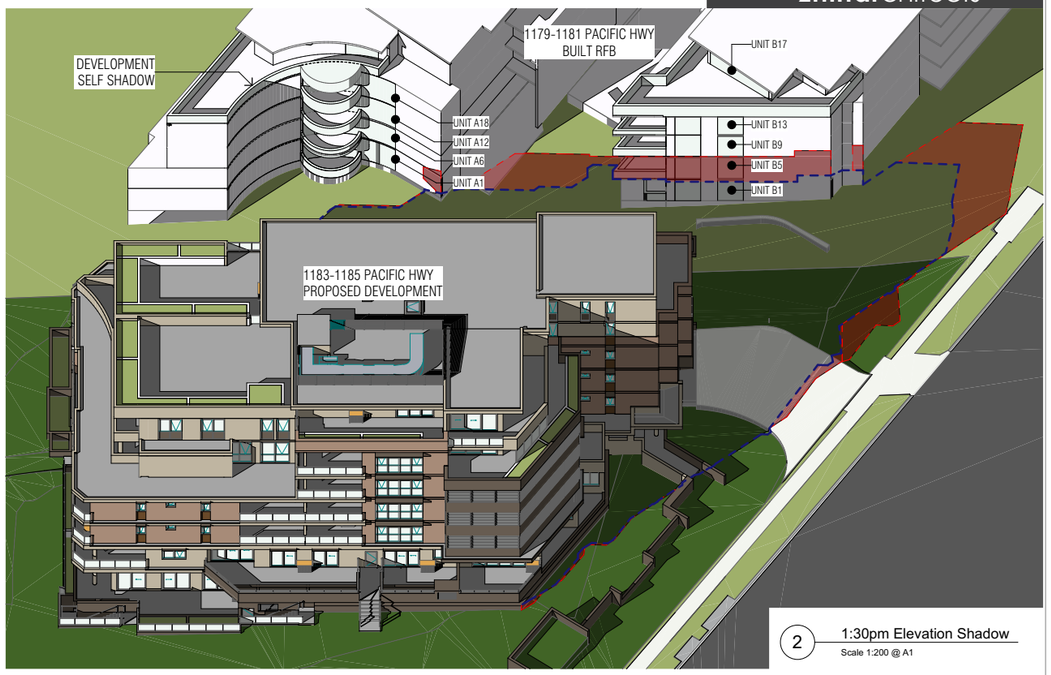



1 1:15pm Elevation Shadow
Scale 1:200 @ A1

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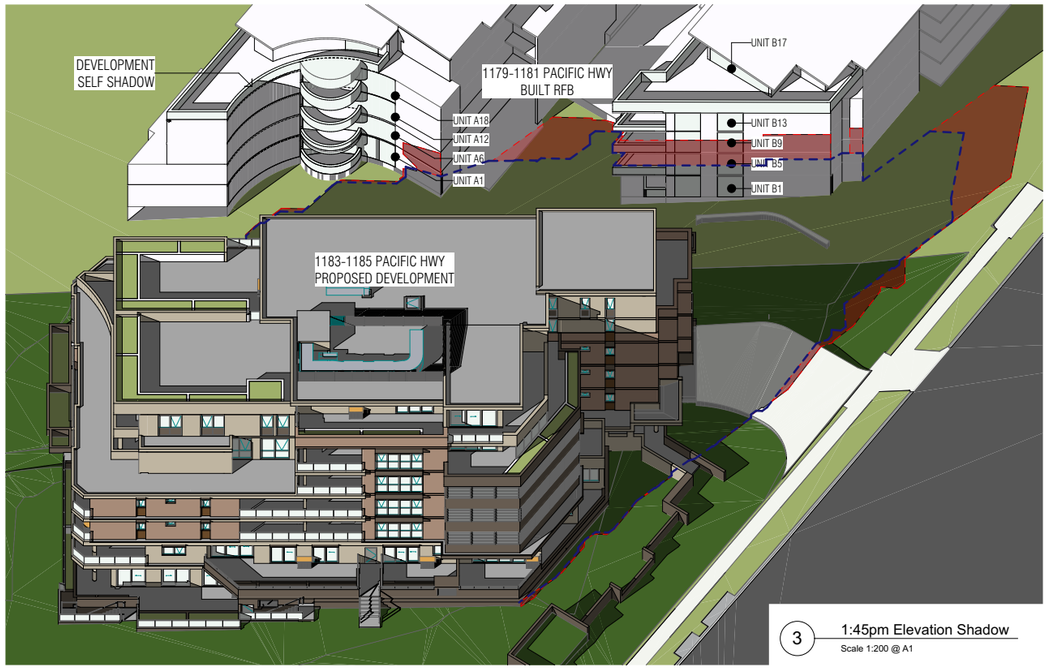
Scale 1:200 @ A1




3 1:45pm Elevation Shadow
Scale 1:200 @ A1

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- ADDED NEW RESIDENTIAL LEVEL 4 (3 x UNITS).
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- COS TO NEW LEVEL 5 (UNCHANGED PLANNING).
- AMENDED ELEVATIONS AND SECTIONS.
- UPDATED EXTERNAL COLOURS TO DA0521/19 COND. 3
- CORRECTED UNIT 4 OUTDOOR AC LOCATION PER eMOD0069/24
- NOMINATED AFFORDABLE UNITS
- MINOR LAYOUT CHANGE TO ENCLOSE STUDY IN UNIT 28

PROPOSED DEVELOPMENT SHADOW INCREASE

eMOD0069/24 APPROVED DEVELOPMENT SHADOW EXTENT

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| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
|---|---|---|---|---|
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| + Civil/ SW Engineer | Quantum Engineers |
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| + Landscape Designer | Paul Scrivener |
| + Planning Consultant | CPS Planning |
| + Section J / BASIX | Eco Certificates |
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| + Traffic Consultant | Varga Traffic Planning |

NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Elevation Shadow Impact 21 JUNE

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PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

| JOB No. | DRAWING No. | ISSUE |
|---|---|---|
| 08753 | DA.25a | A |

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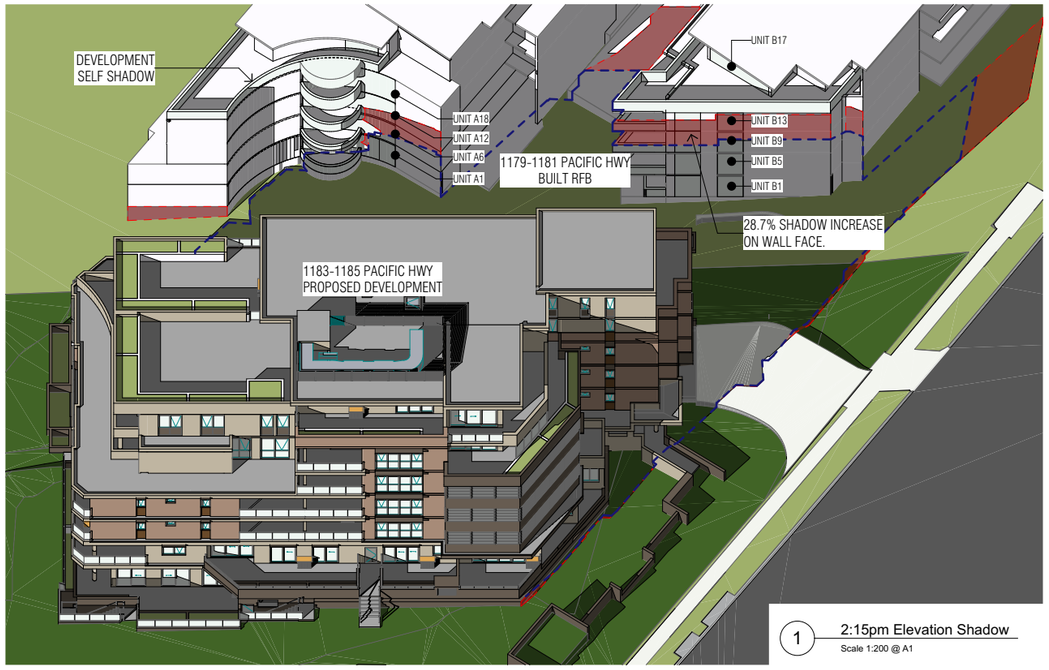
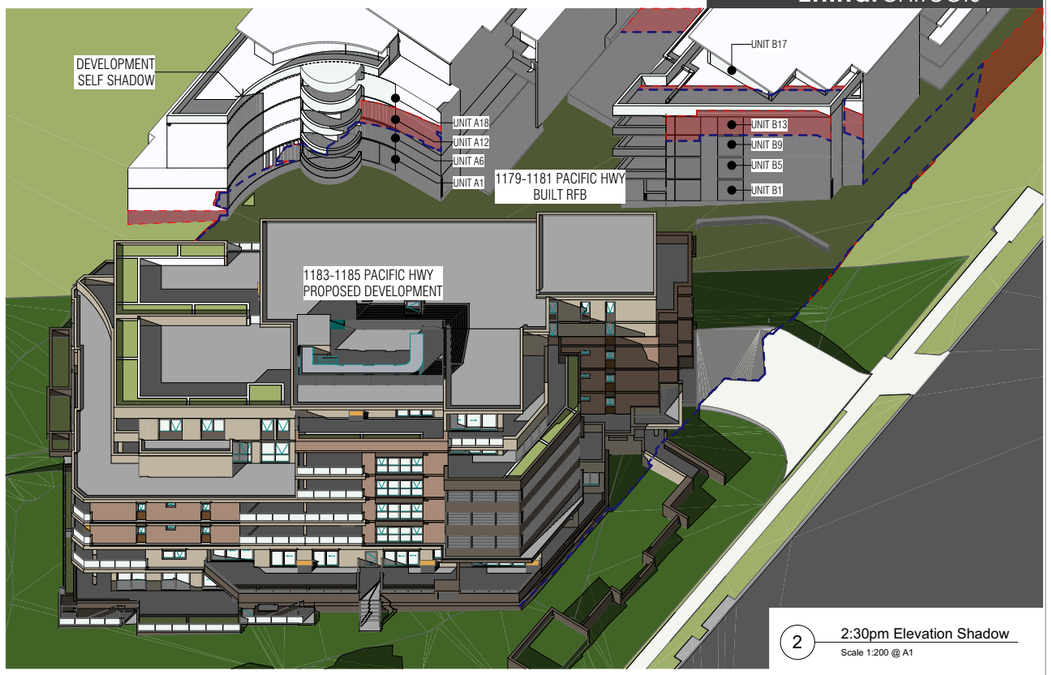
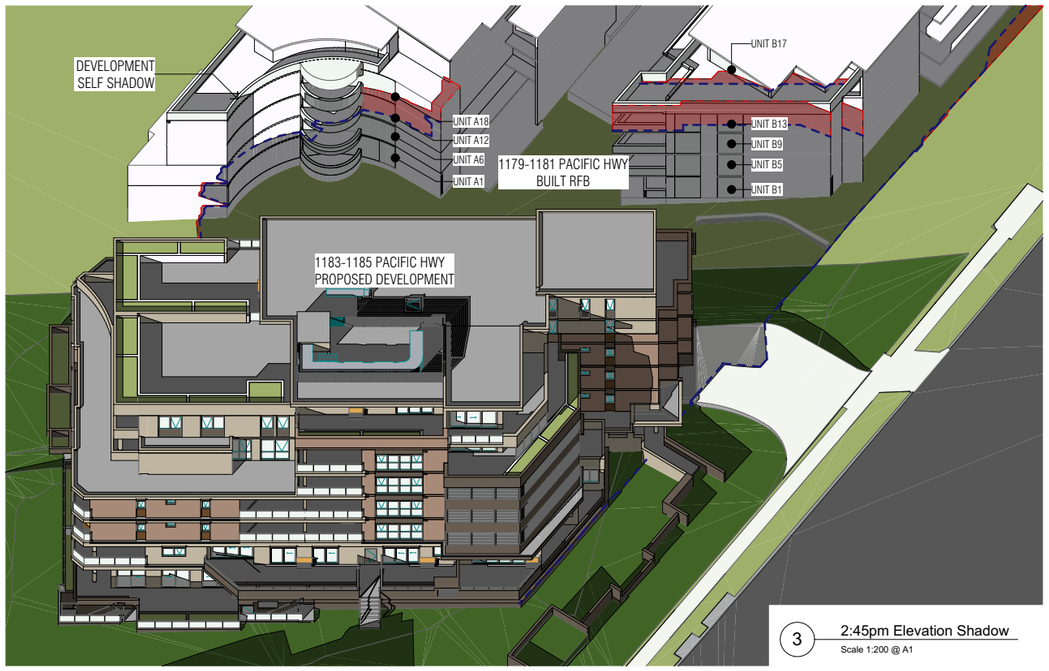



1 2:15pm Elevation Shadow
Scale 1:200 @ A1




2 2:30pm Elevation Shadow
Scale 1:200 @ A1




3 2:45pm Elevation Shadow
Scale 1:200 @ A1

**NEIGHBOURING UNIT IMPACT SUMMARY:**
Duration of solar loss from Subject development at Mid-Winter

| | |
|---|---|
| Unit B1: 1pm - 3pm (2 hrs) | Unit A1: 2.15pm - 3pm (0.75 hrs) |
| Unit B5: 1.3pm - 3pm (1.5 hrs) | Unit A6: 2.30pm - 3pm (0.5 hrs) |
| Unit B9: 2pm - 3pm (1 hrs) | Unit A12: 2.30pm - 3pm (0.5 hrs) |
| Unit B13: 2.15pm - 3pm (0.75 hrs) | Unit A18: 3pm (0 hrs) |

**ALTERATIONS & ADDITIONS**
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PROPOSED DEVELOPMENT SHADOW INCREASE

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NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Elevation Shadow Impact 21 JUNE

| DESIGNED: | DRAWN: | COMMENCED: | SCALE: | PRINT: |
|---|---|---|---|---|
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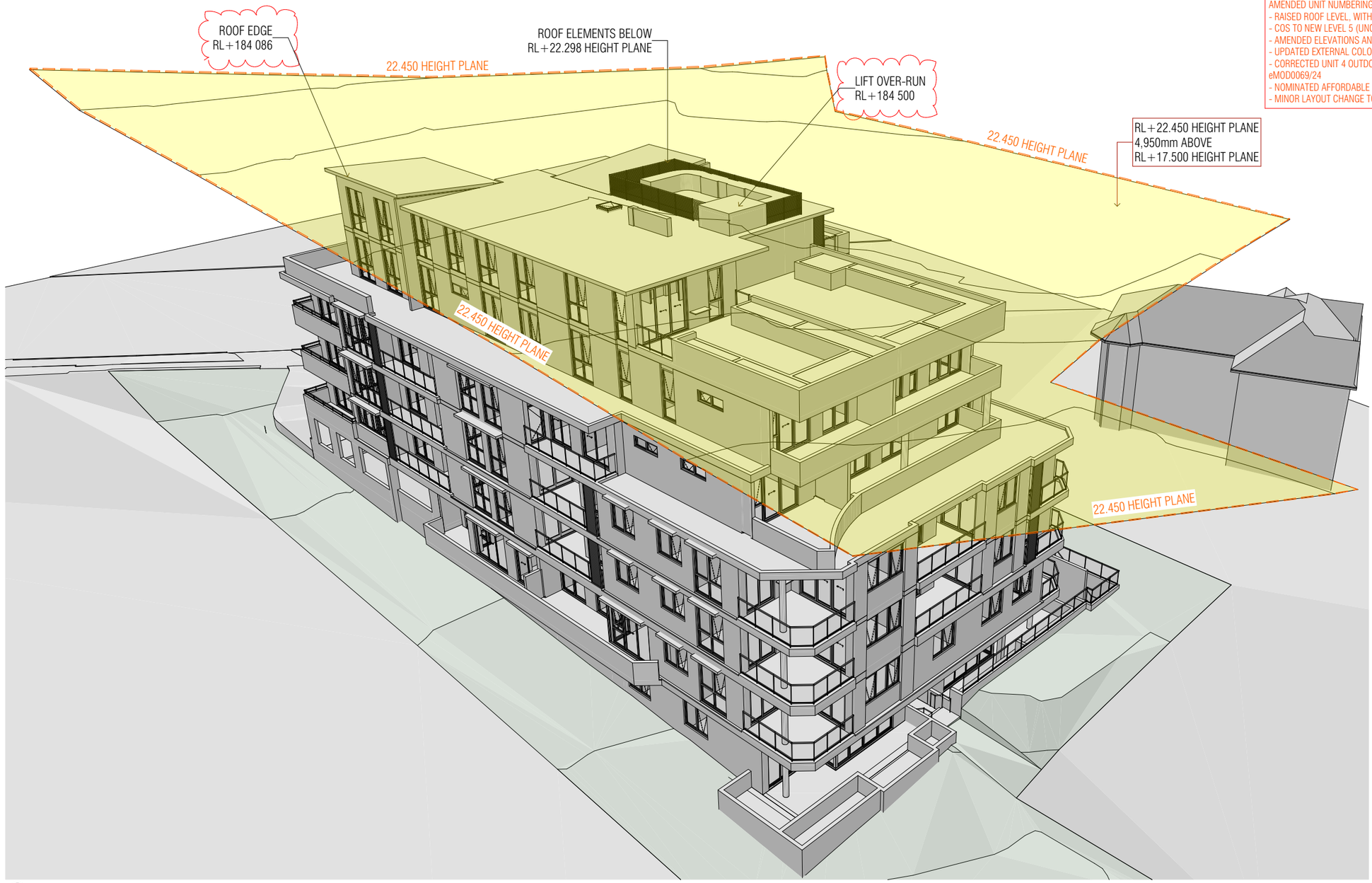
PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

| JOB No. | DRAWING No. | ISSUE |
|---|---|---|
| 08753 | DA.25b | A |




1 Height Perspective New

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| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
|---|---|---|---|---|
| DA-I | REVISED TO COUNCIL RFI REQUIREMENTS | 12/12/2025 | AH | AHM |
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| + Section J / BASIX | Eco Certificates |
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NORTH

PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
3D Height Plane

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PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

JOB No. 08753
DRAWING No. DA.29
ISSUE

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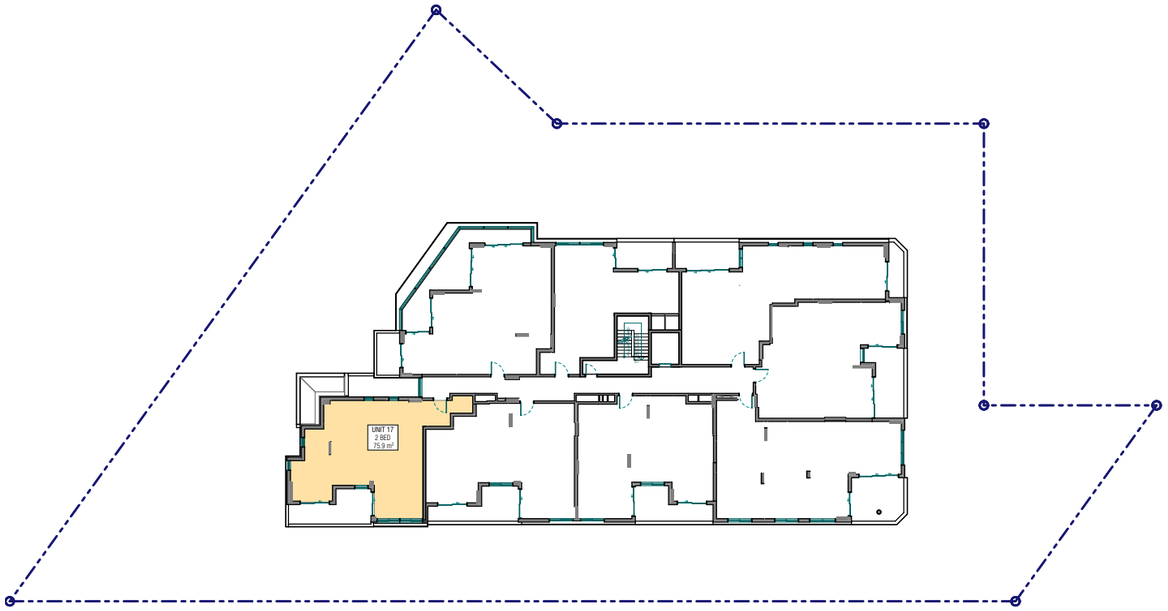
INFILL AFFORDABLE HOUSING ALLOCATION

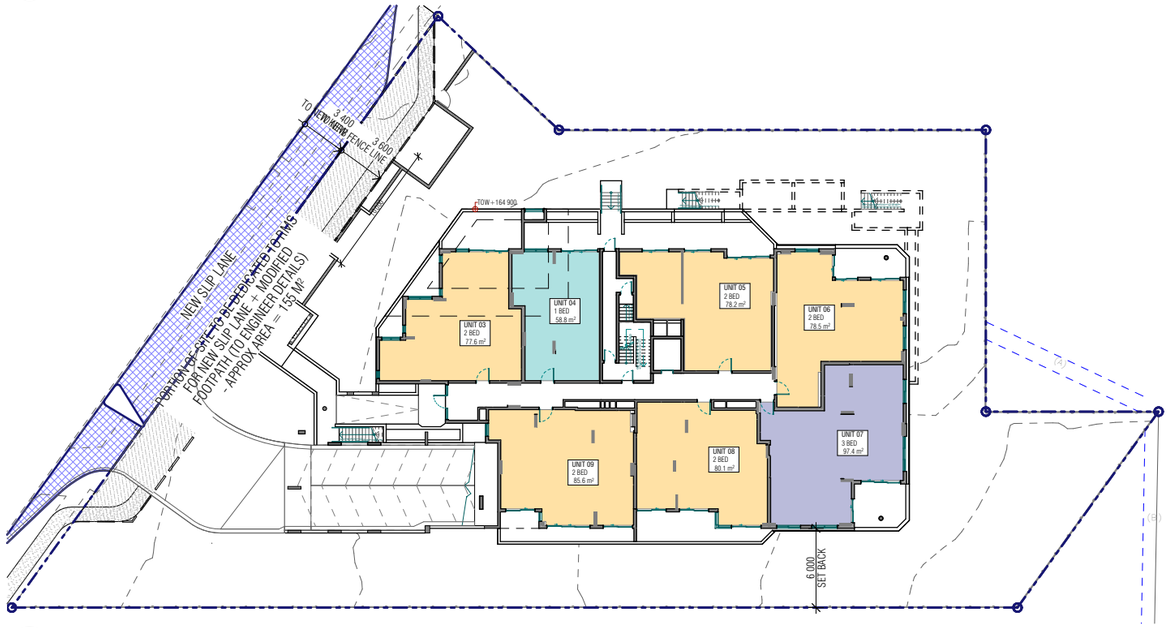
| | | |
|---|---|---|
| GFA | 13.71% AH | = 623.435 m² |

UNIT ALLOCATION & AREAS:

| | | |
|---|---|---|
| UNIT 03 | 2 BED | 77.6 m² |
| UNIT 04 | 1 BED | 58.8 m² |
| UNIT 05 | 2 BED | 78.2 m² |
| UNIT 06 | 2 BED | 78.6 m² |
| UNIT 07 | 3 BED | 97.4 m² |
| UNIT 08 | 2 BED | 80.1 m² |
| UNIT 09 | 2 BED | 86.6 m² |
| UNIT 17 | 2 BED | 75.9 m² |
| TOTAL | 8 x UNITS | = 633.2 |




2 Level 1 Affordable Housing GFA
Scale 1:200 @ A1




1 Upper Ground Affordable Housing GFA
Scale 1:200 @ A1

| ISSUE | AMENDMENT | DATE | DRAWN | CHECKED |
|---|---|---|---|---|
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PROJECT STATUS
Development Application
Alterations & Additions

SHEET TITLE
Affordable Housing Area

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PROJECT NAME
Residential Flat Building Development
1183 Pacific Highway
Turramurra NSW 2074

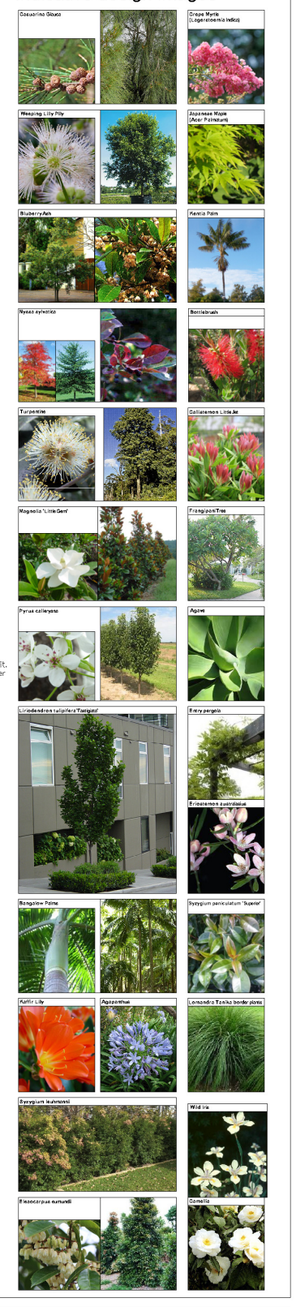
JOB No. 08753 | DRAWING No. DA.30 | ISSUE A

## Overall Site Plan 1:150 @ A1

0 1 2 3 4 5 10




## Indicative design images




## Existing site & Streetscape context photos




## Legend

Existing trees to be removed
Proposed evergreen trees
Palm
Tree Ferns
Steps up
Groundcovers
Walls
Private open paving
Lawn areas
Proposed levels
Existing trees as per Arborist Report
Proposed Deciduous tree
Strappy leaved understorey plants
Low shrubs / ornamental grasses
Private open space paving
Strip drainage grate Drainage pit
Survey layer under
Screen plants
Concrete stepping stones in garden bed
Concrete

### Drawing Schedule

| | |
|---|---|
| Sheet 1: | Overall Site Plan & Site context |
| Sheet 2: | Details Plan |
| Sheet 3: | Planting plan |
| Sheet 4: | Level 4 terrace |
| Sheet 5: | Notes and planting schedule |

### Amendments

| | | |
|---|---|---|
| C | 10.7.25 | For MOD application |
| B | 24.2.25 | - |
| A | 7.12.24 | - |

PAUL SCRIVENER LANDSCAPE

PO Box 4050. ACT 2602
ABN: 16 949 100 279
Phone: 02 9907 8011
www.scrivener-design.com
Email: paul@scrivener-design.com

Project: Gaby Group - Pacific Hwy

Dwg: Landscape Plan

Date: 10.7.25 Scale: 1:150 @A1

Job Ref: 24/2820

North

1 of 5

MOD

ISSUE-C

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Details plan 1:150 @ A1 (0 1 2 3 4 5 10)

Colours



Stub feet





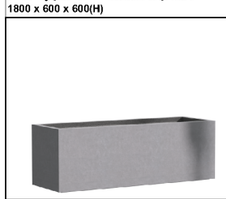

Pot type 1 - Quatro pots
**800 Diameter x 750 (H)**



Pot type 2 - Quatro pots
**2000 x 600 x 1000(H)**



Pot type 3 - Quatro pots
**1800 x 600 x 600(H)**



Pot type 4 - Quatro pots
**800 x 800 x 800(H)**



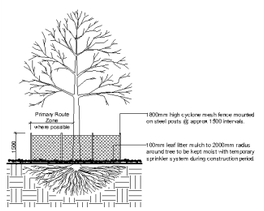
Pot type 5 - Quatro pots
**1200 x 1200 x 800(H)**



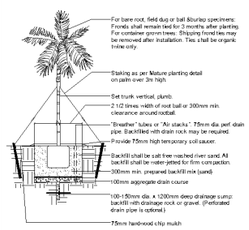
Pot type 6 - Quatro pots
**1500 x 1500 x 1000(H)**



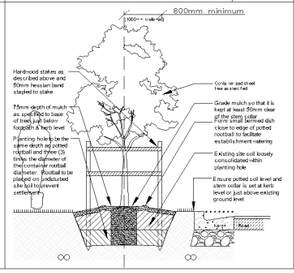
**Detail 01** Tree protection measure Type 2 n.t.s. — PSLA 2



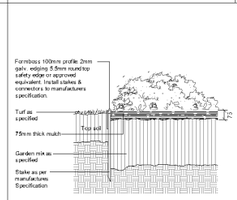

**Detail 02** Palm planting detail n.t.s — PSLA 5



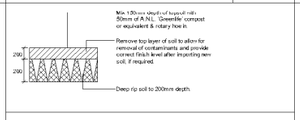

**Detail 03** Tree planting details — PSLA 67



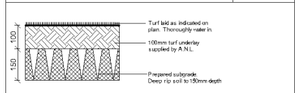

**Detail 04** Metal edging typical detail n.t.s — PSLA 18



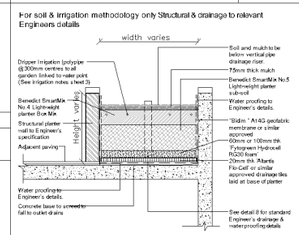

**Detail 05** Soil preparation detail n.t.s. — PSLA 8




**Detail 06** Turf over soil n.t.s — PSLA 12




**Detail 07** On structure planter typical soil installation detail n.t.s — PSLA 17




Existing trees to be removed (51)

Existing trees to be retained as per Arborist Report (59)

4 Detail # Sheet 5

Garden area (Detail 5)

Turfed areas (Detail 6)

Raised planters (Detail 6)

Ex. 163.97 Existing levels

166.73 Proposed levels

T.O.W 167.95 Top of wall heights

Masonry walls To Architecture details

Tree protection planting (Detail 1)

P1 Pot Types (See this sheet)

Amendments

| | | |
|---|---|---|
| C | 10.7.25 | For MOD application |
| B | 24.2.25 | - |
| A | 7.12.24 | - |

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ABN: 16 949 100 279
Phone: 02 9907 8011
www.scrivener-design.com
Email. paul@scrivener-design.com

Project: Gaby Group - Pacific Hwy

Dwg: Details plan

Date: 10.7.25 Scale: 1:150 @A1

Job Ref: 24/2820

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North



**MOD**

ISSUE-C

Planting plan 1:150 @ A1

0 1 2 3 4 5 10

Soft leaf Buffalo turf to nature strip

highway

Pacific

Grated drain

Unit 3 F.F.L.164.00

Unit 4 F.F.L.164.00

Unit 5 F.F.L.164.00

Unit 6 F.F.L.164.00

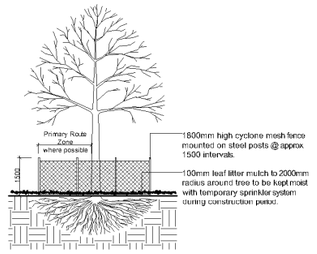
Unit 7 F.F.L.164.00

Unit 8 F.F.L.164.00

Unit 9 F.F.L.164.00

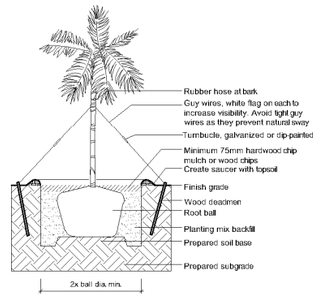
## Detail 1.

Tree protection measure
Type 2 n.t.s.




## Detail 2.

Palm transplanting detail n.t.s




## Legend

- Existing trees to be removed
- Existing trees to be retained
- ER — Planting symbol (See schedule, sheet 5)

## Amendments

| | | |
|---|---|---|
| C | 10.7.25 | For MOD application |
| B | 24.2.25 | - |
| A | 7.12.24 | - |

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Project: Gaby Group - Pacific Hwy

Dwg: Planting plan

Date: 10.7.25 Scale: 1:150 @A1

Job Ref: 24/2820

Builder must verify all dimensions of the site before work commences.
Figured dimensions should be used in preference to those scaled off.

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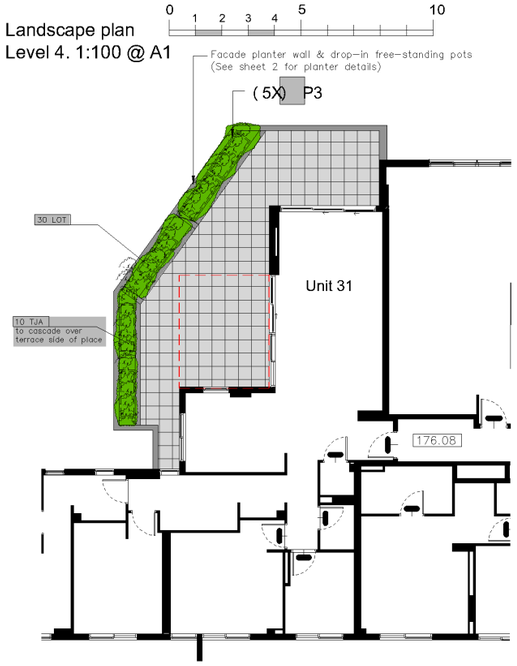
North

3 of 5

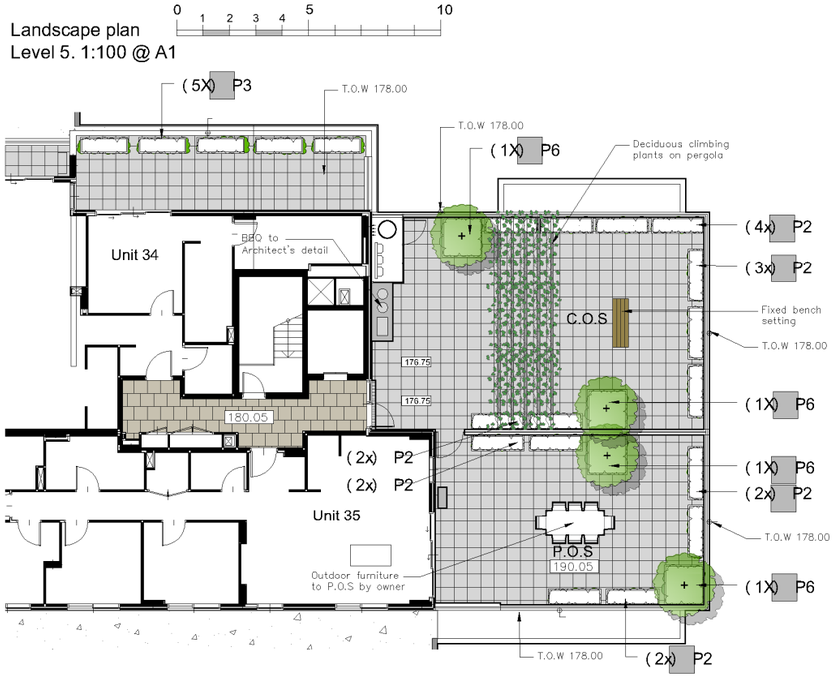
MOD

ISSUE-C

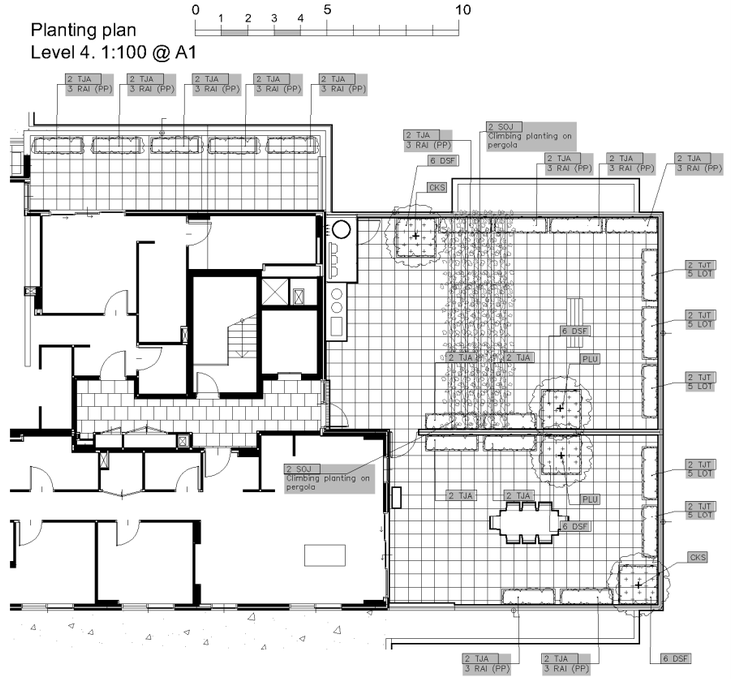
Landscape plan
Level 4. 1:100 @ A1




Landscape plan
Level 5. 1:100 @ A1

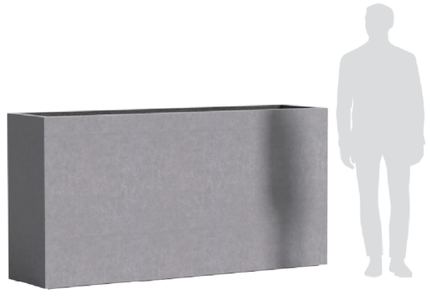



Planting plan
Level 4. 1:100 @ A1

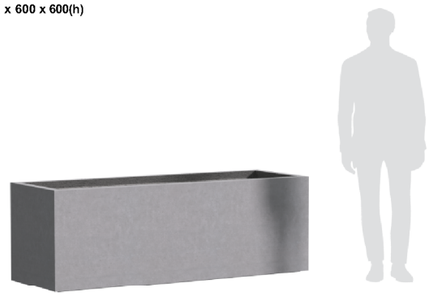



**Note: Pot heights on pedestal to be confirmed for BCA compliance prior to purchase & installation**

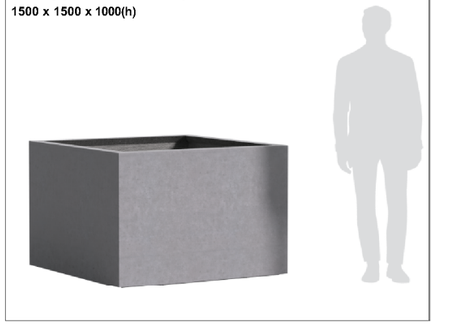
**Pot type 2 - Quatro pots**
**2000 x 600 x 1000(H)**



**Pot type 3 - Quatro pots**
**1800 x 600 x 600(h)**

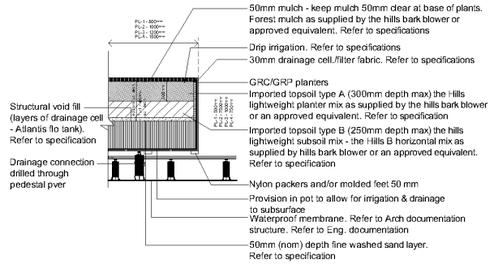


**Pot type 6 - Quatro pots**
**1500 x 1500 x 1000(h)**



Typical plants details
PL1, PL2, PL3 & PL4 - Planter type 01, 02, 03 & 04

PSLA B11




Note: Final location of all pots/ planters to be confirmed on site by Landscape Architect prior to installation & prior to providing provision for drainage & irrigation

ER — Planting symbol (See schedule, sheet 5)

P1 — Pot type

| Amendments | | |
|---|---|---|
| C | 10.7.25 | For MOD application |
| B | 24.2.25 | - |
| A | 7.12.24 | - |

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Project: Gaby Group - Pacific Hwy

Dwg: Landscape plan-Level 4 & 5

Date: 10.7.25 Scale: 1:150 @A1

Job Ref: 24/2820

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North

## General construction notes

**1. Site preparation**
Any existing trees and vegetation to be retained shall be preserved and protected from damage of any sort during the execution of landscape work. In particular, root systems of existing plants must not be disturbed if possible. Any nearby site works should be carried carefully using hand tools.

To ensure the survival and growth of existing trees during landscaping works, protect by fencing or armoring where necessary. Trees shall not be removed or lopped unless specific written approval to do so is given or is indicated on plan. Storage of materials, mixing of materials, vehicle parking, disposal of liquids, machinery repairs and refueling, site office and sheds, and the lighting of fires shall not occur within the dripline of any existing trees to be retained on or adjacent to the site. Do not stockpile soil, rubble or other debris cleared from the site, or building materials, within the drip line of existing trees. Vehicular access shall not be permitted within three (4) metres of any tree.

**2. Soil preparation**
All proposed planting areas to be ripped (by hand in tree protection zones) to 200mm and clay soils to be treated with clay breaker. Harvested existing top soil from site and store on site and mix with 25% A.N.L. Greenlife compost or approved equivalent. Apply at least 150mm soil depth to planting areas. All additional soil to be 100mm depth of good quality planting mix to be imported and combined with 50mm A.N.L. Greenlife compost or approved equivalent. To be worked in with rotary hoe or by hand in tree protection zones. In general all care to be taken to hand cultivate in any area where existing tree roots exist to preserve health of trees.

**3. New plantings**
Newly planted trees and large shrubs should be secured to stakes with hessian ties to prevent rocking by wind. Planting holes for plant material should be large enough in size to take root ball with additional space to take back filling of good quality planting mix. Mature heights of planting as shown on planting schedule show the greatest height possible in ideal conditions. These heights are subject to particular site conditions, possible container environments and intended hedging or pruning for functional requirements such as available planting width, intended access under branches and solar access.

**4. Planter boxes & waterproofing.**
All slab areas to be waterproofed and 'Atlantis' drainage cell installed with geotextile fabric . Refer Engineer's details for structural details for planter box drainage & construction. All internal planter slab levels to fall to drainage outlets as detailed by Hydraulic Engineer. Ensure minimum 50mm cavity between planter box and building wherever planter joins building. Keep cavity clear of debris by providing capping row butted against building. Exterior finishes as per Architect's detail. Ensure base of cavity is able to drain via weep holes in event water seeps into cavity so as to not build up against building wall. Containers to be at height as indicated on Architects' drawing. All planting containers or over slab planting to have the following:

- Water proofing as specified by Architects. To extend along base and up to top of soil level of containers
- 'Atlantis' drainage cell at base to be connected to drainage system of development (see typical detail sheet 2)
- A.N.L. planter box soil mix or equivalent to be installed in all containers and over slab planting situation
- Contractor to install all planter box finishes after other site works are completed to ensure no deterioration of waterproof membrane . Contractor to be responsible for the integrity of the waterproofing of the planter boxes
- All planter boxes are to have automatic dripline irrigation system. Connecting pipes to installed in slab structures prior to slab pour. Irrigation supply lines to be installed by building contractor prior to waterproofing and internal planter box finishes

**5. Mulching**
All planting areas to be mulched with a minimum 100mm thick cover of woodchip mulch and then all plant areas to be thoroughly soaked with water. All mulch shall be free of vegetative reproductive parts of all weed species

**6. Irrigation**
Automatic dripline system supplied by harvested rainwater to be incorporated.To extend to all common area landscaped areas included in works (excluding turfed areas and street trees that are to be hand watered as part of ongoing maintenance program). Include all over slab planting areas and all planter boxes where applicable. Hose cosks supplied to all private garden as well as common garden areas. Full irrigation scope to future Construction Certificate details

**7. Fertliser**
All planting areas to be fertilised with 9 month 'NPK' slow release fertiliser.
**Mass planted areas:** allow one slow release Agriform pellet per 5-25 litre plant. All fertilisers to be applied in accordance with the manufacturers instructions.
**Turfed areas:** Supply and install Agriform slow release fertiliser or approved equivalent lawn start fertiliser applied at the rate recommended by the manufacturer

**8. Staking**
To those plants indicated on the planting schedules provide: hardwood stakes as nominated and driven into ground to a depth able to achieve rigid support and to finish a minimum of 800-1000mm above finished levels

**9. Engineering**
All structural and hydraulic details whatsoever to Engineer's details.

**10. Maintenance**
The Landscape Contractor shall maintain the contract areas by accepted horticultural practices as well as rectifying any defects that become apparent in the works under normal use. The Landscape Contractor shall maintain the works and make good all defects for a period of thirteen (13) weeks after the date of practical completion. Practical completion of the landscape works shall include but not be limited to the replacement of plants which have failed or been damaged or stolen during work under the contract. Landscape maintenance shall include but not be limited to the following: watering, rubbish removal, spraying and wiping leaf surfaces, replacing failed plants, maintaining mulch, pruning, insect and disease control, cleaning of surrounding areas. Mow the turf when it is established at regular intervals to maintain an average height of 50mm.

