

Ku-ring-gai Multi-Unit Housing

Development Control Plan No. 55 Railway / Pacific Highway Corridor and St Ives Centre



Ku-ring-gai Council

www.kmc.nsw.gov.au

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Schedule of Amendments

AMENDMENT	ADOPTED
1 Council Notice of Rescission: Term “street width” and associated definition deleted and replaced with new term “road reserve width” and associated definition.	1 February 2005
2 The amendments ensure consistency with the Department of Planning’s Building Sustainability Index (BASIX) and amendments to the provisions in relation to building materials and finishes.	20 April 2006 Effective 28 April 2006

1 Introduction

1.1 Name of this DCP

This plan is the “Ku-ring-gai Multi-unit Housing Development Control Plan No. 55 - Railway/Pacific Highway Corridor and St Ives Centre”

1.2 Commencement date

This Development Control Plan was adopted by Council resolution of 14 December 2004 and came into effect on 22 December 2004 and may be subject to amendments. Applicants should check with Council to make sure that this is the most up-to-date issue.

1.3 Land affected by this DCP

This plan applies to land zoned Residential 2(d3) under the Ku-ring-gai Planning Scheme Ordinance 1971 (as amended).

1.4 Consistency of DCP with the EP&A Act 1979

This Development Control Plan (DCP) has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act 1979 (the Act). Council is required by Section 79C of the Act to take the DCP into consideration when determining development applications to which the DCP applies.

This DCP is to complement the statutory requirements of Ku-ring-gai Local Environmental Plan No.194 (LEP 194). In the case of any inconsistency between this DCP and LEP 194, the provisions of LEP 194 shall prevail.

1.5 Purpose of the plan

The DCP is intended to support the objectives and provisions of Ku-ring-gai Local Environmental Plan No.194 by providing more detailed objectives and controls for multi-unit development. The objectives and controls of the DCP are responsive to both community expectations and an applicant's right to have a level of certainty in the development process.

1.6 General aims of the plan

This plan aims to:

- a) accommodate demand for additional housing in a way that reflects the desired future character of Ku-ring-gai;
- b) achieve a landscape setting for multi-unit housing that replenishes the tree canopy, retains the landscape character of Ku-ring-gai through the selection of appropriate species and provides a high level of aesthetic quality and amenity for both occupants and the adjoining public domain;
- c) recognise the heritage significance of heritage items and their settings and the heritage significance of heritage conservation areas.
- d) achieve a high quality urban design and architectural design of buildings and in the relationship of buildings with neighbouring development, the public domain and landscape quality;
- e) provide for a harmonious relationship between new multi-unit housing and the natural environment of Ku-ring-gai, including biodiversity, general tree canopy, natural watercourses and to reduce and mitigate impacts of development on natural areas including National Parks and bushland reserves;
- f) promote the principles of ecologically sustainable development including water sensitive urban design, climate responsive building design, energy efficiency, and selection/use of building materials;
- g) achieve a high level of residential amenity in building design for the occupants of the building through sunlight/daylight access, acoustic control, privacy protection, natural ventilation, passive security design, outdoor living, landscape design, indoor amenity and storage provision.
- h) facilitate buildings and landscaping that are designed for all age groups and degrees of mobility;
- i) incorporate traffic control measures and outcomes to improve access by traffic and promote pedestrian safety; and
- j) encourage the use of public transport, walking and cycling, and manage local traffic impacts.

1.7 Which applications does this DCP apply to?

This DCP applies to all multi-unit housing including residential flat developments, townhouses and villas in 2(d3) zones. This DCP applies to development applications and applications to modify development consents under section 96 of the Environmental Planning and Assessment Act 1979 which are made on or after the commencement date of this plan.

1.8 Relationship to SEPP 65 and NSW Residential Flat Design Code

This DCP has been prepared in accordance with State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) and has been formulated to respond to the design quality principles of SEPP 65.