## Maintenance schedule

The Landscape Contractor shall maintain the contract areas by accepted horticultural practices as well as rectifying any defects that become apparent in the works under normal use. The Landscape Contractor shall maintain the works and make good all defects for a period of thirteen (13) weeks after the date of practical completion. Practical completion of the landscape works shall include but not be limited to the replacement of plants which have failed or been damaged or stolen during work under the contract. Landscape maintenance shall include but not be limited to the following: watering, rubbish removal, spraying and wiping leaf surfaces, replacing failed plants, maintaining mulch, pruning, insect and disease control, cleaning of surrounding areas. Mow the turf when it is established at regular intervals to maintain an average height of 50mm.

The owners corporation are to contract a garden maintenance contractor for an initial 12 month establishment period commencing from the end of the above listed 13 week installation period. The following is to be addressed:

- Regular hand watering of gardens if installed drip line irrigation system is turned off. Irrigation to be installed and maintained as per manufacturers specifications including monthly checks for function of system and to check for leaks and to ensure general good working operation. All battery timers and irrigation lines to be checked every two months as part of the owners corporation maintenance schedule
- Mulch is to be regularly topped up every 6 months to ensure an even 75mm coverage in all garden beds
- Regular pruning of plants is to be undertaken to ensure continued uniform growth of canopy and foliage of trees and shrubs.
- Minimum 2 monthly assessment of plants for evidence of insect attack or disease. Appropriate pest oil, white oil of Yates pest spray or equivalent is to be employed if required
- Garden/lawn masonry edging to be inspected every 12 months after first three years after practical completion to ensure it is maintained in good order. Replace where required if defective sections are discovered
- A qualified person is to be engaged to report on the ongoing health of the street trees 6 and 12 months after the practical completion of works.
- All garden refuse, rubbish and associated items that arise from the regular garden maintenance procedures are to be collected and stored in appropriate general waste or green waste containers as is appropriate. Excess waste unable to be stored in Council waste containers is to be removed from the site is a timely manner.
- All manfacturer's warranties, instruction manuals and other relevant documents for the irrigation system, irrigation timers and any associated items are to be passed on to future owners (for private open space courtyards and terraces) if properties are sold to ensure the long term upkeep of these items.

## Planting schedule

**Note:** Bold underlined plant **symbols** are representative of STIF species assemblage to be located predominantly to the lower eastern area of the site adjacent to existing bushland species to maintain natural character

| Symbol | Botanical name | Common name | Cont. size | Staking | Mature height | No. req. |
|---|---|---|---|---|---|---|
| **Trees** | | | | | | |
| ALT | Allocasuarina torulosa | Forest Oak (med native tree vertical habit) | 45Lt | 3x50x50x1800 | 15.0M | 1 |
| APA | Acer palmatum | Japanese Maple (Versatile small deciduous garden tree) | 75Lt | 3x50x50x1800 | 5-7.0M | 1 |
| ASM | Acmena smithii | Lilly Pilly (Native tree in dep soil. Prune lower branches) | 75Lt | 3x50x50x1800 | 8-10.0M | 3 |
| BAK | Backhousia myrtifolia | Grey Myrtle (Indigenous tree in deep soil) | 45Lt | 3x50x50x1800 | 4-6.0M | 1 |
| EUP | Eucalyptus paniculata | Grey Iron Bark (indigenous canopy tree) | 100Lt | 3x50x50x1800 | 20.0M | 1 |
| ER | Elaeocarpus reticulatus | Blueberry Ash (indigenous small tree) | 300mm | 3x50x50x1800 | 6-8.0M | 10 |
| ERE | Elaeocarpus eumundii | QLD Qondong (native vertical narrow screen tree) | 45Lt | 2x50x50x1800 | 7-10.0M | 4 |
| EUS | Eucalyptus saligna | Sydney Blue Gum (tall indigenous canopy tree) | 100Lt | 3x50x50x1800 | 20-30.0M | 1 |
| PLU | Plumeria acutifolia | Frangipani (small flowering deciduous tree) | 45Lt | 2x50x50x1800 | 3-4.0M | 2 |
| SYG | Syncarpia glommulifera | Turpentine (indigenous canopy tree) | 75Lt | 3x50x50x1800 | 18-25.0M | 3 |
| **Shrubs / standards / small feature trees** | | | | | | |
| CKS | Callistemon Kings Park Special' | Bottlebrush small (native tree for planterbox) | 300mm | 2x50x50x1800 | 3-3.5M | 3 |
| CSS | Camellia sasanqua 'Standard' | Camellia standard (semi formal standard Camellia) | 300mm | 2x50x50x1800 | 2-2.5M | 1 |
| RAI (PP) | Raphiolepis indica PP | Pink Pearl (hedging dense flowering plant) | 200mm | nil | 1.0M | 33 |
| SBB | Syzygium 'Baby Boomer' | Dwarf Lilly Pilly (flowering informal plant) | 200mm | hedged to req.height | 1.2-1.5M | 6 |
| SNN | Syzygium 'Straight & Narrow' | Straight & Narrow Lilly Pilly (very narrow and vertical screen) | 300mm | hedged to req.height | 3-5.0M | 3 |
| SYR | Syzygium 'Resilience' | Resilience Lilly Pilly (native screen plant. Can be hedged) | 300mm | hedged | 2.8-3.5M | 10 |
| **Ferns / Palms / Succulents / shade tolerant understorey** | | | | | | |
| CAA | Cyathea australe | Tree Fern (Native tree ferns) | 300mm | nil | 2-4.0M | 16 |
| CAL | Calathea zebrina | Zebra Plant (small glossy tropical foliage plant) | 200mm | nil | 0.6M | 4 |
| CYR | Cycas revolutum | Sago Palm (striking native low palm like) | 300mm | nil | 1-1.2M | 3 |
| DRD | Draceana draco | Dragon Tree (striking feature plant) | 75Lt | nil | 2.5-3.0M | 1 |
| RHA | Raphis excelsor | Lady Finger Palm | 300mm | nil | 2-2.5M | 9 |
| HOF | Howea forsterana | Kentia Palm (tall palm) | semi-adv | wire guys | 7-10.0M | 6 |
| YUC | Yucca elaphantipes | Giant Yucca (multi trunked spiky feature plant) | 300mm | nil | 1.5M | 1 |
| YUR | Yucca rostrata | Blue Beaked Yucca (silver blue spky ball) | 200MM | nil | 1.8-2.5M | 2 |
| **Groundcovers/Climbers** | | | | | | |
| DSF | Dichondra 'Silver Falls | Silver Falls (cascading groundcover in roof garden) | 200mm | nil | 0.15M | 69 |
| DIR | Dichondra repens | Kidney weed (native carpet groundcover) | tubes | nil | 0.1M | 100 |
| HVI | Hardenbergia violacea | Native sarsaparilla (native groundcover) | 200mm | nil | 2.0M | 30 |
| SOJ | Solanum jasminoides | Potato Vine (deciduous climber over pergola) | 300mm | over pergola | 3.5M | 4 |
| TJA | Trachelospermum asiaticum | Flatmat Star Jasmine (FT01 Ozbbreed hyvrid groundcover) | 200mm | nil | 0.2M | 30 |
| TJT | Trachelospermum tricolor | Variegated Star Jasmine (variegated colour groundcover) | 200mm | nil | 0.5M | 40 |
| VH | Viola hederacea | Native Violets (native low groundcover) | tubes | nil | 0.1M | 250 |
| **Ornamental grasses/strappy leaved plants** | | | | | | |
| AGW | Agapanthus orientalis 'Blue' | Blue Lily of the Nile (Hardy strappy leaved groundcover) | 200mm | nil | 0.5M | 82 |
| CM | Clivia miniata | Red Clivia (shade tolerant groundcover) | 200mm | nil | 0.5M | 36 |
| CRP | Crinum pedunculatum | Swamp Lily (native mass planted groundcover) | 200mm | nil | 0.5-0.7 | 32 |
| DIC | Dianella caerulea | Blue Flax Lilly (native ornamental grass) | 100mm | nil | 0.4M | 100 |
| LIM | Liriope Evergreen Giant | Turf Lily (shade tolerant groundcover) | 140mm | nil | 0.4M | 20 |
| LOT | Lomandra Tanika | Dwarf Lomandra (ornamental grass) | 140mm | nil | 0.4M | 141 |

Landscape contractor is to check all plant numbers on plan against the schedule prior to submitting tender price. Contact landscape architect if any number discrepancies are found. Council compliance controls require that any substitution of species variety or container size MUST be confirmed with landscape architect to ensure a compliance certificate can be issued that's meets the specific development consent conditions of the project.

Amendments

| | | |
|---|---|---|
| C | 10.7.25 | For MOD application |
| B | 24.2.25 | - |
| A | 7.12.24 | - |

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Project: Gaby Group - Pacific Hwy

Dwg: Planting schedule and notes

Date: 10.7.25 Scale: 1:150 @A1

Job Ref: 24/2820

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North

5 of 5

MOD

ISSUE-C

Job Work folder Gaby (Pacific Hwy)/2820

# STORMWATER MANAGEMENT PLANS
# PROPOSED RESIDENTIAL FLAT BUILDING
# No. 1183-1185 PACIFIC HIGHWAY, TURRAMURRA

***DA No: DA0521/19 & MOD0062/22  LOT 2 DP233452 & LOT 6 DP16292***

## DRAINAGE NOTES

**PIPE SIZE:**
THE MINIMUM PIPE SIZE SHALL BE:
- 90mm DIA WHERE THE LINE ONLY RECEIVES ROOFWATER RUNOFF; OR
- 100mm DIA WHERE THE LINE RECEIVES RUNOFF FROM PAVED OR UNPAVED AREAS ON THE PROPERTY

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

**PIPE GRADE:**
THE MINIMUM PIPE GRADE SHALL BE:
- 1.0% FOR PIPES LESS THAN 225mm DIA
- 0.5% FOR ALL LARGER PIPES

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

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

**DEPTH OF COVER FOR PVC PIPES:**
MINIMUM PIPE COVER SHALL BE AS FOLLOWS:

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

SEE AS2032 INSTALLATION OF UPVC PIPES FOR FURTHER INFORMATION.

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

WHERE INSUFFICIENT COVER IS PROVIDED, THE PIPE SHALL BE COVERED AT LEAST 50mm THICK OVERLAY AND SHALL THEN BE PAVED WITH AT LEAST:
- 150mm REINFORCED CONCRETE WHERE SUBJECT TO HEAVY VEHICLE TRAFFIC;
- 75mm THICKNESS OF BRICK OR 100mm OF CONCRETE PAVING WHERE SUBJECT TO LIGHT VEHICLE TRAFFIC; OR
- 50mm THICK BRICK OR CONCRETE PAVING WHERE NOT SUBJECT TO VEHICLE TRAFFIC.

**CONNECTIONS TO STORMWATER DRAINS UNDER BUILDINGS:**
SHALL BE CARRIED OUT IN ACCORDANCE WITH *SECTION 6.2.8 OF AS3500.3-2021*

**ABOVE GROUND PIPEWORK:**
SHALL BE CARRIED OUT IN ACCORDANCE WITH *SECTION 6 OF AS3500.3-2021*

**PIT SIZES AND DESIGN:**

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

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

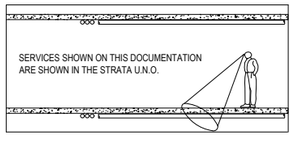
PITS GREATER THAN 600mm DEEP SHALL HAVE A MINIMUM ACCESS OPENING OF 600 x 600mm

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

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

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

| CLASS | | USE |
|---|---|---|
| A | EXTRA LIGHT DUTY | AREAS INCLUDING FOOTWAYS, ACCESSIBLE ONLY TO PEDESTRIANS, PEDAL CYCLISTS AND CLOSED TO OTHER TRAFFIC |
| B | LIGHT DUTY | AREAS INCLUDING FOOTWAYS AND LIGHT TRACTOR PATHS ACCESSIBLE TO VEHICLES (EXCLUDING COMMERCIAL VEHICLES) OR LIVESTOCK |
| C | MEDIUM DUTY | MALLS AND AREAS OPEN TO SLOW-MOVING COMMERCIAL TRAFFIC |
| D | HEAVY DUTY | CARRIAGEWAYS OF ROADS AND AREAS OPEN TO COMMERCIAL VEHICLES |
| E | EXTRA HEAVY DUTY | GENERAL DOCKS AND AIRCRAFT PAVEMENTS |
| F | EXTRA HEAVY DUTY | DOCK AND AIRCRAFT PAVEMENTS SUBJECT TO HIGH WHEEL LOADS |
| G | EXTRA HEAVY DUTY | DOCKS AND AIRCRAFT PAVEMENTS SUBJECT TO VERY HIGH WHEEL LOADS |




BEFORE YOU DIG
www.byda.com.au
Zero Damage - Zero Harm

## GENERAL NOTES

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

## PLAN NOTES

1. **ROOF DRAINAGE NOTE:** AS 3500 ROOF DRAINAGE REQUIRES EAVES GUTTERS TO BE SIZED FOR 20 YEAR 5 MIN. STORM = 205mm/hr. FOR EAVES GUTTERS, AS 3500.3:2021 THEN HAS THE FOLLOWING REQUIREMENTS:
   1.1. FOR TYPICAL STANDARD QUAD GUTTER WITH Ae = 6000mm² AND GUTTER SLOPE 1:500 AND STEEPER, THIS REQUIRES ONE DOWNPIPE PER 30m² ROOF AREA.
   1.2. DOWNPIPES TO BE MINIMUM 90mm DIA. OR 100 x 50mm FOR GUTTERS SLOPE 1:500 AND STEPPER.
   1.3. OVERFLOW METHOD TO FIGURE F.1 OF AS 3500.3:2021 IT IS THE RESPONSIBILITY OF THE PLUMBER AND / OR BUILDER TO COMPLY WITH THIS. THIS DRAWING SHOWS PRELIMINARY LOCATIONS / NUMBERS OF DOWNPIPES ONLY WHICH ARE TO BE VERIFIED BY BUILDER / PLUMBER
2. **TREE PRESERVATION:** IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ANY PRIOR APPROVAL REQUIRED FROM COUNCIL WITH RESPECT TO POTENTIAL IMPACT ON TREES FOR ANY WORKS SHOWN ON THIS DRAWING PRIOR TO THE COMMENCEMENT OF THOSE WORKS
3. ALL ROOF GUTTERS TO HAVE OVERFLOW PROVISION IN ACCORDANCE WITH AS 3500.3:2021 AND SECTIONS 3.5, 3.7.7 AND APPENDIX G OF AS 3500.3:2021
4. THIS DRAWING IS NOT TO BE USED FOR SET-OUT PURPOSES - REFER TO ARCHITECTURAL DRAWINGS
5. LOCATION OF SURFACE STORMWATER GRATED INLET PITS MAY BE VARIED OR NEW PITS INSTALLED AT THE CONSTRUCTION STAGE PROVIDED DESIGN INTENT OF THIS DRAWING IS MAINTAINED

## STORMWATER DRAWINGS LIST

| DRAWING No. | DRAWING TITLE | REVISION |
|---|---|---|
| SW101 | DETAILS, NOTES & LEGEND | C |
| SW201 | BASEMENT LEVEL 2 PLAN & DETAILS | C |
| SW202 | BASEMENT LEVEL 1 PLAN & DETAILS | C |
| SW203 | SITE / LOWER GROUND FLOOR PLAN | C |
| SW204 | SITE / UPPER GROUND FLOOR PLAN | C |
| SW208 | LEVEL 4 FLOOR PLAN | C |
| SW209 | LEVEL 5 FLOOR PLAN | C |
| SW210 | ROOF PLAN | C |
| SW301 | OSD & RAINWATER TANK DETAILS | C |
| SW501 | SEDIMENT CONTROL PLAN | C |
| SW502 | SEDIMENT CONTROL DETAILS | C |

## STORMWATER LEGEND

- SIP — SURFACE INLET PIT (SIP)
- SIP — SURFACE INLET PIT (WITH 'OCEANGUARD')
- GRATED TRENCH DRAIN MIN 150mm DEEP (U.N.O)
- LD — LINEAR TRENCH DRAIN 100mm WIDE U.N.O
- FW — FLOOR WASTE
- TG — TERRACE GRATE
- PG — PLANTER GRATE
- FD — FLOOR DRAIN
- ABSORPTION/INFILTRATION TRENCH
- OSD — ON-SITE DETENTION TANK (OSD)
- RWT — RAINWATER RE-USE TANK (RWT)
- PUMP — PUMP-OUT STORAGE TANK
- SPG — STORMFILTER CHAMBER/WATER QUALITY SYSTEM (REFER TO PLAN)
- STORMWATER PIPE VIA GRAVITY 100mm DIA (MIN) U.N.O
- STORMWATER PIPE TO RAINWATER TANK 100mm DIA (MIN) U.N.O
- PRESSURE PIPE FROM PUMP-OUT TANK 65mm DIA (MIN) U.N.O
- COUNCIL / EASEMENT DRAINAGE SYSTEM. REFER TO PLAN
- 100mm DIA (MIN) U.N.O SLOTTED PVC WRAPPED IN GEOTEXTILE SLEEVE AT 1% (MIN)
- 1% — SURFACE FALL LINES 1% (MIN)
- IR — INSPECTION RISER WITH SEALED CAP
- DP 100 — PROPOSED DOWNPIPE 100mm DIA uPVC
- INDICATES DOWNPIPE PENETRATING FLOOR SLAB
- INDICATES DOWNPIPE COMMENCING BELOW FLOOR SLAB
- ROOF FALL — INDICATES ROOF FALL DIRECTION
- 450SQ — 450 x 450 SQUARE INTERNAL PIT DIMENSIONS
- SL 20.00 — PIT GRATE SURFACE LEVEL = RL 20.00
- IL 19.50 — PIT INVERT LEVEL = RL 19.50

## CONSULTANTS COORDINATION LEGEND

- MECHANICAL DUCT SYSTEM (REFER TO MECHANICAL ENGINEERS PLANS)
- STRUCTURAL SLAB TRANSITION (REFER TO STRUCTURAL ENGINEERS PLANS)
- 250 — STRUCTURAL SLAB/BEAM THICKNESS (REFER TO STRUCTURAL ENGINEERS PLANS)

## UNDERGROUND SERVICES LEGEND

- E — UNDERGROUND ELECTRICITY CABLES
- G — UNDERGROUND GASMAIN
- NBN — UNDERGROUND NBN NETWORK CABLE
- O — UNDERGROUND OPTUS CABLES
- S — UNDERGROUND SEWERMAIN
- T — UNDERGROUND TELSTRA COMMUNICATIONS CABLES
- W — UNDERGROUND SYDNEY WATER LINE

} APPROXIMATE POSITION ONLY VIA DIAL BEFORE YOU DIG PLANS. WHERE CRITICAL TO DESIGN UNDERGROUND SERVICES SHOULD BE LOCATED BY GROUND PENETRATING RADAR PRIOR TO DESIGN OR EXCAVATION.

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**GENERAL NOTES**
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THESE DRAWINGS TO BE READ IN CONJUNCTION WITH ARCHITECTS PLANS.
ALL EXISTING GROUND LINES & TREES ARE APPROXIMATE ONLY. TO BE VERIFIED ON-SITE BY BUILDER.
ALL WORK IS TO BE UNDERTAKEN IN ACCORDANCE WITH:
a) ALL RELEVANT & CURRENT BUILDING CODES, ACTS & REGULATIONS
b) ALL CURRENT AUSTRALIAN STANDARDS
c) ALL LOCAL COUNCIL REGULATIONS AS WELL AS ALL DCP & LEP ASSOCIATED.

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**APPROVED BY**
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*NER(105209) APEQ(20464)*
*APEC Engineer IntPE(Aus)*

CLIENT: NORTHERN GROUP PTY LTD

ARCHITECT: zhinar

**DRAWING TITLE:** DETAILS, NOTES & LEGEND

**PROPOSED RESIDENTIAL FLAT BUILDING**

Lots 2 & 8, 1183-1185 PACIFIC HIGHWAY, TURRAMURRA

**APPROX TRUE NORTH**

| REVISION | DATE | DESCRIPTION | DESIGNED BY |
|---|---|---|---|
| A | 28.11.2019 | ISSUED FOR DA | J.LI |
| B | 29.09.2023 | ISSUED FOR CC1 | D.CHENG |
| C | 17.07.2025 | ISSUED FOR DA MODIFICATION | J.ELTOBBAGI |
| | | | |
| | | | |

**ISSUED FOR DA**

| CHECKED BY | No. IN SET | JOB NUMBER |
|---|---|---|
| D.CHENG | 11 | 190300-SW |
| **SCALE - SIZE** | **REVISION** | **DRAWING No.** |
| - | C | SW101 |

SPS 225mm ROUND VARI-LEVEL FLOOR DRAIN
WITH SIDE-OUTLET LOWER BODY
100mm OUTLET
80mm OUTLET

SPECIFICATION CODES:
R225N/C109 (NICKEL BRONZE GRATE, CI LOWER BODY)
R225S4/C109 (POLISHED 304SS GRATE, CI LOWER BODY)
R225S/C109 (SATIN 316 SS GRATE, CI LOWER BODY)
FOR 80MM OUTLET, USE SUFFIX "C89" NOT "C109"

MEMBRANE
HEIGHT ADJUSTMENT:
Min. 30mm
Max. 70mm*
CC100 CLAMP COLLAR WITH WEEP HOLES 6 X PLACES
TOPPING / TILING / PAVING
STRUCTURAL SLAB
OUTSIDE EDGE OF PVC PIPE

225mm ROUND

| N.B. | A | B | C | D | E |
|---|---|---|---|---|---|
| 80 | 260 | 240 | 62 | 115 | 28 |
| 100 | 260 | 240 | 83 | 140 | 28 |

## FLOOR DRAIN (SPS) - FD
NTS

SPS 100mm ROUND VARI-LEVEL SIDE OUTLET DRAIN
65/50mm OUTLET

SPECIFICATION CODE:
R100B/C90 (BRASS GRATE, ABS LOWER BODY)
R100N/C90 (NICKEL BRONZE GRATE, ABS LOWER BODY)
R100S4/C90 (POLISHED 304 STAINLESS STEEL, ABS LOWER BODY)
R100S/C90 (SATIN 316 STAINLESS STEEL GRATE, ABS LOWER BODY)

100mm ROUND

| N.B. | A | B | C | D |
|---|---|---|---|---|
| 50 | 100 | 40 | 180 | 200 |
| 65 | 105 | 37 | 180 | 200 |

Height adjustment:
Min. 20mm
Max. 65mm

65mm BSP
TILING/PAVING/TOPPING
MEMBRANE
WEEP SLOTS
3 x PLACES
STRUCTURAL SLAB
SPIGOT PUSHES INTO 65MM PVC OR COPPER WITH O-RING CONNECTION, OR CONNECTS TO 50MM PVC/HDPE WITH NO-HUB COUPLING.

## FLOOR DRAIN (SPS) - FG
NTS

**STANDARD PUMP OUT DESIGN NOTES:**

THE PUMP OUT SYSTEM SHALL BE DESIGNED TO OPERATE IN THE FOLLOWING MANNER-

- THE PUMPS SHALL BE PROGRAMMED TO WORK ALTERNATELY SO AS TO ALLOW BOTH PUMPS TO HAVE AN EQUAL OPERATION LOAD AND PUMP LIFE.
- A LOW LEVEL FLOAT SHALL BE PROVIDED TO ENSURE THAT THE MINIMUM REQUIRED WATER LEVEL IS MAINTAINED WITHIN THE SUMP AREA OF THE BELOW GROUND TANK. IN THIS REGARD THE FLOAT WILL FUNCTION AS AN OFF SWITCH FOR THE PUMPS.
- A SECOND FLOAT HALL BE PROVIDED AT A HIGHER LEVEL, APPROXIMATELY 300mm ABOVE THE MINIMUM WATER LEVEL, WHEREBY ONE OF THE PUMPS WILL OPERATE AND DRAIN THE TANK TO THE LEVEL OF THE LOW-LEVEL FLOAT.
- A THIRD FLOAT SHALL BE PROVIDED AT A HIGH LEVEL, WHICH IS APPROXIMATELY THE ROOF LEVEL OF THE BELOW GROUND TANK. THIS FLOAT SHOULD START THE OTHER PUMP THAT IS NOT OPERATING AND ACTIVATE THE ALARM.
- AN ALARM SYSTEM SHALL BE PROVIDED WITH A FLASHING STROBE LIGHT AND A PUMP FAILURE WARNING SIGN WHICH ARE TO BE LOCATED AT THE DRIVEWAY ENTRANCE TO THE BASEMENT LEVEL. THE ALARM SYSTEM SHALL BE PROVIDED WITH A BATTERY BACK-UP IN CASE OF POWER FAILURE.

2000
FW 2.80
152.77
152.59
152.80
STRUCTURAL SUPPORT WALLS (TYPICAL)
600mm SQ x 200mm DEEP SUMP

## BASE OF TANK

**PUMP-OUT STORAGE TANK**
- VOLUME (MIN) 3.00m³
- AVERAGE DEPTH 1000mm
- T.W.L RL 153.80

2000
SP1/2
STRUCTURAL SUPPORT WALLS (TYPICAL)
2 x 450x900 'CLASS C' HINGED GALVANIZED MILD STEEL GRATE AND FRAME
PROVIDE GALVANIZED STEP IRONS AT 300mm CENTRES IN ACCORDANCE WITH THE AUST STANDARDS AT ALL ACCESS POINTS OF THE TANK (TYPICAL)

## PLAN VIEW

**DRAINAGE PIPE LEGEND**
- DRAINAGE PIPES CAST - IN SLAB *(100mm DIA)*
- DRAINAGE PIPES CAST- IN SLAB *(50mm DIA)*
- PRESSURE DRAINAGE PIPE (65mm) *(CAST - IN SLAB)*

***NOTE: ALL PIPES TO BE 100mm DIA UNO***

**NOTE:**
1. PUMP SHALL BE CONSTRUCTED TO THE STRUCTURAL ENGINEERS DETAILS

PROVIDE GALVANISED STEP IRONS AT 300 C-C TO THIS PIT
65mm DIA PVC CLASS 'S' RISING PRESSURE MAIN
BOTH PUMPS ON ALARM ACTIVATED
2 x 450 x 900 (INTERNAL) HINGED MEDIUM DUTY GALVANISED MILD STEEL GRATE AND FRAME WITH J-LOCKS
SP1/2
R.L 154.20
T.W.L 153.80
SOFFIT R.L 154.00
TO SP13
1000 AVG
NON-RETURN FLAP VALVE
PUMP ON
PUMP OFF
FALL
R.L 152.75
'TANKED' PUMP SYSTEM
FLOAT SWITCH

## SECTION 'A'

PROVIDE 2 FLOAT PUMPS MIN. CAPACITY 10l/s MIN. @ 8.00m HEAD EACH CONNECTED IN PARALLEL, ALTERNATE START UP. SUGGESTED PUMP IS DAVEY DT22 OR EQUIVALENT

## PUMP-OUT STORAGE TANK
1:50

## 'DAVEY' TECHNICAL SPECIFICATIONS

MATERIALS OF CONSTRUCTION

| PART | MATERIAL | Std Model | 316SS Model |
|---|---|---|---|
| Impeller | | Cast iron | 316SS |
| Pump casing | | Cast iron | 316SS |
| Outlet | | Cast iron | 316SS |
| Shaft seal – pump side – motor side | | Silicon carbide/ceramic Carbon/ceramic Mechanical seals in captive oil bath with oil seal | |
| Shaft seal elastomer | | Nitrile rubber | Viton |
| Pump shaft | | 304 stainless steel | 316SS |
| O-rings | | Nitrile rubber | Viton |
| Motor shell | | 304 stainless steel | 316SS |
| Handle | | 304 stainless steel | 316SS |
| Fasteners | | 304 stainless steel | 316SS |
| Float & power supply leads | | HO7RN-F oil resistant | |

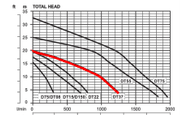
ELECTRICAL DATA

| | Common to all models |
|---|---|
| Speed | 2 pole, 2850rpm |
| Insulation class | Class F |
| IP rating | X8 |
| Electrical lead | H07RNF + 10m length |

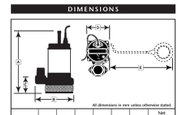
| | DT5ANM | DT5B | DT5M |
|---|---|---|---|
| Supply voltage 50Hz - Phase | 220-240V Single | 220-240V Single | 380-415V Three |
| Output power | 0.75kW | 1.0kW | 0.75kW |
| Full load current | 7.5A | 9.5A | 1.7A |
| Locked rotor current | 22.5A | 66.6A | 10.5A |
| Starting | CSIR | CSIR | DOL |

| | DT7B | DT12 | DT12M | DT15 | DT7C |
|---|---|---|---|---|---|
| Supply voltage 50Hz - Phase | 380-415V Three | | | | |
| Output power | 1.5kW | 2.2kW | 1.1kW | 1.5kW | 7.5kW |
| Full load current | 3.0A | 6.5A | 7.2A | 11.9A | 16.3A |
| Locked rotor current | 21A | 51.2A | 45A | 66A | 78A |
| Starting | | | DOL | | |

HYDRAULIC PERFORMANCE




DIMENSIONS



| Model | A | B | C | D | E | B.S.P. | Net Weight (kg) |
|---|---|---|---|---|---|---|---|
| DT5ANM | 427 | 251 | 172 | 190 | 330 | 25 | 24.0 |
| DT5B | | | | 240 | N/A | 25 | 43.0 |
| DT5M | 414 | 251 | 172 | 190 | N/A | 25 | 21.0 |
| DT7B | 445 | 289 | 156 | 190 | N/A | 25 | 26.0 |
| DT7C | 445 | 289 | 156 | 190 | N/A | 25 | 26.0 |
| DT12 | 518 | 313 | 205 | 240 | N/A | 40 | 43.0 |
| DT15 | | | | 240 | N/A | 40 | 43.0 |
| DT7A | | | | 289 | N/A | 40 | 74.0 |

DANGER
CONFINED SPACE
NO ENTRY WITHOUT CONFINED SPACE TRAINING

## CONFINED SPACE DANGER SIGN

COLOURS - "DANGER" AND BACKGROUND - WHITE
ELLIPTICAL AREA
RECTANGLE CONTAINING ELLIPSE - RED
OTHER LETTERING AND BORDER - BLACK

A) A CONFINED SPACE DANGER SIGN SHALL BE POSITIONED AT ALL ACCESS POINTS, SUCH THAT IT IS CLEARLY VISIBLE TO PERSONS PROPOSING TO ENTER THE BELOW GROUND TANKS CONFINED SPACE.

B) MINIMUM DIMENSIONS OF THE SIGN:
- 300mm x 450mm (LARGE ENTRIES, SUCH AS DOORS)
- 250mm x 190mm (SMALL ENTRIES SUCH AS GRATES AND MANHOLES)

C) THE SIGN SHALL BE MANUFACTURED FROM COLOUR BONDED ALUMINIUM OR POLYPROPYLENE.

D) SIGN SHALL BE AFFIXED USING SCREWS AT EACH CORNER OF THE SIGN.

WARNING
PUMP OUT SYSTEM
FAILURE IN BASEMENT
WHEN LIGHT IS FLASHING
AND SIREN SOUNDING

## BASEMENT PUMP-OUT FAILURE WARNING SIGN

NOTE:
1. SIGN SHALL BE IN CLEAR AND VISIBLE LOCATION WHERE VEHICLES ENTER THE BASEMENT

COLOURS:
WARNING :- RED
ALL OTHERS :- BLACK

PACIFIC HIGHWAY

BOUNDARY

PROVIDE 100mm WIDE x 100mm DEEP OPEN DRAIN BETWEEN INTERNAL WALL AND DRIVEWAY KERB. OPEN DRAIN TO CONTINUE TO BASEMENT OPEN DRAIN. REFER TO SECTION 'C' ON DRAWING No.SW202

C SW202

PROVIDE 100mm WIDE x 100mm DEEP OPEN DRAIN WITH 100mm HIGH HOB ALONG INTERNAL WALL SHOWN HATCHED. REFER TO SECTION 'B' ON DRAWING No.SW202

80mm DIA FLOOR WASTE (FW) WITH 50mm DIA CAST-IN PIPE TO PUMP-OUT TANK (TYPICAL)
*NOTE: SUBSTRATE TO THE OPEN DRAIN TO BE AT 1%*

80mm DIA FLOOR WASTE (FW) WITH 50mm DIA CAST-IN PIPE TO PUMP-OUT TANK (TYPICAL)
*NOTE: SUBSTRATE TO THE OPEN DRAIN TO BE AT 1%*

100mm HIGH CONCRETE HOB
DRIVEWAY RAMP
LIFT
BASEMENT 2
0.5% FALL
225mm DIA FLOOR DRAIN S.L. 154.20
225mm DIA FLOOR DRAIN S.L. 154.15
100mm DIA 'CAST-IN' SLAB PVC PIPE (TYPICAL)
50mm DIA 'CAST-IN' SLAB PVC PIPE (TYPICAL)
65mm DIA PRESSURE PIPE TO SP13 / SEDIMENT CONTROL PIT ON DRAWING No.SW203

**PUMP-OUT STORAGE TANK**
- SURFACE AREA (MIN) 3.00m²
- VOLUME (MIN) 3.00m³
- AVERAGE DEPTH 1000mm
- T.W.L RL 153.80

*REFER TO DETAIL*

**DRAINAGE PIPE LEGEND**
- DRAINAGE PIPES CAST-IN SLAB *(100mm DIA)*
- DAINAGE PIPES CAST-IN SLAB *(50mm DIA)*
- PRESSURE DRAINAGE PIPE (65mm)

***NOTE: ALL PIPES TO BE 100mm DIA UNO***

## BASEMENT LEVEL 2 PLAN
1:100 AT A1
1:200 AT A3

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b) ALL CURRENT AUSTRALIAN STANDARDS
c) ALL LOCAL COUNCIL REGULATIONS AS WELL AS ALL DCP & LEP ASSOCIATED.

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CLIENT
NORTHERN GROUP PTY LTD

ARCHITECT
zhinar

DRAWING TITLE
**BASEMENT LEVEL 2 PLAN & DETAILS**

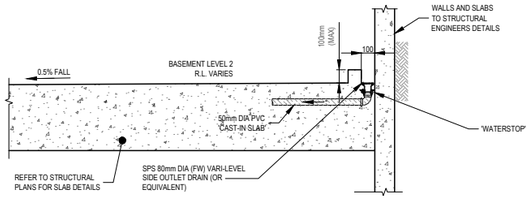
PROPOSED RESIDENTIAL FLAT BUILDING
Lots 2 & 8, 1183-1185 PACIFIC HIGHWAY, TURRAMURRA

APPROX TRUE NORTH

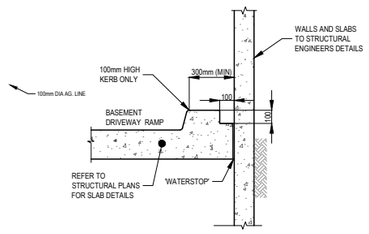
| REVISION | DATE | DESCRIPTION | DESIGNED BY |
|---|---|---|---|
| A | 28.11.2019 | ISSUED FOR DA | J.LI |
| B | 29.09.2023 | ISSUED FOR CC1 | D.CHENG |
| C | 17.07.2025 | ISSUED FOR DA MODIFICATION | J.ELTOBBAGI |

**ISSUED FOR DA**

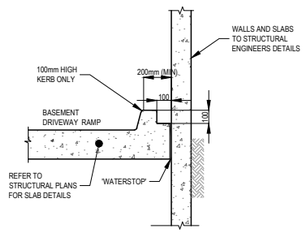
| CHECKED BY | No. IN SET | JOB NUMBER |
|---|---|---|
| D.CHENG | 11 | 190300-SW |
| SCALE - SIZE | REVISION | DRAWING No. |
| AS NOTED - A1 | C | SW201 |



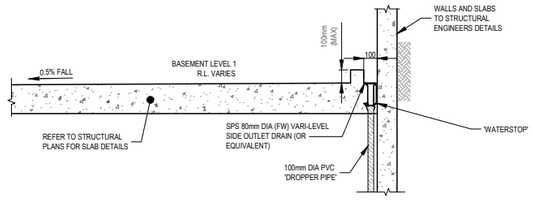

SECTION 'B' - BASEMENT WALL DETAIL *(BASEMENT LEVEL 2)*
1:20




SECTION 'C' - DRIVEWAY RAMP WALL DETAIL
1:20




SECTION 'D' - DRIVEWAY RAMP WALL DETAIL
1:20

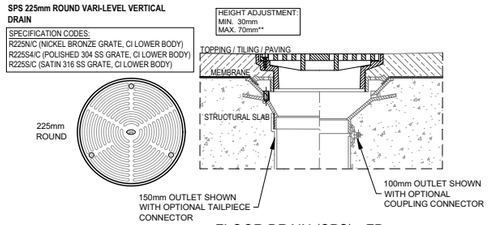



SECTION 'E' - BASEMENT WALL DETAIL *(BASEMENT LEVEL 1)*
1:20

**NOTE: PLASTIC GRATES ARE NOT ACCEPTABLE**

**SPS 225mm ROUND VARI-LEVEL VERTICAL DRAIN**

SPECIFICATION CODES:
R225N/C (NICKEL BRONZE GRATE, CI LOWER BODY)
R225S4/C (POLISHED 304 SS GRATE, CI LOWER BODY)
R225S/C (SATIN 316 SS GRATE, CI LOWER BODY)




FLOOR DRAIN (SPS) - FD
NTS




**DRAINAGE PIPE LEGEND**

- DRAINAGE PIPES VIA GRAVITY *(SUSPENDED)*
- DRAINAGE PIPES CAST-IN SLAB *(50mm DIA)*
- PRESSURE DRAINAGE PIPE (65mm)

***NOTE: ALL PIPES TO BE 100mm DIA UNO***

**DOWNPIPE LEGEND**

- INDICATES DOWNPIPE DIRECTLY TO OSD SYSTEM
- INDICATES DOWNPIPE DIAMETER
- DOWNPIPE PENETRATING FLOOR SLAB
- DOWNPIPE COMMENCING BELOW FLOOR SLAB

**LD: DENOTES 100mm WIDE LINEAR DRAIN (UNO)**

BASEMENT LEVEL 1 PLAN
1:100 AT A1
1:200 AT A3

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ROBERT ELTOBBAGI
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NER(1053209) RPEQ(23464)
APEC Engineer # PEA(Aus)

CLIENT
NORTHERN GROUP PTY LTD

ARCHITECT
zhinar

**DRAWING TITLE**
BASEMENT LEVEL 1 PLAN & DETAILS

**PROPOSED RESIDENTIAL FLAT BUILDING**
Lots 2 & 8, 1183-1185 PACIFIC HIGHWAY, TURRAMURRA

**APPROX TRUE NORTH**

| REVISION | DATE | DESCRIPTION | DESIGNED BY |
|---|---|---|---|
| A | 28.11.2019 | ISSUED FOR DA | J.LI |
| B | 29.09.2023 | ISSUED FOR CC1 | D.CHENG |
| C | 17.07.2025 | ISSUED FOR DA MODIFICATION | J.ELTOBBAGI |

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| CHECKED BY | No. IN SET | JOB NUMBER |
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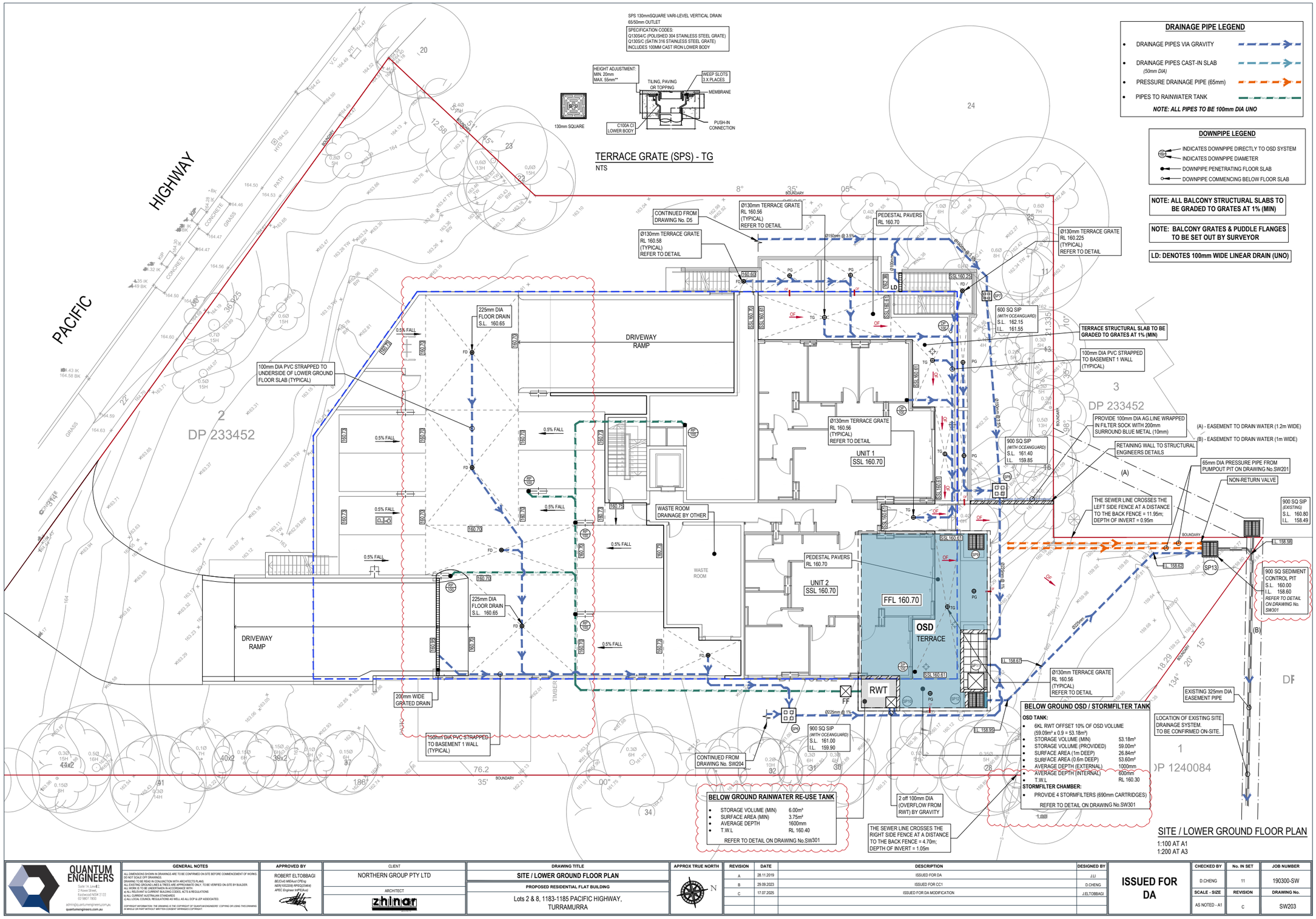
| D.CHENG | 11 | 190300-SW |
| **SCALE - SIZE** | **REVISION** | **DRAWING No.** |
| AS NOTED - A1 | C | SW202 |

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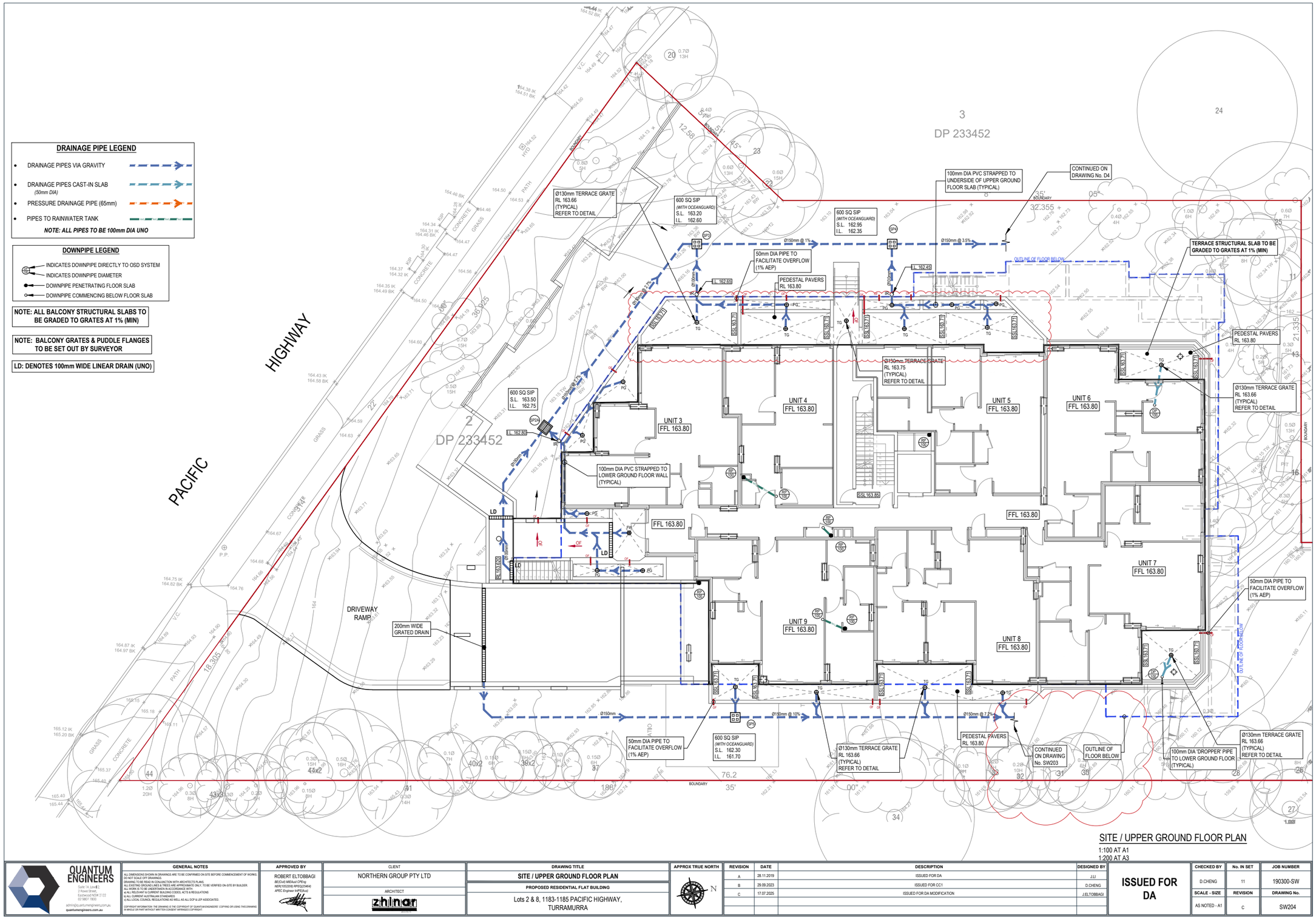
**ATTACHMENT NO: 6 – STORMWATER PLANS**

**ITEM NO: GB.4**

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APEC Engineer IMPE(Hub)

**CLIENT**
NORTHERN GROUP PTY LTD

**ARCHITECT**
zhinar

**DRAWING TITLE**
SITE / UPPER GROUND FLOOR PLAN

**PROPOSED RESIDENTIAL FLAT BUILDING**
Lots 2 & 8, 1183-1185 PACIFIC HIGHWAY, TURRAMURRA

**APPROX TRUE NORTH**

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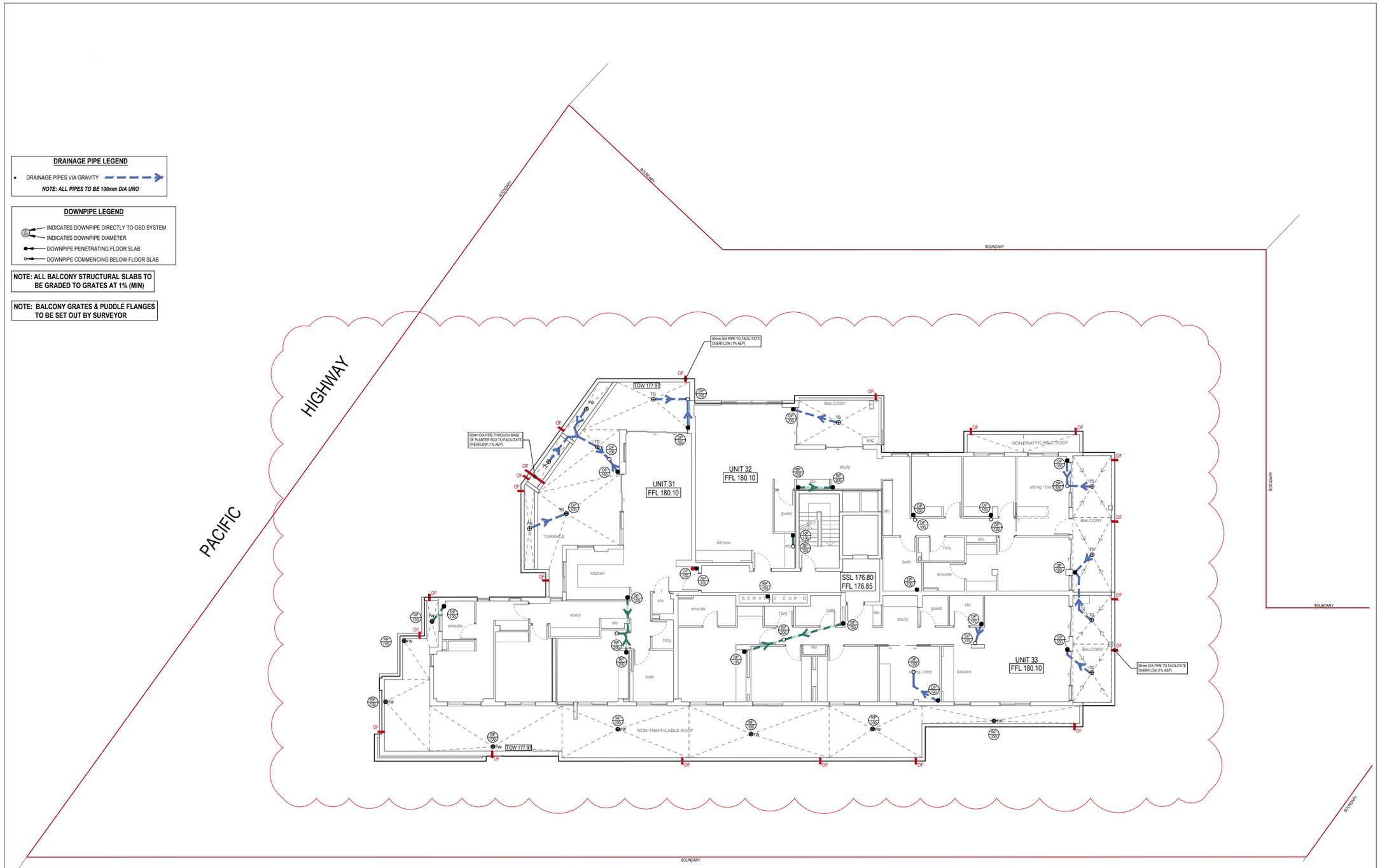
| AS NOTED - A1 | C | SW204 |

**ATTACHMENT NO: 6 – STORMWATER PLANS**

**ITEM NO: GB.4**




LEVEL 4 FLOOR PLAN

1:100 AT A1
1:200 AT A3

| | | | | | | | | | | | | | | |
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| | | | | | C | 17.07.2025 | ISSUED FOR DA MODIFICATION | J.ELTOBBAGI | | AS NOTED - A1 | C | SW208 |

**ATTACHMENT NO: 6 – STORMWATER PLANS**

**ITEM NO: GB.4**




LEVEL 5 FLOOR PLAN

1:100 AT A1
1:200 AT A3

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NER(1032208) RPEQ(25464)
APEC Engineer IntPE(Aus)

**CLIENT**
NORTHERN GROUP PTY LTD

**ARCHITECT**
zhinar

**DRAWING TITLE**
LEVEL 5 FLOOR PLAN

**PROPOSED RESIDENTIAL FLAT BUILDING**
Lots 2 & 8, 1183-1185 PACIFIC HIGHWAY, TURRAMURRA

**APPROX TRUE NORTH**
N

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| C | 17.07.2025 | ISSUED FOR DA MODIFICATION | J.ELTOBBAGI |

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| **SCALE - SIZE** | **REVISION** | **DRAWING No.** |
| AS NOTED - A1 | C | SW209 |

ATTACHMENT NO: 6 – STORMWATER PLANS

ITEM NO: GB.4

**DRAINAGE PIPE LEGEND**

- DRAINAGE PIPES VIA GRAVITY

*NOTE: ALL PIPES TO BE 100mm DIA UNO*

**DOWNPIPE LEGEND**

- INDICATES DOWNPIPE DIRECTLY TO OSD SYSTEM
- INDICATES DOWNPIPE DIAMETER
- DOWNPIPE PENETRATING FLOOR SLAB
- DOWNPIPE COMMENCING BELOW FLOOR SLAB

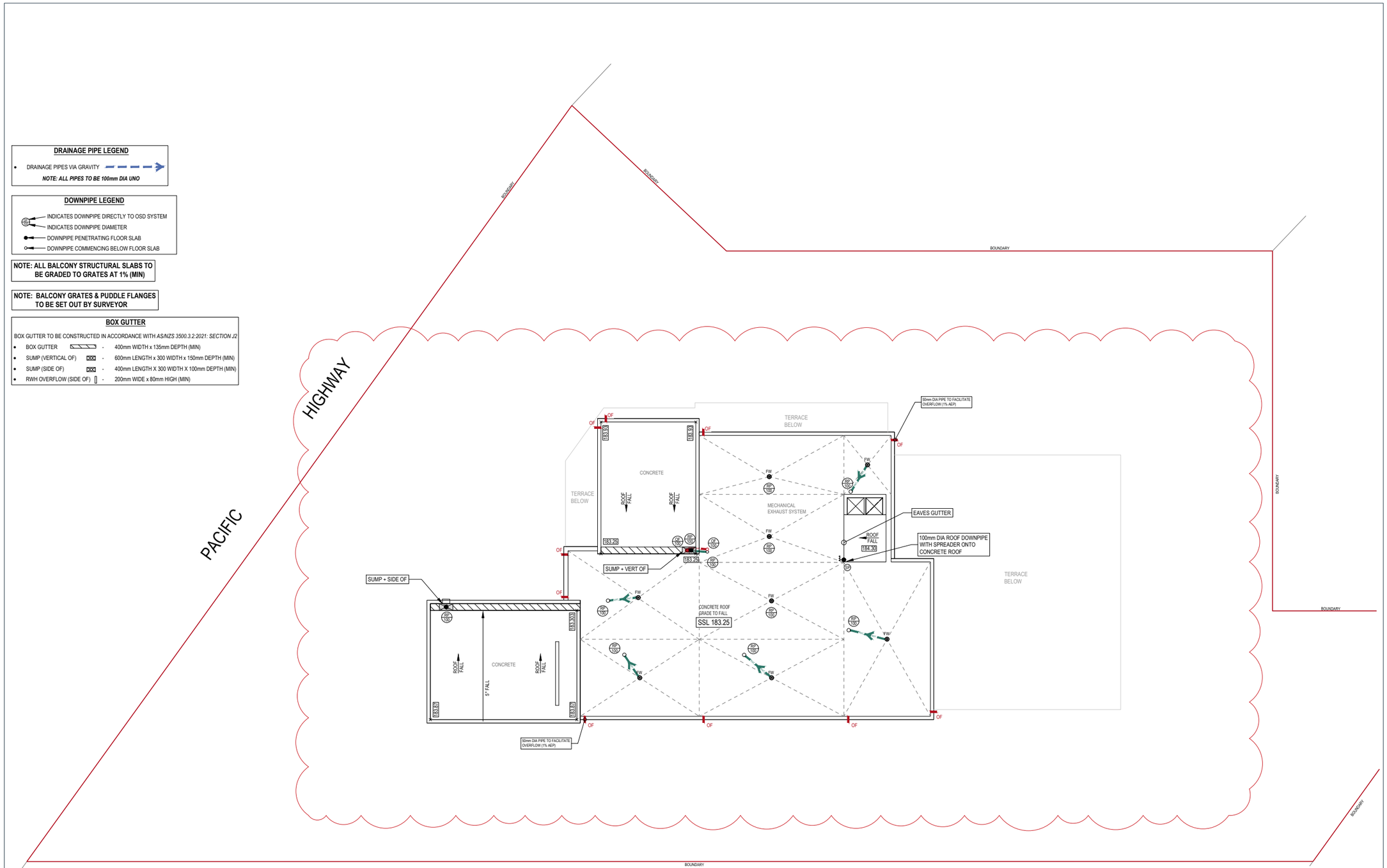
**NOTE: ALL BALCONY STRUCTURAL SLABS TO BE GRADED TO GRATES AT 1% (MIN)**

**NOTE: BALCONY GRATES & PUDDLE FLANGES TO BE SET OUT BY SURVEYOR**

**BOX GUTTER**

BOX GUTTER TO BE CONSTRUCTED IN ACCORDANCE WITH *AS/NZS 3500.3.2:2021: SECTION J2*

- BOX GUTTER - 400mm WIDTH x 135mm DEPTH (MIN)
- SUMP (VERTICAL OF) - 600mm LENGTH x 300 WIDTH x 150mm DEPTH (MIN)
- SUMP (SIDE OF) - 400mm LENGTH X 300 WIDTH X 100mm DEPTH (MIN)
- RWH OVERFLOW (SIDE OF) - 200mm WIDE x 80mm HIGH (MIN)




ROOF PLAN

1:100 AT A1

1:200 AT A3

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
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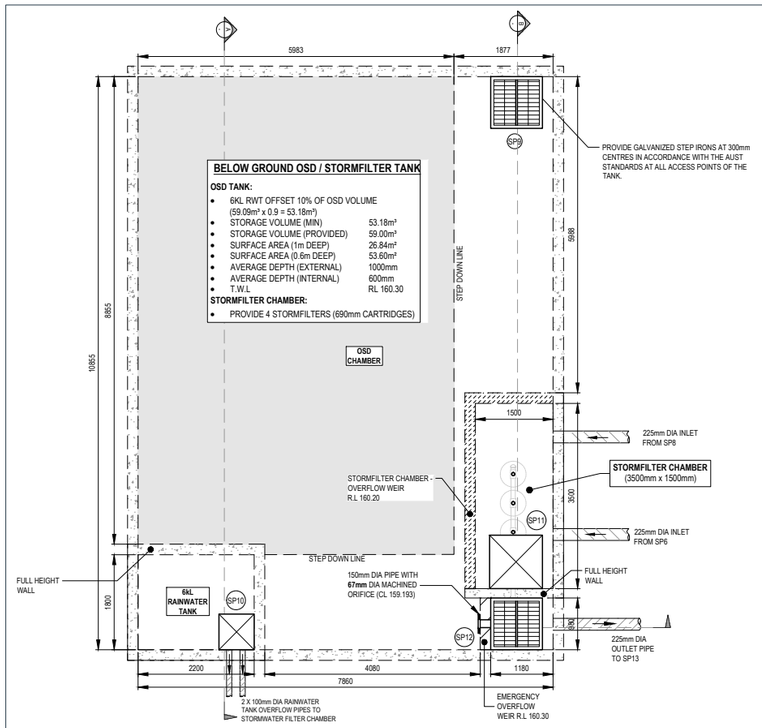
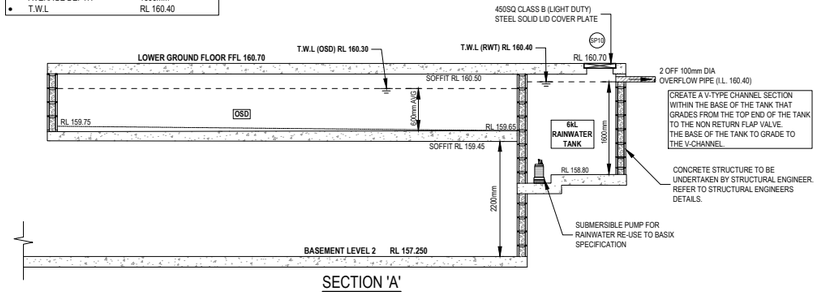


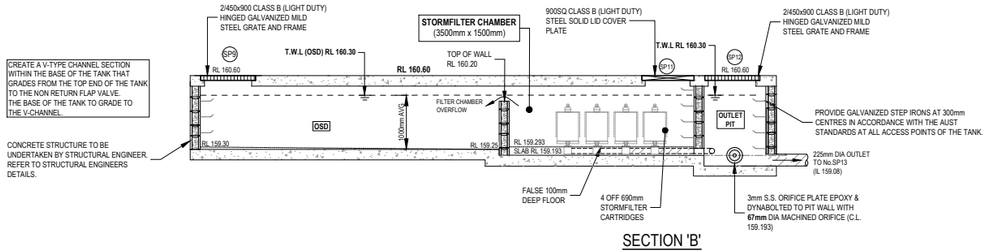

PLAN
1:50

**BELOW GROUND RAINWATER RE-USE TANK**

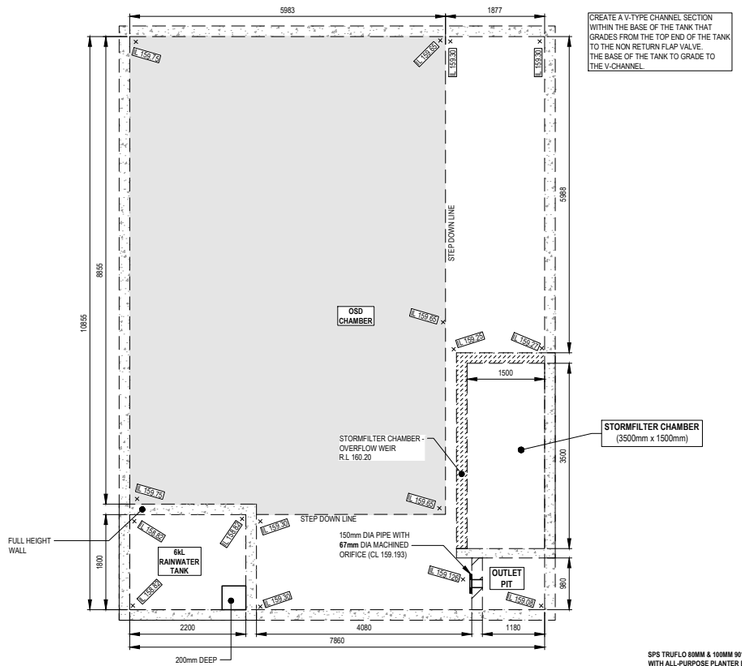
- STORAGE VOLUME (MIN) 6.00m³
- SURFACE AREA (MIN) 3.75m²
- AVERAGE DEPTH 1600mm
- T.W.L RL 160.40



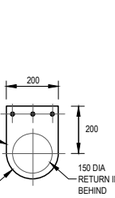

SECTION 'A'
1:50



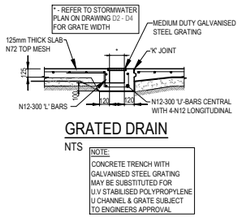

SECTION 'B'
1:50




TANK BASE PLAN
1:50




FLAP VALVE
NTS




GRATED DRAIN
NTS

NOTE:
CONCRETE TRENCH WITH GALVANISED STEEL GRATING MAY BE SUBSTITUTED FOR U.V STABILISED POLYPROPYLENE U CHANNEL & GRATE SUBJECT TO ENGINEERS APPROVAL

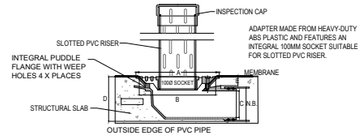



CORNERS: SQUARE
COLOUR: ETCHED AND FILLED BLACK LEGEND ON NATURAL SILVER BACKGROUND
MATERIAL: ALUMINIUM 0.9mm MILL

OSD PLAQUE
NTS

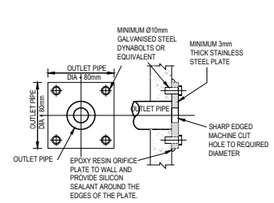
**SPS TRUFLO 80MM & 100MM 90° RWO WITH ALL-PURPOSE PLANTER BOX ADAPTER**

SPECIFICATION CODE:
TIA80/90PB (80MM CI BODY WITH PLANTER BOX INSERT)
TIA100/90PB (100MM CI BODY WITH PLANTER BOX INSERT)

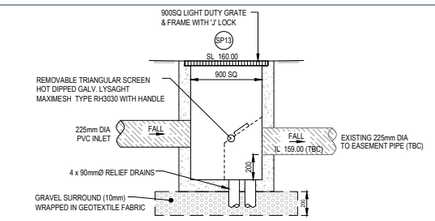



| N.B. | A | B | C | D | E | FLOW RATE L/S |
|---|---|---|---|---|---|---|
| 80 | 260 | 240 | 62 | 115 | 28 | N/A |
| 100 | 260 | 240 | 83 | 140 | 28 | N/A |

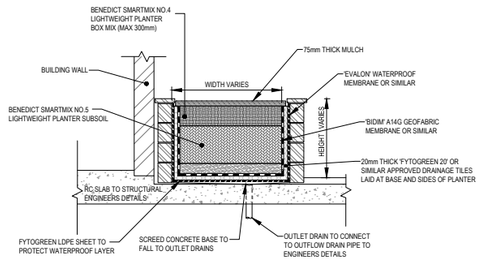
PLANTER GRATE (SPS) - PG
NTS



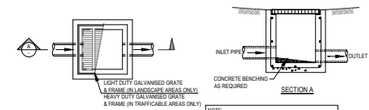

ORIFICE PLATE DETAIL
NTS




SEDIMENT CONTROL PIT SP13
NTS

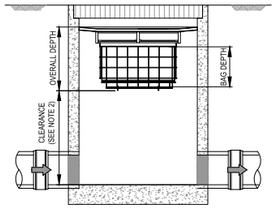



PLANTER BOX - ATLANTIS DRAINAGE
NTS




NOTE:
ALL PROPOSED SITE PITS ARE TO BE CONSTRUCTED IN CONCRETE CAST IN SITU OR ORC. CONTACT QUANTUM ENGINEERS TO DISCUSS POSSIBLE ALTERNATIVES

TYPICAL PIT (SIP)
NTS




'OCEANGUARD'
NTS

| PLAN ID | MAXIMUM PIT PLAN DIMENSIONS |
|---|---|
| S | 450mm x 450mm |
| M | 600mm x 600mm |
| L | 900mm x 900mm |
| XL | 1200mm x 1200mm |

| DEPTH ID | BAG DEPTH | OVERALL DEPTH |
|---|---|---|
| 1 | 170 | 270 |
| 2 | 300 | 450 |
| 3 | 600 | 700 |

| PLAN ID | DEPTH ID 1 | DEPTH ID 2 | DEPTH ID 3 |
|---|---|---|---|
| S | ▪ | | |
| M | ▪ | ▪ | |
| L | ▪ | ▪ | ▪ |
| XL | ▪ | ▪ | ▪ |

GENERAL NOTES

1. THE MINIMUM CLEARANCE DEPENDS ON THE CONFIGURATION (SEE NOTE 2) AND THE LOCAL COUNCIL REQUIREMENTS.
2. CLEARANCE FOR ANY PIT WITHOUT AN INLET PIPE (ONLY USED FOR SURFACE FLOW) CAN BE AS LOW AS 50mm. FOR OTHER PITS, THE RECOMMENDED CLEARANCE SHOULD BE GREATER OR EQUAL TO THE PIPE OBVERT SO AS NOT TO INHIBIT HYDRAULIC CAPACITY.
3. OCEAN PROTECT PROVIDES TWO FILTRATION BAG TYPES - 200 MICRON BAGS FOR HIGHER WATER QUALITY FILTERING AND A COARSE BAG FOR TARGETING GROSS POLLUTANTS.
4. DRAWINGS NOT TO SCALE.

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BE(Civil) MIEAust CPEng
NER(15522/08) RPEQ(22544)
APEC Engineer IntPE(Aus)

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ARCHITECT
zhinar

**DRAWING TITLE**
**OSD AND RAINWATER TANK DETAILS**
**PROPOSED RESIDENTIAL FLAT BUILDING**
Lots 2 & 8, 1183-1185 PACIFIC HIGHWAY, TURRAMURRA

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| **SCALE - SIZE** | **REVISION** | **DRAWING No.** |
| AS NOTED - A1 | C | SW301 |

PROVIDE STABILIZED SITE ACCESS DURING CONSTRUCTION. REFER TO DETAIL

PROVIDE MESH AND GRAVEL INLET FILTER DURING CONSTRUCTION. REFER TO DETAIL

ERECT SEDIMENT FENCE, WHERE SHOWN, DURING CONSTRUCTION. REFER TO DETAIL

**LEGEND:**

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

**DUST CONTROL:**

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

THE FOLLOWING MEASURES MUST BE ADOPTED:

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

**NOTES:**

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

UNIT 1

UNIT 2

WASTE ROOM

OSD

TERRACE

RWT

2 DP 233452

3 DP 233452

1 DP 1240084

(A) - EASEMENT TO DRAIN WATER (1.2m WIDE)

(B) - EASEMENT TO DRAIN WATER (1m WIDE)

PROVIDE SEDIMENT BARRIER AROUND ALL PITS DURING CONSTRUCTION. REFER TO DETAIL

ERECT SEDIMENT FENCE, WHERE SHOWN, DURING CONSTRUCTION. REFER TO DETAIL

PROVIDE SEDIMENT BARRIER AROUND ALL PITS DURING CONSTRUCTION. REFER TO DETAIL

ERECT SEDIMENT FENCE, WHERE SHOWN, DURING CONSTRUCTION. REFER TO DETAIL

## SEDIMENT CONTROL PLAN

1:100 AT A1
1:200 AT A3

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APEC Engineer IntPE(Aus)

**CLIENT**
NORTHERN GROUP PTY LTD

**ARCHITECT**
zhinar

**DRAWING TITLE**
SEDIMENT CONTROL PLAN

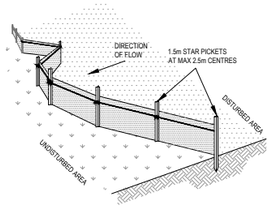
**PROPOSED RESIDENTIAL FLAT BUILDING**
Lots 2 & 8, 1183-1185 PACIFIC HIGHWAY, TURRAMURRA

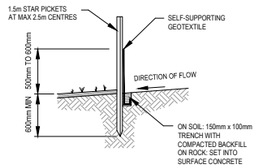
**APPROX TRUE NORTH**

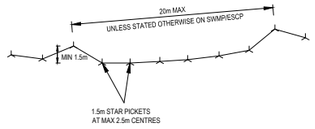
| REVISION | DATE | DESCRIPTION | DESIGNED BY |
|---|---|---|---|
| A | 28.11.2019 | ISSUED FOR DA | J.LI |
| B | 29.09.2023 | ISSUED FOR CC1 | D.CHENG |
| C | 17.07.2025 | ISSUED FOR DA MODIFICATION | J.ELTOBBAGI |

**ISSUED FOR DA**

| CHECKED BY | No. IN SET | JOB NUMBER |
|---|---|---|
| D.CHENG | 11 | 190300-SW |
| **SCALE - SIZE** | **REVISION** | **DRAWING No.** |
| AS NOTED - A1 | C | SW501 |



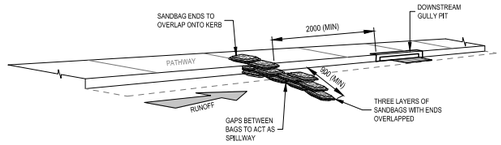



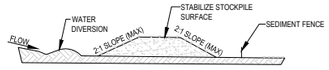

## SEDIMENT FENCE DETAIL
NTS

**CONSTRUCTION NOTES:**

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



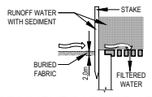

## SANDBAG - KERB SEDIMENT TRAP
NTS




## STOCKPILE
NTS

**NOTE:**

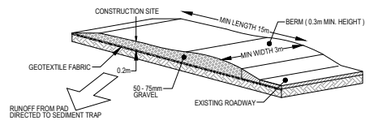
1. PLACE STOCKPILES MORE THAN 2 ( PREFERABLY 5) METRES FROM EXISTING VEGETATION, CONCENTRATED WATER FLOW, ROADS AND HAZARD AREAS.
2. CONSTRUCT ON THE CONTOUR AS LOW, FLAT, ELONGATED MOUNDS.
3. WHERE THERE IS SUFFICIENT AREA, TOPSOIL STOCKPILES SHALL BE LESS THAN 2 METRES IN HEIGHT.
4. WHERE THEY ARE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




## SEDIMENT BARRIER AROUND PIT
NTS

**CONSTRUCTION NOTES:**

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




## STABILIZED SITE ACCESS
NTS

**CONSTRUCTION NOTES:**

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

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CLIENT: NORTHERN GROUP PTY LTD

ARCHITECT: zhinar

**DRAWING TITLE**

**SEDIMENT CONTROL DETAILS**

**PROPOSED RESIDENTIAL FLAT BUILDING**

Lots 2 & 8, 1183-1185 PACIFIC HIGHWAY, TURRAMURRA

**APPROX TRUE NORTH**

N

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| | | | |
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**ISSUED FOR DA**

| CHECKED BY | No. IN SET | JOB NUMBER |
|---|---|---|
| D.CHENG | 11 | 190300-SW |
| **SCALE - SIZE** | **REVISION** | **DRAWING No.** |
| AS NOTED - A1 | C | SW502 |

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# Statement of Environmental Effects

Alterations and Additions to a Residential Flat Building -



1183 Pacific Highway, Turramurra
Lot 8 DP1294710

Prepared for: Prestige Turramurra Pty Ltd
CPS Project No: H279
Date: October 2025

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Prepared by: Kalinda Li, Town Planner

Reviewed by: Scott McInnes, Principal Planner

Authorised by: Scott McInnes, Principal Planner

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# 1.0 Introduction

This Statement of Environmental Effects ('SEE') accompanies an Amending Development Application ('DA') to DA0521/19 (as modified) which, in summary, granted consent to a residential flat building (RFB) development at 1183 Pacific Highway, Turramurra ('the subject site').

This Amending DA utilises the provisions of Section 4.17(1-b) and (5) of the *Environmental Planning and Assessment Act 1979* ('the Act') and Clause 67 of the *Environmental Planning and Assessment Regulation 2021* ('the Regulations').

The proposed changed to DA0521/19 under this amending DA consists of additional extension of the approved structure through the addition of a supplementary storey, as Level 4 and the nomination of eight units across Levels 1 and 2 as affordable housing units. The changes utilise the enabling provisions of Chapter 2 and Chapter 6 of the *State Environmental Planning Policy (Housing) 2021* ('Housing SEPP') to accommodate these changes.

To provide context, on 14 December 2020 Council granted consent by way of deferred commencement to DA0521/19 for the demolition of existing structures and construction of a 5-storey residential flat building containing 35 units, basement parking and associated works at 1183-1185 Pacific Highway, Turramurra (Lots 6 in DP 16292 and Lot 2 in DP 233452). The two lots have since been consolidated into a single allotment, 1183 Pacific Highway, Turramurra (Lot 8 DP1294710) as part of the conditions of consent of DA0521/19. Following the approval of DA0521/19, the application has also been modified three times. Further details are provided in the following section.

The landowner now seeks to utilise the affordable housing incentives provided under Part 2, Division 1 of the Housing SEPP, hence the preparation and lodgement of the subject Amending DA.

This Amending DA will be referred to simply as alterations and additions to a residential flat building and is being lodged for consideration by Ku-ring-gai Council ('Council') pursuant to Section 4.12 of the Act and Section 15C and Section 164 of the Housing SEPP which applies to residential development with at least 10% affordable housing component and is development permitted under an environmental planning instrument.

The subject site is zoned R4 'High Density Residential' under *Ku-ring-gai Local Environmental Plan 2015 (KLEP)*. Development for the purpose of a residential flat building is permitted with consent within the R4 zone under the KLEP 2015.

It is understood that the proposed development exceeds the maximum floor space ratio and height of building controls as prescribed by the KLEP 2015. However, the proposal incorporates the recently introduced low and medium housing uplift and includes an affordable housing component and consequently relies on the provisions within the Housing SEPP to justify the requested floor space ratio and height of building bonuses. Further assessment against the Housing SEPP is provided in the body of this SEE.

This SEE also describes the site, its environs, and the proposed development, and includes an assessment of the proposal pursuant to Section 4.15 of the Act and the relevant provisions of the Regulations.

## 1.1 Development Consent History

A brief outline of the development history of the site is provided in the table below.

**Table 2: Development History**

| Application Number | Application Description | Determination |
|---|---|---|
| **DA0521/19** | Demolition of existing structures and construction of a 5-storey residential flat building containing 35 units, basement parking and associated works | Approved 14/12/2020 |
| **MOD0062/22** | Modification to DA0521/19 proposing changes to the basement parking plan, internal reconfiguration that reduces the number of units to 32 and changes to windows | Approved 08/09/2022 |
| **MOD0109/23** | Modification to DA0521/19 to delete deferred commencement condition 1A and minor internal changes to the floor plans for an approved five-storey residential flat building and basement car parking | Approved 29/11/2023 |
| **eMOD0069/24** | Modification of consent to DA0521/19 (residential flat building) proposing increased building height, relocation of air conditioning units to balconies and roof, addition of a roof top screen for mechanical services, addition of a basement staircase and changes to conditions 1b, 28, 37 and 100 | Approved 18/12/2024 |

# 2.0 Site Description

The subject site is highly irregular in shape with seven site boundary lines at differing bearings, comprising 55.23 metres to the Pacific Highway frontage (south), an eastern side boundary of 72.6 metres, a sawtooth (in alignment) rear boundary, comprising three segments of 18.29 metres (north-east orientation), 13.2 metres (re-entrant western corner) and 21.335 metres (northern orientation). The remaining western side boundary is 32.355 metres in length and includes a bearing change to the north-west for 12.58 metres, terminating at the Pacific Highway frontage. The site has an area of 2,379m$^2$.

The site is on the northern side of the Pacific Highway, Turramurra, between Warrangi Street to the east and Womerah Street to the west. The site is approximately 750 metres walking distance from the entrance to Turramurra Railway Station.

The site had a gentle fall from the Pacific Highway frontage to the north towards the rear of the site. However, it is noted that the excavation works approved under DA0521/19 have now commenced and therefore the site has a change in levels. Refer to for an aerial of the subject site.

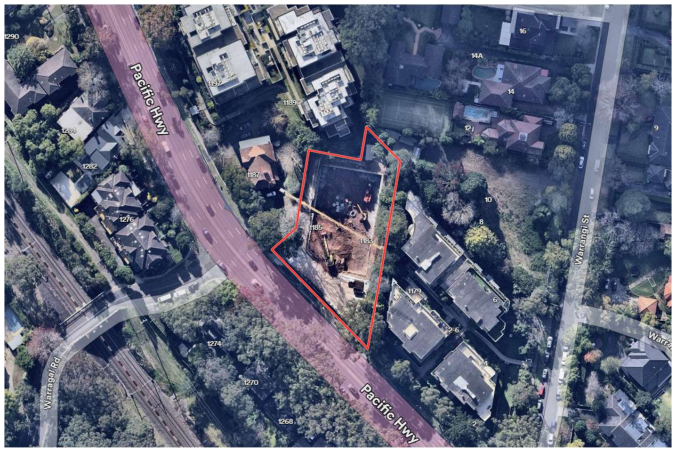


Figure 1 Aerial Image with the subject site delineated in red
Source: Nearmap dated 6 June 2025

The site is not affected by any known constraints that would prevent the introduction of an additional storey to an approved design. All site characteristics have been considered by Council and the applicant as part of the previously approved applications.

### Bushfire

NSW Planning Portal Spatial Viewer indicates that the subject site is no longer mapped as bushfire prone land along the front boundary.

### Flooding

Council's 10.7 Planning Certificate confirms that the site is not within a flood planning area.

### Biodiversity / Vegetation

NSW Planning Portal Spatial Viewer indicates that the subject site is wholly identified on the Natural Resource – Biodiversity under the KLEP 2015 and partially mapped in the southern corner as containing Biodiversity Values.

### Heritage

KLEP 2015 mapping does not identify the subject site as being a heritage item, or within a heritage conservation area. However, the subject site shares a common boundary with the heritage item I794 – Dwelling at 1187 Pacific Highway.

### Other Constraints

No other key environmental constraints have been identified that affect the subject site.

## 2.1 Adjoining Development and Surrounding Locality

The subject site is located within the suburb of Turramurra within the local government area of Ku-ring-gai. The local area is characterised as a high density and medium density residential living area flanked by the Pacific Highway to the south and low density residential to the north. The locality is undergoing urban renewal with existing single dwellings gradually replaced with the recent construction of residential flat buildings and multi dwelling housing (townhouses).

Development adjoining the site to the west is zoned R3 medium density residential and consists of a heritage item at 1187 Pacific Highway, the dwelling is a federation era two storey building constructed of brick with detailing in timber shingles and a terracotta tiled hipped roof. The building is currently used as a dual occupancy.

The site has a northern and eastern interface with land zoned R4 high density residential. Development adjoining the rear boundary to the north at 1 Womerah Street comprises two residential flat buildings accommodating 75 units completed on 18 September 2018. To the east, the site adjoins 2 to 6 Warrangi Street which comprises three residential flat buildings accommodating 59 units completed in 2012.

Development adjoining the rear boundary to the east at 8 to 10 Warrangi Street comprises land zoned R3 medium density residential, the lots were recently amalgamated as part of satisfying a condition of consent included in a Land and Environment Court consent (Appeal No. 263182 of 2016 or DA0330/16) for 11 townhouses and basement car parking. Demolition to remove the two dwellings was authorised under a complying development certificate issued on 17 March 2020 (CCPCA0102/20).

The subject site is the last remaining portion of R4 High Density Residential zoned land in the local area where residential flat buildings are legally permissible under the Ku-ring-gai Local Environmental Plan 2015 and have yet to be developed.

# 3.0 Proposed Development

Development consent is sought for alterations and additions to the previously approved development (DA0521/19) (as modified). The proposal is simplified into two parts: the approved development and the proposed modifications.

## The Approved Development

Development consent DA0521/19 (as modified) already approves the following:

- A five (5) storey residential flat building containing 32 apartments.
- Communal open space at ground level and on the rooftop.
- Three (3) basement levels providing 53 parking spaces.

All associated site works, including vehicular access, road reserve works, and the stormwater management system.

## Proposed Modifications and Additions

The proposal seeks to make minor alterations and additions to the approved development, primarily to provide affordable housing in line with the State Environmental Planning Policy (Housing) 2021.

The modifications are straightforward and can be summarised as:

- **Insert a New Storey:** Add a new Level 4 to accommodate three new apartments (Apartments 31, 32, and 33).

- **Relocate the Top Floor:** Move the previously approved top floor—containing Apartments 34 and 35 and the rooftop communal open space—up one level to become the new Level 5. Minor design changes are proposed to this relocated floor.

- **Designate Affordable Housing:** Nominate eight existing, already approved apartments on Levels 1 and 2 as affordable housing. No physical changes are proposed to these apartments.

This results in a modest increase from 32 to 35 apartments within a new six-storey building, with 13.71% of the maximum allowable Gross Floor Area being dedicated to 8 affordable housing units.

- The amended unit mix is as follows:
    - Total Units: 35 units across six (6) storeys.

- Mix:
    - Three (3) x one-bedroom units (two of which are affordable housing).
    - Nineteen (19) x two-bedroom units (six of which are affordable housing).
    - Nine (9) x three-bedroom units.
    - Four (4) x four-bedroom units.

Reference is made to section 4.6 of this report for further details on how this Amending DA is sought regarding the relevant provisions of the Regulations.

The proposed works are described in detail below:

## 3.1 Basement Carparking and Parking

The approved fifty-three (53) vehicle parking spaces across three basement levels, comprising forty-four (44) resident parking spaces (including 5 accessible spaces) and nine (9) visitor spaces remains unchanged as approved. Approved vehicular access from Pacific Highway also remains unchanged.

## 3.2 Lower Ground and Upper Ground Levels

The approved building envelope and internal layout remains unchanged as approved.

## 3.3 Typical Levels 1 and 2

The approved building envelope and internal layout remains unchanged as approved. However, Units 10, 11, 16, 17, 18, 19, 24 and 25 are to be attributed to affordable housing.

## 3.4 Level 3

The approved building envelope and internal layout remains unchanged as approved.

## 3.5 Proposed Level 4

The proposed new level to be inserted will consist of one (1) three-bed unit and two (2) four-bed units. The new level sits on the same floorplate as the below level and has been designed to with the same building envelope.

## 3.6 Level 5 (Previously Level 4)

Although the level has been raised, the approved building envelope, internal layout and communal terrace open space remains unchanged.

## 3.7 Landscaping

Approved deep soil areas and landscaping remains unchanged as approved.

## 3.7 Summary of Proposed Changes

Key features of the design which contribute to the amenity of the proposed development include:

- 80% of all units (28 of 35 units) achieve direct solar access to living rooms for 2 hours between 8am and 3pm at midwinter;
- 85.7% of all units (30 of 35 units) are naturally cross ventilated.

The following table provides a summary of the proposed amendments in comparison to the current development consent.

**Table 4: Comparison of Approved Development and Proposed Development**

| Component | Approved Development | Proposed Development | Change |
|---|---|---|---|
| **Number of Dwellings** | Thirty-two units (32) | Thirty-five units (35) | Increase of three (3) units |
| **Building Height** | 19.09m | 22.29m(162.01 – 184.30) | Increase of 3.2m |
| **Storeys** | Five (5) storeys | Six (6) storeys | Increase of one (1) storey |
| **No. of Basement Levels** | Three (3) | Rely on approved basement subject to minor changes | Unchanged |
| **Parking Spaces** | Fifty-three (53) car parking spaces:<br>• 44 resident spaces (inclusive of 5 accessible spaces)<br>• 9 visitor spaces<br><br>Eleven (11) bicycle parking spaces:<br>• 7 resident spaces<br>• 4 visitor spaces | Fifty-three (53) car parking spaces:<br>• 44 resident spaces (inclusive of 5 accessible spaces)<br>• 9 visitor spaces<br><br>Eleven (11) bicycle parking spaces:<br>• 7 resident spaces<br>• 4 visitor spaces | Unchanged |
| **Vehicular Access** | Via Pacific Highway | Rely on approved access | Unchanged |
| **Gross Floor Area** | 3,167.6m$^2$ | 3,632.1m$^2$ | Increase of 464.5m$^2$ |
| **Floor Space Ratio** | 1.33:1 | 1.526:1 | 14.79% increase |

| Table 4: Comparison of Approved Development and Proposed Development | | | |
|---|---|---|---|
| Component | Approved Development | Proposed Development | Change |
| **Dwelling Mix** | • 3 x one-bedroom<br>• 19 x two-bedroom<br>• 8 x three-bedroom<br>• 2 x four-bedroom | • 3 x one-bedroom (2 affordable housing)<br>• 19 x two-bedroom (6 affordable housing)<br>• 9 x three-bedroom<br>• 4 x four-bedroom | Increase of one (1) three-bed unit and two (2) four-bed units<br><br>Two (2) existing one-bed units and six (6) existing two-bed units are attributed to the affordable housing component of the development. |
| **Site Coverage** | 715.5m$^2$ (30%) | 715.5m$^2$ (30%) | Unchanged |
| **Communal Open Space** | 254.1m$^2$ (10.68%) | 254.1m$^2$ (10.68%) | Unchanged |
| **Deep Soil Area** | 1,116.6m$^2$ (46.9%) | 1,116.6m$^2$ (46.9%) | Unchanged |

# 4.0 Planning Assessment

This part provides an assessment of the environmental impacts of the proposed development including explanations of how the proposal seeks to minimise any impacts. The assessment is based on the matters for consideration under Section 4.15(1) of the EP&A Act 1979.