The design of residential flat buildings is to be considered in accordance with the SEPP 65 design principles, being:

Principle 1: Context: Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Principle 2: Scale: Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Principle 3: Built form: Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Principle 4: Density: Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Principle 5: Resource, energy and water efficiency: Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Principle 6: Landscape: Good design optimizes that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Principle 7: Amenity: Good design provides amenity through the physical, spatial and environmental quality of a development.

Principle 8: Safety and Security: Good design optimizes safety and security, both internal to the development and for the public domain.

Principle 9: Social dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

Principle 10: Aesthetics: Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development.

The preparation of this DCP has had regard to the publication *NSW Residential Flat Design Code 2002* (RFDC). Where there is any inconsistency between this DCP and the RFDC, the provisions of this DCP will prevail. However, the principles and controls contained in the RFDC are to apply to design issues not specifically covered within the DCP.

1.9 Relationship to Planning Instruments and Other Plans

This DCP complements the strategic and statutory requirements in Ku-ring-gai's deemed environmental planning instrument, known as the Ku-ring-gai Planning Scheme Ordinance 1971 (as amended by Local Environmental Plan No. 194) by providing detailed provisions and controls to be considered when assessing applications for multi-unit housing development in the Residential 2(d)3.

The provisions of this DCP are matters for consideration under clause 33(d) of the Ku-ring-gai Planning Scheme Ordinance.

The provisions of this DCP are also to be read in conjunction with all other relevant Environmental Planning Instruments, DCPs and Council Policies including, but not limited to:

- State Environmental Planning Policy No. 1 – Development Standards
- State Environment Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and NSW Residential Flat Design Code 2002
- Sydney Regional Environmental Plan No. 20 – Hawkesbury–Nepean River
- Development Control Plan No. 31 – Access
- Development Control Pan No. 40 – Construction and Demolition Waste Management
- Development Control Plan No. 43 – Car Parking
- Development Control Plan No. 46 – Exempt and Complying Development
- Development Control Plan No. 47- Water Management DCP
- Notification Policy
- Tree Preservation Order, 1995

Details of the above statutory requirements and policies are available from Council on request. This DCP has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and its Regulations.

The applicant should submit sufficient information to demonstrate compliance with the relevant controls. Where there are inconsistencies between this DCP and the above DCPs and other Council policies and orders, this DCP prevails.

The Heads of Consideration contained in Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979 must be addressed in any application for multi-unit housing. A Statement of Environmental Effects addressing these matters (a schedule of matters is in the Regulations) must accompany each Development Application for multi-unit housing.

1.10 Preparing and lodging a Development Application (DA)

Applicants should refer to Council's Development Application Guide before preparing and lodging a development application under this DCP.

The Development Application Guide is available from Council's Customer Service Centre and provides a comprehensive step-by-step guide to preparing an application and outlining all information that must be submitted with an application.

1.11 How to use the DCP design objectives and controls

Sections 2 to 6 of this DCP provide design objectives and design controls. Applicants are required to comply with these objectives and controls in order to ensure their development meets the DCP's requirements.

The '**Design Objectives**' for each topic describe the outcomes that proposed developments are required to achieve. In order to gain Council approval, developments need to demonstrate that they have fulfilled the relevant objectives for each topic.

The '**Design Controls**' represent specific ways in which a development proposal should meet the 'objectives' for the topic. The purpose of the numerical design controls is to establish minimum design standards that should be met in order to achieve the objectives contained in this DCP and LEP 194.

It is acknowledged that not all design controls are appropriate for all sites. Where an applicant wishes to vary a design control to respond to the particular circumstances of their site, they must provide written justification in the Statement of Environmental Effects accompanying the development application. The written justification must establish that the departure from the design control/s still achieves the design objectives and principles. A suitably qualified person in the areas of architecture, landscape architecture or urban planning must prepare the written justification for the proposed variation to the controls.