## 4.1 Environmental Planning and Assessment Act 1979

### 4.1.1 Section 1.3 Objects of the Act

The objects of this Act are as follows—

*(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*

*(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*

*(c) to promote the orderly and economic use and development of land,*

*(d) to promote the delivery and maintenance of affordable housing,*

*(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*

*(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
*(g) to promote good design and amenity of the built environment,*
*(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
*(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
*(j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposal achieves the objectives. The proposal will increase the availability of affordable housing stock within the locality whilst maintaining the intended future character of the precinct. The proposal acceptably adheres to ecologically sustainable development principles and is an orderly and economic development use of the land that provides for a fit for purpose accommodation to support the growing demand for housing supply and affordable housing.

The proposal does not adversely affect any protected or threated species or vegetation communities and will not compromise any elements of built or cultural heritage. Additionally, the proposal will provide a high level of amenity to the occupants of the development and will not compromise the existing amenity currently available to neighbouring properties.

## 4.2 State Planning Instruments

### 4.2.1 State Environmental Planning Policy (Housing) 2021

**Chapter 2 – Affordable Housing**

The objective of Part 2, Division1 In-Fill Affordable Housing is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low-, low- and moderate-income households.

This Amending DA is being lodged pursuant to clause 15C(1) of the Housing SEPP that applies to development that includes residential development if—

*(a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and*
*(b) the affordable housing component is at least 10%, and*
*(c) all or part of the development is carried out—*
*(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or*
*(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.*

The subject development is development permitted with consent under the KLEP 2015 which is an environmental planning instrument. The proposed development comprises of an affordable housing component of 13.71% and is located on land in the Six Cities Region in an accessible area.

Schedule 10 Dictionary defines accessible area means land within –

*(a) 800m walking distance of—*
*(i) a public entrance to a railway, metro or light rail station, or*
*(ii) for a light rail station with no entrance—a platform of the light rail station, or*
*(iii) a public entrance to a wharf from which a Sydney Ferries ferry service operates, or*
*(b) (Repealed)*
*(c) 400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between—*
*(i) 6am and 9pm each day from Monday to Friday, both days inclusive, and*
*(ii) 8am and 6pm on each Saturday and Sunday.*

The subject site is located 750m walking distance to the public entrance of Turramurra Station in accordance with (a)(i). The subject site is also located within 400m walking distance to the following two bus stops which are serviced by the 575 Hornsby to Macquarie University via Turramurra route that runs every half an hour Monday to Sunday:

- 160m walking distance to Pacific Hwy after Warrangi St Stop (Bus Stop ID: G207326)
- 190m walking distance to Pacific Hwy at Womerah St Stop (Bus Stop ID: G207421)

The distance has been calculated in accordance with the definition of 'walking distance' which means *the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.*

The below table provides an assessment of the proposed development against the relevant provisions of Chapter 2:

**Table 5: Assessment against Chapter 2 of the Housing SEPP 2021**

| Section | Comment |
|---|---|
| **15C Development to which division applies** | |
| (1) This division applies to development that includes residential development if— | |
| (a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and | The proposed residential flat building is permitted with consent under the KLEP 2015 and is also permitted with consent under Chapter 6 of the Housing SEPP. |
| (b) the affordable housing component is at least 10%, and | The affordable housing component is 13.71%. |
| (c) all or part of the development is carried out— | |

| Table 5: Assessment against Chapter 2 of the Housing SEPP 2021 | |
|---|---|
| **Section** | **Comment** |
| (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or<br>(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone. | The development is on land located in the Six Cities Region and is in an accessible area as discussed above. |
| (2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division. | The affordable housing component is not proposed due to a requirement under another chapter of the Housing SEPP or another environmental planning instrument or planning agreement. |
| (2A) This division does not apply to development on land—<br>(a) identified as an "Accelerated TOD Precinct" on the *Accelerated Transport Oriented Development Precincts Rezoning Areas Map*, or<br>(b) identified as the Warrawong Site on the *State Significant Development Sites Map*, within the meaning of *State Environmental Planning Policy (Planning Systems) 2021*, Chapter 2. | The subject site is not land identified as an 'Accelerated TOD Precinct'.<br><br>The subject site is not land identified as the Warrawong site. |
| **16 Affordable housing requirements for additional floor space ratio** | |
| (1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2). | The proposed development seeks to provide 13.71% affordable housing which allows a FSR bonus of 27.42%. The KLEP 2015 prescribes a maximum FSR of 1:1. However, it is noted that the subject site is land to which Chapter 6 of the Housing SEPP applies, and therefore the non-discretionary development standard of a maximum FSR of 1.5:1 is applicable. (Refer to section below for assessment against Chapter 6 of the Housing SEPP) |
| (2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—<br>$\text{affordable housing component} = \frac{\text{additional floor space ratio (as a percentage)}}{2}$ | In accordance with the formula provided in s16(2), the additional floor space ratio (as a percentage) is 27.42%<br><br>Therefore, the maximum allowable FSR after bonus is 1.9113:1 (1.5 x 1.2742).<br><br>A FSR of 1.526:1 is proposed. |

| Table 5: Assessment against Chapter 2 of the Housing SEPP 2021 | |
|---|---|
| **Section** | **Comment** |
| (3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1). | The subject development is a residential flat building and therefore the same bonus applies to additional building height.<br><br>As noted above, Chapter 6 of the Housing SEPP is applicable and therefore the non-discretionary development standard of a maximum height of building of 17.5m is applicable.<br><br>In accordance with the bonus formula provided, the maximum allowable height of building is 22.298m (17.5 x 1.2742).<br><br>A maximum of 22.289m is proposed. |
| (4) This section does not apply to development on land for which there is no maximum permissible floor space ratio. | The KLEP 2015 prescribes a maximum permissible floor space ratio to the subject land. |
| **17 Additional floor space ratio for relevant authorities and registered community housing providers** | |
| N/A. The development is not proposed or undertaken by a relevant authority or registered community housing provider. | |
| **18 Affordable housing requirements for additional building height** | |
| (1) This section applies to development that includes residential development to which this division applies if the development—<br>(a) includes residential flat buildings or shop top housing, and<br>(b) does not use the additional floor space ratio permitted under section 16.<br>(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3). | This section does not apply as the development utilises section 16 for additional floor space ratio and height of building. |
| (3) The minimum affordable housing component, which must be at least 10%, is calculated as follows— | |

| Table 5: Assessment against Chapter 2 of the Housing SEPP 2021 | |
|---|---|
| **Section** | **Comment** |
| $\text{affordable housing component} = \frac{\text{additional building height (as a percentage)}}{\div 2}$ | |
| **19 Non-discretionary development standards—the Act, s 4.15** | |
| (2) The following are non-discretionary development standards in relation to the residential development to which this division applies— | |
| (a) a minimum site area of 450m$^2$, | The subject site has an area of 2,379m$^2$ |
| (b) a minimum landscaped area that is the lesser of—<br>(i) 35m$^2$ per dwelling, or<br>(ii) 30% of the site area, | 30% of the site is the lesser of (i) and (ii), and requires an area of 713.7m$^2$. 1,116.6m$^2$ (46.9%) of deep soil area has been provided (unchanged from the approved development under eMOD0069/24.) |
| (c) a deep soil zone on at least 15% of the site area, where—<br>(i) each deep soil zone has minimum dimensions of 3m, and<br>(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site, | This standard does not apply to the development, as Chapter 4 applies to the development. |
| (d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter, | This standard does not apply to the development, as Chapter 4 applies to the development. |
| (e) the following number of parking spaces for dwellings used for affordable housing—<br>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,<br>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,<br>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space, | The development consists of two 1-bed units and six 2-bed units used for affordable housing.<br>• 2 x 0.4 = 0.8 spaces<br>• 6 x 0.5 = 3 spaces<br><br>Therefore, a total of 3.8 spaces is required for dwellings used for affordable housing and is accommodated in the approved basement car park. |
| (f) the following number of parking spaces for dwellings not used for affordable housing—<br>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,<br>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,<br>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces, | The development consists of one 1-bed unit, thirteen 2-bed units, nine 3-bed units and four 4-bed units that are not used for affordable housing.<br>• 1 x 0.5 = 0.5 spaces<br>• 13 x 1 = 13 spaces<br>• 13 x 1.5 = 19.5 spaces<br><br>Therefore, a total of 33 spaces is required for dwellings not being used for affordable housing. |

| Table 5: Assessment against Chapter 2 of the Housing SEPP 2021 | |
|---|---|
| **Section** | **Comment** |
| | A total of 53 car parking spaces is provided across three levels of car parking which exceeds the non-discretionary standard prescribed in (e) and (f). |
| (g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development, | The development achieves the minimum internal area as specified in the Apartment Design Guide. Refer to Table 4 for further assessment. |
| (h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide, | This standard does not apply to the development as the development is a residential flat building. |
| (i) if paragraphs (g) and (h) do not apply, the following minimum floor areas—<br>(i) for each dwelling containing 1 bedroom—65m2,<br>(ii) for each dwelling containing 2 bedrooms—90m2,<br>(iii) for each dwelling containing at least 3 bedrooms—115m2 plus 12m2 for each bedroom in addition to 3 bedrooms. | This standard does not apply to the development as (g) applies to the development. |
| (3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies. | Chapter 4 applies to the development and therefore (2)(c) and (d) do not apply. |
| **20 Design requirements** | |
| (1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy. | (1) does not apply as Chapter 4 applies to the development. |
| (2) Subsection (1) does not apply to development to which Chapter 4 applies. | Noted as above. |
| (3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— | The proposed development is essentially is the alteration of the top floor of the approved development under eMOD0024/69, by inserting a new level below the top floor, The development is therefore largely retained and will continue to meet the desired future characteristics of the local area and |

| Table 5: Assessment against Chapter 2 of the Housing SEPP 2021 | |
|---|---|
| **Section** | **Comment** |
| (a) the desirable elements of the character of the local area, or<br>(b) for precincts undergoing transition—the desired future character of the precinct. | reflect the increasingly high-density residential transition of the locality. |
| **21 Must be used for affordable housing for at least 15 years** | |
| (1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—<br>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and<br>(b) the affordable housing component will be managed by a registered community housing provider. | To be included as part of the conditions of consent. |
| (2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation. | The subject development is not carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation. |
| **22 Subdivision permitted with consent** | |
| Land on which development has been carried out under this division may be subdivided with development consent. | Subdivision is not proposed. |

### Chapter 4 – Design of Residential Apartment Development

The aim of this Chapter is to improve the design quality of residential apartment development in New South Wales. This Chapter applies to residential flat buildings, shop top housing or mixed-use development that comprise 3 or more storeys, and 4 or more dwellings.

Clause 29 of the *Environmental Planning and Assessment Regulation 2021* requires that a development application that relates to residential apartment development must be accompanied by a statement prepared by a qualified designer. In the statement, the qualified designer is required to:

*(a) verify that the qualified designer designed, or directed the design of, the development, and*

*(b) explain how the development addresses—*
*(i) the design principles for residential apartment development, and*
*(ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.*

Anna Ho (Registration Number 10897) of Zhinar Architects, a registered architect in accordance with the *Architects Act 1921*, has directed the design.

The design quality principles have been addressed in the Design Verification Statement.

Clause 18 nominates three (3) non-discretionary development standard that, if met by a development, constitute matters on which the application cannot be refused. The criteria are:

*(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*
*(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,*
*(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.*

The proposal can achieve each of these criteria, and therefore cannot be refused on the grounds of car parking, apartment size or ceiling height.

### *The Apartment Design Guide*

Clause 149 indicates that a requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide (ADG) also specifies a requirement, standard or control in relation to the same matter—

(a) visual privacy,
(b) solar and daylight access,
(c) common circulation and spaces,
(d) apartment size and layout,
(e) ceiling heights,
(f) private open space and balconies,
(g) natural ventilation,
(h) storage.

The ADG, is a publication of the Department of Planning and Environment, dated June 2015. The ADG does not contain development standards, it does contain objectives that describe desired design outcomes for residential apartment developments, and design criteria that provide measurable requirements for how these objectives can be met.

The table below summarises the objectives of the ADG in relation to the siting and design of the proposed alterations and additions to the approved development and addresses explicit Design Criteria provided.

**Table 6: Assessment against the Apartment Design Guide**

| Section | Comment |
|---|---|
| **Part 3 Siting the Development** | |
| 3A Site analysis | Complies. The proposed development has been designed in response to the extensive site analysis undertaken and is compatible with the locality, and achieves the desired character as prescribed by the KDCP 2024. Site analysis will be further addressed in the Design Verification Statement. |
| 3B Orientation | Complies. The proposed development largely conforms to the approved built form approved under eMOD0069/24. The proposed building is aligned with the surrounding building morphology, streetscape, and street grid. The orientation and building separation have been designed to ensure appropriate solar access to the subject development and surrounding developments. Further details are provided with the Design Verification Statement. |
| 3C Public domain interface | Complies. Access from the public street to the building entries provide safe access, and passive surveillance of all areas is provided from the proposed balconies. Additional footpath and landscaping works are proposed to integrate the development with the public domain. Further details are provided with the Design Verification Statement. |
| 3D Communal and Public Open Space | Complies. A total of 254.1m$^2$ (10.68%) of communal open space is provided, and is unchanged from eMOD0069/24. The communal open space will consist of high-quality landscaping to promote amenity and usability. 50% of the principal useable parts of the communal open space achieve a minimum of 2 hours direct sunlight between 9:00 am and 3:00pm on 21st June. Refer to Architectural Plans and Design Verification Statement. |
| 3E Deep Soil Zones | Complies. A total of 1,116.6m$^2$ (46.9%) of deep soil is provided as approved which exceeds the required 15% of site area for lots greater than 1,500m$^2$. Refer to Architectural Plans. Further details are provided with the Design Verification Statement. |
| 3F Visual Privacy | Complies. The separation distances comply with the minimum dimensions. The internal separation distances throughout the site meet or exceed the distances suggested in the Apartment Design Guide. Refer to Architectural Plans. Further details are provided with the Design Verification Statement. |

| Table 6: Assessment against the Apartment Design Guide | |
|---|---|
| Section | Comment |
| 3G Pedestrian Access and Entries | Complies. Proposed entry addresses the streetscape, and entry points and access from the public domain are as approved and clearly identifiable and legible. |
| 3H Vehicle Access | Complies. Car park and loading access points are consolidated to minimise interruption to street frontages. The vehicle access points are clear and legible, and separated from pedestrian entries to separate the movements of each. |
| 3J Bicycle and Car Parking | Complies. A total of 53 off-street car parking spaces comprising of 44 resident parking spaces (of which includes 5 accessible spaces). The ADG specifies that sites within 800m of a railway station or light rail stop can satisfy the minimum parking requirements specified in the RMS "Guide to Traffic Generating Developments" (October 2002). It is noted that the guide has now been superseded and replaced by the 'Guide to Transport Impact Assessment' (November 2024). Under the new guide, the subject site sits in Category 2, and the same car parking rates as the 2002 continue to apply.<br>• 3 1-bed x 0.6 = 3 spaces<br>• 22 2-bed x 0.9 = 19.8 spaces<br>• 11 3+bed x 1.4 = 15.4 spaces<br>• 1 space per 5 units for visitors = 7.2 spaces<br>• Total = 44.2 spaces<br><br>As such, the approved car parking provision under eMOD0069/24continues to comply for the proposed development.<br>7 bicycle spaces for residents and 4 bicycle spaces for visitors is provided as approved under eMOD0069/24. |
| **Part 4 Designing the Building** | |
| ***Amenity*** | |
| 4A Solar and Daylight | Complies. 80% of all units (28 of 35 units) achieve direct solar access to living rooms for 2 hours between 8am and 3pm at midwinter. |
| 4B Natural Ventilation | Complies. 85.7% of all units (30 of 35 units) are naturally cross ventilated. Openable windows are proposed for all habitable rooms. |
| 4C Ceiling Heights | Complies. The floor-to-floor heights of the residential levels allow for 2.7m ceilings to all living areas and bedrooms. Refer to Architectural Plans for more detail. |
| 4D Apartment Size and Layout | Complies. All individual units and rooms meet the minimum internal area as required by this section. Refer to Architectural Plans for more detail. |

| Table 6: Assessment against the Apartment Design Guide | |
|---|---|
| Section | Comment |
| 4E Private Open Space and Balconies | Complies. All individual balconies meet the minimum balcony sizes as required by this section. Further details are provided with the Design Verification Statement. |
| 4F Common circulation and spaces | Complies. A single lift serves all nine levels with the maximum number of units at each level ranging from 2-8 units. Further details are provided with the Design Verification Statement. |
| 4G Storage | Complies. All apartment storage meets or exceeds the minimum standard. Further details are provided with the Design Verification Statement. |
| 4H Acoustic Privacy | Complies. Acoustic privacy has been considered in the design of the proposed development. Further details are provided with the Design Verification Statement. |
| 4J Noise and Pollution | Complies. Noise and pollution have been considered in the design of the proposed development. Further details are provided with the Design Verification Statement. |
| ***Configuration*** | |
| 4K Apartment Mix | Complies. The development incorporates a mix of 1-, 2-, 3- and 4-bedroom apartments to cater to market needs. |
| 4L Ground Floor Apartments | Complies. The safety and amenity of ground floor units have been considered in the design of the proposed development. Further details are provided with the Design Verification Statement. |
| 4M Facades | Complies. The proposed facades adequately address the surrounding context and have been considered in the design of the proposed development. Further details are provided with the Design Verification Statement. |
| 4N Roof Design | Complies. The roof design remains the same as the approved roof scheme under eMOD0069/24. Further details are provided with the Design Verification Statement. |
| 4O Landscape Design | Complies. Landscaping includes a diverse range of species. The landscape design remains are approved. Further details are provided with the submitted Landscape Plan and Design Verification Statement. |
| 4P Planting on Structures | Complies. As above. |
| 4Q Universal Design | Complies. At least 15% of apartments are capable of achieving the Liveable Housing Guidelines platinum level. Refer to Architectural Plans. |

| Table 6: Assessment against the Apartment Design Guide | |
|---|---|
| Section | Comment |
| 4R Adaptive Reuse | N/A. |
| 4S Mixed Used | N/A. |
| 4T Awnings and Signage | N/A. |
| ***Performance*** | |
| 4U Energy Efficiency | Complies. Passive environmental design features are provided. Further details are provided with the Design Verification Statement and updated BASIX Report. |
| 4V Water Management and Conservation | Complies. Further details are with the BASIX Report and Addendum Stormwater Engineering Plans. |
| 4W Waste Management | Complies. Refer to updated Operational Waste Management Plan submitted with this application. Further details are provided with the Design Verification Statement. |
| 4X Building Maintenance | Complies. Durable materials and finishes are selected and service areas are well located. Further details are provided with the Design Verification Statement. |

## Chapter 6 – Low and Mid-Rise Housing

The aim of this chapter is to encourage the development of low and mid-rise housing in areas that are well located with regard to goods, services and public transport. Part 1, section 163 defines the following relevant terms.

***low and mid-rise housing area*** means land within 800m walking distance of—

(a) land identified as "Town Centre" on the *Town Centres Map*, or
(b) a public entrance to a railway, metro or light rail station listed in Schedule 11, or
(c) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.

***low and mid-rise housing outer area*** means land between 400m and 800m walking distance of—

(a) land identified as "Town Centre" on the *Town Centres Map*, or
(b) a public entrance to a railway, metro or light rail station listed in Schedule 11, or
(c) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.

As shown in the below Low and Mid-Rise Housing Interactive Map, the subject site sits approximately 433m walking distance to Turramurra Station and town centre. As such the subject site is identified as low and mid-rise housing area, and more specifically, low, and mid-rise housing outer area.




Figure 2 Low and Mid-Rise Housing Policy Indicative Map demonstrating the site outlined in yellow dash.
**Source:** Spatial Portal, Department of Planning, Industry and Environment

Part 4 of Chapter 6 outlines provisions relating to residential flat buildings and shop top housing in low- and mid-rise housing areas.

Clause 175 states that development consent must not be granted for development for the purposes of residential flat buildings with a building height of up to 22m unless the consent authority is satisfied the building will have 6 storeys or fewer. However, it also further states that a storey does not include a basement within the meaning of the standard instrument.

The proposed development consists of three levels of basement, and six storeys, and therefore is development permissible under Part 4 of Chapter 6.

> ***180 Non-discretionary development standards—residential flat buildings and shop top housing in Zone R3 or R4***
> *(2) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing outer area—*
> *(a) a maximum floor space ratio of 1.5:1,*
> *(b) a maximum building height of 17.5m.*

The subject development is a residential flat building on land zoned R4, and located within a low and mid rise housing outer area. As such, the maximum FSR applicable to the site is 1.5:1 and the maximum building height applicable to the site is 17.5m.

### 4.2.2 State Environmental Planning Policy (Resilience and Hazards) 2021

**Chapter 4 – Remediation of Land**

*State Environmental Planning Policy (Resilience and Hazards) 2021* (RH SEPP) applies to the site. Clause 4.6 requires a consent authority to consider the contamination status of the land and be satisfied the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

The site has not been identified as having any statutory notices and licensing agreements issued under the *Contaminated Lane Management Act 1997* and *Protection of the Environment Operations Act 1997*. The site is not included on the list of NSW Contaminated Sites Notified to the EPA.

The site is presently vacant. Development consent has been issued for the uses under the previous development application DA0521/19, which is sought to be amended under this DA. The proposal does not incorporate any changes that would require further consideration under this SEPP.

### 4.2.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

**Chapter 2 – Infrastructure –***Division 17 Roads and Traffic*

Clause 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP) has been consideration in preparation this DA as the site has a frontage to Pacific Highway, which is a classified road, in this regard the clause states:

> *(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
> *(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
> *(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
> *(i) the design of the vehicular access to the land, or*
> *(ii) the emission of smoke or dust from the development, or*
> *(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
> *(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

MOD0062/22 approved changes to the basement parking plan. The application was referred to Transport for NSW (TfNSW) for comment and the approved basement vehicular access onto the Pacific Highway onto the slip lane was found by TfNSW to be acceptable. There are no changes proposed to the approved vehicular access and parking.

As such, the proposal is not considered to impact upon the ongoing safety, efficiency, and ongoing operation of Pacific Highway which will ensure compliance with the requirements of Clause 2.119 of the SEPP.

Clause 2.120 of the SEPP requires consideration due to the impact of road noise and vibration on the proposed development, in this regard the clause states:

*(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—*
*(a) residential accommodation,*
*(b) a place of public worship,*
*(c) a hospital,*
*(d) an educational establishment or centre-based child care facility.*

*(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.*

*(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*
*(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
*(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom, or hallway)—40 dB(A) at any time.*

The proposed development is committed to implementing appropriate measures to ensure compliance with Clause 2.120 of the SEPP. This includes adopting all relevant recommendations outlined in the Traffic Noise Assessment, which thoroughly evaluated the potential noise generation and intrusion of the proposed residential flat building development as part of the original application DA0521/19. The assessment was conducted against the noise criteria established by Ku-ring-gai Council and other applicable standards.

A comprehensive noise and vibration survey was carried out, and the resulting data was utilized to determine the impact of traffic and rail noise from Pacific Highway on the project site. Based on the findings of the study, the development met both the Ku-ring-gai Council and TI SEPP noise criteria, if the report's recommendations are implemented.

In line with Clause 2.122 Traffic generating development, Schedule 3 of the TI SEPP has been taken into consideration during the preparation of this application. The schedule identifies the types of traffic generating development that necessitate referral to the TfNSW. Accordingly, referral to TfNSW is required for this application.

### 4.2.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

**Chapter 2 – Vegetation in Non-Rural Area**

The aims of this Chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

It is noted that the southern corner of the site contains land that is mapped as containing biodiversity values. However, the previous consents issued to the site allowed for the removal of all vegetation to accommodate the approved development. Noting this, no further comment regarding the provisions of this SEPP is required.




**Figure 3** Extract of Biodiversity Values Map with the site delineated in yellow dash
**Source**: NSW Planning Portal Spatial Viewer

### 4.2.5 State Environmental Planning Policy (Sustainable Buildings) 2022

**Chapter 2 – Standards for Residential Development – BASIX**

The residential component of the proposed development is subject to the provisions contained within 'Chapter 2 – Standards for residential development' of this SEPP.

As such, a BASIX certificate 1059336M_06 dated 11 July 2025, NatHERS certificate #HR-8LLPEG-01 dated 11 July 2025, and accompanying documentation form part of the DA package and demonstrate that the proposal can achieve all targets relating to water, thermal comfort, and energy. Refer to the accompanying documentation for further information.

## 4.3 Local Planning Controls

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

The subject site is zoned R4 High Density Residential under the provisions of KLEP 2015.

**Permissibility and Zone Objectives**

The objectives of the R4 zone are as follows:

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

The proposed development does not seek to make any changes to the approved and permissible use as a residential flat building. The proposed amendments will increase the number and diversity of units, and deliver much needed affordable housing in a high-density residential zone near public transport. In this regard the proposal maintains its consistency with the zone objectives as well its permissibility.




**Figure 4** Extract of Land Zoning Map with the site delineated in yellow dash
**Source**: NSW Planning Portal Spatial Viewer

**Clause 4.3 – Height of Buildings**

Although the Height of Buildings Map shows that the prescribed maximum building height for the subject site is 17.5m, Clause 4.3(2A) of specifies that the height of a building on land in Zone R4 High

Density Residential where the site area is more than 1,800m$^2$ but less than 2,400m$^2$, the building height must not exceed 14.5m.

The subject site has a site area of 2,379m$^2$ and therefore a maximum building height of 14.5m is applicable. However, the proposed development is subject to the provisions of Chapter 2 and 6 of the Housing SEPP as discussed in above sections. As such, the maximum permissible height is 22.2985m. A building height of 22.289m is proposed (increase of 3.2m from approved).




Figure 5 Extract of Height of Buildings Map with the site delineated in yellow dash
Source: NSW Planning Portal Spatial Viewer

### Clause 4.4 – Floor Space Ratio

Although the Floor Space Ratio Map shows that the prescribed maximum floor space ratio for the subject site is 1.3:1, Clause 4.4(2C) of specifies that the floor space ratio on land in Zone R4 High Density Residential where the site area is more than 1,800m$^2$ but less than 2,400m$^2$, the floor space ratio must not exceed 1:1.

The subject site has a site area of 2,379m$^2$ and therefore a maximum floor space ratio of 1:1 is applicable. However, the proposed development is subject to the provisions of Chapter 2 and 6 of the Housing SEPP as discussed in above sections. As such, the maximum permissible floor space ratio is 1.9113:1 or gross floor area of 4546.9827m$^2$. A floor space ratio of 1.53:1 and gross floor area of 3,632.1m$^2$ is proposed (increase of 464.5m$^2$).




Figure 6 Extract of Floor Space Ratio Map with the site delineated in yellow dash
Source: NSW Planning Portal Spatial Viewer

### Clause 5.10 – Heritage Conservation

The subject site adjoins a locally significant heritage item, *I794 – Dwelling House – 1187 Pacific Highway*. An addendum Heritage Impact Statement has been prepared by Graham Hall and Partners which confirmed that the proposed changes will not result in any physical impacts to the heritage item, or impacts on views towards the heritage item from the public domain. The report further concluded that the development is well separated, and will not be visually dominant or unsympathetic, and is appropriate in the evolving setting of the item and subject site.

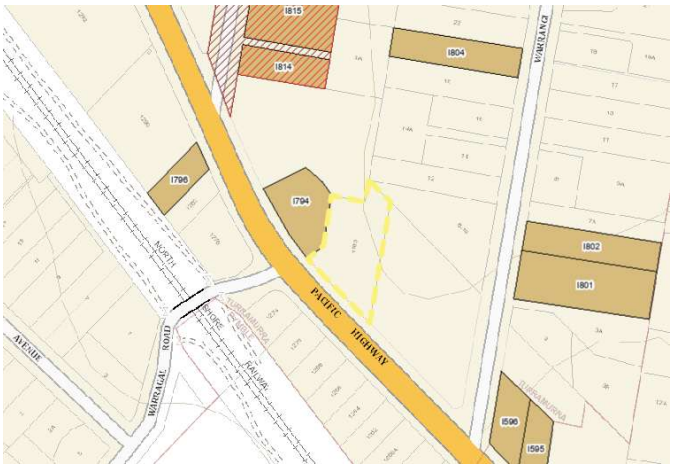


Figure 7 Extract of Heritage Conservation Map with the site delineated in yellow dash
Source: NSW Planning Portal Spatial Viewer

### Clause 6.1 – Acid Sulfate Soils

The subject site is located within area classified as containing Class 5 Acid Sulfate Soils. The subject site is not located within 500m of area containing class 1 – 4 acid sulfate soils and accordingly an acid sulfate soils management plan is not required to be submitted with the development application.

It is further noted that the site suitability of the proposed residential purpose of the development has already been considered by Council in prior development application assessments.




**Figure 8** Extract of Heritage Conservation Map with the site delineated in yellow dash
**Source**: NSW Planning Portal Spatial Viewer

### Clause 6.2 – Earthworks

The extent of earthworks proposed remains unchanged as approved under eMOD0069/24 and is consistent with this clause.

### Clause 6.3 – Biodiversity Protection

The subject site is identified on the Terrestrial Biodiversity Map as Biodiversity.

The biodiversity values of the site have been considered as part of the approval of DA0521/19 and the subsequent approved modifications. The proposed development does not result in additional built upon area, earthworks or tree works beyond what has been approved under eMOD0069/24.




Figure 9 Extract of Terrestrial Biodiversity Map with the site delineated in yellow dash
Source: NSW Planning Portal Spatial Viewer

**Clause 6.5 – Stormwater and Water Sensitive Urban Design**

An addendum set of Stormwater Plans has been prepared and submitted with this application to address the provisions of this clause.

**Clause 6.6 – Requirements for Multi Dwelling Housing and Residential Flat Buildings**

The subject site has a site area of 2,379m2 and a frontage of 55m to the Pacific Highway and meets the requirements of this clause.

### 4.3.2 Ku-ring-Gai Development Control Plan 2024

Part 7 of the Ku-ring-gai Development Control Plan (KDCP) contains development controls for residential flat buildings. The modifications sought continue to satisfy Part 7 of KDCP and will not change the conclusions of the previous assessment.

## 4.4 Planning Agreements - Section 4.15(1)(a)(iiia)

No planning agreement has been found to apply to the subject site.

## 4.5 Draft Environmental Planning Instruments - Section 4.15(1)(a)(ii)

No Draft Environmental Planning Instruments are applicable.

## 4.6 The Regulations - Section 4.15(1)(a)(iv)

Section 4.15(a)(iv) of the Act requires a consent authority to consider the Regulations, to the extent that they prescribe matters for the purposes of that paragraph (i.e., paragraph (iv)). There are no provisions within clauses 61 – 66A of the Regulation that would be expected to be of relevance to the proposal.

**Amending Development Application – Clause 67 Modification or surrender of development consent or existing use right —the Act, s 4.17(5)**

The proposal seeks to modify the consent issued under DA0521/19 (as modified) using the provisions available under Section 67 of the Regulations. Section 67 states the following:

> ***67 Modification or surrender of development consent or existing use right—the Act, s 4.17(5)***
>
> *(1) A development consent or existing use right may be modified or surrendered by written notice to the consent authority.*
>
> *(2) The notice must contain the following information—*
>
> *(a) the name and address of the person giving the notice,*
>
> *(b) the address and folio identifier of the land to which the consent or right relates,*
>
> *(c) a description of the consent or right to be modified or surrendered,*
>
> *(d) whether the consent or right will be modified, including details of the modification, or surrendered,*
>
> *(e) if the person giving the notice is not the owner of the land—a statement signed by the owner of the land that the owner consents to the modification or surrender of the consent or right.*
>
> *(3) The notice takes effect when the consent authority gives written notice to the person giving the notice that the consent authority received the notice.*
>
> *(4) The notice operates, according to its terms, to modify or surrender the development consent or existing use right to which it relates.*
>
> *(5) The consent of the owner is not required under subsection (2)(e) if the consent of the owner of the land was not required under section 23 to make the application for the development consent.*
>
> *(6) In this section— **existing use right** means a right conferred by the Act, Division 4.11.*

This SEE constitutes the written notice referred to by this Clause. In terms of satisfying the criteria specified within Clause 67:

- CPS, as the author of this SEE, is providing this notice on behalf of the site owner and DA applicant as listed within the DA lodgement form. The address of CPS is Level 3, 397 Riley Street, Surry Hills NSW 2010
- The address of the site to which the consent issued to DA0521/19 is 1183 Pacific Highway Turramurra NSW 2074, being Lot 8 in DP1294710.
- DA0521/19 granted consent to *'Demolition of existing structures and construction of a 5-storey residential flat building containing 35 units, basement parking and associated works to 1183-1185 Pacific Highway, Turramurra NSW 2074'*

- Comments are provided below in relation to the way DA0521/19 is sought to be modified.
- CPS is not the owner of the land. However, the owner of the land has given consent for the application to be lodged, including this notice to modify DA0521/19 in the manner sought. Confirmation of this is contained within the accompanying DA lodgement form.

Should Council be accepting of the above approach and the subject Amending DA ultimately be approved, in the interest of simplicity, the applicant is willing to surrender the consent issued to DA0521/19 as this consent will essentially become redundant. In this regard, the applicant is also willing to accept the imposition of a condition on any consent issued to the subject DA requiring that DA0521/19 be surrendered at a time considered to be appropriate to the Council (such as prior to the issue of the Construction Certificate).

It is requested the following conditions form part of the conditions of consent, many of which are associated with the changes shown on the plans (new text is shown in **bold** and deleted text is shown in ~~strikethrough~~; for simplicity changes associated with new plans are not marked in this way):

Surrender of Development Consent

The following Development Consent is to be surrendered to Council by submitting a completed notice in accordance with Section 67 of the Environmental Planning and Assessment Regulation 2021:

| Development Consent No. | Dated | For: |
|---|---|---|
| DA0521/19 and subsequent modifications – MOD0062/22, MOD0109/23, and eMOD0069/24 | 18/12/2024 | Demolition of existing structures and construction of a 5-storey residential flat building containing 35 units, basement parking and associated works |

This Development Consent will not operate until the above Development Consent has been surrendered.

Conditions that Identify Approved Plans:

~~1b. Approved architectural plans and documentation (new development) (modified – eMOD0069/24)~~

~~The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this Development Consent:~~

| ~~Plan No.~~ | ~~Drawn By~~ | ~~Dated~~ |
|---|---|---|
| ~~*Architectural Plans*~~ | | |
| ~~DA.03 (Issue E) site analysis~~ | ~~Zhinar Architects~~ | ~~17/11/2020~~ |
| ~~S4.55.01 (Issue F) Cover~~ | ~~Zhinar Architects~~ | ~~18/03/2020~~ |
| ~~S4.55.01 (Issue G) Cover~~ | ~~Zhinar Architects~~ | ~~08/12/2023~~ |
| ~~DA.04 (Issue E) Site plan~~ | ~~Zhinar Architects~~ | ~~17/11/2020~~ |

| | | |
|---|---|---|
| ~~S4.55.05 (Issue F) Basement 2 plan~~ | ~~Zhinar Architects~~ | ~~18/03/2020~~ |
| ~~DA.06 (Issue E) Basement 1 plan~~ | ~~Zhinar Architects~~ | ~~17/11/2020~~ |
| ~~DA.07 (Issue E) Lower ground plan~~ | ~~Zhinar Architects~~ | ~~17/11/2020~~ |
| ~~S4.55.07 (Issue G) Lower ground floor~~ | ~~Zhinar Architects~~ | ~~07/08/2024~~ |
| ~~S4.55.08 (Issue F) Upper ground plan~~ | ~~Zhinar Architects~~ | ~~28/08/2023~~ |
| ~~S4.55.08 (Issue I) Upper ground plan~~ | ~~Zhinar Architects~~ | ~~04/09/2024~~ |
| ~~S4.55.09 (Issue F) Typical Level 1 & 2 Plan~~ | ~~Zhinar Architects~~ | ~~28/08/2023~~ |
| ~~S4.55.09 (Issue I) Typical Level 1 & 2 plan~~ | ~~Zhinar Architects~~ | ~~04/09/2024~~ |
| ~~S4.55.10 (Issue F) Level 3 plan~~ | ~~Zhinar Architects~~ | ~~18/03/2020~~ |
| ~~S4.55.10 (Issue I) Level 3 plan~~ | ~~Zhinar Architects~~ | ~~04/09/2024~~ |
| ~~S4.55.11 (Issue G) Level 4 plan~~ | ~~Zhinar Architects~~ | ~~28/08/2023~~ |
| ~~S4.55.11 (Issue H) Level 4 plan~~ | ~~Zhinar Architects~~ | ~~08/12/2023~~ |
| ~~DA.12 (Issue E) Roof plan~~ | ~~Zhinar Architects~~ | ~~17/11/2020~~ |
| ~~S4.55.12 (Issue F) Roof plan~~ | ~~Zhinar Architects~~ | ~~08/12/2023~~ |
| ~~S4.55.13 (Issue F) South elevation~~ | ~~Zhinar Architects~~ | ~~18/03/2020~~ |
| ~~S.4.55.13 (Issue I) South elevation~~ | ~~Zhinar Architects~~ | ~~07/08/2024~~ |
| ~~S4.55.14 (Issue F) North elevation~~ | ~~Zhinar Architects~~ | ~~18/03/2020~~ |
| ~~S4.55.14 (Issue I) North elevation~~ | ~~Zhinar Architects~~ | ~~07/08/2024~~ |
| ~~S4.55.15 (Issue F) East elevation~~ | ~~Zhinar Architects~~ | ~~18/03/2020~~ |
| ~~S.4.55.15 (Issue I) East elevation~~ | ~~Zhinar Architects~~ | ~~07/08/2024~~ |
| ~~S4.55.18 (Issue F) West elevation~~ | ~~Zhinar Architects~~ | ~~18/03/2020~~ |
| ~~S4.55.16 (Issue H) West elevation~~ | ~~Zhinar Architects~~ | ~~27/06/2024~~ |
| ~~DA.17 (Issue E) Fence elevation~~ | ~~Zhinar Architects~~ | ~~17/11/2020~~ |
| ~~DA.19 (Issue E) Section 1~~ | ~~Zhinar Architects~~ | ~~17/11/2020~~ |
| ~~S4.55.19 (Issue G) Section 1~~ | ~~Zhinar Architects~~ | ~~07/08/2024~~ |
| ~~DA.20 (Issue E) Section 2~~ | ~~Zhinar Architects~~ | ~~17/11/2020~~ |
| ~~S4.55.20 (Issue F) Section 2~~ | ~~Zhinar Architects~~ | ~~08/12/2023~~ |
| ~~DA021 (Issue E) Section 3~~ | ~~Zhinar Architects~~ | ~~17/11/2020~~ |
| ~~S4.55 21 (Issue F) Section 3~~ | ~~Zhinar Architects~~ | ~~08/12/2023~~ |
| ~~S4.55.16 (Issue F) LHA- Platinum & Silver Level Units~~ | ~~Zhinar Architects~~ | ~~18/03/2020~~ |
| ~~*Landscape Plans*~~ | | |
| ~~Sheet 1 of 3 (Issue E G) Landscape site plan~~ | ~~Paul Scrivener Landscape Architecture~~ | ~~30/10/2020~~ ~~22/08/2024~~ |
| ~~Sheet 2 of 3 (Issue E G) Level 4 plan~~ | | |
| ~~Sheet 3 of 3 (Issue E G) Planting plan~~ | | |
| ~~*Stormwater Management Plans*~~ | | |
| ~~D1 (Revision A) Details, notes & legend~~ | ~~Quantum Engineers~~ | ~~28/11/2019~~ |
| ~~D2 (Revision A) Basement level 2 plan & details~~ | | |
| ~~D3 (Revision A) Basement level 1 plan & details~~ | | |
| ~~D4 (Revision A) Lower ground floor plan~~ | | |
| ~~D5 (Revision A) Upper ground floor plan & detail~~ | | |
| ~~D6 (Revision A) Roof plans and details~~ | | |
| ~~D7 (Revision A) Details & OSD calculations~~ | | |
| ~~D8 (Revision A) Water quality catchment details and calculations~~ | | |
| ~~D9 (Revision A) Sediment control plan & details~~ | | |
| ~~***Document(s)***~~ | | |
| ~~Accessibility Report by Vista Access Architects Ref: 19245~~ | | ~~19/04/2022~~ |

| | |
|---|---|
| ~~Traffic Noise Assessment Report prepared by Rodney Stephens Acoustics Ref: R190481R1~~ | ~~15/11/2019~~ |
| ~~Supplementary Acoustic Advice prepared by Rodney Stephens Acoustics Ref: R230039l2 Rev1~~ | ~~06/09/2024~~ |
| ~~Arborist Report prepared by Redgum Horticultural Ref: 5557 pruloc~~ | ~~19/08/2020~~ |
| ~~Basix certificate No. 1059336M_04 1059336M_05~~ | ~~15/03/2022~~ ~~14/06/2024~~ |
| ~~Bush fire risk assessment and certification prepared by Building Code & Bushfire Hazard Solutions Ref: 200166~~ | ~~30/10/2019~~ |
| ~~Design Verification Statement prepared by Zhinar Architects Rev: 05 Issue DA-F March 2022 DA-G December 2023~~ | ~~03/2022~~ ~~15/08/2024~~ |
| ~~Geotechnical Report prepared by eiaustralia Ref: E24410.G03~~ | ~~15/11/2019~~ |
| ~~Waste Management Plan prepared by Northern Group V~~ | ~~27/11/2019~~ |
| ~~Environmental Site Management Plan prepared by Northern Group Constructions~~ | ~~Not dated~~ |
| ~~Construction Traffic Management Plan prepared by SBMG Planning Ref: SBMG01991-00~~ | ~~12/11/2019~~ |

1c. Approved architectural plans and documentation (new development) (Amending DA)

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this Development Consent:

| Plan No. | Drawn By | Dated |
|---|---|---|
| *Architectural Plans* | | |
| DA.03 (Issue E) site analysis | Zhinar Architects | 17/11/2020 |
| ~~S4.55.01 (Issue G) Cover~~ | ~~Zhinar Architects~~ | ~~08/12/2023~~ |
| **DA.01 (Issue H) Cover** | **Zhinar Architects** | **11/07/2025** |
| DA.04 (Issue E) Site plan | Zhinar Architects | 17/11/2020 |
| S4.55.05 (Issue F) Basement 2 plan | Zhinar Architects | 18/03/2020 |
| DA.06 (Issue E) Basement 1 plan | Zhinar Architects | 17/11/2020 |
| S4.55.08 (Issue F) Upper ground plan | Zhinar Architects | 28/08/2023 |
| S4.55.08 (Issue I) Upper ground plan | Zhinar Architects | 04/09/2024 |
| S4.55.09 (Issue I) Typical Level 1 & 2 plan | Zhinar Architects | 04/09/2024 |
| S4.55.10 (Issue I) Level 3 plan | Zhinar Architects | 04/09/2024 |
| ~~S4.55.11 (Issue H) Level 4 plan~~ | ~~Zhinar Architects~~ | ~~08/12/2023~~ |
| **DA.11 (Issue J) Level 4 plan** | **Zhinar Architects** | **11/07/2025** |
| ~~S4.55.12 (Issue F) Roof plan~~ | ~~Zhinar Architects~~ | ~~08/12/2023~~ |
| **DA.12 (Issue J) Level 5 plan** | **Zhinar Architects** | **11/07/2025** |
| **DA.13 (Issue J) Roof plan** | **Zhinar Architects** | **11/07/2025** |
| ~~S.4.55.13 (Issue J) South elevation~~ | ~~Zhinar Architects~~ | ~~07/08/2024~~ |
| **DA.14 (Issue H) South elevation** | **Zhinar Architects** | **11/07/2025** |
| ~~S4.55.14 (Issue I) North elevation~~ | ~~Zhinar Architects~~ | ~~07/08/2024~~ |
| **DA.15 (Issue H) North elevation** | **Zhinar Architects** | **11/07/2025** |
| ~~S.4.55.15 (Issue I) East elevation~~ | ~~Zhinar Architects~~ | ~~07/08/2024~~ |
| **DA.16 (Issue H) East elevation** | **Zhinar Architects** | **11/07/2025** |
| ~~S4.55.16 (Issue H) West elevation~~ | ~~Zhinar Architects~~ | ~~27/06/2024~~ |
| **DA.17 (Issue H) West elevation** | **Zhinar Architects** | **11/07/2025** |

| | | |
|---|---|---|
| DA.17 (Issue E) Fence elevation | Zhinar Architects | 17/11/2020 |
| ~~S4.55.19 (Issue G) Section 1~~ | ~~Zhinar Architects~~ | ~~07/08/2024~~ |
| DA.20 (Issue G) Section 1 | Zhinar Architects | 11/07/2025 |
| ~~S4.55.20 (Issue F) Section 2~~ | ~~Zhinar Architects~~ | ~~08/12/2023~~ |
| DA.21 (Issue G) Section 2 | Zhinar Architects | 11/07/2025 |
| ~~S4.55 21 (Issue F) Section 3~~ | ~~Zhinar Architects~~ | ~~08/12/2023~~ |
| DA.22 (Issue G) Section 3 | Zhinar Architects | 11/07/2025 |
| S4.55.16 (Issue F) LHA- Platinum & Silver Level Units | Zhinar Architects | 18/03/2020 |
| *Landscape Plans* | | |
| ~~Sheet 1 of 3 (Issue G) Landscape site plan~~ | ~~Paul Scrivener Landscape Architecture~~ | ~~22/08/2024~~ |
| ~~Sheet 2 of 3 (Issue G) Level 4 plan~~ | | |
| ~~Sheet 3 of 3 (Issue G) Planting plan~~ | | |
| Sheet 1 of 5 (Issue C) Landscape Plan | Paul Scrivener Landscape Architecture | 10/07/2025 |
| Sheet 2 of 5 (Issue C) Details Plan | | |
| Sheet 3 of 5 (Issue C) Planting Plan | | |
| Sheet 4 of 5 (Issue C) Landscape Plan – Level 4 & 5 | | |
| Sheet 5 of 5 (Issue C) Planting schedule and notes | | |
| *Stormwater Management Plans* | | |
| D1 (Revision A) Details, notes & legend | Quantum Engineers | 28/11/2019 |
| D2 (Revision A) Basement level 2 plan & details | | |
| D3 (Revision A) Basement level 1 plan & details | | |
| D4 (Revision A) Lower ground floor plan | | |
| D5 (Revision A) Upper ground floor plan & detail | | |
| D6 (Revision A) Roof plans and details | | |
| D7 (Revision A) Details & OSD calculations | | |
| D8 (Revision A) Water quality catchment details and calculations | | |
| D9 (Revision A) Sediment control plan & details | | |
| ***Document(s)*** | | |
| Accessibility Report by Vista Access Architects Ref: 19245 | | 19/04/2022 |
| Traffic Noise Assessment Report prepared by Rodney Stephens Acoustics Ref: R190481R1 | | 15/11/2019 |
| Supplementary Acoustic Advice prepared by Rodney Stephens Acoustics Ref: R230039l2 Rev1 | | 06/09/2024 |
| Arborist Report prepared by Redgum Horticultural Ref: 5557 pruloc | | 19/08/2020 |
| Basix certificate ~~1059336M_05~~ 1059336M_06 | | ~~14/06/2024~~ 11/07/2025 |
| Bush fire risk assessment and certification prepared by Building Code & Bushfire Hazard Solutions Ref: 200166 | | 30/10/2019 |
| Design Verification Statement prepared by Zhinar Architects ~~Rev: 05~~ Rev: 06 | | ~~15/08/2024~~ 17/07/2025 |
| Geotechnical Report prepared by eiaustralia Ref: E24410.G03 | | 15/11/2019 |
| Waste Management Plan prepared by Northern Group V Revision H | | ~~27/11/2019~~ 11/07/2025 |
| Environmental Site Management Plan prepared by Northern Group Constructions | | Not dated |
| Construction Traffic Management Plan prepared by SBMG Planning Ref: SBMG01991-00 | | 12/11/2019 |

3a. Amended architectural plans ~~(Modified – MOD0109/23)~~ (Amended DA)

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

(a) The proposed driveway surface is to be bitumen
(b) The external rendered surfaces, including the fence, balustrades and horizontal trim are to be 'Dulux Jasper' in colour.
(c) The window and door frames and privacy screens are to be 'Dulux Jasper' in colour.
(d) The external rendered wall surfaces should be 'Dulux Evening Haze' in colour.
(e) The face brick is to be Austral Bricks 'Bowral Gertrudis' Brown.
(f) T6 - Jacaranda mimosifolia (Jacaranda) shall be indicated on the plans. T6 is proposed for removal and is located on the eastern side of T3 on the front boundary.
(g) T3 and T4 have been incorrectly numbered. This error is to be corrected in accordance with the approved landscape plans.
(h) Apartments 12 and 20 are to identified as "Platinum Level "consistent with the Access Report by Vista Access Architects listed in Condition 1b

**Reason**: To ensure that the development achieves an earthier colour and materials palette in sympathy with the adjacent heritage item and is in accordance with the Development Consent.