Section 7 of this DCP provides **specific design objectives and controls for nominated areas**. Development in these nominated areas must be in accordance with the relevant design controls contained in this section in addition to, or instead of, the general controls. In the event of any inconsistency between the design controls in section 7 and design controls elsewhere in the DCP, the section 7 design controls will prevail to the extent of any inconsistency.

Compliance with the design controls of this DCP is not a sufficient basis for approval. Emphasis will be given by Council to ensure that the proposal satisfies the aims and objectives of this plan and LEP 194 and the objectives for each design element are achieved. While the DCP contains

most of the detailed design objectives and controls for multi-unit housing development, LEP 194 and the KPSO also contain important objectives and development standards that will need to be met.

1.12 Definitions

In this DCP the following definitions apply:

access handle means a strip of land that provides access from an allotment to a street or other public land, whether or not the strip forms part of the allotment.

balcony means any unenclosed balustraded platform 0.3 metres or more above adjacent finished ground level either cantilevered or supported over open space, which is attached to a dwelling and used for the exclusive enjoyment of the occupants.

bedroom means any habitable room, which in the opinion of Council, is capable of being used as a bedroom.

Blue Gum High Forrest (BGHF) means the plant community described in the final determination of the Scientific Committee to list Blue Gum High Forrest as an endangered ecological community under Part 3 of Schedule 1 of the [Threatened Species Conservation Act 1995](#).

Note: A copy of this description is available from Council.

building footprint means the total maximum extent of the two dimensional area of the plan view of a building including all levels, but excluding any part of the building below ground and minor ancillary structures such as barbeques, letterboxes and pergolas.

built upon area means the area of a site containing any built structure (whether covered or uncovered), any building, carport, terrace, pergola, hard surface recreation area, swimming pool, tennis court, driveway, parking area or any like structure, but excluding minor landscape features.

Note. Any underground structure such as an on-site detention system or tank is not exempt from the built upon area calculation. Underground tanks should not be provided within areas suitable for landscaping and are encouraged to be provided, for example, under a driveway or car park, being an area which would normally be included as part of the built upon area.

bushland means land on which there is vegetation which is either a remnant of the natural vegetation on the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

common property refers to that part of the site not subject to exclusive or private use by any particular residents or occupants of the building(s).

deep soil landscaping means a part of a site area that:

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- (a) is not occupied by any structure whatsoever, whether below or above the surface of the ground (except for paths up to 1 metre wide), and
 - (b) is not used for car parking.

dwelling means a room or suite or rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

ecologically sustainable development has the same meaning as in the *Local Government Act 1993* and includes the following:

- (a) conservation of natural resources,
- (b) optimisation of the use of natural features,
- (c) optimisation of energy efficiency,
- (d) maintenance or improvement of air, water and soil quality,
- (e) reduction of car dependence, and
- (f) waste avoidance and minimisation, and cleaner production.

floor space ratio of a building means the ratio of the gross floor area of the building to the site area.

gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the inner faces of the external enclosing walls, as measured at a height of 1,400 millimetres above each floor level, but excluding:

- (a) columns, fin walls, sun control devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external walls, and
- (b) lift towers, cooling towers, machinery and plant rooms, and air conditioning and ventilation ducts, and
- (c) ancillary car parking and any associated internal designated vehicular and pedestrian access thereto, and
- (d) space for loading and unloading of goods, and
- (e) internal public areas, such as arcades, atria and thoroughfares, terraces and balconies with outer walls less than 1,400 millimetres high.

ground level means the natural level of the ground before the erection of any building or carrying out of any work.

habitable room means all rooms in a dwelling other than bathrooms, separate toilets and laundries.

heritage building means any building that forms part of a heritage item.

heritage garden means landscaping and vegetation associated with a heritage item.

heritage item means a building, work, relic, tree or place of heritage significance to the area of Ku-ring-gai as identified in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance.

living room shall be one room of the following type:

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- (a) sunroom;
 - (b) lounge room;
 - (c) open plan living areas, including eat in kitchen areas; and

It shall not include bedrooms, bathrooms, storage areas, laundries or separate toilets.

manageable housing means housing in accordance with Class C – Adaptable Housing Features as set out in Australian Standard AS 4299 – 1995 – *Adaptable Housing* and must contain a bedroom, kitchen, dining area and bathroom on the ground floor or, where not on the ground floor, on a level to which lift access is provided.

multi-unit housing means three or more dwellings on one allotment, whether attached or not.

north facing is defined as between 30 degrees east and 20 degrees west of true solar north.

private open space refers that part of the site area not occupied by any building/s, except for swimming pools or other outdoor recreation facilities, which is landscaped by gardens, lawns, shrubs or trees and is available for the exclusive use of the occupants of each respective dwelling and which is directly accessible from the principle living area or areas, but excludes driveways, turning areas, vehicular and pedestrian access ways, car spaces narrow elongated curtilage areas within the boundary setback areas, drying yards and service areas.

residential flat building means a building containing three or more dwellings.

road reserve width means the distance between property boundary to opposite property boundary

site area, in relation to proposed development, means the areas of land to which an application for consent to carry out the development relates, excluding the area of any access handle.

site coverage means the proportion of the building footprint to the site area, expressed as a percentage.

site slope means the proportion, expressed as a percentage, of the vertical difference in levels between the highest and lowest points of the ground level at the outer edge of the building footprint of proposed development to the horizontal distance between those same two points.

setback means the distance between any given boundary of an allotment and the external plane of the building being erected or proposed to be erected, including the external plane of any balcony, carport or the like.

shadow shall be that caused by a proposed structure, together with any existing structures to be retained, and does not include that cast by trees and vegetation or boundary fences.

streetscape means the character of the locality (whether it be a street or precinct) defined by the spatial arrangement and visual appearance of built and landscape features when viewed from the street.

storey in relation to a building, means the space between any 2 successive floors, or the space between natural ground level and any floor immediately above that level, or the space between any floor and its ceiling or roof above.

Note: Any such space that exceeds 3.5m in height is counted as 2 storeys. Any space where the ceiling of that floor or level is more than 1.2 metre above natural ground level at any point will be counted as a storey.

Sydney Turpentine Iron Bark Forest (STIF) means the plant community described in the final determination of the Scientific Committee to list Sydney Turpentine Iron Bark Forest as an endangered ecological community under Part 3 of Schedule 1 of the [Threatened Species Conservation Act 1995](#).

Note: A copy of this description is available from Council.

townhouse means a dwelling included in multi-unit housing, being a dwelling that has a separate entrance door accessible from an outside area and a private courtyard area at a level the same as, or similar to, the floor level of the dwelling.

Urban Conservation Area means land identified in Urban Conservation Area maps in Appendix C of this DCP as an urban conservation area and includes buildings, works, relics, trees and places situated on or within the land.

villa means a townhouse which has only one storey.