**4. Livable housing guidelines- platinum and silver level ~~(Modified – MOD0109/23)~~ (Amended DA)**

Prior to the issue of any Construction Certificate, detailed plans and construction drawings shall be prepared as follows:
Apartments identified as Silver - showing compliance with the Silver Level requirements of the Livable Housing Australia Livable Housing Guidelines and as detailed in the access report prepared by Vista Access Architects listed in Condition ~~1b~~ 1c of the consent. Note: Apartment 08 identified as Silver must show compliance with the Silver Level internal corridor/passageway width requirement of at least 1m at the entry corridors per the requirements of Livable Housing Australia Livable Housing Guidelines.

Apartments 04,11,12, 19 and 20 and 27 identified as Platinum - showing compliance with the Platinum Level requirements of the Livable Housing Australia Livable Housing Guidelines and as detailed in access report prepared by Vista Access Architects listed in Condition ~~1b~~ 1c of the consent.

The detailed plans and construction drawings showing full compliance with the requirements of each standard within the Livable Housing Guidelines and as identified within the access report prepared by Vista Access Architects listed in Condition ~~1b~~ 1c of the consent shall be certified as compliant by an accredited Livable Housing Australia assessor and provided to the Certifier for inclusion with the Construction Certificate documentation.

**Reason**: Equitable access.

**25. Amendments to stormwater plans**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the approved plan(s), listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this Development Consent

| Plan no. | Drawn by | Dated |
|---|---|---|
| SW101 Revision C | Quantum Engineers | 17/07/2025 |
| SW201 Revision C | Quantum Engineers | 17/07/2025 |
| SW202 Revision C | Quantum Engineers | 17/07/2025 |
| SW203 Revision C | Quantum Engineers | 17/07/2025 |
| SW204 Revision C | Quantum Engineers | 17/07/2025 |
| SW208 Revision C | Quantum Engineers | 17/07/2025 |
| SW209 Revision C | Quantum Engineers | 17/07/2025 |
| SW210 Revision C | Quantum Engineers | 17/07/2025 |
| SW301 Revision C | Quantum Engineers | 17/07/2025 |
| SW501 Revision C | Quantum Engineers | 17/07/2025 |
| SW502 Revision C | Quantum Engineers | 17/07/2025 |

The above plan(s) shall be amended as follows:

- All trees to be retained shall be clearly indicated on the plan.
- All trees to be retained shall be numbered in accordance with the approved landscape plan
- The stormwater pipes and pits are to be relocated as close as possible to the eastern edge of the building within a 10 metres radius of Tree 34.

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

**28a. Floor-to-floor heights ~~(Added – eMOD0069/24)~~** (Amended DA)

Prior to the issue of any Construction Certificate, except for demolition, all architectural plans, sections and construction details; including any structural engineering design details, hydraulics engineering design details or diagrams must provide for the following floor-to-floor levels:

| Level | Floor to floor height (metres) |
|---|---|
| Ground Level | 3.250m |
| 1 | 3.300m |
| 2 | 3.150m |
| 3 | ~~3.150m~~ 3.200m |
| 4 | ~~3.150m~~ 3.200m |
| 5 | 3.250m |
| 6 | ~~3.100m~~ 3.200m |

No Construction Certificate shall be issued by the Certifier until all plans and documentation relied upon for construction demonstrate compliance with this condition.

Prior to the pouring of any slab in the building, a registered surveyor must certify that the forming of the slab will achieve the above floor-to-floor separation and unobstructed floor-to-ceiling heights as

depicted on the architectural plans referenced as Condition ~~1b~~ 1c. This certification is to be provided to the Certifier prior to the pouring of the slab(s).

**Reason:** To ensure compliance with the Apartment Design Guide.

**29. Amendments to approved landscape plan ~~(*Modified – eMOD0069/24*)~~** (Amended DA)

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the approved landscape plan(s), listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:

| Plan no. | Drawn by | Dated |
|---|---|---|
| ~~Sheet 1 and 3 (Issue G)~~ | ~~Paul Scrivener Landscape Architecture~~ | ~~22/08/2024~~ |
| Sheet 1 of 5 (Issue C) Landscape Plan<br>Sheet 2 of 5 (Issue C) Details Plan<br>Sheet 3 of 5 (Issue C) Planting Plan<br>Sheet 4 of 5 (Issue C) Landscape Plan – Level 4 & 5<br>Sheet 5 of 5 (Issue C) Planting schedule and notes | Paul Scrivener Landscape Architecture | 10/07/2025 |

Where not provided the above landscape plan(s) shall be amended as follows:

(a) T6 - *Jacaranda mimosifolia* (Jacaranda) shall be indicated on the plans. T6 is proposed for removal and is located on the eastern side of T3 on the street boundary.
(b) the positioning of the electricity kiosk on the front boundary is to be re-orientated at 90 degrees (perpendicular) to the street
(c) the positioning of the lockable mail boxes on the front boundary are to re-orientated at 90 degrees (perpendicular) to the street
(d) drainage and connections to water taps are to be shown for lower ground floor and upper ground floor private terraces and the roof-top communal open space area

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the landscape plan has been amended as required by this condition.

An amended plan, prepared by a landscape architect or qualified landscape designer shall be submitted to the Certifier.

**Reason:** To ensure consistency between the documentation and plans.

**37a. Location of plant ~~(*Added – eMOD0069/24*)~~** (Amended DA)

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all air conditioning equipment is located as outlined on architectural plans prepared by Zhinar Architects Pty Ltd dated ~~4 September 2024 – Issue I~~ 11 July 2025 – Issue H.

**Reason:** To minimise impact on surrounding properties and to improve the appearance of the approved development.

**Car parking allocation ~~(Modified - MOD0062/22)~~** (Amended DA)

Car parking within the development shall be allocated as follows:

| | |
|---|---|
| Resident car spaces **(Non-Affordable Housing)** | ~~44~~ 40 |
| **Resident car spaces (Affordable Housing)** | 4 |
| Visitor Spaces | 7 |
| **Total Spaces** | 53 |

At least one visitor space shall also comply with the dimensional and location requirements of AS2890.1 - *parking spaces for people with disabilities*.

The car parking shall be dedicated to the corresponding units based on bedroom numbers as approved and cannot be sold separately.

Consideration must be given to the means of access from disabled car parking spaces to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with any Construction Certificate.

**Reason**: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation.

**54a. Section 7.11 contributions - centres ~~(*Added - MOD0062/22*)~~** (Amended DA)

(a) This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

| **Development Contributions Plan 2010 (7.11)** | | |
|---|---|---|
| **Infrastructure Type** | **Total** | |
| LGA Wide Local Recreational & Cultural | ~~$63,641.26~~ | $85,267.75 |
| Turramurra TC Local Parks & Sporting Facilities | ~~$612,061.94~~ | $769,578.32 |
| Turramurra TC New Roads & Road Mods | ~~$124,143.36~~ | $161,795.96 |
| Turramurra TC Townscape Transport & Pedest Fac | ~~$333,458.60~~ | $446,773.09 |
| **Development Contributions Total** | ~~$1,133,305.16~~ | $1,463,415.12 |

The contribution specified above is subject to indexation and will continue to be indexed to reflect changes in the Consumer Price Index (All Groups Sydney) and Established House Price Index (Sydney) until paid in accordance with Ku-ring-gai Contributions Plan 2010. Prior to payment, please contact Council directly to verify the current contribution payable.

(b) A development contribution that is required under the conditions of this consent must be paid before the issue of the first occupation certificate in respect of any building to which this consent relates, except as provided by (c) below.

(c) If no construction certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the development contribution must be paid prior to the issue of the first construction certificate, Linen Plan, Subdivision Certificate or Occupation Certificate after that date.

Copies of Council's Contributions Plan can be viewed at Council Chambers at 818 Pacific Hwy Gordon or on Council's website at www.krg.nsw.gov.au

**Reason**: To comply with the Ministerial Direction that came into effect on 8 July 2020 and to ensure the provision, extension or augmentation of the Key Community Infrastructure identified in Ku-ring-gai Contributions Plan 2010 that will, or is likely to be, required as a consequence of the development.

**94. Compliance with BASIX certificate ~~(*Modified – eMOD0069/24)*~~ (Amended DA)**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all commitments listed in approved BASIX Certificate (referred to under Condition No ~~1b~~ 1c) have been complied with.

**Reason:** Statutory requirement.

**100a. Location of plant ~~(*Added – eMOD0069/24*)~~ (Amended DA)**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all air conditioning equipment is located in accordance with the following drawings endorsed at Condition ~~1b~~ 1c:

| Plan no. | Dated |
|---|---|
| S4.55.07 (Issue G) Lower ground floor | 07/08/2024 |
| S4.55.08 (Issue I) Upper ground plan | 04/09/2024 |
| S4.55.09 (Issue I) Typical Level 1 & 2 plan | 04/09/2024 |
| S4.55.10 (Issue I) Level 3 plan | 04/09/2024 |
| ~~S4.55.11 (Issue H) Level 4 plan~~ | ~~08/12/2023~~ |
| DA.11 (Issue J) Level 4 plan | 11/07/2025 |
| DA.12 (Issue J) Level 5 plan | 11/07/2025 |

Architectural plans identifying the location of all plant and equipment in accordance with the requirements of this condition shall be provided to the Certifier prior to the issue of any Occupation Certificate.

**Reason:** To minimise noise impact on surrounding properties and to improve the appearance of the approved development.

**118. Use of communal open space ~~(*Modified – MOD0062/22*)~~ (Amended DA)**

The communal terrace on Level ~~4~~ 5 shown on drawing ~~S.4.55.11 (Issue F)~~ DA.12 (Issue J) Level 5 plan and endorsed at Condition ~~1a DA.11 (Issue E)~~ 1c DA.12 (Issue J) is not to be used between the hours of 10pm to 7am.

**Reason:** To protect the amenity of surrounding residents.

## 4.7 Likely Impacts of the Development – Section 4.15(1)(b)

The proposed development as modified will be substantially the same as the approved development. Matters relating to likely impacts on the built and natural environment and social and economic impacts of the locality have already been considered in detail as part of the original development proposal and the modifications will not change the conclusions of the previous assessment.

### 4.7.1 Impact on the Natural Environment

The proposed development will utilise existing infrastructure and will connect to utility services. Given the additional level sits above approved levels, there are no changes to the approved earthworks and tree works which were considered by Council in previous assessments.

Waste management processes (detailed within the accompanying Waste Management Plan) will focus on the minimisation of waste created by the construction and occupation of the development. An amended Waste Management Plan has been submitted.

Accordingly, the proposal will not have any significant impact on the natural environment.

### 4.7.2 Impact on the Built Environment

As demonstrated in the submitted Architectural Plans, the building is considered to have a strong sense of identity through providing a design with a high level of visual interest in terms of materiality, building articulation and fenestration.

The proposed development protects and enhances the character of the local area, and maintains an appropriate density and scale that is consistent with the surrounding area. Accordingly, the proposal will not have any significant impact on the surrounding amenity and built form character of the Turramurra locality, nor will it impact the local built environment.

Acoustic Impacts

Council's previous assessments acknowledged the presence of existing noise sources in the vicinity of the site, primarily traffic noise from Pacific Highway. However, these existing noise sources have been considered in the assessment and are not anticipated to cause significant issues in conjunction with the proposed development.

Based on the assessment results and the predicted compliance with noise regulations, the proposed development is considered acceptable from an acoustic perspective.

Access and Traffic Impacts

Approved access arrangements, parking provision, internal circulation, and servicing arrangements, referencing Council, Transport for NSW, and Australian Standard specifications will remain unchanged as approved. The proposed amendment is not anticipated to burden the existing traffic, parking, and transport conditions in the vicinity, including the surrounding road network, traffic demands, operational performance, and available public transport.

The projected traffic generated by the proposed development can be accommodated in the surrounding road network safely and efficiently. The development does not result in any adverse impact upon access and traffic to and from the site.

### 4.7.3 Social Impacts

The proposed development is anticipated to have a positive impact on the surrounding community by delivering high quality residential accommodation with the inclusion of affordable housing units. The development will therefore result in a positive social impact on the wider community by assisting in meeting its continually-growing demand for housing in the Ku-ring-gai local government areas and the Sydney region, provision of housing choice to local community by providing a range of apartment sizes and styles, and improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency. The proposed development will also provide more accessible housing and affordable housing which responds to the *Ku-ring-gai's Local Strategic Planning Statement* and *Ku-ring-gai Housing Strategy to 2036*.

In this regard, the proposal is considered to contribute to a positive social impact on the surrounding locality.

### 4.7.4 Economic Impacts

The development is likely to contribute to a range of economic benefits in the Turramurra locality and wider Ku-ring-gai local government area and surrounding area of Warwick Farm through the following measures:

- More efficient use of land resources, existing infrastructure and existing services;
- Employment of tradesmen and other construction-related professionals;
- On-going consumption from new/additional households;

- Future employment associated with the business/retail premises to be located on the subject site; and
- Cost savings associated with improved energy and water efficiency.

Accordingly, it is considered the proposed development will not contribute to any negative economic impacts, but rather a positive economic impact the local area.

## 4.8 Suitability of the Site for the Development – Section 4.15(1)(c)

The proposed residential flat building is a permitted land use in the zone and the proposal is consistent with the objectives of the R4 High Density Residential zone.

The site is near both existing public transport services and commercial facilities that will serve the future residents of the development. The design philosophy for the proposed residential flat housing development has been to maximise the amenity for future residents while at the same time minimising external impacts on the surrounding built and natural environment.

Furthermore, the site is not constrained in any manner that restricts the ability to undertake the intended development and the site coverage and building footprint will remain consistent with those approved under the previous consents issued to the property.

Accordingly, it is considered that the subject site is suitable for the proposed development.

## 4.9 Public Submissions

Any public submissions received in response to the development proposal are required to be considered considering Section 4.15 of the Act, having regard to:

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;
- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the proposed development; and,
- The acceptable nature of the proposal when considering the wider public interest.

## 4.10 Public Interest – Section 4.15(1)(e)

The proposal provides a high-quality, well designed residential flat building in a location inherently suitable for such uses as it is a permissible form of development.

The proposal is not anticipated to have any significant adverse impacts upon neighbouring properties or the locality in terms of acoustic, traffic or economic.

The provision of affordable housing, which includes adaptable housing is providing a service to the broader community. Individual units offer future residents efficient layouts and relatively large living areas that respond to current needs for housing choice. The apartments also exhibit natural ventilation, daylight penetration, acoustic privacy and a design that provides visual privacy between dwellings.

The proposal also has the potential to be an attractive place to live to a wide cross section of the public by meeting various demands for different types of housing. This is achieved through the following measures:

- By providing a dwelling mix that includes two-bedroom and three-bedroom units of varied dimension, location and orientation; and
- By providing a number of adaptable dwellings to meet the needs of those people who are aged, disabled and less mobile.

Accordingly, it is considered the proposed development will result in a positive development outcome for Turramurra locality and the wider Ku-ring-gai local government area, and is therefore in the public interest.

# 5.0 Conclusion

The proposed development has been assessed against the provisions of Section 4.15 of the Act. On balance, it is concluded the development is satisfactory and warrants development consent, having regard to the following matters:

- The proposed works sought under this Amended DA is permissible within, and is consistent with the aims and objectives of, the R4 zone.
- The proposal as modified is consistent with the relevant provisions of both the Housing SEPP and the ADG. Consistency with the objectives of relevant development provisions within applicable Environmental Planning Instruments and planning policies has been demonstrated.
- There would be no excessive and unreasonable impacts that would arise as a result of the proposed development.
- The development would not have an adverse impact on residents within the proposed development or surrounding sites.
- It is considered there are no matters that would warrant the refusal of the proposal on the grounds of it being contrary to the public interest.
- The proposal is consistent with the planning controls for the site. The proposal would not have any adverse impacts on the future development potential of the surrounding area or the amenity of surrounding sites, and would have significant beneficial impacts. As such, the proposal is considered to be in the public interest.
- The design of the proposal has had full consideration for the character of the local area and will form a high-quality precedent for the transition of this zone to contemporary residential development.

Accordingly, it is recommended that Ku-ring-gai Council support and approve this development application.

## Appendix 1 – Ku-ring-gai Development Control Plan 2024

The KDCP 2024 prescribes development controls to development within the Ku-ring-gai Local Government Area, supplementary to the development standards of the KLEP 2015.

The table below provides a high-level assessment of the concept proposal against the relevant key controls of the KDCP 2024.

| **Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024** | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| **SECTION A** | | |
| **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 this application. The site analysis has been considered by Council under DA0521/19 and the subsequent approved modifications and was concluded to satisfy the objectives of this part of the KDCP. | | |
| **Part 3 Land Consolidation and Subdivision** | | |
| This section is not applicable. The subject site is now an amalgamated lot as required per the conditions of consent of DA0521/19 and the subsequent approved modifications. | | |
| **Part 7 Residential Flat Buildings** | | |
| **7A Site Design** | | |
| 7A.1 Local Character and Streetscape | All Residential Flat Buildings are to be designed by an architect registered with the NSW Architects Registration Board. | Refer to Design Verification Statement for Architect registration details. |
| | All residential flat buildings are to demonstrate how they provide a garden setting with buildings surrounded by landscaped gardens, including tall trees, on all sides. | The proposed development is within a garden setting. |
| | Design components of new development are to be based on the existing predominant and high-quality characteristics of the local neighbourhood. | The development reflects the desired residential density of the locality. |
| | The appearance of the development is to maintain the local visual character by considering the following elements:<br>i) visibility of on-site development when viewed from the street, public reserves and adjacent properties; and<br>ii) relationship to the scale, layout and character of the tree dominated streetscape of Ku-ring-gai. | The proposed development retains a high level of architectural design, and will continue to contribute positively to the local visual character. The development comprises of a range of architectural features, materials and finishes to ensure the development is well articulated and of visual interest. The approved landscaping scheme is retained, will provide a high level of integration between the built form and |

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| | | landscaping within the public and private domain throughout Ku-ring-gai. |
| | The predominant and high-quality characteristics of the local neighbourhood are to be identified and considered as part of the site analysis at Part 2 of the DCP. | The local character of the neighbourhood has been considered as part of the site analysis., |
| | Development is to integrate with surrounding sites by:<br>i) being of an appropriate scale retaining consistency with the surrounds when viewed from the street, public domain or adjoining development;<br>ii) minimising overshadowing; and<br>iii) integrating built form and soft landscaping (gardens and trees) within the tree canopy that links the public and private domain throughout Ku-ring-gai. | The proposed amendment consists of an additional level. However, it is considered that the scale, height, and bulk of the development is consistent with the local area which is transitioning to a high-density residential character. The amended development does not significantly exacerbate the extent of solar access afforded to the subject site and neighbouring lots, and the approved landscape scheme will remain as existing, to ensure that there is a high level of integration between the built form and landscaping within the public and private domain throughout Ku-ring-gai. |
| | Development on visually prominent sites is to:<br>i) be of high architectural and aesthetic quality;<br>ii) be integrated into the existing landscape through the site planning process and avoid tall and bulky structures;<br>iii) have a selection of external colours and finishes that are sensitive to the site and locality;<br>iv) retain significant landscape and vegetation elements;<br>v) consider views to the site as well as those from the site; and<br>vi) soften visual impact by extensive landscaping including tall and medium trees and shrubs. | As outlined above, the proposed development comprises of a range of architectural features, materials and finishes to ensure the development is well articulated and of visual interest. The development also consists of landscaping elements to ensure the development is well integrated with the landscape character of Turramurra. |
| | 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. | External finishes comprise a combination of face brick, rendered brickwork and metal clad sheeting and is the same materials and finishes as the design approved under eMOD0069/24. |

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| | | |
| 7A.2 Site Layout | The site layout is to demonstrate a clear and appropriate design strategy and arrangement of building mass in response to the Site Analysis in Part 2 Site Analysis of this DCP | The site layout and building mass has been design in consideration of the site analysis undertaken and reflects the envisaged character of the area. |
| | A drawing and supporting written information are to demonstrate how the building and its layout has applied and responded to the site analysis conducted in Part 2 of this DCP. | The site analysis has been considered by Council under DA0521/19 and the subsequent approved modifications and was concluded to satisfy the objectives of this part of the KDCP. |
| | For requirements on development near noise sources refer to Section B Part 20 Development Near Rail Corridors and Busy Roads in this DCP. | Refer to assessment against Section B Part 20 below. |
| | Any building with a frontage to the street is to address that street. | The development façade remains the same as approved under eMOD0069/24 and is well articulated and addresses the street frontage appropriately. |
| | Soft landscaping, including tall trees, is to be provided between onsite buildings, fences, and courtyard walls. | Soft landscaping is to be provided as approved under eMOD0069/24. |
| | Hard landscaping is to be minimised and to maximise opportunities for landscape planting. | Hard landscaping is to be provided as approved under eMOD0069/24. |
| | 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. |
| | Provide a single pedestrian entry point into the development from the street. Other entries may be permitted where several buildings address the street along an extended street or where there are dual frontage sites. | Pedestrian access is to be provided as approved under eMOD0069/24. |
| | Overshadowing should not compromise the development potential of the adjoining yet to be redeveloped sites. | The development results in a minor increase of overshadowing as demonstrated in the submitted solar access diagrams. The minor |

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| | | increase is considered negligible given the amenity of adjoining sites is not significantly impacted beyond the development as approved under eMOD0069/24. |
| | Developments are to allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing solar collectors and solar hot water services on neighbouring buildings. | The development proposal has been designed to meet the solar access and overshadowing design criteria and controls contained in the ADG. |
| 7A.3 Building Setbacks | <u>Street Setback</u><br>Residential flat buildings are to meet the following street setback requirements (see Figure 7A.3-1):<br>i) 10.0m from the street boundary; | The building incorporates non-compliances with the minimum street setback, terrace encroachments and articulation zone. The departure from this control is attributable to the unusual lot configuration and TfNSW request for a slip lane and is noted that Council previously considered the numerical compliance, landscape setting and streetscape, and accepted this departure. |
| | Residential flat buildings are to provide a 2.0m articulation zone behind the street setback, and no more than 40% of this zone (in plan) is to be occupied by the building | The building is located forward of the articulation zone. However, as like the above, Council previously considered the numerical compliance, landscape setting and streetscape, and accepted this departure. |
| | The building line to any street is to be parallel to the prevailing building line in the streetscape. For angled sites, a stepped façade may be appropriate | The subject building reflects the angle of the street boundary. |
| | <u>Side and Rear Setbacks</u><br>Residential flat buildings are to meet the following side and rear setback requirements to ensure deep soil, landscaping and tall trees are accommodated to all sides of the building:<br>i) a minimum of 6m from the side boundary for all levels up to the fourth storey;<br>ii) a minimum of 9m to the fifth storey and above | The development is as approved under eMOD0069/24 up until Level 3.<br>Level 4<br>- Eastern side setback: 9m<br>- Western side setback: 9m<br>Level 5<br>- Eastern side setback: 9m<br>- Western side setback: 12m |

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| | Side setback areas behind the building line are not to be used for driveways or for vehicular access into the building | Side setback is noted used for driveways or for vehicular access into the building |
| | Driveways are to be set back a minimum of 6m from the side boundary within the street setback to allow for deep soil planting | Driveway is setback 6m from the side boundary, with deep soil planting proposed within that setback. |
| | <u>Side and rear setbacks at a zone interface</u><br>Setbacks are to respond to the attributes identified in the site analysis, conducted as required by Section A Part 2 Site Analysis of this DCP, including consideration of the location of adjoining buildings and views of the site. | Ride and rear setbacks have been designed in consideration of the site analysis. |
| | Residential flat buildings are to provide the following side and rear setbacks to land which is zoned differently for lower density residential development:<br>i) a minimum of 9m from the side and rear boundary up to the fourth storey<br>ii) a minimum of 12m from the side and rear boundary for the fifth storey and above<br>iii) greater setbacks may be required where the residential flat building is located upslope from a lower density zone | The development is as approved under eMOD0069/24 up until Level 3.<br>Level 4<br>- Eastern side setback: 9m<br>- Western side setback: 9m<br>- Northern rear setback: 9m<br>Level 5<br>- Eastern side setback: 9m<br>- Western side setback: 12m<br>- Northern rear setback: 9m |
| | <u>Encroachments</u><br>Basements are not to encroach into the street, side and rear setbacks | Basement is as approved under eMOD0069/24 and does not encroach into the street, side and rear setbacks. |
| | Ground floor private terraces/courtyards may encroach into the setback areas (see Figure 7A.3-6) provided there is a minimum setback to the terrace edge/courtyard wall of:<br>i) 8m from the street boundary;<br>ii) 4m from the side and rear boundaries;<br>iii) 7m from the side and rear boundaries where adjoining land is zoned differently for lower density residential development. | Ground floor remains the same as approved under eMOD0069/24 and it is noted Council accepted a departure. |

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| | No encroachments are permitted where minimum setbacks have not been achieved. | Side and rear setbacks comply with the relevant controls. |
| | No more than 15% of the total area of the street setback area is to be occupied by private terraces/courtyards | Less than 15% of street setbacks occupied by terraces and courtyards |
| 7A.4 Building Separation | The minimum separation between residential buildings on the development site is to comply with the following controls:<br><u>Up to 4th Storey</u><br>i) 12.0m between habitable rooms/balconies;<br>ii) 9.0m between habitable rooms/balconies and non-habitable rooms;<br>iii) 6.0m between non-habitable rooms.<br><br><u>5th Storey and above</u><br>i) 18.0m between habitable rooms/balconies;<br>ii) 13.5m between habitable rooms/balconies and non-habitable rooms;<br>iii) 9.0m between non-habitable rooms. | Up to 4th storey<br>- 15m to northern RFB<br>- 12.16m eastern RFB<br><br>Up to 5th storey<br>- 19m to northern RFB<br>- 18.16m to eastern RFB |
| | Buildings are to be located so that apartments benefit from views into and through onsite landscaped gardens. | The development has been located so that apartments benefit from views into and through onsite landscaped gardens. |
| 7A.5 Site Coverage | The site coverage may be up to a maximum of 30% of the site area, provided that the deep soil landscaping requirements in Section A Part 7A.6 Deep Soil Landscaping can be met. | Site coverage is 715.5m2 (30%) and remains unchanged as approved under eMOD0069/24. |
| 7A.6 Deep Soil Planting | Residential flat development is to have a minimum deep soil landscaping area as follows: Site area 1800 m2 or more – 50% of the site | Deep soil proposed is 1166m2 (46.9%) and remains as approved under eMOD0069/24. It is noted that Council previously accepted this departure under eMOD0069/24. |
| | Deep soil zones are to be configured to retain healthy and significant trees on the site and adjoining sites, where possible. | Tree planting and landscape design also remains unchanged as per eMOD0069/24. |
| | Deep soil zones are to be configured to allow for required tree planting including tall tree | |

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| | planting and garden and screen planting at front, side and rear boundaries. | |
| | Deep soil landscaping is to be provided in the common areas as a buffer between buildings that softens the bulk and scale of the buildings. | |
| | Driveways are not to dominate the street setback area. Deep soil landscaping areas in the street setback are to be maximised. | |
| | Lots with the following sizes are to support a minimum number of tall trees capable of attaining a mature height of at least 18m on shale, transitional soils and 15m on sandstone derived soils.<br>Lot size 1,801m2 +: 1 per 300m2 of site area or part thereof | |
| | In addition to the tall trees, a range of medium trees, small trees and shrubs are to be selected to ensure that vegetation softens the building form and creates a garden setting. At least 50% of all tree plantings are to be locally occurring trees and spread around the site. | |
| | Trees are to be planted within all setback areas. At least 30% of the required number of tall trees are to be planted within the front setback. | |
| **7B Access and Parking** | | |
| 7B.1 Car Parking Provision | All residential flat developments are to provide on-site car parking within basements. | Car parking remains unchanged and is provided within basement as approved under eMOD0069/24. Access to, and the design of the basement also remains unchanged. |
| | Basement car park areas are to be consolidated under building footprints. | |
| | The use of single lane tunnels and single lane spiral ramps is not permitted. Double lane spiral ramps may be allowed where there are no other options but can only link a maximum of 2 floor levels. | |
| | The basement car park is not to project more than 1.0m above existing ground level. | |
| | Single lane aisles, straight ramps and tunnels are to be a maximum of 12.0m in length. | |

<table>
<tr><th colspan="3">Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024</th></tr>
<tr><th>Control</th><th>Required</th><th>Proposed</th></tr>
<tr><td></td><td>Direct and continuous internal pedestrian access from basement car parks is to be provided to each level of the building.</td><td></td></tr>
<tr><td></td><td>Car park entry is to be integrated within the building and located behind the building line.</td><td></td></tr>
<tr><td></td><td>Every Platinum Level unit requires an accessible car space designed to Australian Standard 2890.6.</td><td></td></tr>
<tr><td></td><td>The following parking ranges apply to residential flat developments on sites within 800m walking distance of a railway station entry:
<table>
<tr><th>Apartment Size</th><th>Minimum number of parking spaces per dwelling</th><th>Maximum number of parking spaces per dwelling</th></tr>
<tr><td>Studio</td><td>0 spaces</td><td>0.5 spaces</td></tr>
<tr><td>One bedroom</td><td>0.6 spaces</td><td>1 space</td></tr>
<tr><td>Two bedrooms</td><td>1.0 space</td><td>1.25 spaces</td></tr>
<tr><td>Three or more bedrooms</td><td>1.4 spaces</td><td>2 spaces</td></tr>
</table>
Car parking exceeding the requirements of the parking controls in the above table will not be excluded from the Gross Floor Area as defined in the KLEP.</td><td>Car parking has been provided in accordance with Chapter 2 of the Housing SEPP. Refer to assessment in above section.</td></tr>
<tr><td></td><td>At least one visitor car space is to be accessible and be provided within the site for every 6 apartments or part thereof, and is to comply with the dimensional and locational requirements of AS2890.6.</td><td>At least one visitor car space is accessible.</td></tr>
<tr><td></td><td>One visitor parking bay is to be provided with a tap, to make provision for on-site car washing.</td><td>Car parking remains unchanged as approved under eMOD0069/24.</td></tr>
<tr><td></td><td>A clearly signposted parking bay for temporary parking of service and removalist vehicles is to be provided. The space is to have the following standards:<br>i) a minimum dimension of 3.5m x 6m;<br>ii) a minimum manoeuvring area 7m wide.</td><td></td></tr>
<tr><td></td><td>At least one car share space is to be provided in the basement per 90 dwellings, or part thereof.</td><td></td></tr>
<tr><td></td><td>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</td><td></td></tr>
</table>

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| | charging points that are linked to each individual dwelling electricity meter. | |
| 7B.2 Bicycle Parking Provision | Onsite secure bicycle parking spaces and storage within basements is to be provided at the following rates:<br>**Residents**: 1 bicycle parking space per dwelling within the residential car park area - in the form of an individual locker or secure room as per AS2890.3.<br>**Visitors**: 1 bicycle parking space per 10 units or part thereof within the visitor car park area - in the form of a bicycle parking device or rack as per AS2890.3. | 7 bicycle spaces for residents and 4 bicycle spaces for visitors is provided as approved under eMOD0069/24. |
| **7C Building Design and Sustainability** | | |
| 7C.1 Sepp (Housing) 2021 and Apartment Design Guide Requirements | All residential flat buildings are to comply with the objectives, Design Criteria and Design Guidance of the following Apartment Design Guide sections – 3F, 4A, 4B, 4C, 4D, 4E, 4F, 4G. | Addressed in the section above. |
| 7C.2 Communal Open Space | At least 10% of the site area is to be provided as communal open space. Each parcel of communal open space is to have a minimum dimension of 5m. | 275.6m$^2$ (11.6%) of communal open space is provided as approved under eMOD0069/24. |
| | At least 50% of the area of the Primary communal open space and any Secondary communal open space are to receive direct sunlight for at least two hours between 9am and 3pm on 21st June. | At least 50% of the area of the Primary communal open space and any Secondary communal open space are to receive direct sunlight for at least two hours between 9am and 3pm on 21st June. |
| 7C.3 Ground Floor Apartments | Ground floor apartments are to be separated from noise sources such as common areas, communal open space, and the public domain. | Ground floor apartments are as approved under eMOD0069/24 |
| | Ground and podium level apartments are to have private outdoor areas differentiated from communal areas by at least one of the following:<br>i) a change in level;<br>ii) walls to deflect noise;<br>iii) planting, such as hedges and low shrubs;<br>iv) a fence/wall to a maximum height of 1.8m. Any solid wall component is to be a maximum height of 1.2m with at least 30% transparent component above. | |
| | A gate is to be provided from each ground floor apartment private open space into common areas where practical. | Ground floor apartments have access to common areas. |

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| | Subterranean rooms are not permitted to any part of any apartment. | Ground floor apartments are as approved under eMOD0069/24 and are located in the upper ground floor and not subterranean. |
| 7C.4 Apartment Mix and Accessibility | A range of apartment sizes (one, two, three bedroom) and a mix of types are to be included within the development. | The proposed development will consist of the following apartment mix:<br>• 3 x one-bedroom (2 affordable housing)<br>• 19 x two-bedroom (6 affordable housing)<br>• 9 x three-bedroom<br>• 4 x four-bedroom |
| | A mix of one, two and three-bedroom apartments are to be located on the ground level. | A mix of 1-, 2-, and 3-bedroom apartments are located within the lower ground floor and upper ground floor as approved under eMOD0069/24. |
| | All units in the residential flat building development are to be of Silver Level, and 15% of those are to be of Platinum Level as indicated in the Liveable Housing Design Guideline. | 14.28% of the units are Platinum Level, and all other units are of Silver Level. |
| | All developments are required to meet the KDCP Liveable Housing Design Guideline provisions and National Construction Code accessibility requirements regardless of steepness of site. | The development achieves the accessibility requirements set out in the KDCP Liveable Housing Design Guideline provisions and National Construction Code. An access report will be provided with the future Development Application. |
| | All development is to provide an accessible path of travel:<br>i) from the street entry to the front door of each dwelling; and<br>ii) from the basement carparking to the dwelling entry; and<br>i) from the dwelling to the primary communal open space and each type of room or space for use in common by the residents. | |
| 7C.5 Building Entries | The residential flat building entry is to be clearly expressed using appropriate architectural elements | The building entry and foyer remains unchanged as approved under eMOD0069/24 and continues to comply. The entry is well lit and legible. |
| | Buildings are to address the street by providing visible entry points with the following: | |

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| | i) main building entrances that are level and directly accessible from the street; or,<br>ii) where site configuration is conducive to having a side entry, the path to the building entrance is readily visible from the street, and the building entrance is signalled with appropriate architectural elements | |
| | Entry foyers are to be no more than 1m above ground level. Any ramped access required is to be integrated into the design of the building or landscape. Mechanical chairlifts and the like will not be accepted. | |
| | Buildings are to have a clearly visible building entry for each vertical circulation core with clear way-finding signs integrated into the external circulation pathway system. | |
| | The building entry is to be legible and integrated with horizontal and vertical building facade architectural elements. At street level, the entry is to be articulated with awnings, porticos, recesses or projecting bays for clear identification. | |
| | All entry areas are to be well lit and designed to avoid any concealment or entrapment areas and avoid dog leg entry foyers. All light spill is prohibited. | |
| | Lifts are to be directly visible from the building entry doorway. | Lifts are directly visible from the building entry doorway. |
| | Lockable mail boxes are to be:<br>i) provided close to the street; and<br>ii) be at 90 degrees to the street and to Australia Post standards; and<br>iii) integrated with front fences or building entries. | A condition is accepted from eMOD0069/24 requiring mail box orientation to be changed from being parallel to 90 degrees to the street. |
| | All entries are to be integrated into the external circulation pattern of the development. | Entry is integrated into the external circulation pattern of the development. |
| | Building entry paths 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. Paths are to provide extra width at building entries to | Building entry remains unchanged as approved under eMOD0069/24 and continues to comply. |

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| | allow easy passing between pedestrians and to allow effective turning. | |
| | All common circulation corridors are to be at least 1.5m wide, and the area outside lifts is to be at least 1.8m wide. | All common circulation paths comply. |
| 7C.6 Building Form and Facades | All building facades at ground level are to be designed to avoid the creation of entrapment areas. | Ground level remains unchanged as approved under eMOD0069/24 and continues to comply. |
| | No single wall plane is to exceed 81m2 in area. | No single wall plane exceeds 81m$^2$ in area. |
| | The following are to be avoided on all building elevations:<br>i) large flat walls;<br>ii) undifferentiated window openings;<br>iii) applied treatments;<br>iv) one single predominant finish or material. | The building elevation does not include any of the listed elements. |
| | All facades are to place entries, habitable room windows, and balconies so that they maximise outlook and passive surveillance of the street and to common areas surrounding the building. | Passive surveillance of the street and to common areas surrounding the building. Is maximised through window and balcony placement. |
| | All building elements including shading devices, signage, drainage pipes awnings/colonnades and communication devices are to be coordinated and integrated into the overall facade design. | All building elements are coordinated and integrated into the overall facade design. |
| | Screening between adjacent apartments is to be integrated into the overall building design. | Screening is integrated into the overall building design. |
| | Notches, slots or indentations in the perimeter of the building are to be at least as wide as they are deep. | Not proposed. |
| | Facade elements that result in poor architectural design outcomes for internal spaces, such as snorkel windows, are not permitted. | Not proposed. |
| | All facades are to be designed to minimise on-going maintenance and weathering through measures such as:<br>i) selecting appropriate robust materials/finishes; and<br>ii) ii) including appropriate building edge, balcony edge, sill, head and parapet detailing that demonstrates protection | External finishes comprise a combination of face brick, rendered brickwork and metal clad sheeting and is the same materials and finishes as the design approved under eMOD0069/24. |

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| | from prevailing weather and harsh solar aspects. | |
| | All building facades are to be articulated with wall planes varying in depth by not less than 0.6m and supplemented with architectural elements. | All building facades are articulated with wall planes with varying depths by not less than 0.6m and is accentuated with architectural design elements. |
| | Facade articulation is to be well composed with attractive proportions and coherent rhythms and integrated into the building form and structure. | The development utilises different materials and finishes, wall depths and wall rhythm integrated with the building articulation to break down large facades and reduce the bulk and scale of the building. |
| | Blade walls are not to be the sole element used to provide articulation. | A range of articulation design elements are proposed. |
| | All developments are to utilise shading/glare control devices to articulate the facade and contribute to the streetscape. | Window shading devices are proposed on eastern and western elevations. |
| | The continuous length of a single building on any elevation is not to exceed 36m. | The continuous length of the proposed building on any elevation does not exceed 36m. |
| | The length of a single building elevation facing the side or rear boundary may exceed 36m provided that:<br>i) the façade is recessed in depth and width to appear as distinctive and separate building bays or wings; and<br>ii) the recess is retained as common area with landscaping which includes at least one medium tree (at least 8m canopy diameter at maturity). | The eastern elevation exceeds 36m and proposes a wall of 46m. Noting the shape of the site and environmental constraints, Council previously considered the merit of the development and approved of the departure. It is noted the exceedance is located in the portion of the building design that is to be retained as approved under eMOD0069/24. |
| | Balconies that run the full length of the building facade are not permitted. | Full length balconies along the building facade are not proposed. |
| | Continuous transparent or translucent balustrades are not permitted to balconies or terraces. | Continuous transparent and translucent balustrades not proposed. |
| | Balconies are not to project more than 1.5m from the outermost wall of the building facade. | No projections greater than 1.5m |
| 7C.7 Building Storeys | Sites with the following maximum building heights under the KLEP are to have a | The basement's protrusion causes the total number of storeys to exceed the maximum limit set by this regulation, due to the 2.6m |

**Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024**

| Control | Required | Proposed |
|---|---|---|
| | maximum number of storeys above the basement as in the table below<br><table><tr><th>Maximum building height (m)</th><th>Maximum number of storeys</th></tr><tr><td>11.5</td><td>3</td></tr><tr><td>14.5</td><td>4</td></tr><tr><td>17.5</td><td>5</td></tr><tr><td>20.5</td><td>6</td></tr><tr><td>23.5</td><td>7</td></tr></table> | head height requirement. However, the design effectively responds to the site's gentle slope, and the preservation and addition of significant trees will help mitigate the visual impact of the exposed basement walls. Furthermore, high-quality interior spaces and private outdoor areas have been provided.<br><br>It is noted that the development complies with the building height as prescribed by the bonus provisions provided in Chapter 2 of the Housing SEPP. |
| | On steep sites, the size of the floor plate is to reflect the topographic constraints. | The floor plate remains unchanged as per eMOD0069/24. |
| 7C.8 Top Storey Design and Roof Forms | The top storey of a building is to be designed so that:<br>i) the GFA of the top storey of a residential flat building does not exceed 60% of the GFA of the storey immediately below it; and<br>ii) for the purposes of this section, the top storey applies to the building as a whole and does not apply to the top level of each part of a stepped building | The GFA of the top storey is 65.28% of the GFA of the storey immediately below it. It is requested that Council consider this departure as the development minimises visual bulk on the top floor by incorporating articulating design elements and the top floor's visual appearance is distinctively differentiated from the lower floors, contributing to the building's aesthetic appeal and character. |
| | The upper storeys of residential buildings are to be articulated with differentiated roof forms, maisonettes or mezzanine penthouses and the like. | Upper storeys are articulated with differentiated roof form. |
| | Service elements are to be integrated into the overall design of the roof and not be visible from the public domain or any surrounding development. These elements include lift overruns, plant equipment, air conditioning units, chimneys, vent stacks, water storage, communication devices and signage. | Air conditioning in basement, lift and other service elements is integrated with the building. |
| | Roof design is to respond to solar access and prevailing weather with the use of eaves, skillion roofs, awnings and the like with a minimum overhang of 0.6m. | The roof design has been designed to respond to solar access and prevailing weather, with a skillion roof and overhand of at least 0.6m. |

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| | Roof top gardens for private or communal use are encouraged. | Roof top garden is proposed. |
| 7C.9 Laundry and Air Clothes Drying Facilities | Each apartment is required to have access to an external air clothes drying area, such as a screened balcony, a terrace or clothes lines within the common area | All apartments are provided with adequate laundry and air-drying facilities. |
| | All external air clothes drying areas are to be screened and not be visible from any public domain area. | |
| | Storage volume calculation within laundries is to exclude the space required to accommodate a washing tub, washing machine and dryer. | |
| | Where clothes drying is provided within private open space within a communal open space, its area is to be additional to that required for the private open space or communal open space. | |
| 7C.10 Fencing | Front boundary fences and walls (to a public street) and side boundary fences within the street setback are not to be higher than:<br>i) 0.9m if of closed construction (such as masonry, lapped and capped timber or brushwood fences); or<br>ii) 1.2m if of open construction (such as open paling and picket fences). | Fencing remains unchanged, as approved under eMOD0069/24. |
| | Closed front fences with a maximum height of 1.8m may be considered where the site fronts a busy road or other sources of undesirable noise. These fences are to be set back at least 2m from the front boundary and screened by landscaping. | |
| | Fences and walls are to step down and follow the natural contours of the site. | |
| | Hedges and shrub planting are preferred to the street frontage, but no higher than 1.2m along the entire front boundary, or 1.8m on a site fronting a busy road. | |
| | All fencing is to be designed to highlight entrances and be compatible with buildings and letterbox areas. | |
| | External finishes for fencing are to be robust and graffiti resistant. | |

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| | Ground floor private open space, courtyard and terrace wall and fence heights are not to exceed<br>i) 1.2m to any street frontage<br>ii) 1.8m to any side or rear boundary with a maximum 1.2m high solid component and a minimum 30% transparent component above. | |
| 7C.11 Acoustic Privacy | For requirements on noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and other plant refer to Part 23.8 of this DCP. | Refer to below. |
| 7C.12 Services | All developments are to make provision for waste and recycling storage and collection within the building basement. | The proposed development include management facilitates and internal waste collection by Council's waste contractor. |
| | Building services, including within basements and on rooftops, are not to be visible from the public. | Building services, including within basements and on rooftops, are not visible from the public. |
| **SECTION B** | | |
| **Part 15 Land Contamination** | | |
| The site is not mapped as being contaminated and has a history of residential accommodation use and as such, it is unlikely to contain any contamination, and further investigation is not warranted in this case. | | |
| **Part 16 Bushfire Risk** | | |
| The site is mapped as bush fire prone land. In accordance with the provisions of section Part 1(b) of Section 4.14 of the Environmental Planning and Assessment Act 1979, and as part of DA0521/19, Council was provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements. The recommendations of that report continue to apply to the subject proposal and will be complied with. | | |
| **Part 17 Riparian Lands** | | |
| The site is not mapped as riparian land. | | |
| **Part 18 Biodiversity** | | |
| The proposed development is located within lands mapped as being support for core and biodiversity corridors and Buffer area.<br>No native vegetation is to be removed, and the proposed development will not impact native biodiversity values within green web categories. Landscaping and tree planting is as approved under eMOD0069/24. It is noted that Council has assessed these provisions under the determination of DA0521/19 and its subsequent modifications, and that given the proposal largely retains the development approved under eMOD0069/24, it is considered that the proposal continues to comply with the relevant controls. | | |

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| **Part 19 Heritage and Conservation Areas** | | |
| The site is within 100m of other heritage item at No. 1187 Pacific Highway but is not listed as a heritage item or within a heritage conservation area. It is noted that Council has assessed these provisions under the determination of DA0521/19 and its subsequent modifications, and that given the proposal largely retains the development approved under eMOD0069/24, it is considered that the proposal continues to comply with the relevant controls. Refer to Addendum Heritage Impact Statement submitted with this application. | | |
| **Part 20 Development Near Rail Corridors and Busy Roads** | | |
| The proposed development is consistent with these provisions as there will not be a significant detrimental impact on the road from construction including excavation, noise, air quality, vibration or to the safety to users of the site or the road corridor. It is noted that Council has assessed these provisions under the determination of DA0521/19 and its subsequent modifications, and that given the proposal largely retains the development approved under eMOD0069/24, it is considered that the proposal continues to comply with the relevant controls. | | |
| **SECTION C** | | |
| **Part 21 General Site Design** | | |
| 21.1 Earthworks and Slope | The extent of excavation remains the same as approved under eMOD0069/24. It is noted that Council has assessed these provisions under the determination of DA0521/19 and its subsequent modifications, and that given the proposal largely retains the development approved under eMOD0069/24, it is considered that the proposal continues to comply with the relevant controls. | |
| 21.2 Landscape Design | The landscaping scheme remains the same as approved under eMOD0069/24. It is noted that Council has assessed these provisions under the determination of DA0521/19 and its subsequent modifications, and that given the proposal largely retains the development approved under eMOD0069/24, it is considered that the proposal continues to comply with the relevant controls. | |
| **Part 22 General Access and Parking** | | |
| 22.1 Equitable Access | Proposed development contains separate pedestrian and vehicular access points.<br>Access is provided via lift from the basement parking area to the residential flat building and communal open space. | |
| 22.2 General Vehicle Access | A consolidated basement with once vehicular access point, and separate pedestrian and vehicular access is proposed.<br><br>Driveway location, vehicle basement width is compliant as required and vehicles will sufficiently manoeuvring area in basement to exit the basement in a forward direction, as assessed and approved under eMOD0069/24. | |
| 22.3 Basement Car Parking | Basement design and head height is compliant as approved under eMOD0069/24 and Council's waste contractor will have unimpeded access to the basement. | |

| Appendix 1: Assessment against the Ku-ring-gai Development Control Plan 2024 | | |
|---|---|---|
| **Control** | **Required** | **Proposed** |
| | It is noted that a tanked condition was accepted as per eMOD0069/24, and can continue to be supported under this application.<br><br>It is further noted that ventilation grilles proposed on eastern elevation where basement projects, and shrub planting also proposed to provide an adequate barrier. Furthermore, non-habitable rooms and low trafficked rooms are designed to be adjacent to vehicle access ways. An intercom can also be readily provided to manage access. | |
| 22.4 Visitor Parking | Visitor parking can be safely managed via an intercom.<br>1 accessible visitor space is proposed. | |
| 22.5 Parking for People with Disability | Accessible spaces compliant as per eMOD0069/24. | |
| 22.6 Pedestrian Movement within Car Parks | Pedestrian pathways are satisfactory as assessed and approved under eMOD0069/24.<br>Pedestrian pathways have clear sightlines and are conveniently located. | |
| 22.7 Bicycle Parking and Facilities | Bicycle parking and storage facilities are satisfactory as assessed and approved under eMOD0069/24.<br>No bicycle access paths are proposed | |
| 22.8 Surface Parking | N/A. Not proposed. | |
| **Part 23 General Building Design and Sustainability** | | |
| 23.3 Sustainability of Building Materials | External finishes comprise a combination of face brick, rendered brickwork and metal clad sheeting and is the same materials and finishes as the design approved under eMOD0069/24. | |
| 23.4 Materials and Finishes | | |
| 23.5 Roof Terraces and Podiums | Communal open space proposed on roof-top and includes planters for softening and visual privacy amenity. Roof-top accessible via lift, includes a bench seat and barbeque. | |
| 23.6 Building Services | Services are appropriately located. Air-conditioning to be provided in the basement | |
| 23.7 General Acoustic Privacy | Proposal designed to orientate away from the Pacific Highway and include acoustically treated glazed winter gardens to attenuate noise to private open space | |
| 23.8 General Visual Privacy | The proposed development has been designed with the same side and rear setbacks as approved under eMOD0069/24, privacy screens, planter boxes to intercept sightlines and significant tree retention in the northern and eastern setback areas. | |

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| **Control** | **Required** | **Proposed** |
| | | |
| 23.9 Construction, Demolition and Disposal | A satisfactory Environmental Site Management Plan to be submitted. | |
| **Part 24 Water Management** | | |
| Water management remains unchanged from eMOD0069/24. Council's Development Engineer was satisfied that the proposed development has been designed to manage urban stormwater as per the requirements of the KDCP, subject to conditions. | | |
| **Part 25 Waste Management** | | |
| 25A General Waste and Recycling | The proposed development include management facilitates and internal waste collection by Council's waste contractor. An updated Waste Management Plan has been submitted with this application. On-site Bulky Goods Storage Area provided remains unchanged from eMOD0069/24. | |
| 25B Bulky Goods Waste | | |

**REV**: 07

15 December 2025

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ABN 28 495 869 790

# DESIGN VERIFICATION STATEMENT

**1183-1185 Pacific Highway (LOT 2 DP 233452 + LOT 6 DP 16292) TURRAMURRA NSW 2074**
Ref: 08753 Issue DA-K – December 2025

## Introduction

This modification to DA0521/19 applies to selective elements within the above residential apartment building proposal at 1183 Pacific Highway, Turramurra, NSW 2074. (Lot 8 DP 1294710)

The client *Northern Group V Pty Ltd* engaged *Zhinar Architects* to also prepare the Construction Certificate Documentation for above approved development. However, it was clear that the amenity within the project could be improved, and the client thus instructed *Zhinar Architects* to prepare a modification to the Development Application.

The amendments include:

- Adding a new residential level with 3 x additional units;
- amend the unit numbering on L4 & L5;
- Increase the roof level to accommodate the new level, roof form unchanged;
- Relocate the COS on level 4 to new level 5, layout unchanged; and
- Amended elevations and sections to suite new additional level.

All the amendments to comply with NCC 2019 and Chapter 4 of the State Environmental Planning Policy (Housing) 2021 (the SEPP).

## Housing SEPP Schedule 9: Design Principles

The SEPP includes 9 design quality principles in Schedule 9. These principles are intended to guide good design, provide a basis to evaluate the merits of proposed design solutions and provide a basis for subsequent planning policy documents, design processes and decisions made under the SEPP. The SEPP requires that before determining a development application for residential apartment development, the consent authority must consider the design quality principles.

The following statement of consistency to Schedule 9 of the SEPP Design Principles has been prepared and signed by the nominated architect as required under the policy.

| Design Principle | Consistent | Comment |
|---|---|---|
| **1. Context & Neighbourhood Character** | Yes | *"Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*<br>*Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and* |

| Design Principle | Consistent | Comment |
|---|---|---|
| | | *neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change. "*[1]<br><br>**Streetscape**<br><br>The proposed modification seeks to increase building by 3 400mm measured from the approved lift overrun and 3 650mm increase from approved roof level. The increase is to accommodate one additional residential level comprising of three units, while maintaining a 2.7m habitable room clear ceiling height as required by the ADG for all units.<br><br>The increase in building height is consistent with the context of the neighbouring developments. Directly east of subject development is a similar scale RFB constructed in the last couple years. The immediate neighbourhood along the Pacific Highway corridor have already experienced similar changes with limited remaining pockets awaiting redevelopment.<br><br>A heritage dwelling is immediately to the west of proposed development. However, modification proposes no change to the approved setback & their interface conditions.<br><br>Overall, the increase building height presents no additional unreasonable impacts to the context & neighbourhood character.<br><br>**Urban Landscape Character**<br><br>The proposed modification provides an additional residential floor (level 4) with three additional units. The approved layout of the top level remains largely unchanged but raised up 1 floor in elevation. As such, the Common Open Space terrace is maintained on the roof, with access and orientation unchanged.<br><br>Subject modification seeks no change to the approved landscape design and does not reduce any deep soil calculation. |
| **2. Built Form & Scale** | Yes | *"Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.*<br><br>*Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook."*[1]<br><br>**Building Bulk, Roof and Built Form**<br><br>The proposed modification seeks to increase building by 3 400mm measured from the approved lift overrun. The roof also increase by 3 650mm measured from approved roof level. However, the roof design & geometry remains consistent with the approved composition, noting only the elevational levels are amended.<br><br>As a response to the insertion of the proposed level, the elevations, sections and unit numbering are proposed to be updated.<br><br>While the increase in building height remains in accordance with surrounding context, the increase nonetheless results in increase overshadowing. As demonstrated by the Shadow Diagram on 21 June, no morning shadow increase is falling on the heritage house to the east, but slight increase of afternoon shadow falling on the residential apartment to the west. |

| Design Principle | Consistent | Comment |
|---|---|---|
| | | This impact is further demonstrated by the afternoon elevation shadow impact diagram, which shows a shadow increase to four units between the hours of 1-3pm on 21 June. This will be discussed in further detail under Section 6 - Amenity.<br><br>**Floor-to-Floor Height**<br><br>Due to the off-set nature of the floor layout caused by the increasing setback of the building envelope, structure depth of the building must provide for the transfer of loads from roof to ground. As a result, to achieve the ADG prescribed finished internal ceiling levels of 2.7m for habitable spaces, 3 200mm floor-to-floor level is proposed from L2 to RF with L4 requiring 3 250 to allow for the off-set from L5. |
| **3. Density** | Yes | *"Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.*<br><br>*Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment."* [1]<br><br>Proposed modification increases density by adding three units, comprising 1 x 3Bed and 2 x 4Bed. These unit typologies provide a considered, contextual response that diversifies the local residential mix. Amended compliance calculation is provided within the architectural documentation, with the following total mix:<br><br>• 3 x 1Bed 8.6%<br>• 19 x 2Bed 54.3%<br>• 9 x 3Bed 25.7%<br>• 4 x 4Bed 11.4% |
| **4. Sustainability** | Yes | *"Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation."*<br><br>Proposed modification makes no changes to the approved sustainable features, however a revised BASIX assessment is submitted reflecting the impacts of the modified changes within the development, as well as specifying the measures required for the new units. |
| **5. Landscape** | Yes | *"Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.*<br><br>*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management."* |

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| Design Principle | Consistent | Comment |
|---|---|---|
| | | The proposed modification is consistent with approved landscape design and amended Landscaping details are provided that reflect the elevation rise for the COS on the new level 5.<br><br>No change is proposed to landscape details below the amended level 4. Refer to Landscape architect's documentation for further information and details. |
| **6. Amenity** | Yes | *"Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.*<br><br>*Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.* [1]<br><br>**Overshadowing**<br><br>The increase in building height results in increase to overshadowing to its surroundings. As demonstrated by the Shadow Diagram on 21 June; during the hours of 9am to 11am, no morning shadow increase is falling on the heritage house to the east. At noon, increased shadow does not pose any impact to neighbours both east and west of development.<br><br>From 1pm to 3pm, an increase of afternoon shadow falls on the residential units to the west (known as 2-6 Warragi Street). As illustrated in Elevation Shadow Impact analysis, an additional 4 units will experience reduce solar from increase shadow due to the increased height of the development. The shadow increased compared to approved building height is an average of about 25% to the western elevation of neighbouring property.<br><br>At 15min increments, complete overshadowing and duration to each unit windows are as follow:<br><br>Unit B1: 1pm – 3pm (2 hrs) / Unit A1: 2.15pm – 3pm (0.75 hrs)<br>Unit B5: 1.3pm – 3pm (1.5 hrs) / Unit A6: 2.30pm – 3pm (0.5 hrs)<br>Unit B9: 2pm – 3pm (1 hrs) / Unit A12: 2.30pm – 3pm (0.5 hrs)<br>Unit B13: 2.15pm – 3pm (0.75 hrs) / Unit A18: 3pm<br><br>Notwithstanding the increase in overshadowing to the western elevation of adjacent residential tower, the impact to the overall loss of solar access to neighbouring property is minimal as the impacted western units also has a northern aspect, which subject development does not affect.<br><br>Graphic analysis refer Elevation Shadow Impact drawings. |
| **7. Safety** | Yes | *"Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.*<br><br>*A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose. "*[1]. |

| Design Principle | Consistent | Comment |
|---|---|---|
| | | The modification application makes no changes to the approved safety and security measures. |
| **8. Housing Diversity and Social Interaction** | Yes | *"Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*<br><br>*Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents. "*[1]<br><br>The proposed additional storey provides three additional units which adds to the diversity and localised social interaction. Detailed in Section 3 - Density, the amended mix provides for an expanded choice of living needs and options and improves the ability of the development to cater to a wider variety of resident options.<br><br>The development maintains the provision of Accessible and LHA housing, and accessible parking rates. |
| **9. Aesthetics** | Yes | *"Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.*<br><br>*The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape."*[1]<br><br>The proposal seeks to insert an additional floor between approved levels and maintain the aesthetic impact of the development, through minimal extension of approved façade elements and maintaining details on unaffected levels. The top floor is raised to allow the new level insertion, with the roof form unaltered.<br><br>**Additional Level**<br><br>The proposed level 4 repeats the approved orientation and balcony elements and links the lower form with the elevated roof; by using approved façade materials and metalwork. This approach balances the composition to achieve a consistent, unified built-form and maintains the building within the planning envelope.<br><br>By adding the new floor beneath the top storey, the compositional hierarchy of base-middle-top is maintained. |

## Apartment Design Guide Objectives – Part 3 & 4

The following table lists the Objectives and associated Design Criteria of the Apartment Design Guide (ADG), and assesses how the project achieves the intent of those Objectives, as required by Section 147 (1B) of the Hosing SEPP 2021. This assessment demonstrates that the proposed development is consistent with the relevant objectives and the majority of the numeric Design Criteria, and that all apartments within the proposed development will achieve a very high standard of residential amenity. Where an alternative solution is proposed to the Design Criteria to meet the Objectives, the proposal's consistency with the Objectives and associated Design Guidance are discussed in further detail in the table below.

| Objectives | Proposal | Achievement of Objective |
|---|---|---|
| **PART 3 SITING THE DEVELOPMENT** | | |
| **3A Site Analysis** | | |
| *Objective 3A-1*<br>*Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.* | Yes | An extensive site analysis, site concept and masterplan has been completed based on a multi-layer urban design and context study.<br><br>The proposed development is adjacent to a heritage item to the west. The heritage dwelling has a curtilage around it in excess of 11m. However, in order to get a transitional space between proposed RFB and boundary of the heritage item, and additional 3m increases the setback to 9m, aggregating the curtilage in excess of 20m. All current trees on this boundary will be preserved and enhanced with additional trees and landscaping. To have an architectural connection to the heritage dwelling, this proposal is treated as a residential structure consisting of primarily face brick facades.<br><br>Directly to the north and east of subject development are existing and similar scaled apartment buildings. The immediate neighbourhood along the Pacific Highway corridor have already experienced similar change with limited remaining pockets awaiting redevelopment.<br><br>The angled front boundary runs parallel to the Pacific Highway which also necessitates a slip lane (155sqm) for vehicular access as per the TfNSW. This major corridor is a source of traffic noise that required responsive planning and acoustically engineered mitigation of the said noise. Hence majority of the apartments face the north and side boundaries with wintergarden balconies to be the first line of acoustic defence on the south façade, followed by acoustically treated walls and window as a second line of defence. Dense landscaping between the road and building will visually soften the transition from the road to the building. See Acoustic report.<br><br>As a result, this proposed apartment building was designed in response to the site analysis undertaken. It reflects the shape of the site and demonstrates compatibility with the prescriptive measures to achieve the desired character as required by the current council DCP. The proposal is a contemporary interpretation of the DCP, taking into consideration modern aesthetics and amenity standards. |

| Objectives | Proposal | Achievement of Objective |
|---|---|---|
| | | The modification application makes no changes to the approved Site Analysis. |
| **3B A Orientation** | | |
| *Objective 3B-1*<br>*Building types and layouts respond to the streetscape and site while optimising solar access within the development.* | Yes | The proposed building is aligned to the current built form street scape and street grid, thus creating a block-defining urban form. The building is primarily oriented in a north-south axis. 75% apartments resultantly receive two hours or more solar access via either west, north or east.<br><br>The proposal makes no changes to the approved Orientation. 80% of apartments now receive two hours or more of solar access. |
| *Objective 3B-2*<br>*Overshadowing of neighbouring properties is minimised during mid-winter.* | Yes | The subject site is separated from neighbouring apartment block to the east, heritage dwelling >20m to the west and Pacific Hwy at the south interface, providing appropriate separation to reduce overshadowing.<br><br>Minor increase in overshadowing to the western elevation of adjacent residential tower caused by proposed building height increase. However, impact to the overall loss of solar access to neighbouring property is minimal as the impacted western units also has a northern aspect, which should be able to provide for their solar access requirements. |
| **3C Public domain interface** | | |
| *Objective 3C-1*<br>*Transition between private and public domain is achieved without compromising safety and security.* | Yes | Access from the public street to the building entries are straight, clear and legible, providing safe access to the proposed development. Balconies provide passive surveillance of all areas. |
| *Objective 3C-2*<br>*Amenity of the public domain is retained and enhanced.* | Yes | Notwithstanding the introduction of a slip-lane, the 3.6m footpath and 6.4m setback filled with dense landscaping will blend into the current public domain.<br><br>The proposal makes no changes to the approved Public Domain interface. |
| **3D Communal and public open space** | | |
| *Objective 3D-1*<br>*An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.* | Yes | The communal open space exceeds the 25% minimum as identified in the communal open space drawings. The communal open space will include high quality landscaping and place making features such as plantings, bench seating and terraces promoting high amenity and useability of the space. 50% of the principal useable parts of the communal open space achieve a minimum of 2 hours direct sunlight between 9:00 am and 3:00pm on 21st June. |

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| Objectives | Proposal | Achievement of Objective |
|---|---|---|
| *Objective 3D-2*<br>*Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.* | Yes | Communal open spaces provide a selection of sub-spaces with varying uses, to allow for simultaneous use by multiple groups. The Architectural and landscape drawings articulate the open space and landscaping strategy.<br><br>The proposal retains the communal open space, by raising to level 5, Access and amenity are not compromised by the relocation to level 5. |
| *Objective 3D-3*<br>*Communal open space is designed to maximise safety.* | Yes | Communal open spaces are clearly defined and legible with open areas. They are overlooked by private terraces and upper level apartments, promoting passive surveillance.<br><br>The proposal makes no changes to the approved safety of the communal open space. |
| *Objective 3D-4*<br>*Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.* | N/A | |
| **3E Deep soil zones** | | |
| *Objective 3E-1*<br>*Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.*<br><br>*Design Guidance*<br>*15% of the site as deep- soil on sites greater than 1,500sqm* | Yes | The deep soil area covers 46.9% of the site area, although a minor reduction from 47.2% of the previously approved due to the addition of a new external stair to access fire hydrant pump room in basement as required by NCC 2022. The area still exceeds the required minimum of 15% for site greater than 1,500sqm.<br>The size of the deep soil zones meet the minimum 6m dimension. The deep soil zones will host significant tree plantings along with other planting on structures in other parts of the site.<br><br>The proposal makes no changes to the approved Deep Soil provision. |
| **3F Visual privacy** | | |
| *Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.*<br>*Note: Separation distances between buildings on the same site should combine required building.*<br><br>*Design Criteria*<br>*Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:* | Yes | The separation distances comply with the minimum dimensions. Guidelines to the adjacent sites to the west, north and to the east. The internal separation distances throughout the site meet or exceed the distances suggested in the Apartment Design Guide.<br><br>The proposal seeks to add an additional level, with approved orientation, outlook and separation distances maintained. Therefore, the addition of three units does not further intrude on the visual privacy of neighbours. |

| *Building Height* | *Habitable rooms and balconies* | *Non-habitable rooms* |
|---|---|---|
| *Up to 12m (4 storeys)* | *6m* | *3m* |
| *Up to 25m (58 storeys)* | *9m* | *4.5m* |

| Objectives | | | Proposal | Achievement of Objective |
|---|---|---|---|---|
| *Over 25m (9+ storeys)* | *12m* | *6m* | | |
| *Objective 3F-2*<br>*Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.* | | | Yes | The comprehensive solar and view analysis has allowed for building to be sited, and heights modulated, to take advantage of keys views and solar access. Privacy between apartments has been considered in the building separation and internal space planning.<br><br>Amended solar and view analysis are provided to confirm that privacy measures and solar orientation modulation is maintained. |
| **3G Pedestrian access and entries** | | | | |
| *Objective 3G-1*<br>*Building entries and pedestrian access connects to and addresses the public domain.* | | | Yes | The apartment lobby clearly addresses Pacific Highway. Care has been taken to create legible and permeable access for pedestrians throughout the development. |
| *Objective 3G-2*<br>*Access, entries and pathways are accessible and easy to identify.* | | | Yes | Identifiable entry space progression leads to clear entry statement visible from the public domain.<br><br>The proposal makes no changes to the approved pedestrian access and clarity of entries. |
| *Objective 3G-3*<br>*Large sites provide pedestrian links for access to streets and connection to destinations.* | | | N/A | |
| **3H Vehicle access** | | | | |
| *Objective 3H-1*<br>*Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes*<br>*.* | | | Yes | Car park and loading access points are consolidated to minimise interruption to street frontages. The vehicle access points are clear and legible, and separated from pedestrian entries to separate the movements of each.<br><br>The proposal makes no changes to the approved vehicle access. |
| **3J Bicycle and car parking** | | | | |
| *Objective 3J-1*<br>*Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.* | | | Yes | Car parking has been provided in exceedance of the rates provided in the RMS Guide to traffic Generating Developments but less as per the DCP.<br>Refer to traffic report. |
| *Objective 3J-2*<br>*Parking and facilities are provided for other modes of transport.* | | | Yes | Secure bicycle parking is provided in the basements which exceeds Councils' minimum requirements. In addition, storage cages in the basements are large enough to accommodate bicycles. |
| *Objective 3J-3*<br>*Car park design and access is safe and secure.* | | | Yes | The car parks are secured with electronic, automated doors triggered by residents. The aisles are clear and unobstructed with clear lines of site to fire stairs and to lift entrances. |
| *Objective 3J-4*<br>*Visual and environmental impacts of underground car parking are minimised.* | | | Yes | The proposal makes no changes to the approved bicycle and car parking provision. |
| *Objective 3J-5* | | | N/A | |

| Objectives | Proposal | Achievement of Objective |
|---|---|---|
| *Visual and environmental impacts of on-grade car parking are minimised.* | | |
| *Objective 3J-6*<br>*Visual and environmental impacts of above ground enclosed car parking are minimised.* | N/A | |
| **PART 4 DESIGNING THE BUILDING** | | |
| **4A Solar and daylight access** | | |
| *Objective 4A-1*<br>*To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.* | Yes | 75% of apartments achieve two hours or more of solar access between 9am and 3pm in midwinter. Please refer to a breakdown of solar access per unit in the architectural drawings.<br><br>80% of apartments now receive two hours or more of solar access. Please refer to a breakdown of solar access per unit in the architectural drawings |
| *Design Criteria*<br>*Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas* | Yes | |
| *In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter* | Yes | |
| *A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter* | Yes | There are no south facing apartments, and no apartments receive no sun in mid-winter. |
| *Objective 4A-2*<br>*Daylight access is maximised where sunlight is limited.* | N/A | |
| *Objective 4A-3*<br>*Design incorporates shading and glare control, particularly for warmer months.* | Yes | The articulated facades are designed for summer shading with deep balconies. |
| **4B Natural ventilation** | | |
| *Objective 4B-1*<br>*All habitable rooms are naturally ventilated.* | Yes | Openable windows are proposed for all habitable rooms. |
| *Objective 4B-2*<br>*The layout and design of single aspect apartments maximises natural ventilation.* | Yes | Openable windows are proposed for all habitable rooms. |
| *Objective 4B-3*<br>*The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.* | Yes | Most apartments (84.4%) are naturally cross ventilated.<br><br>The proposal now provides for 85.7% naturally cross-ventilated apartments. Please refer to a breakdown of solar access per unit in the architectural drawings |
| *Design criteria*<br>*At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed* | | |

| Objectives | | Proposal | Achievement of Objective |
|---|---|---|---|
| *Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line* | | | |
| **4C Ceiling heights** | | | |
| *Objective 4C-1*<br>*Ceiling height achieves sufficient natural ventilation and daylight access.* | | Yes | The floor-to-floor heights of the residential levels is proposed to increase marginally to allow for 2.7m ceilings to all living areas and bedrooms. This is due to increase structural floor slab thickness, floor & ceiling finishes requirement. See above Design Principle 6 for detail.<br><br>The proposed additional level (+3.2m floor-to-floor) is equivalent to approved residential levels in the building and is sufficient to ensure required ADG minimum internal height for habitable areas. No change is proposed to the ceiling height of level 5, (other than elevation above the proposed floor), and the internal ADG minimum is maintained. |
| *Design Criteria*<br>*Measured from finished floor level to finished ceiling level, minimum ceiling heights for apartment and mixed-use buildings are:* | | | |
| *Apartment Types* | *Minimum Internal Area* | | |
| *Habitable Rooms* | *2.7m* | Yes | |
| *Non-Habitable* | *2.4m* | Yes | |
| *For 2 Storey Apartments* | *2.7m for main living area floor*<br>*2.4m for second floor, where its area does not exceed 50% of the apartment area* | N/A | |
| *Attic Spaces* | *1.8m at edge of room with a 30-degree minimum ceiling slope* | N/A | |
| *If located in mixed use areas* | *3.3m for ground and first floor to promote future flexibility of use* | N/A | |
| *Objective 4C-2*<br>*Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.* | | Yes | |
| *Objective 4C-3*<br>*Ceiling heights contribute to the flexibility of building use over the life of the building.* | | N/A | |
| **4D Apartment size and layout** | | | |
| *Objective 4D-1*<br>*The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.* | | Yes | Please refer to the individual apartment sizes in the architectural drawings. |
| *Design Criteria:*<br>*Apartments are required to have the following minimum internal areas:* | | | |
| *Apartment Types* | *Minimum Internal Area* | | |
| *Studio* | *35m₂* | | |
| *1 Bedroom* | *50m₂* | Yes | |
| *2 Bedroom* | *70m₂* | Yes | |

| Objectives | | | Proposal | Achievement of Objective |
|---|---|---|---|---|
| *3 Bedroom* | *90m²* | | Yes | |
| *Objective 4D-2*<br>*Environmental performance of the apartment is maximised.* | | | Yes | |
| *Design Criteria*<br>*Habitable room depths are limited to a maximum of 2.5 x the ceiling height* | | | Yes | |
| *In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window* | | | Yes | |
| *Objective 4D-3*<br>*Apartment layouts are designed to accommodate a variety of household activities and needs*<br>*.* | | | Yes | |
| *Design Criteria*<br>*Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space)* | | | Yes | |
| *Bedrooms have a minimum dimension of 3m (excluding wardrobe space)* | | | Yes | |
| *Living rooms or combined living/dining rooms have a minimum width of:*<br>*3.6m for studio and 1-bedroom apartments*<br>*4m for 2- and 3-bedroom apartments* | | | Yes | |
| *The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts* | | | N/A | |
| **4E Private open space and balconies** | | | | |
| *Objective 4E-1*<br>*Apartments provide appropriately sized private open space and balconies to enhance residential amenity.* | | | Yes | Please refer to the individual balcony sizes in the architectural drawings. |
| *Design Criteria*<br>*All apartments are required to have primary balconies as follows:* | | | | |
| *Dwelling type* | *Minimum Area* | *Minimum Depth* | | |
| *Studio* | *4m³* | *-* | | |
| *1 bedroom* | *8m3* | *2m* | Yes | |
| *2 bedrooms* | *10m3* | *2m* | Yes | |
| *3+ bedrooms* | *12m3* | *2.4m* | Yes | |
| *The minimum balcony depth to be counted as contributing to the balcony area is 1m* | | | Yes | |
| *For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.* | | | Yes | |
| *Objective 4E-2*<br>*Primary private open space and balconies are appropriately located to enhance liveability for residents.* | | | Yes | All primary balconies and terraces are located adjacent to a living space. |

| Objectives | Proposal | Achievement of Objective |
|---|---|---|
| *Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.* | Yes | The balconies form an integral part of the building design. |
| *Objective 4E-4 Private open space and balcony design maximises safety.* | Yes | All balconies can meet the minimum safety provisions as per the NCC. |
| **4F Common circulation and spaces** | | |
| *Objective 4F-1*<br>*Common circulation spaces achieve good amenity and properly service the number of apartments.* | Yes | A single lift serves a total of 9 levels. The proposed new level will be serviced by the lift. |
| *Design Criteria*<br>*The maximum number of apartments off a circulation core on a single level is eight* | Yes | The maximum number of units off a single core range between 2 to 8 apartments. |
| *For buildings of 10-storeys and over, the maximum number of apartments sharing a single lift is 40* | N/A | |
| *Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents.* | Yes | The ground floor lobby has been designed to allow a direct, clear and legible access from the street.<br><br>The proposal makes no changes to the approved common circulation spaces. The lobby circulation for level 4 is equivalent to approved lobbies. |
| **4G Storage** | | |
| *Objective 4G-1*<br>*Adequate, well designed storage is provided in each apartment.* | Yes | All apartment storage meets or exceeds the minimum standard. Most units have more than 50% of the storage internal to the unit. Each apartment also has been a basement storage cage. Please refer to compliance schedule of internal storage sizes in the architectural drawings. |
| *Design Criteria*<br>*In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:* | | |
| *Dwelling Type* / *Storage size volume* | | |
| *Studio* / *4m³* | | |
| *1 bedroom* / *6m³* | Yes | |
| *2 bedrooms* / *8m³* | Yes | |
| *3+ bedrooms* / *10m³* | Yes | |
| *At least 50% of the required storage is to be located within the apartment* | Yes | |
| *Objective 4G-2*<br>*Additional storage is conveniently located, accessible and nominated for individual apartments.* | Yes | Secure basement storage is clearly and accessibly located in the car park.<br><br>The proposal makes no changes to the approved basement. |

| Objectives | Proposal | Achievement of Objective |
|---|---|---|
| **4H Acoustic privacy** | | |
| *Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout.* | Yes | Care has been taken to avoid major acoustic clashes and limiting windows onto narrow spaces. |
| *Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments.* | Yes | Care has been taken to co-locate similar room types where possible and to use buffers, such as wardrobes, between different spaces.<br><br>The proposed three units have adopted acoustic mitigation measures to optimise planning, and do not compromise already approved layouts. |
| **4J Noise and pollution** | | |
| *Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.* | Yes | Winter Gardens are introduced to balconies facing Pacific Hwy to mitigate road noise impacts.<br>Further acoustic treatments will be introduced as per the Acoustic Report. |
| *Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.* | Yes | Outdoor air conditioning units are proposed to relocate to private balconies to reduce collective noise impact in a centralise situation. Screening & orientation is appropriately considered to mitigate undue transfer to units & neighbours.<br><br>The proposal provides a combination of fixed glaze screen & glazed stacker sliding door to the L4 balcony facing Pacific Hwy. This provides added sound shielding & a flexible use to the balcony depending on road condition. Refer Acoustic letter for further analysis. |
| **4K Apartment mix** | | |
| *Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.* | Yes | The building provides a mix of 1, 2, 3 and 4 bedroom apartments to meet market needs. The building in total now provides:<br>• 3 x 1Bed 8.6%<br>• 19 x 2Bed 54.3%<br>• 9 x 3Bed 25.7%<br>• 4 x 4Bed 11.4% |
| *Objective 4K-2 - The apartment mix is distributed to suitable locations within the building.* | Yes | Apartment types are mixed throughout the building. |
| **4L Ground floor apartments** | | |
| *Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located.* | N/A | |
| *Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents.* | Yes | |

| Objectives | Proposal | Achievement of Objective |
|---|---|---|
| | | |
| **4M Facades** | | |
| *Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area.* | Yes | Care has been taken to ensure proportionally balanced buildings which fit within the surrounding context. Screening & placement of outdoor equipment are considered & located with minimal impact to street & neighbours. |
| *Objective 4M-2 Building functions are expressed by the façade.* | Yes | Each façade confidently addresses its specific function through varying materials and forms, creating a perception of a solid residential structure.<br><br>The proposed additional level has been integrated into the façade and utilises the existing approved materiality and palette to project a unified composition. |
| **4N Roof design** | | |
| *Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street.* | Yes | The concrete roof has been carefully integrated into the overall aesthetic of the facades and neighbouring context. |
| *Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.* | Yes | The lower roof that was created due to fall of land, has been utilised as a second communal space with ample solar exposure for use in winter. |
| *Objective 4N-3 Roof design incorporates sustainability features.* | Yes | Upper roof area will be thermally insulated to maximise passive thermal comfort in the upper-most apartments. Decentralising air conditioning units to individual balconies reduces service runs, resulting increase in efficiency & decreases operational energy consumption.<br><br>The proposal seeks to maintain the approved roof form and details, while only being raised one level higher. |
| **4O Landscape design** | | |
| *Objective 4O-1 Landscape design is viable and sustainable.* | Yes | The landscape design focuses on amenity with the inclusion of key place making elements such as seating and terraces. Simple design elements, high quality materiality of hardscaping along with an appropriate mix of native and introduced plant species will be a long lasting, easy to maintain landscape which can be adapted to suit a variety of uses over time. |
| *Objective 4O-2 Landscape design contributes to the streetscape and amenity.* | Yes | Notwithstanding the introduction of a slip-lane, the 3.6m footpath with new street trees and 6.4m setback filled with dense landscaping will blend into the current streetscape amenity and domain.<br><br>The proposal makes no changes to the approved landscape details, other than raising the COS on level 4 to level 5. |
| **4P Planting on structures** | | |
| *Objective 4P-1 Appropriate soil profiles are provided.* | Yes | The landscape has been designed with lower planting zones and shrubs in appropriately sized bases. |

| Objectives | Proposal | Achievement of Objective |
|---|---|---|
| *Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance.* | Yes | The landscape has been designed with a diverse range of native and exotic species appropriate to the various areas and planting opportunities. |
| *Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces.* | Yes | Landscape design includes a variety of plantings to soften the communal open space areas.<br><br>The proposal makes no changes to the approved landscape planting and selection. |
| **4Q Universal design** | | |
| *Objective 4Q-1*<br>*Universal design features are included in apartment design to promote flexible housing for all community members.* | Yes | At least 15% of apartments are capable of achieving the Liveable Housing Guidelines platinum level and 84% the silver level. Please refer to schedule of LHA compliance in the architectural drawings. |
| *Objective 4Q-2*<br>*A variety of apartments with adaptable designs are provided.* | Yes | 5 of the units are adaptable with 5 accessible car spaces. There are a mix of adaptable apartment types. |
| *Objective 4Q-3*<br>*Apartment layouts are flexible and accommodate a range of lifestyle needs.* | Yes | The design offers a diverse range of apartment types.<br><br>The proposal seeks to provide three additional units, which contributes further to diverse range of apartment types. |
| **4R Adaptive reuse** | | |
| *Objective 4R-1*<br>*New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place*<br>*.* | N/A | |
| *Objective 4R-2*<br>*Adapted buildings provide residential amenity while not precluding future adaptive reuse.* | N/A | |
| **4S Mixed use** | | |
| *Objective 4S-1*<br>*Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.* | N/A | |
| *Objective 4S-2*<br>*Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.* | N/A | |
| **4T Awnings and signage** | | |
| *Objective 4T-1 Awnings are well located and complement and integrate with the building design.* | N/A | |
| *Objective 4T-2 Signage responds to the context and desired streetscape character.* | N/A | |

| Objectives | Proposal | Achievement of Objective |
|---|---|---|
| **4U Energy efficiency** | | |
| *Objective 4U-1 Development incorporates passive environmental design.* | Yes | Passive environmental design features are provided including large tree planting and plant species in the landscape for reduction of temperature. |
| *Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.* | Yes | The general orientation of buildings in a north-south axis assists with solar access and shading for all of the apartments. The articulated building façade and balconies to each apartment provide shading in summer and solar access in winter. |
| *Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation.* | Yes | 85.7% of units (30 of 35) are naturally cross-ventilated (ADG guideline – 60%). Refer to the revised BASIX Report.<br><br>The proposal makes no changes to the approved energy efficiency measures to be adopted. |
| **4V Water management and conservation** | | |
| *Objective 4V-1 Potable water use is minimised.* | Yes | Refer to BASIX Report. |
| *Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters.* | Yes | Refer to Stormwater engineer's details. |
| *Objective 4V-3 Flood management systems are integrated into site design.* | Yes | Refer to Stormwater engineer's details.<br><br>Amended BASIX and stormwater details are provided. |
| **4W Waste management** | | |
| *Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.* | Yes | Waste management is handled entirely within the building envelope to minimise impact on the streetscape. |
| *Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling.* | Yes | Recycling facilities are provided on the lower ground floor. Refer to the amended Waste Management Report. |
| **4X Building maintenance** | | |
| *Objective 4X-1 Building design detail provides protection from weathering.* | Yes | Robust finishes have been selected for maintenance and high durability. |
| *Objective 4X-2 Systems and access enable ease of maintenance.* | Yes | Access will be provided to all rooftop plant and equipment. Other services areas are located on the lower ground floor or within the basements. |
| *Objective 4X-3 Material selection reduces ongoing maintenance costs.* | Yes | Where possible, high-durability, pre-finished, untreated or natural-finish materials are proposed for building facades.<br><br>The proposal makes no changes to the approved durability of materials or maintenance requirements. |

The above assessment verifies that the modification does not diminish or detract from the design quality achieved in the original development. As the modifications are kept within the approved building envelope, it also does not compromise the design intent of the original development.