2 Elements of Good Design

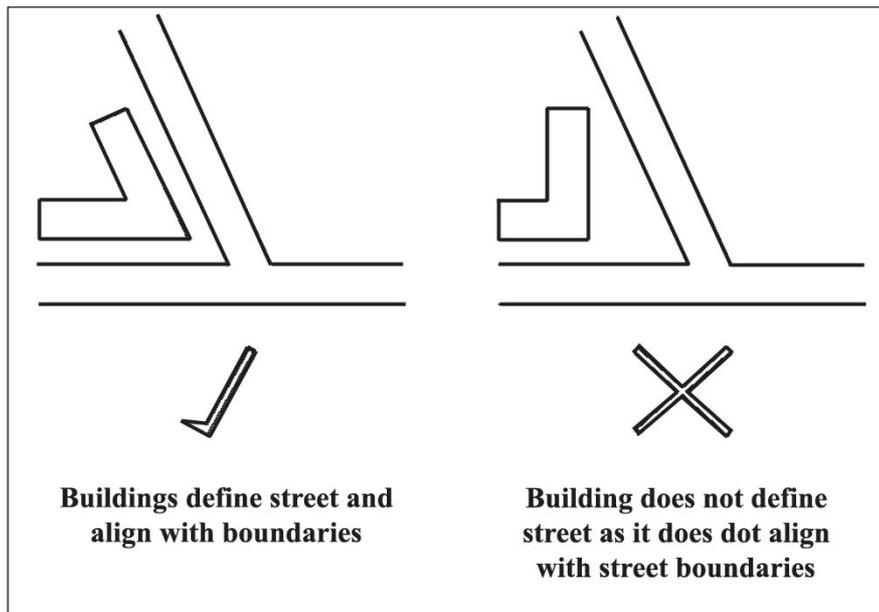
This section provides broad guidelines and some detailed controls on what Council considers to be elements of good design for multi-unit housing in Ku-ring-gai and which should be evident in all applications. Some of these good design elements are elaborated through the detailed **design objectives** and **design controls** contained in this DCP and should be reflected in **all** new medium density development.

2.1.1 Context

- E-1 Good design responds and contributes to the context in which the building is situated. Responding to the local context involves identifying the desirable elements of the current character that are important to its future.
- E-2 In most locations, new proposals in the Ku-ring-gai are to be located within a setting that is dominated by the form of the Blue Gum High Forest, Sydney Turpentine Ironbark Forest or medium to large native and exotic canopy trees. Ku-ring-gai is characterised by a steep topography and a generally irregular street pattern that traverses it creating a myriad of experiences through the landscape.
- E-3 Multi-unit housing concentrated along the Highway / Railway corridor is typically characterised by buildings setback from the street within a landscape setting. A generous tree canopy within the front setback provides screening creating a streetscape dominated by its landscape character.
- E-4 New residential flat buildings should be integrated as part of this landscape environment, being sub-ordinate to it.

2.1.2 Building to Street Alignment

- E-5 Buildings should be predominantly aligned with the street to provide definition of the street edge and provide a consistent urban form.
- E-6 Corner sites should relate and be aligned to both street frontages.



2.1.3 Building Entry

- E-7 The building entry should provide a clear identity for the development.
- E-8 Entries should be located to relate to the existing street and be a clearly identifiable element of the building in the street.
- E-9 Sites with wide frontages should have multiple entries – to activate the street edge.
- E-10 Mailboxes should be located to be an integrated element in the landscape - setting them at 90 degrees to the street rather than along the front boundary

2.1.4 Articulation and Materials

- E-11 The existing materials palette of development within the Ku-ring-gai area consists largely of dark or red back brick, timber or copper. New development should respect and respond to the existing materials palette.
- E-12 Buildings that are setback from the street or at the rear of a development and are surrounded by a dense tree canopy may be more suitably finished in a light coloured render to maximise the reflectance of light between the buildings.
- E-13 Large overhanging roofs can add scale and proportion to the building and provide useful shading devices.
- E-14 Lift overruns and plant equipment should be integrated into the building form and should not be visible.

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- E-15 Buildings should be considered 'in the round' rather than being designed as a series of unrelated facades. The number and distribution of elements across the facade determines the simplicity and complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements which can be revealed or concealed and organised into simple or complex patterns. Buildings should also clearly respond to their orientation using elements such as recesses, awnings, light shelves and bay windows as environmental controls.
- E-16 Building should be designed with an appropriate rhythm and proportion that responds to the contextual character and uses within the building. Design solutions should consider:
- i. definition of a base and top relating to the overall proportion of the building using lighter materials ensure that the upper floors are recessive;
 - ii. articulating building entries with awnings, porticos and recesses; and
 - iii. selecting balcony types that respond to the street context, building orientation and residential amenity.