Pursuant to Section 102 of the Environmental Planning and Assessment Regulation 2021, I hereby declare that I am a qualified designer, which means a person registered as an Architect in accordance with the Architects Act 2003 as defined by Section 3 of the Environmental Planning and Assessment Regulation 2021.

I designed the above residential apartment development and I affirm that the design achieves the design quality and principles as set out in Part 4 of the State Environmental Planning Policy (Housing) 2021 and the Objectives of Parts 3 and 4 of the Apartment Design Guide.

Yours faithfully,

ZHINAR ARCHITECTS



.....

**Anna Ho**
Registered Architect NSW
Registration Number 10897

# Graham Hall and Partners

## Architects and Heritage Consultants

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**Mobile 0408 869 209 e-mail: hallct@ozemail.com.au ABN 90 440 643 480**


14 July 2025

The General Manager
Ku-ring-gai Council
818 Pacific Highway
Gordon NSW 2072

**1183-85 PACIFIC HIGHWAY, TURRAMURRA: DA0521/19**

**Introduction**

Following the granting of consent to this application, construction is in progress. However the applicant is submitting an amendment. This letter addresses the impact of the proposed revision on the heritage significance of the house at 1187 pacific Highway, which is listed as Item 794 in Schedule 5 of the LEP.

Please read this letter in conjunction with the Statement of Heritage Impact which was part of the original application in November 2019, although key parts will be reproduced here for ease of reference.

The proposal was for the demolition of two unlisted houses from the 1970s and the construction of a five-storey residential flat building. The proposed amendment will provide an additional floor in the residential flat building.

**Heritage significance of the listed house**

The Statement of Significance for the house at 1187 Pacific Highway in the State Heritage Inventory reads simply:

*Reasons for listing; architectural, municipal significance.*

This is derived from the inventory sheet compiles during the 1983 heritage study and is based on the criteria then current. In the Statement of Heritage Impact, the following expanded Statement of Significance was proposed:

*The item is a generally intact example of a large two-storey Federation Arts and Crafts style house on a reduced but adequate curtilage, providing evidence of the early residential development of Turramurra on former orchards and dairy farms, which provided housing for professional and business people following the construction of the North Shore railway.*


Association of Consulting Architects member practice

**Graham Hall** B Arch, M Bldg Sc, MBA, Grad Cert Herit Cons, FRAIA
Nominated Architect (Architects Registration Board No. 2600)
Heritage Consultant

**Cheryl Hall** BA
Historian

Member Australian Institute of Architects

**The setting, approved and proposed developments**



**View across Pacific Highway to residential flat building to the north of the heavily screened listed house**

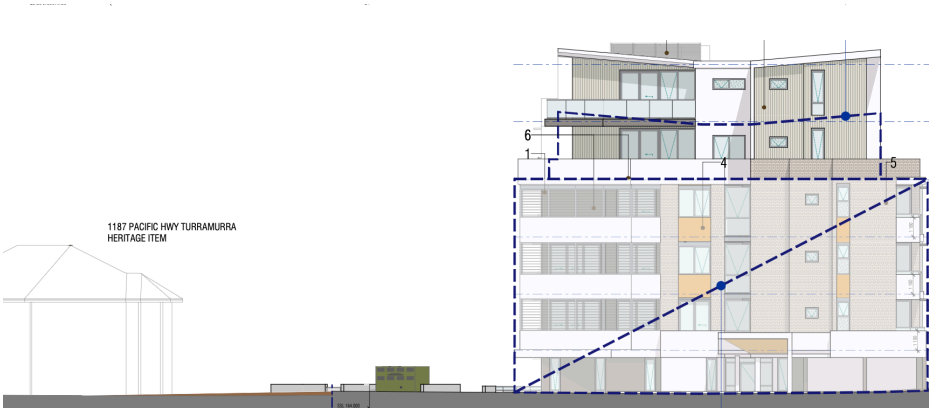


**View across Pacific Highway in 2019, with listed house, left, entirely screened, No. 1185 now demolished, and residential flats, right**

The Pacific Highway is increasingly lined with residential flat buildings. By 2019, there were mid-rise flats to the north of the item, and to the south of the single storey houses on the development site. The drawings below show the spatial relationships between the item and the approved and proposed schemes. The photographs above show how the large trees – which have their own bulk and scale as elements in the landscape – modify the relationship.




**THE APPROVED SCHEME** **ZHINAR ARCHITECTS**




**THE PROPOSED AMENDMENT** **ZHINAR ARCHITECTS**

**Heritage Impact of the approved proposal**

The impact is explored in detail in the Statement of Heritage Impact, with answers to the questions posed in the Heritage Council's 2001 guidelines, which have since been replaced. The Statement is summarised as follows.

- There will be no physical impact on the item.
- The item's curtilage, its own lot, will not be affected.
- There will be no impact on views towards the item from the public domain. These views are at present very restricted by the high boundary fence and trees which screen the house from the highway.
- There are no significant views from the item.
- There is no likelihood that significant archaeological deposits will be discovered during construction.

The principal issue was, and is, the visual relationship between the item and the residential flat building. The SOHI stated:

"The new building will be higher than the item. It will have a larger footprint than the cottages it replaces, and will be stylistically different. Similar situations are now arising very frequently throughout the metropolitan area and the regions, since as in the present case, planning instruments are permitting increasingly greater densities and heights outside conservation areas.

the item and new building are well separated, particularly on the Pacific Highway frontage (as are the item and the flat building to its north). The new building certainly will not dominate in terms of its height.

Nor it its design unsympathetic. Where a new building is proposed near a listed item and is considerably larger, it is particularly inappropriate for its style to be driven by that of the item. The proposed building is in a restrained contemporary in style: appropriately so. The main wall material is face brick, a timeless material, like that of the item, and its mass is broken up by extensive articulation. It will not draw attention to itself, and if the item were not screened by the fence and trees, it would still not compete for attention.

The item and new building are well separated, particularly on the Pacific Highway frontage (as are the item and the flat building to its north). The new building certainly will not dominate in terms of its height.

Nor it its design unsympathetic. Where a new building is proposed near a listed item and is considerably larger, it is particularly inappropriate for its style to be driven by that of the item. The proposed building is in a restrained contemporary in style: appropriately so. The main wall material is face brick, a timeless material, like that of the item, and its mass is broken up by extensive articulation. It will not draw attention to itself, and if the item were not screened by the fence and trees, it would still not compete for attention."

The additional of another floor will have no impact on the conclusion of the SOHI:

"The proposal will bring about another change in the evolving setting of the item, but in this context it will remain as a historic marker, providing physical evidence of the early residential development of the area. There will be no impact on that significance."

Yours sincerely

Graham Hall

RODNEY STEVENS ACOUSTICS
Acoustic Consultants

REPORT R190481R1

Revision 0

# Traffic Noise Assessment

# Proposed Residential Development

# 1183 - 1185 Pacific Highway, Turramurra

PREPARED FOR:
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15 September 2025

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# Traffic Noise Assessment

# Proposed Residential Development

# 1183 - 1185 Pacific Highway, Turramurra

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DOCUMENT CONTROL

| Reference | Status | Date | Prepared | Checked | Authorised |
|---|---|---|---|---|---|
| 190481R0 | Revision 0 | 15 November 2019 | James Wilkinson | Desmond Raymond | Rodney Stevens |
| 190481R0 | Revision 1 | 15 November 2025 | James Wilkinson | Desmond Raymond | Rodney Stevens |

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# 1 INTRODUCTION

Rodney Stevens Acoustics Pty Ltd (here forth referred to as RSA) has been engaged by Northern Group Pty Ltd to conduct a road noise impact assessment for development application (DA) lodgement of the proposed residential development at 1183 - 1185 Pacific Highway, Turramurra.

This report addresses the road traffic noise impacts from the Pacific Highway on the amenity of the proposed residential development.

This assessment is to form part of the supporting documentation for the DA submission to Ku-Ring-Gai Council. Specific acoustic terminology is used in this report. An explanation of common acoustic terms is provided in Appendix A.

# 2 PROJECT DESCRIPTION

## 2.1 Site Location

The proposed development site is located at 1183 - 1185 Pacific Highway, Turramurra. The site will be bounded by residential dwellings to the north, east, west, and The Pacific Highway to the south. The site and its surroundings are shown in Figure 2-1.

Figure 2-1 Site Location




Aerial image courtesy of Near Maps © 2019

## 2.2 Proposed Development

The proposal is to construct a new multi residential development. The floor plans of the proposed residential development are presented in Appendix C.

# 3 BASELINE NOISE SURVEY

## 3.1 Unattended Noise Monitoring

In order to characterise the existing acoustical environment of the area, unattended noise monitoring was previously conducted by RSA in the area between Tuesday 22nd October and Tuesday 29th October 2019. Two noise loggers were set up on site. The first logger was located in the front yard of the site overlooking the Pacific Highway this location is representative of the traffic noise levels that the site will be exposed to.

The second logger was located on the rear yard of the site, noise monitoring at this location is representative of the typical acoustic environment of the site.

Logger locations were selected with consideration to other noise sources which may influence readings, security issues for noise monitoring equipment and gaining permission for access from residents and landowners.

Instrumentation for the survey comprised of 2 RION NL-42 environmental noise loggers (serial numbers 133013 and 546394) fitted with microphone windshields. Calibration of the logger was checked prior to and following measurements. Drift in calibration did not exceed ±0.5 dB(A). All equipment carried appropriate and current NATA (or manufacturer) calibration certificates. Measured data has been filtered to remove data measured during adverse weather conditions upon consultation with historical weather reports provided by the Bureau of Meteorology (BOM).

The logger determines LA1, LA10, LA90 and LAeq levels of the ambient noise. LA1, LA10, LA90 are the levels exceeded for 1%, 10% and 90% of the sample time respectively (see Glossary for definitions in Appendix A). Detailed results at the monitoring location are presented in graphical format in Appendix B. The graphs show measured values of LA1, LA10, LA90 and LAeq for each 15-minute monitoring period.

## 3.2 Ambient Noise Results

In order to establish the ambient noise criteria of the area, the data obtained from the noise logger has been processed in accordance with the procedures contained in the NSW Environmental Protection Authority's (EPA) Noise Policy for Industry (NPfI, 2017) to establish representative noise levels that can be expected in the residential vicinity of the site. The monitored baseline noise levels are detailed in Table 3-1.

Table 3-1 Measured Baseline Noise Levels Corresponding to Defined NPfI Periods

| Location | Measurement Descriptor | Measured Noise Level – dB(A) re 20 µPa | | |
|---|---|---|---|---|
| | | Daytime 7 am - 6 pm | Evening 6 pm – 10 pm | Night-time 10 pm – 7 am |
| Logger at south-west boundary of site | LAeq | 59 | 61 | 55 |
| | RBL (Background) | 52 | 49 | 33 |

Notes: All values expressed as dB(A) and rounded to nearest 1 dB(A);

LAeq Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound.

LA90 Noise level present for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).

## 3.3 Noise Intrusion (State Environmental Planning Policy (Infrastructure) 2007)

To assess noise intrusion into the proposed multi residential development, the data obtained from the first logger location has been processed to establish representative ambient noise levels at the facades most exposed to The Pacific Highway.

The time periods used for this assessment are as defined in the State Environmental Planning Policy (Infrastructure) 2007and the Development near Rail Corridors and Busy Roads Interim Guideline. Results are presented below in Table 3-2.

Table 3-2 Traffic Noise Levels Corresponding to Defined SEEP 2007 Periods

| Location | Period | External Noise Levels dB(A) |
|---|---|---|
| Approximately 10m from Pacific Highway | Day Time 7:00 am - 10:00 pm | $L_{Aeq(15hour)}$ 69 |
| | Night Time 10:00 pm - 7:00 am | $L_{Aeq(9hour)}$ 66 |

# 4 NOISE GUIDELINES AND CRITERIA

## 4.1 Road Noise Criteria

The determination of an acceptable level of traffic noise impacting the internal residential spaces requires consideration of the activities carried out within the space and the degree to which noise will interfere with those activities.

As sleep is the activity most affected by traffic noise, bedrooms are considered to be the most sensitive internal living areas. Higher levels of noise are acceptable in living areas without interfering with activities such as reading, listening to the television etc. Noise levels in utility spaces such as kitchens, bathrooms, laundries etc. can be higher.

## 4.2 Ku-Ring-Gai Council Requirements

Ku-Ring-Gai Council in their DCP 2013 Part B, Section 20 – Development Near Road or Rail Noise, Item 2 requires the following criteria for developments near road corridors:

| Item | Type of occupancy/activity | Design sound level ($L_{Aeq,t}$) range | Design reverberation time ($T$) range, s |
|---|---|---|---|
| 7 | RESIDENTIAL BUILDINGS (see Note 5 and Clause 5.2) | | |
| | Houses and apartments in inner city areas or entertainment districts or near major roads— | | |
| | Apartment common areas (e.g. foyer, lift lobby) | 45 to 50 | — |
| | Living areas | 35 to 45 | — |
| | Sleeping areas (night time) | 35 to 40 | — |

### 4.2.1 State Environmental Planning Policy (Infrastructure) 2007

The NSW Government's State Environmental Planning Policy (Infrastructure) 2007 (SEPP (Infrastructure) 2007) was introduced to facilitate the delivery of infrastructure across the State by improving regulatory certainty and efficiency. In accordance with the SEPP, Table 3.1 of the NSW Department of Planning and Infrastructure's "*Development near Rail Corridors and Busy Roads - Interim Guideline*" (the DP&I Guideline) of December 2008 provides noise criteria for residential and non-residential buildings. These criteria are summarised in Table 4-1.

Table 4-1 DP&I Interim Guideline Noise Criteria

| Type of occupancy | Noise Level dB(A) | Applicable time period |
|---|---|---|
| Sleeping areas (bedroom) | 35 | Night 10 pm to 7 am |
| Other habitable rooms (excl. garages, kitchens, bathrooms & hallways) | 40 | At any time |

Note 1: Airborne noise is calculated as $L_{Aeq(15hour)}$ daytime and $L_{Aeq(9hour)}$ night-time

The following guidance is also provided in the DP&I Guideline:

> *"These criteria apply to all forms of residential buildings as well as aged care and nursing home facilities. For some residential buildings, the applicants may wish to apply more stringent design goals in response to market demand for a higher quality living environment.*
>
> *The night-time "sleeping areas" criterion is 5 dB(A) more stringent than the "living areas" criteria to promote passive acoustic design principles. For example, designing the building such that sleeping areas are less exposed to road or rail noise than living areas may result in less onerous requirements for glazing, wall construction and acoustic seals. If internal noise levels with*

*windows or doors open exceed the criteria by more than 10 dB(A), the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so desire, and also to meet the ventilation requirements of the Building Code of Australia."*

The noise criteria presented in Section 4.2.1 and in Table 4-1 apply to a 'windows closed condition'. Standard window glazing of a building will typically attenuate noise ingress by 20 dB(A) with windows closed and 10 dB(A) with windows open (allowing for natural ventilation). Accordingly, the external noise threshold above which a development will require mechanical ventilation is an $L_{Aeq(9hour)}$ 55 dB(A) for bedrooms and $L_{Aeq(15hour)}$ 60 dB(A) for other areas.

Where windows must be kept closed, the adopted ventilation systems must meet the requirements of the Building Code of Australia and Australian Standard 1668 – The use of ventilation and air conditioning in buildings.

## 4.3 Operational Noise Project Trigger Noise Levels

Responsibility for the control of noise emissions in New South Wales is vested in Local Government and the EPA. The EPA oversees the Noise Policy for Industry (NPfI) October 2017 which provides a framework and process for deriving project trigger noise level. The NPfI project noise levels for industrial noise sources have two (2) components:

- Controlling the intrusive noise impacts for residents and other sensitive receivers in the short term; and
- Maintaining noise level amenity for particular land uses for residents and sensitive receivers in other land uses.

### *4.3.1* Intrusiveness Noise Levels

For assessing intrusiveness, the background noise generally needs to be measured. The intrusiveness noise level essentially means that the equivalent continuous noise level (LAeq) of the source should not be more than 5 dB(A) above the measured Rated Background Level (RBL), over any 15 minute period.

### *4.3.2* Amenity Noise Levels

The amenity noise level is based on land use and associated activities (and their sensitivity to noise emission). The cumulative effect of noise from industrial sources needs to be considered in assessing the impact. The noise levels relate only to other industrial-type noise sources and do not include road, rail or community noise. The existing noise level from industry is measured.

If it approaches the project trigger noise level value, then noise levels from new industrial-type noise sources, (including air-conditioning mechanical plant) need to be designed so that the cumulative effect does not produce total noise levels that would significantly exceed the project trigger noise level.

### *4.3.3* Area Classification

The NPfI characterises the "Urban" noise environment as an area with an acoustical environment that:

- is dominated by 'urban hum' or industrial source noise,
- where urban hum means the aggregate sound of many unidentifiable, mostly traffic and/or industrial related sound sources
- has through-traffic with characteristically heavy and continuous traffic flows during peak periods
- is near commercial districts or industrial districts
- has any combination of the above.

The area surrounding the proposed development falls under the "Urban" area classification.

### *4.3.4* Project Specific Trigger Noise Levels

Having defined the area type, the processed results of the attended noise monitoring have been used to determine project specific project trigger noise level. The intrusive and amenity project trigger noise level for nearby residential premises are presented in Table 4-2. These project trigger noise levels are nominated for the purpose of assessing potential noise impacts from the proposed development.

In this case, the ambient noise environment is not controlled by industrial noise sources and therefore the project amenity noise level are assigned as per Table 2.2 of the NPfI (Recommended Amenity Noise Levels). For each assessment period, the lower (i.e. the more stringent) of the amenity or intrusive project trigger noise level are adopted. These are shown in bold text in Table 4-2.

Table 4-2 Operational Project Trigger Noise Levels

| Receiver | Time of Day | ANL [1] $L_{Aeq(15min)}$ | Measured | | Project Trigger Noise Levels | |
|---|---|---|---|---|---|---|
| | | | RBL [2] $L_{A90(15min)}$ | Existing $L_{Aeq(Period)}$ | Intrusive $L_{Aeq(15min)}$ | Amenity $L_{Aeq(15min)}$ |
| Residential | Day | 60 | 52 | 59 | **57** | 63 |
| | Evening | 50 | 49 | 61 | **54** | 53 |
| | Night | 45 | 33 | 55 | **38** | 48 |

Note 1: ANL = "Amenity Noise Level" for residences in Suburban Areas.

Note 2: RBL = "Rating Background Level".

## 5 NOISE IMPACT ASSESMENT

### 5.1 Traffic Noise Assessment

In order to ascertain the existing traffic noise levels from The Pacific Highway, the measured noise logger data was processed in accordance to the NSW Department of Planning and Infrastructure's "*Development near Rail Corridors and Busy Roads - Interim Guideline"* assessment time periods as shown in Table 3-2.

The final façade noise levels were predicted for each time period taking into account the distance attenuation from each respective source, virtual source, façade's orientation and any barrier effects.

The required noise reduction via the building façade for each respective room for each time period will be compared to determine the appropriate design criteria levels.

It is typically accepted that an open window (fractionally open to meet ventilation requirements) results in an attenuation of external noise by 10 dB. This reduction has been used to predict the room noise level in the window open condition.

## 5.2 Recommended noise control treatment

The calculation procedure establishes the required noise insulation performance of each surface component such that the internal noise level is achieved whilst an equal contribution of traffic noise energy is distributed across each component. Building envelope components with a greater surface area must therefore offer increased noise insulation performance.

The recommended acoustic treatment is based on the following floor finishes:

- Bedrooms: Carpet and underlay
- Living Room Hard Flooring
- Kitchen/Wet Areas: Tiles

The acoustic requirements shown in this report will increase further where the bedroom floor finishes are tiled or timber.

All recommendations must be checked by others to ensure compliance with other non-acoustic requirements that Council or other authority may impose (e.g. Thermal requirements for BASIX compliance).

## 5.3 Glazing

The $R_w$ rating required for each window will vary from room to room. Recommendations for windows also apply to any other item of glazing located on the external facade of the building in a habitable room unless otherwise stated.

Note that the $R_w$ rating is required for the complete glazing and frame assembly. The minimum glazing thicknesses will not necessarily meet the required $R_w$ rating without an appropriate frame system. It will be therefore necessary to provide a window glass and frame system having a laboratory tested acoustic performance meeting the requirements in Table 5-1

The window systems must be tested in accordance with both of the following:

- Australian Window Association Industry Code of Practice Window and Door – Method of Acoustic Testing; and
- AS 1191 Acoustics – Method for laboratory measurement of airborne sound insulation of building elements.

It is necessary to submit such Laboratory certification for the proposed glazing systems (i.e. windows and framing systems) (e.g. NAL or CSIRO) for approval by RSA prior to ordering or commitment.

The entire frame associated with the glazing must be sealed into the structural opening using acoustic mastics and backer rods. Normal weather proofing details do not necessarily provide the full acoustic insulation potential of the window system. The manufacturers' installation instructions for the correct acoustic sealing of the frame must be followed.

It is possible that structural demands for wind loading or fire rating or the like may require more substantial glass and framing assemblies than nominated above. Where this is the case the acoustic requirements must clearly be superseded by the structural or fire rating demands.

Table 5-1 presents the minimum recommended $R_w$ (weighted noise reduction) for glazing elements.

Table 5-1 Minimum Acoustic Rating ($R_w$) Required for Glazing Elements

| Floor | Facade | Minimum Glazing Rating RW |
|---|---|---|
| Lower Ground | South | Rw 38 |
| | West | Rw 38 |
| | East | Rw 38 |
| | North | Rw 25 |
| Upper Ground | South | Rw 38 |
| | West | Rw 38 |
| | East | Rw 38 |
| | North | Rw 25 |
| First | South | Rw 38 |
| | West | Rw 38 |
| | East | Rw 38 |
| | North | Rw 25 |
| Second | South | Rw 38 |
| | West | Rw 38 |



| | | |
|---|---|---|
| | East | Rw 38 |
| | North | Rw 27 |
| Third | South | Rw 38 |
| | West | Rw 38 |
| | East | Rw 38 |
| | North | Rw 28 |

| Floor | Facade | Minimum Glazing Rating RW |
|---|---|---|
| Fourth | South | Rw 38 |
| | West | Rw 38 |
| | East | Rw 38 |
| | North | Rw 28 |
| Fifth | South | Rw 38 |
| | West | Rw 38 |
| | East | Rw 38 |
| | North | Rw 28 |

A glazing thickness guideline is presented in Appendix E for further reference

### 5.4 Detailing

Note that well-detailed construction and careful installation is needed to achieve the required $R_w$ acoustic ratings. All gaps are to be minimised and fully sealed with an acoustic rated sealant, such as FireBan One by Bostik or Sikaflex Pro 2HP by Sika.

### 5.5 Mechanical Plant Noise Assessment

A specific mechanical plant selection has not been supplied at this stage. It is anticipated that the building will be serviced by typical mechanical ventilation/air conditioning equipment.

It is likely that the criteria set out in Table 4-2 will be met through the use of conventional noise control methods (e.g. selection of equipment on the basis of quiet operation and, where necessary, providing enclosures, localised barriers, silencers and lined ductwork).

An appropriately qualified acoustic consultant should review the mechanical plant associated with the development at the detailed design stage when final plant selections have been made.

## 6 CONCLUSION

RSA has conducted a traffic noise impact assessment of the proposed residential development at 1183 - 1185 Pacific Highway, Turramurra. The assessment has comprised the establishment of noise criteria and assess noise impacts with regard to relevant statutory requirements.

A noise survey has been conducted and the processed data has been used to determine traffic noise from The Pacific Highway at the project site.

Based on the noise impact study conducted, the proposed development is assessed to comply with the SEPP (Infrastructure) 2007 noise criteria with recommendations from this report. It is therefore recommended that planning approval be granted for the proposed development on the basis of acoustics.

Noise emissions criteria for mechanical plant have not been established at this stage; a future noise survey may be required once the mechanical plan schedules are available.

Prepared by:



James Wilkinson

Acoustic Consultant

Approved by:



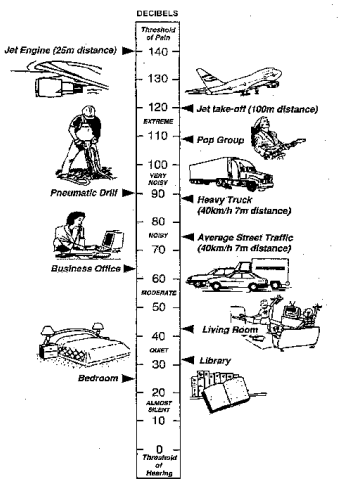
Desmond Raymond

Director

## Appendix A Acoustic Terminology

| | |
|---|---|
| **A-weighted sound pressure** | The human ear is not equally sensitive to sound at different frequencies. People are more sensitive to sound in the range of 1 to 4 kHz (1000 – 4000 vibrations per second) and less sensitive to lower and higher frequency sound. During noise measurement an electronic '*A-weighting*' frequency filter is applied to the measured sound level *dB(A)* to account for these sensitivities. Other frequency weightings (B, C and D) are less commonly used. Sound measured without a filter is denoted as linear weighted dB(linear). |
| Ambient noise | The total noise in a given situation, inclusive of all noise source contributions in the near and far field. |
| **Community annoyance** | Includes noise annoyance due to:<br><br>character of the noise (e.g. sound pressure level, tonality, impulsiveness, low-frequency content)<br><br>character of the environment (e.g. very quiet suburban, suburban, urban, near industry)<br><br>miscellaneous circumstances (e.g. noise avoidance possibilities, cognitive noise, unpleasant associations)<br><br>human activity being interrupted (e.g. sleep, communicating, reading, working, listening to radio/TV, recreation). |
| Compliance | The process of checking that source noise levels meet with the noise limits in a statutory context. |
| Cumulative noise level | The total level of noise from all sources. |
| **Extraneous noise** | Noise resulting from activities that are not typical to the area. Atypical activities may include construction, and traffic generated by holiday periods and by special events such as concerts or sporting events. Normal daily traffic is not considered to be extraneous. |
| **Feasible and reasonable measures** | Feasibility relates to engineering considerations and what is practical to build; reasonableness relates to the application of judgement in arriving at a decision, taking into account the following factors:<br><br>Noise mitigation benefits (amount of noise reduction provided, number of people protected).<br><br>Cost of mitigation (cost of mitigation versus benefit provided).<br><br>Community views (aesthetic impacts and community wishes).<br><br>Noise levels for affected land uses (existing and future levels, and changes in noise levels). |

| | |
|---|---|
| Impulsiveness | Impulsive noise is noise with a high peak of short duration or a sequence of these peaks. Impulsive noise is also considered annoying. |
| Low frequency | Noise containing major components in the low-frequency range (20 to 250 Hz) of the frequency spectrum. |
| Noise criteria | The general set of non-mandatory noise levels for protecting against intrusive noise (for example, background noise plus 5 dB) and loss of amenity (e.g. noise levels for various land use). |
| **Noise level (goal)** | A noise level that should be adopted for planning purposes as the highest acceptable noise level for the specific area, land use and time of day. |
| Noise limits | Enforceable noise levels that appear in conditions on consents and licences. The noise limits are based on achievable noise levels, which the proponent has predicted can be met during the environmental assessment. Exceedance of the noise limits can result in the requirement for either the development of noise management plans or legal action. |
| Performance-based goals | Goals specified in terms of the outcomes/performance to be achieved, but not in terms of the means of achieving them. |
| **Rating Background Level (RBL)** | The rating background level is the overall single figure background level representing each day, evening and night time period. The rating background level is the 10$^{th}$ percentile min $L_{A90}$ noise level measured over all day, evening and night time monitoring periods. |
| Receptor | The noise-sensitive land use at which noise from a development can be heard. |
| Sleep disturbance | Awakenings and disturbance of sleep stages. |
| Sound and decibels (dB) | Sound (or noise) is caused by minute changes in atmospheric pressure that are detected by the human ear. The ratio between the quietest noise audible and that which should cause permanent hearing damage is a million times the change in sound pressure. To simplify this range the sound pressures are logarithmically converted to decibels from a reference level of 2 x 10-5 Pa.<br><br>The picture below indicates typical noise levels from common noise sources. |




dB is the abbreviation for decibel – a unit of sound measurement. It is equivalent to 10 times the logarithm (to base 10) of the ratio of a given sound pressure to a reference pressure.

Sound power Level (SWL)

The sound power level of a noise source is the sound energy emitted by the source. Notated as SWL, sound power levels are typically presented in *dB(A)*.

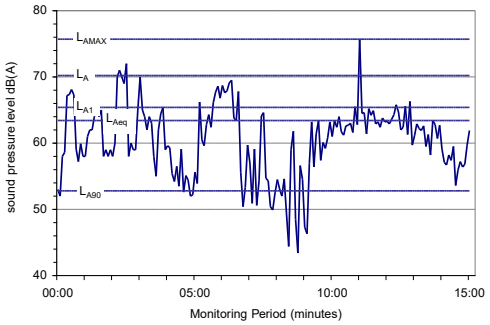
Sound Pressure Level (SPL)

The level of noise, usually expressed as SPL in *dB(A)*, as measured by a standard sound level meter with a pressure microphone. The sound pressure level in *dB(A)* gives a close indication of the subjective loudness of the noise.

Statistic noise levels

Noise levels varying over time (e.g. community noise, traffic noise, construction noise) are described in terms of the statistical exceedance level.

A hypothetical example of A weighted noise levels over a 15 minute measurement period is indicated in the following figure:

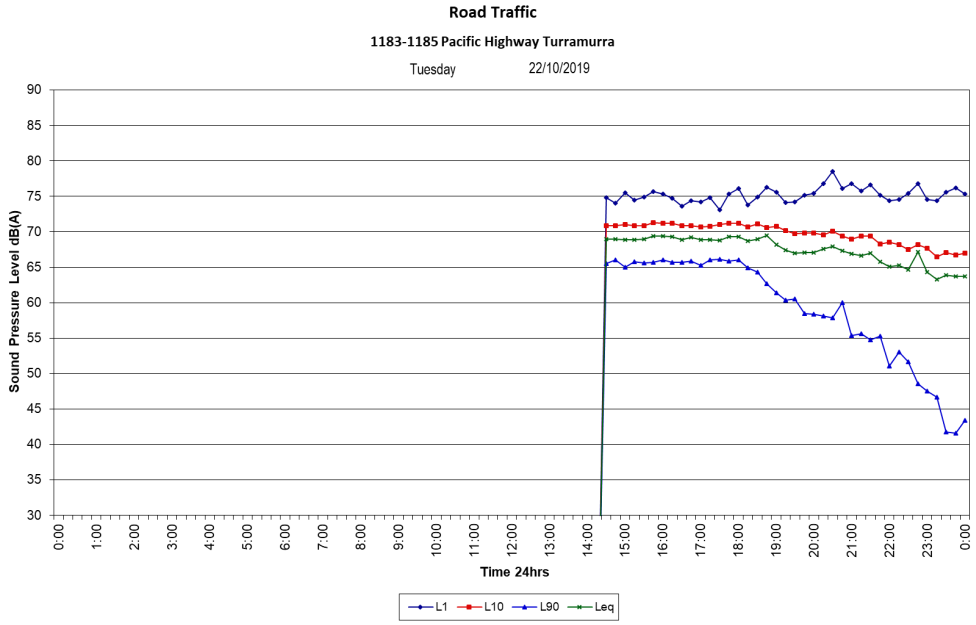


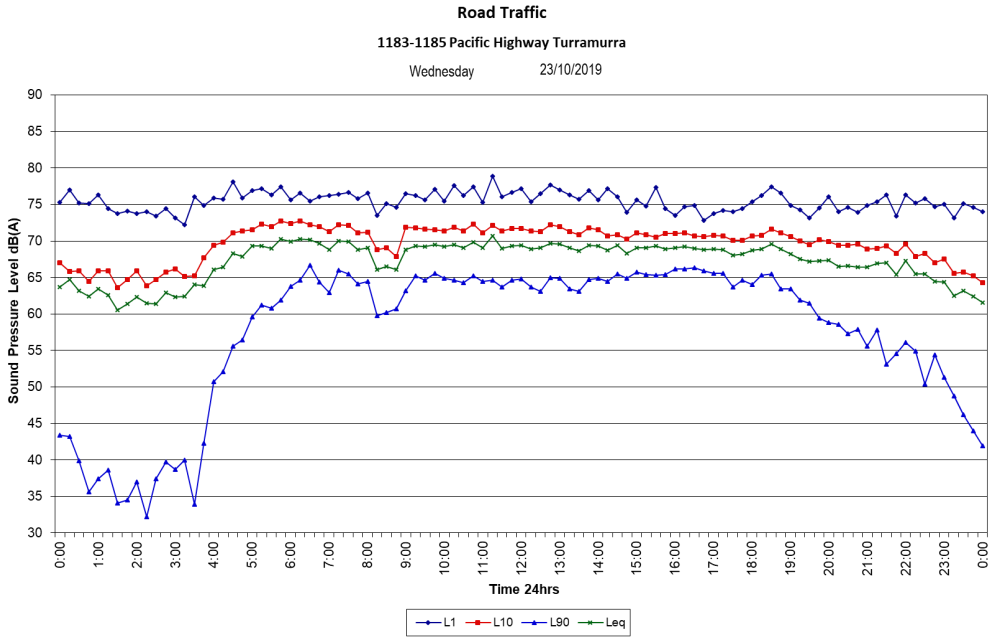

Key descriptors:

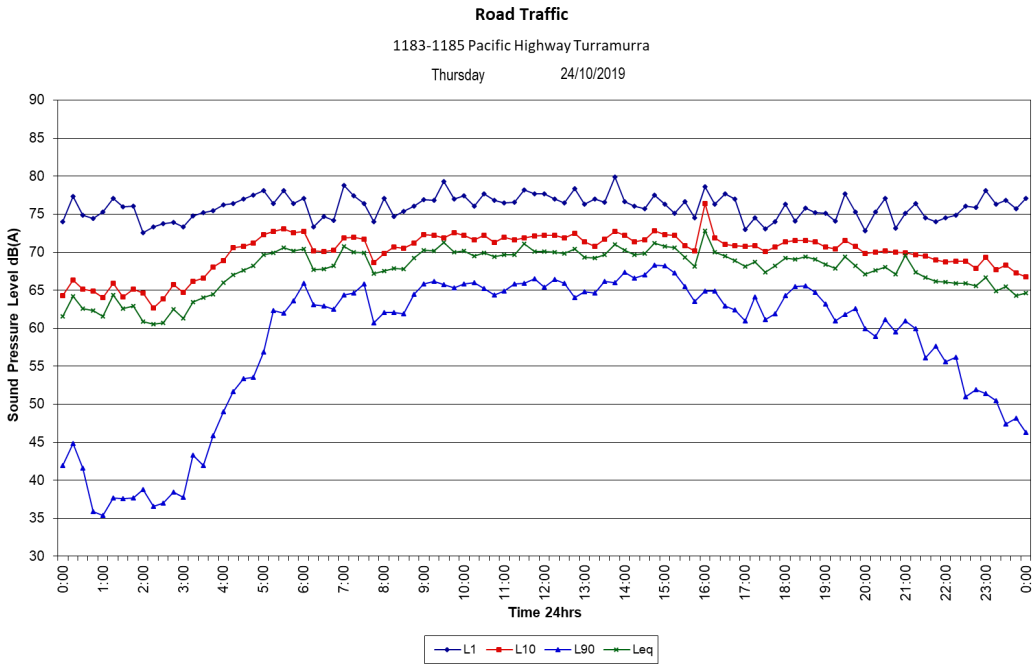
| | |
|---|---|
| | $L_{Amax}$ Maximum recorded noise level. |
| | $L_{A1}$ The noise level exceeded for 1% of the 15 minute interval. |
| | $L_{A10}$ Noise level present for 10% of the 15 minute interval. Commonly referred to the average maximum noise level. |
| | $L_{Aeq}$ Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound. |
| | $L_{A90}$ Noise level exceeded for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration). |
| Threshold | The lowest sound pressure level that produces a detectable response (in an instrument/person). |
| Tonality | Tonal noise contains one or more prominent tones (and characterised by a distinct frequency components) and is considered more annoying. A 2 to 5 dB(A) penalty is typically applied to noise sources with tonal characteristics |

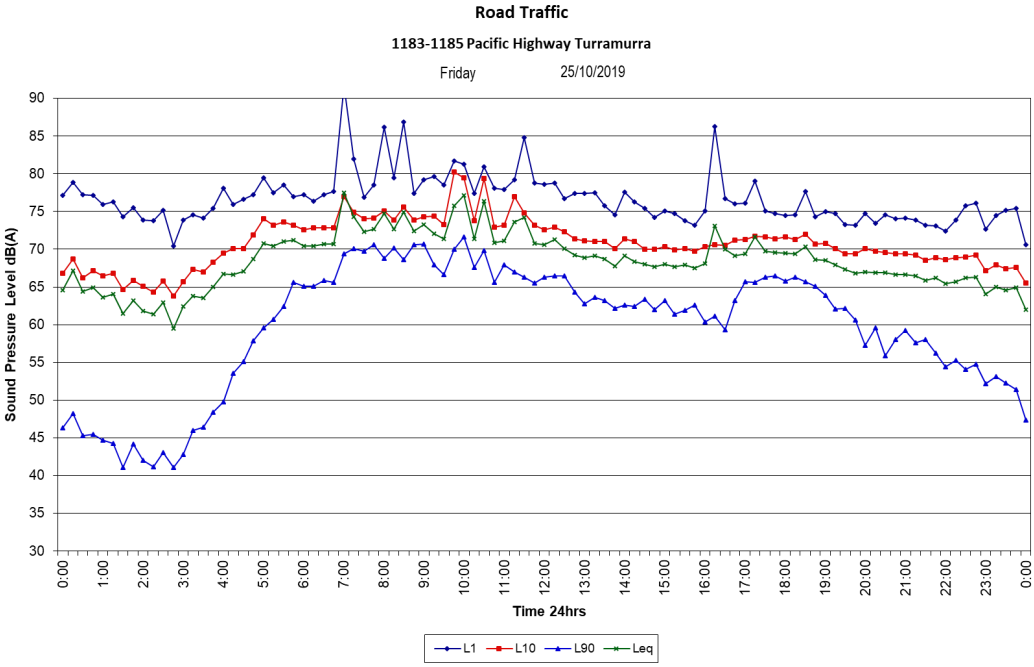
## Appendix B Logger Graphs

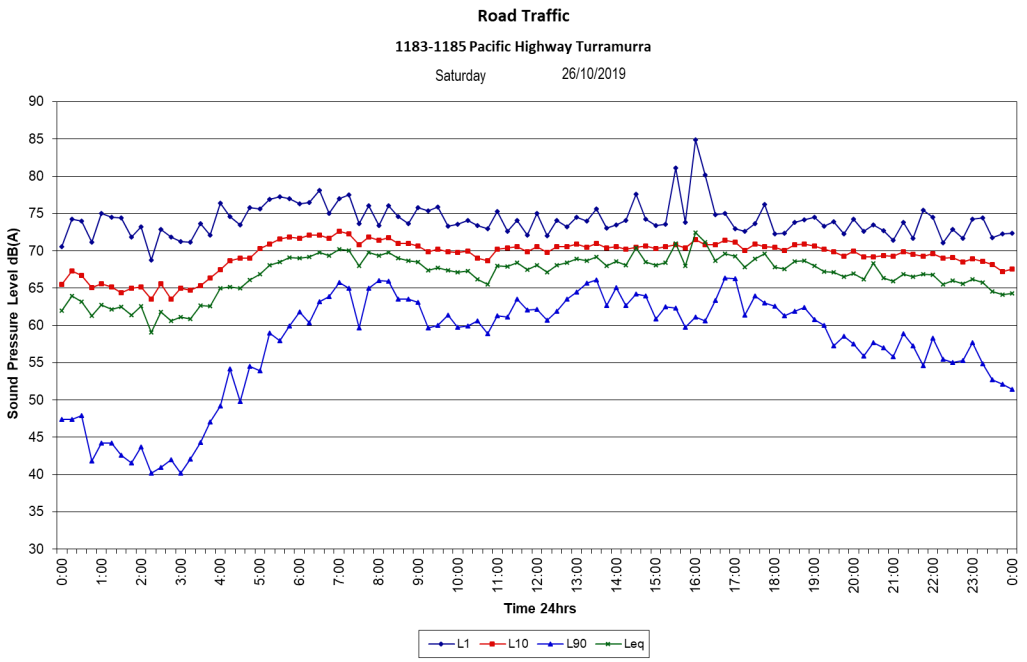
Traffic Logger

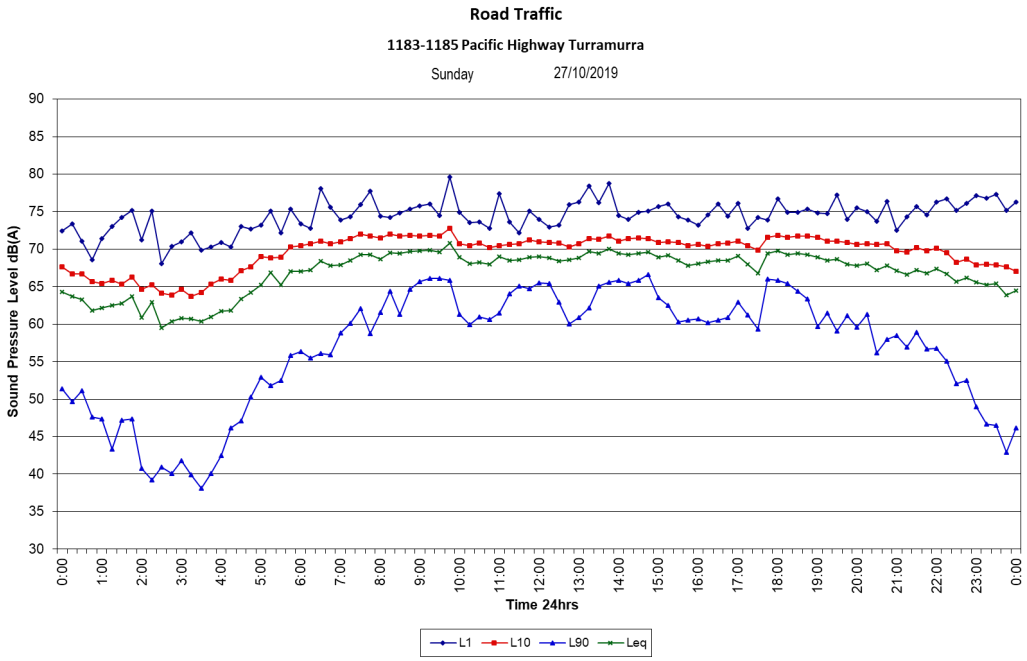


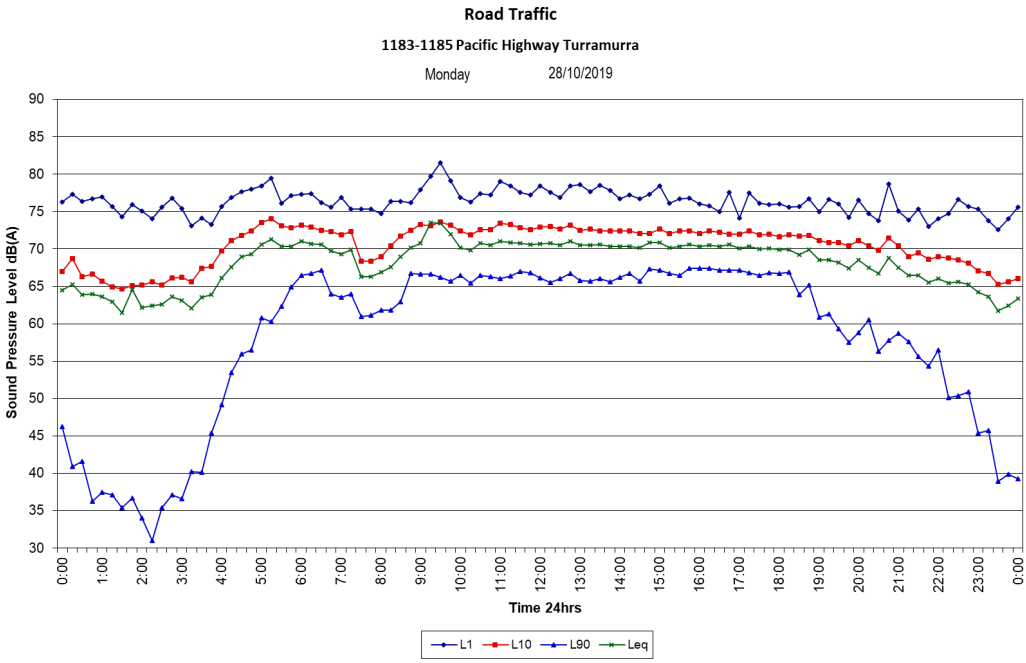



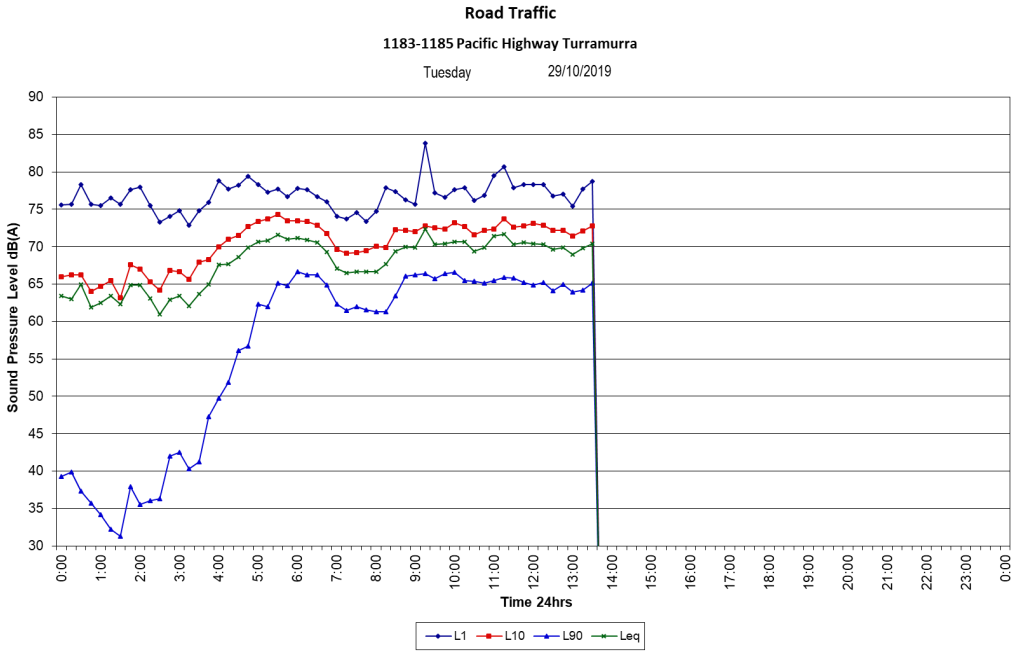

Road Traffic
1183-1185 Pacific Highway Turramurra
Thursday 24/10/2019
Sound Pressure Level dB(A)
Time 24hrs
L1
L10
L90
Leq


Road Traffic
1183-1185 Pacific Highway Turramurra
Friday 25/10/2019
Sound Pressure Level dB(A)
Time 24hrs
L1
L10
L90
Leq

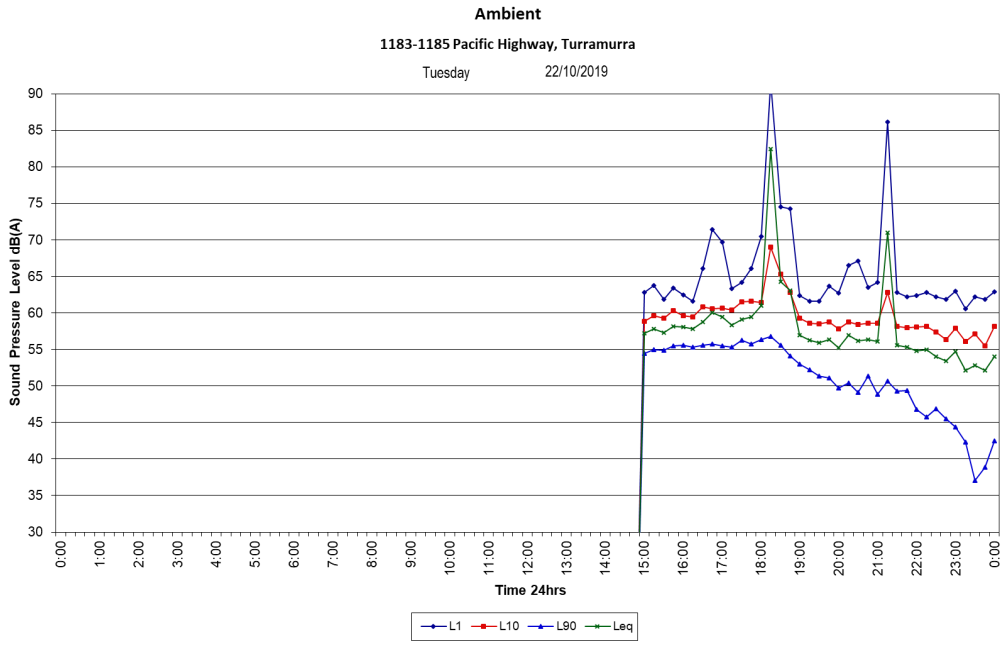

Road Traffic
1183-1185 Pacific Highway Turramurra
Saturday 26/10/2019
Sound Pressure Level dB(A)
Time 24hrs
L1 L10 L90 Leq

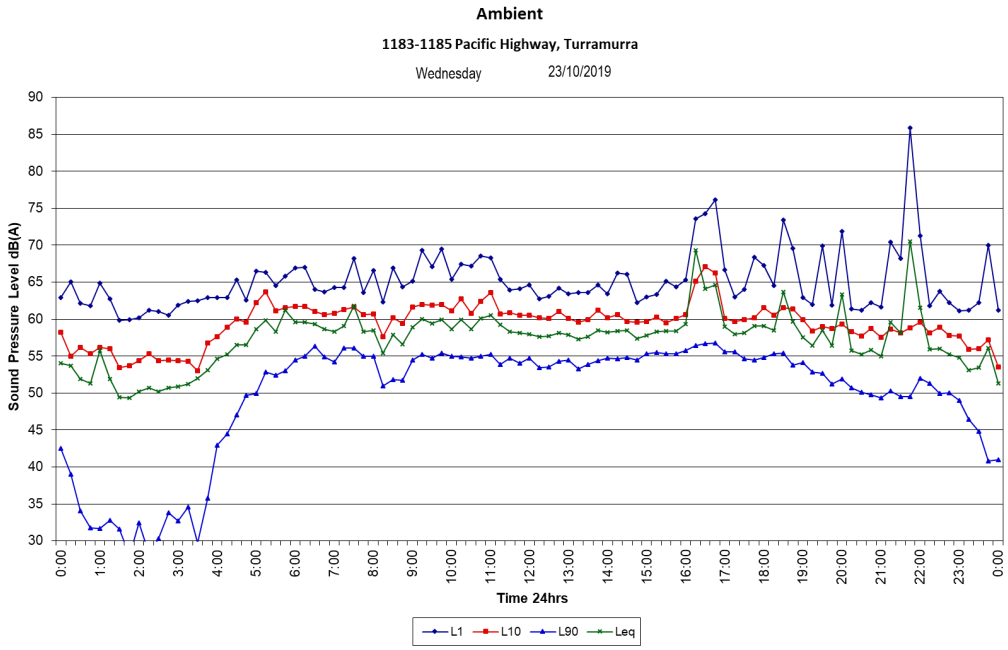

Road Traffic
1183-1185 Pacific Highway Turramurra
Sunday 27/10/2019
Sound Pressure Level dB(A)
Time 24hrs
L1 L10 L90 Leq

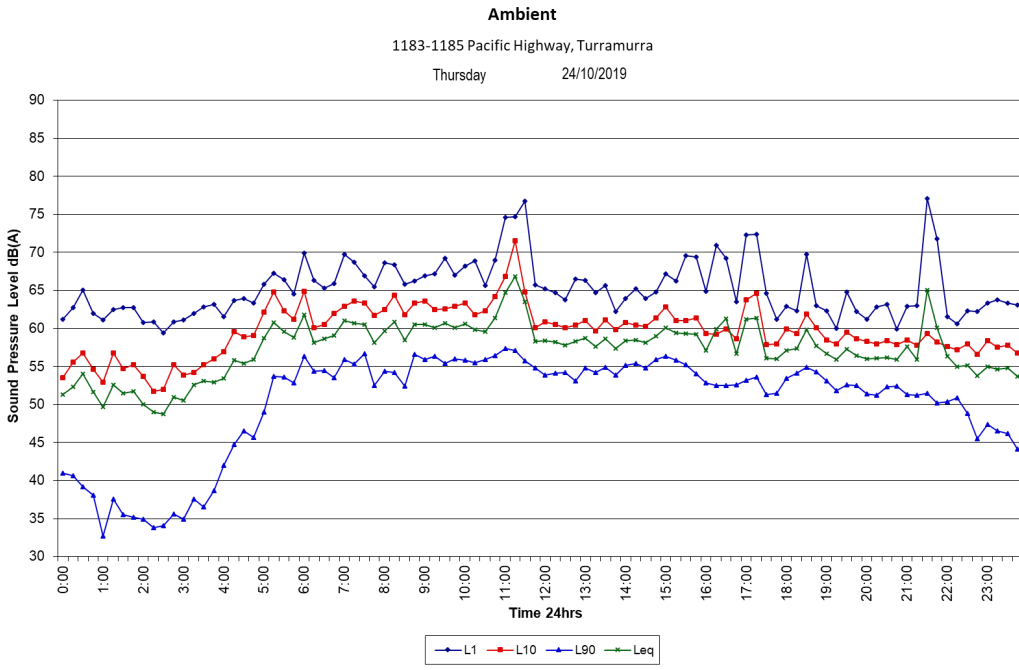

Road Traffic
1183-1185 Pacific Highway Turramurra
Monday 28/10/2019
Sound Pressure Level dB(A)
Time 24hrs
L1 L10 L90 Leq

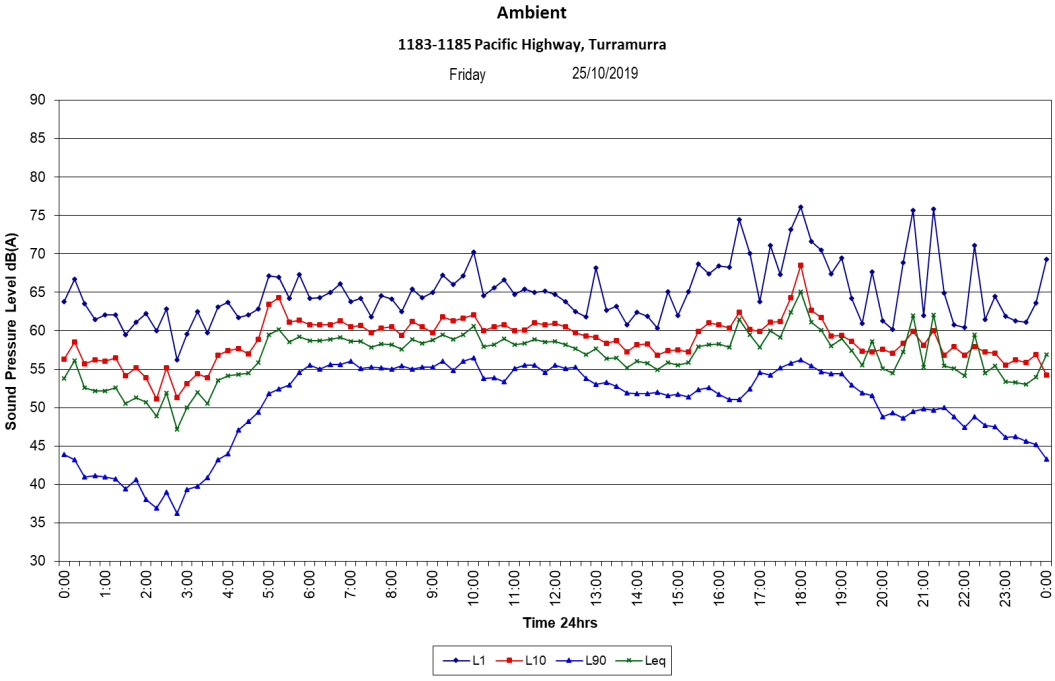

Road Traffic
1183-1185 Pacific Highway Turramurra
Tuesday 29/10/2019
Sound Pressure Level dB(A)
Time 24hrs
L1 L10 L90 Leq

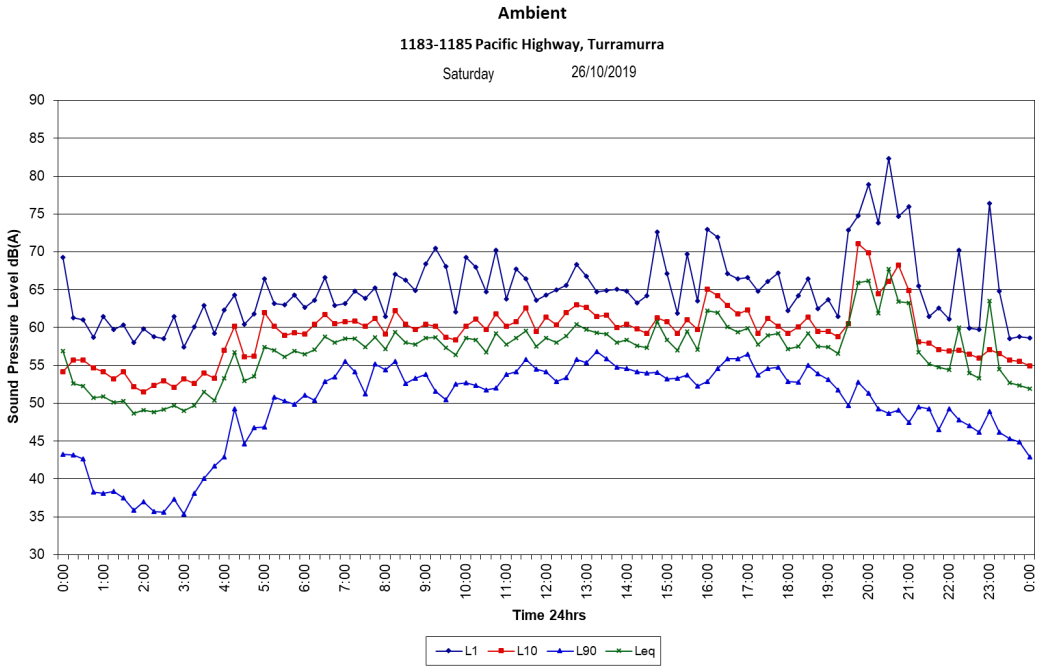
Ambient Logger

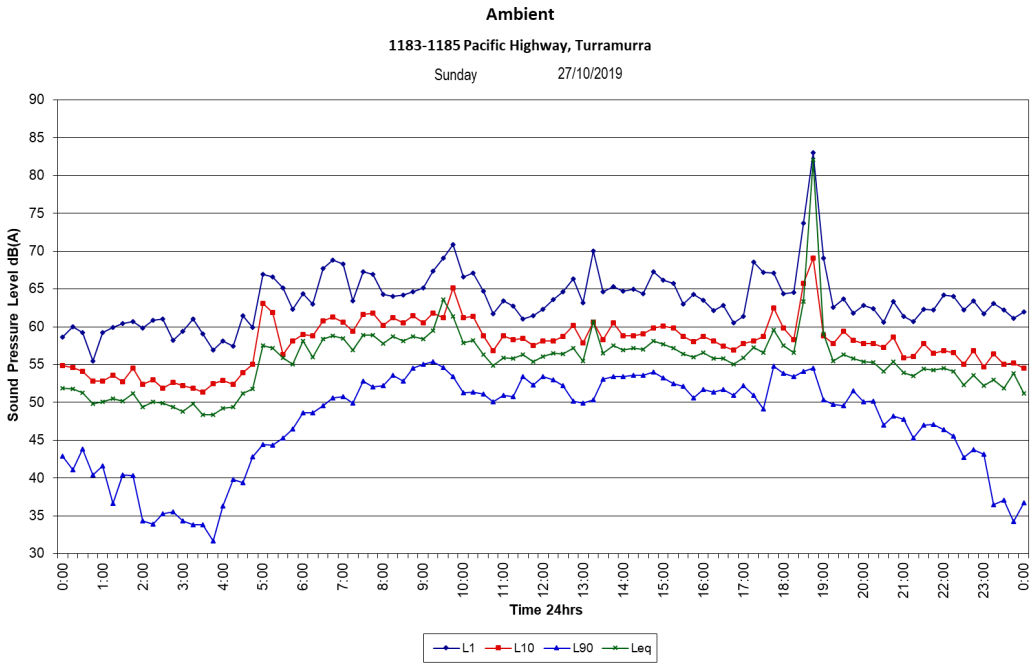


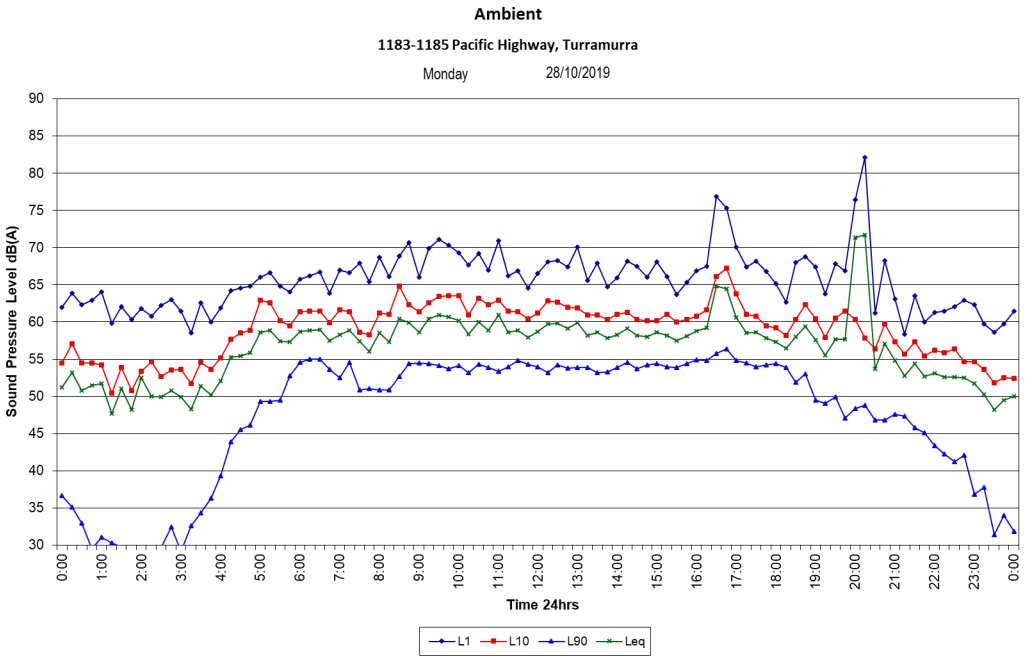



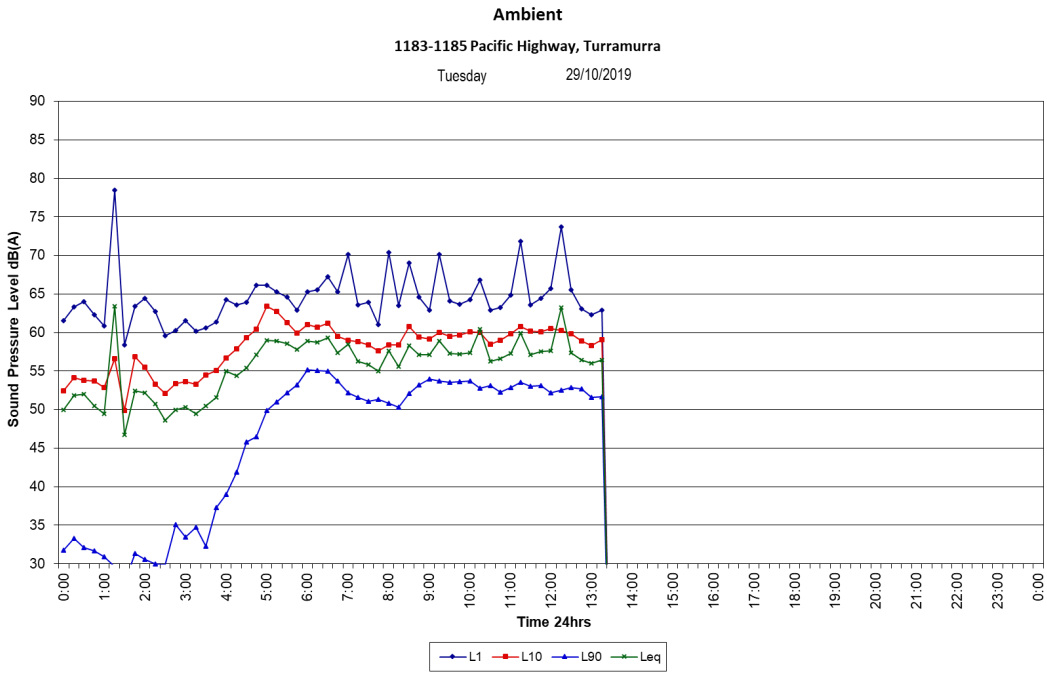

Ambient
1183-1185 Pacific Highway, Turramurra
Thursday 24/10/2019
Sound Pressure Level dB(A)
Time 24hrs
L1
L10
L90
Leq


Ambient
1183-1185 Pacific Highway, Turramurra
Friday 25/10/2019
Sound Pressure Level dB(A)
Time 24hrs
L1
L10
L90
Leq


Ambient
1183-1185 Pacific Highway, Turramurra
Saturday 26/10/2019
Sound Pressure Level dB(A)
Time 24hrs
L1 L10 L90 Leq


Ambient
1183-1185 Pacific Highway, Turramurra
Sunday 27/10/2019
Sound Pressure Level dB(A)
Time 24hrs
L1 L10 L90 Leq


Ambient
1183-1185 Pacific Highway, Turramurra
Monday 28/10/2019
Sound Pressure Level dB(A)
Time 24hrs
L1 L10 L90 Leq


Ambient
1183-1185 Pacific Highway, Turramurra
Tuesday 29/10/2019
Sound Pressure Level dB(A)
Time 24hrs
L1 L10 L90 Leq

## Appendix C Calibration Certificate

Acoustic Research Labs Pty Ltd
Level 7 Building 2 423 Pennant Hills Rd
Pennant Hills NSW AUSTRALIA 2120
Ph: +61 2 9484 0800 A.B.N. 65 160 399 119
www.acousticresearch.com.au

### Sound Level Meter
IEC 61672-3.2013

# Calibration Certificate

**Calibration Number** C16717

**Client Details** Rodney Stevens Acoustics Pty Ltd
1 Majura Close
St Ives Chase NSW 2075

**Equipment Tested/ Model Number :** Rion NL-42EX
**Instrument Serial Number :** 00546394
**Microphone Serial Number :** 152908
**Pre-amplifier Serial Number :** 46606

| Pre-Test Atmospheric Conditions | | Post-Test Atmospheric Conditions | |
|---|---|---|---|
| **Ambient Temperature :** | 23.7°C | **Ambient Temperature :** | 24.2°C |
| **Relative Humidity :** | 50.3% | **Relative Humidity :** | 45.3% |
| **Barometric Pressure :** | 98.8kPa | **Barometric Pressure :** | 98.75kPa |

**Calibration Technician :** Vicky Jaiswal
**Calibration Date :** 09/01/2017
**Secondary Check:** Riley Cooper
**Report Issue Date :** 10/01/2017

**Approved Signatory :** Juan Aguero

| Clause and Characteristic Tested | Result | Clause and Characteristic Tested | Result |
|---|---|---|---|
| 12: Acoustical Sig. tests of a frequency weighting | *Pass* | 17: Level linearity incl. the level range control | *Pass* |
| 13: Electrical Sig. tests of frequency weightings | *Pass* | 18: Toneburst response | *Pass* |
| 14: Frequency and time weightings at 1 kHz | *Pass* | 19: C Weighted Peak Sound Level | *Pass* |
| 15: Long Term Stability | *Pass* | 20: Overload Indication | *Pass* |
| 16: Level linearity on the reference level range | *Pass* | 21: High Level Stability | *Pass* |

The sound level meter submitted for testing has successfully completed the class 2 periodic tests of IEC 61672-3:2006, for the environmental conditions under which the tests were performed.

However, no general statement or conclusion can be made about conformance of the sound level meter to the full requirements of IEC 61672-1:2002 because evidence was not publicly available, from an independent testing organisation responsible for pattern approvals, to demonstrate that the model of sound level meter fully conformed to the requirements in IEC 61672-1:2002 and because the periodic tests of IEC 61672-3:2006 cover only a limited subset of the specifications in IEC 61672-1:2002.

Least Uncertainties of Measurement -

| Acoustic Tests | | Environmental Conditions | |
|---|---|---|---|
| *31.5 Hz to 8kHz* | *±0.12dB* | *Temperature* | *±0.05°C* |
| *12.5kHz* | *±0.18dB* | *Relative Humidity* | *±0.46%* |
| *16kHz* | *±0.31dB* | *Barometric Pressure* | *±0.017kPa* |
| Electrical Tests | | | |
| *31.5 Hz to 20 kHz* | *±0.12dB* | | |

*All uncertainties are derived at the 95% confidence level with a coverage factor of 2.*

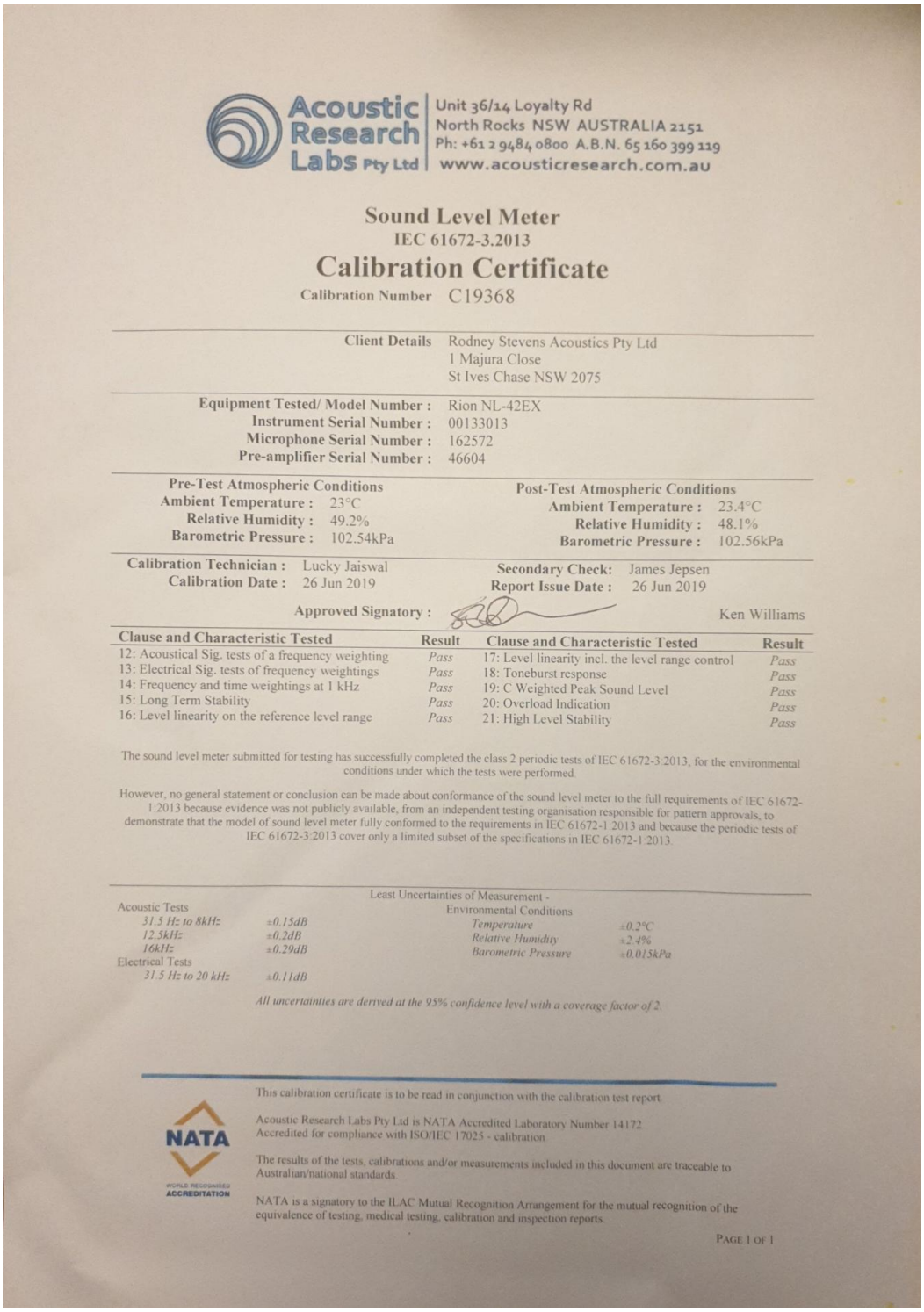
This calibration certificate is to be read in conjunction with the calibration test report.

Acoustic Research Labs Pty Ltd is NATA Accredited Laboratory Number 14172.
Accredited for compliance with ISO/IEC 17025.

The results of the tests, calibrations and/or measurements included in this document are traceable to Australian/national standards.

NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration and inspection reports.

PAGE 1 OF 1



Acoustic Research Labs Pty Ltd
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North Rocks NSW AUSTRALIA 2151
Ph: +61 2 9484 0800 A.B.N. 65 160 399 119
www.acousticresearch.com.au

## Sound Level Meter
IEC 61672-3.2013

# Calibration Certificate

**Calibration Number** C19368

| | |
|---|---|
| **Client Details** | Rodney Stevens Acoustics Pty Ltd<br>1 Majura Close<br>St Ives Chase NSW 2075 |
| **Equipment Tested/ Model Number :** | Rion NL-42EX |
| **Instrument Serial Number :** | 00133013 |
| **Microphone Serial Number :** | 162572 |
| **Pre-amplifier Serial Number :** | 46604 |

| Pre-Test Atmospheric Conditions | | Post-Test Atmospheric Conditions | |
|---|---|---|---|
| **Ambient Temperature :** | 23°C | **Ambient Temperature :** | 23.4°C |
| **Relative Humidity :** | 49.2% | **Relative Humidity :** | 48.1% |
| **Barometric Pressure :** | 102.54kPa | **Barometric Pressure :** | 102.56kPa |

**Calibration Technician :** Lucky Jaiswal
**Calibration Date :** 26 Jun 2019
**Secondary Check:** James Jepsen
**Report Issue Date :** 26 Jun 2019
**Approved Signatory :** Ken Williams

| Clause and Characteristic Tested | Result | Clause and Characteristic Tested | Result |
|---|---|---|---|
| 12: Acoustical Sig. tests of a frequency weighting | *Pass* | 17: Level linearity incl. the level range control | *Pass* |
| 13: Electrical Sig. tests of frequency weightings | *Pass* | 18: Toneburst response | *Pass* |
| 14: Frequency and time weightings at 1 kHz | *Pass* | 19: C Weighted Peak Sound Level | *Pass* |
| 15: Long Term Stability | *Pass* | 20: Overload Indication | *Pass* |
| 16: Level linearity on the reference level range | *Pass* | 21: High Level Stability | *Pass* |

The sound level meter submitted for testing has successfully completed the class 2 periodic tests of IEC 61672-3:2013, for the environmental conditions under which the tests were performed.

However, no general statement or conclusion can be made about conformance of the sound level meter to the full requirements of IEC 61672-1:2013 because evidence was not publicly available, from an independent testing organisation responsible for pattern approvals, to demonstrate that the model of sound level meter fully conformed to the requirements in IEC 61672-1:2013 and because the periodic tests of IEC 61672-3:2013 cover only a limited subset of the specifications in IEC 61672-1:2013.

Least Uncertainties of Measurement -

| Acoustic Tests | | Environmental Conditions | |
|---|---|---|---|
| *31.5 Hz to 8kHz* | *±0.15dB* | *Temperature* | *±0.2°C* |
| *12.5kHz* | *±0.2dB* | *Relative Humidity* | *±2.4%* |
| *16kHz* | *±0.29dB* | *Barometric Pressure* | *±0.015kPa* |
| Electrical Tests | | | |
| *31.5 Hz to 20 kHz* | *±0.11dB* | | |

*All uncertainties are derived at the 95% confidence level with a coverage factor of 2.*

NATA
WORLD RECOGNISED ACCREDITATION

This calibration certificate is to be read in conjunction with the calibration test report.

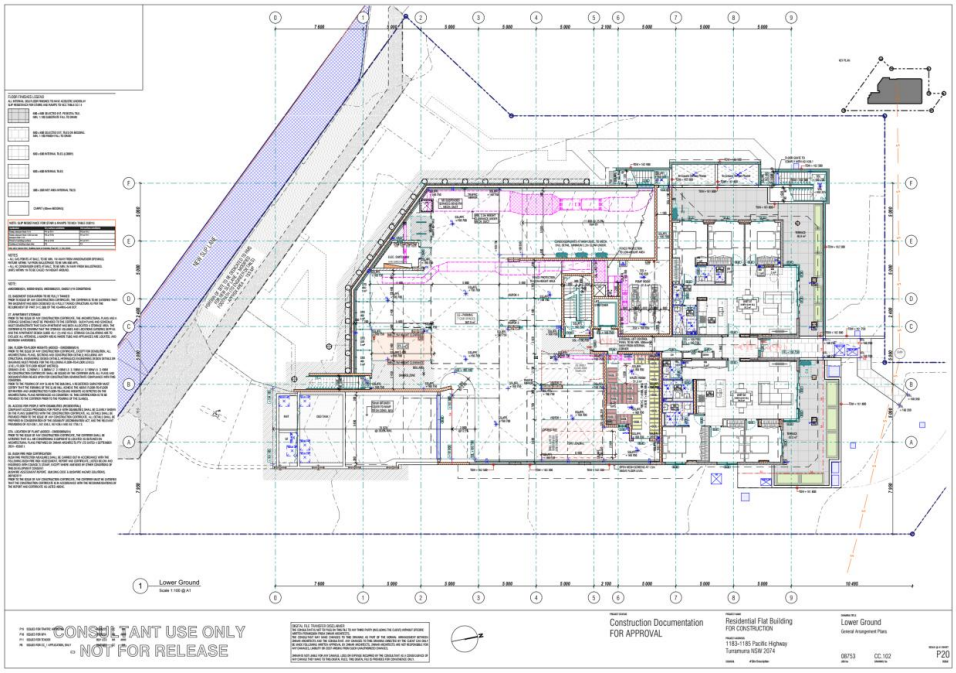
Acoustic Research Labs Pty Ltd is NATA Accredited Laboratory Number 14172.
Accredited for compliance with ISO/IEC 17025 - calibration.

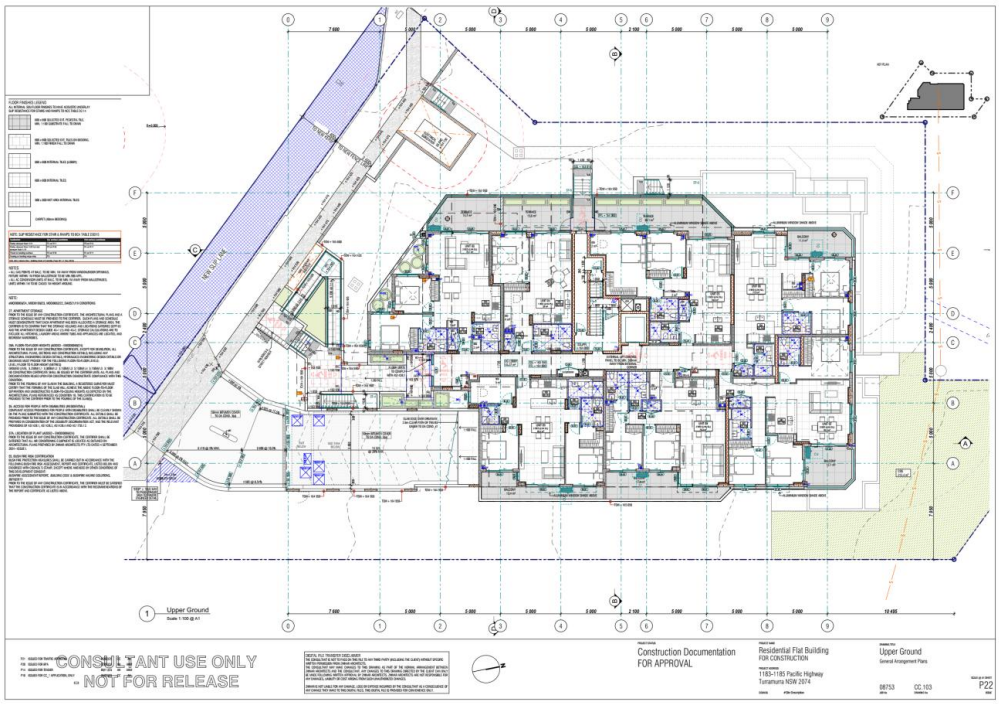
The results of the tests, calibrations and/or measurements included in this document are traceable to Australian/national standards.

NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration and inspection reports.

PAGE 1 OF 1

## Appendix D Architectural Plans

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FOR CONSTRUCTION
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Turramurra NSW 2074
Level 1
General Arrangement Plans
08753
CC.104
P20


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Level 2
General Arrangement Plans
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General Arrangement Plans
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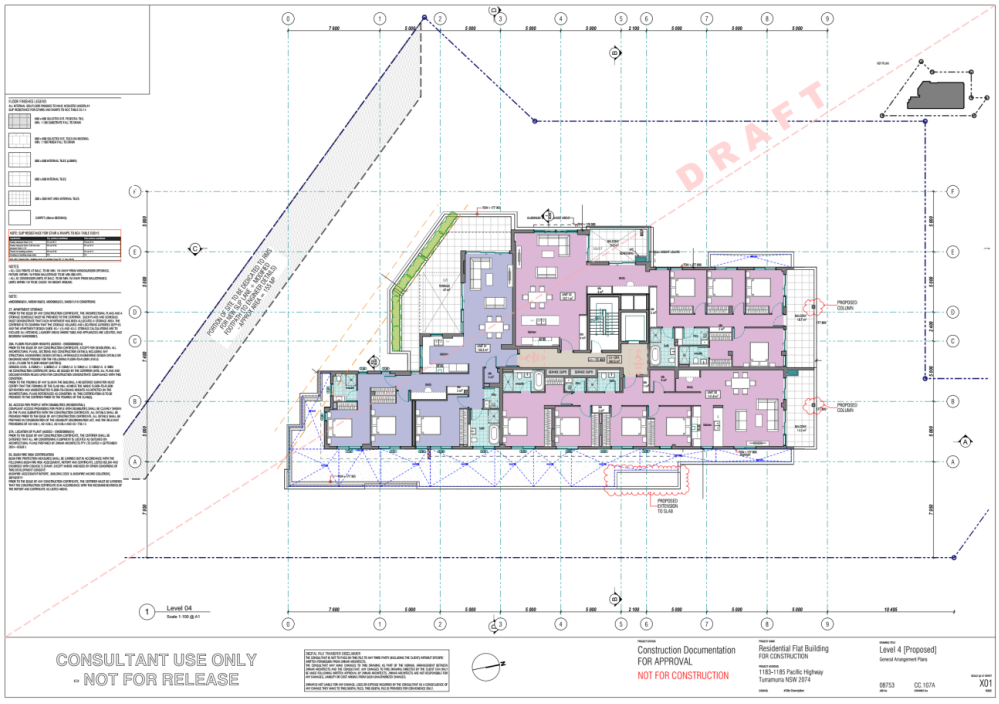
DRAFT
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Level 04

## Appendix E Glazing Guideline

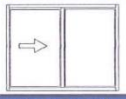
A table showing typical glass thicknesses and their Rw Values is provided in Appendix E. Please note that these table must be used as a GUIDE only, please note that the $R_w$ rating is required for the complete glazing and frame assembly. The minimum glazing thicknesses will not necessarily meet the required $R_w$ rating without an appropriate frame system. It will be therefore necessary to provide a window glass and frame system having a laboratory tested acoustic performance meeting the requirements in

**Aluminium Awning Window**



| Glass | 4mm Float | 6.38 Laminated | 8.38 Laminated | 10.38 Laminated |
|---|---|---|---|---|
| Seals | Standard | Qlon | Qlon | Qlon |
| STC | 28 | 33 | 34 | 34 |
| RW | 29 | 33 | 33 | 34 |

**Aluminium Sliding Window**



| Glass | 4mm Float | 6.38 Laminated | 8.38 Laminated | 10.38 Laminated |
|---|---|---|---|---|
| Seals | Standard | Fin | Fin | Fin |
| STC | 23 | 24 | 25 | 25 |
| RW | 22 | 24 | 25 | 25 |

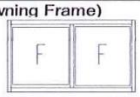
**AluminiumDouble Hung**



| Glass | 5mm Float | 6.38 Laminated | | |
|---|---|---|---|---|
| Seals | Standard | Fin | | |
| STC | 24 | 27 | | |
| RW | 24 | 26 | | |

**AluminiumFixed Window**

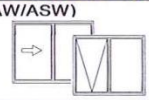
(Awning Frame)




| Glass | 4mm Float | 6.38 Laminated | 8.38 Laminated | 10.38 Laminated |
|---|---|---|---|---|
| Seals | - | - | - | - |
| STC | 28 | 32 | 33 | 34 |
| RW | 28 | 33 | 33 | 33 |

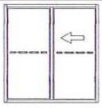
**Secondary Glazing - Sound Barrier Window**

(AAW/ASW)



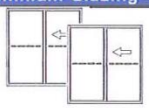
| Glass | | 6.38 Laminated | 8.38 Laminated | 10.38 Laminated |
|---|---|---|---|---|
| Seals | | Qlon | Qlon | Qlon |
| STC | | 44 | 45 | 46 |
| RW | | 44 | 45 | 45 |

**Aluminium Sliding Door**



| Glass | 4mm Toughened | 6.38 Laminated | 8.38 Laminated | 10.38 Laminated |
|---|---|---|---|---|
| Seals | standard | Fin | Fin | Fin |
| STC | 22 | 30 | 33 | 33 |
| RW | 21 | 29 | 33 | 33 |

**Aluminium Glazing - Sound Barrier Door**



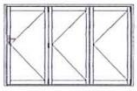
| Glass | | 6.38 Laminated | 8.38 Laminated | 10.38 Laminated |
|---|---|---|---|---|
| Seals | | Fin | Fin | Fin |
| STC | | 44 | 45 | 46 |
| RW | | 44 | 44 | 45 |

**Aluminium Hinged Door***



| Glass | | 6.38 Laminated | 8.38 Laminated | 10.38 Laminated |
|---|---|---|---|---|
| Seals | | Qlon | Qlon | Qlon |
| STC | | 29 | 30 | 30 |
| RW | | 29 | 30 | 30 |

**Aluminium Bifold Door***



| Glass | | 6.38 Laminated | 8.38 Laminated | 10.38 Laminated |
|---|---|---|---|---|
| Seals | | Qlon | Qlon | Qlon |
| STC | | 25 | 29 | 29 |
| RW | | 27 | 29 | 29 |