

DEVELOPMENT IN BUSINESS ZONES

Development Control Plan No. 14

KU-RING-GAI COUNCIL



CONTENTS

Page

Part 1 INTRODUCTION

1.	Name of Plan	4
2.	Land to which Plan Applies	4
3.	Commencement Date	4
4.	General Aims	4
5.	Relationship to Other Plans	4
6.	Application of Plan	5
7.	Amendment of Plan	5
8.	Requirements for Applicants	5
9.	Advertising of Applications	6
10.	Definitions.....	6

Part 11 BUSINESS CONTROLS AND GUIDELINES

11.	Development Considerations.....	9
12.	Height of Buildings	10
13.	Floor Space Ratio	14
14.	Building Setbacks.....	15
15.	Landscaping.....	16
16.	Alterations and Additions.....	17
17.	Vehicular Access and Circulation	17
18.	Car Parking.....	18
19.	Developer Contribution	18
20.	Heritage Conservation	18
21.	Urban Design.....	19
22.	Colour.....	20
23.	Signs and Advertising.....	21
24.	Plant.....	21
25.	Open Space and Pedestrian Access	21
26.	Solar Access	23
27.	Facilities for the Disabled and the Elderly.....	23
28.	Facilities for Cyclists.....	23
29.	Community Facilities	24
30.	Services	24
31.	Stormwater Drainage.....	24
32.	Controls During Construction	25
33.	Site Consolidation	25
34.	Railway Land	26

Part III PARTICULARS TO BE SUBMITTED WITH APPLICATIONS

35.	General	28
36.	Survey Plan.....	28
37.	Development/Building Plans.....	29
38.	Environmental Assessment.....	29
39.	Statement of Inconsistencies	30
40.	Variation of a Development Standard	30
41.	Fees for Development Applications	30



PART 1 – INTRODUCTION



1. Name of Plan

This plan may be cited as “Development Control Plan No 14 – Development in Business Zones”.

2. Land to which Plan applies

This plan applies to land to which Ku-ring-gai Local Environmental Plan No 100 (Business Zones) applies.

3. Commencement Date

This plan was adopted by Council on 20 August 1991 and took effect from 8 August 1995..

4. General Aims of Plan

The general aims of this Plan in relation to land within business zones are:

- a. to provide greater detail and explanation of the controls over business centres contained in Local Environmental Plan No 100 (Business Zones);
- b. to prescribe controls and guidelines in respect of business centres additional to those contained in Local Environmental Plan No 100 (Business Zones);
- c. to identify the only centres within the Municipality which provide opportunities for retail and office development;
- d. to generally assist the long term improvement of the appearance, amenity and convenience of business zones;
- e. to maintain and enhance the economic viability of business zones; and
- f. to improve the supply and convenience of public and private parking and other community services and facilities related to the actual demands created by existing and proposed development.

5. Relationship to Other Plans

The land to which this plan applies is subject to the provisions of Ku-ring-gai Local Environmental Plan No 100 (Business Zones) and the Ku-ring-gai Planning Scheme Ordinance.



6. Application of Plan

A Development Application is required to be lodged for most development in most business zones to Ku-ring-gai Planning Scheme Ordinance and the Exempt and Complying Development DCP. While every application for development will be judged on its merits, the following rationale is generally adopted:

- a. Consent will generally not be granted where an application fails to comply with both the numerical standards and objectives of this Plan.
- b. Council **may** consent to an application failing to comply with a numerical standard only where the applicant has fully justified the non-compliance (this will include lodged of a State Environmental Planning Policy No 1 objection for certain standards derived from the Ku-ring-gai Planning Scheme Ordinance) and in Council's opinion the objectives of the Plan are satisfied.
- c. Mere compliance with the numerical standards and objectives of this plan does not guarantee consent as Council must consider each application against the considerations contained in Section 90 of the Environmental Planning and Assessment Act 1979.
- d. Council may modify a proposal by way of conditions of consent where it is considered necessary in the light of the above.

7. Amendment of Plan

This plan may be amended from time to time by the Council. Proposed amendments are required to be advertised and exhibited in draft form, and any submissions considered by Council, before being adopted.

Persons using this plan should check with Council whether they have the latest copy including any amendments.

8. Requirements for Applicants

- 8.1 Part III to this Plan contains Council's requirements for information to be provided with an application together with the scale of fees. This information where relevant to the particular application, must be lodged **with** the application.
- 8.2 Applicants are advised to use the services of an architect to prepare the development plans and a landscape architect to prepare landscape plans. All drawings should bear the names of such persons or firms.

8.3 Additional Information Generally

Council may request additional information in support of an application before it makes a decision. It is in both the applicant's and the Council's interest that fully documented applications are submitted (for ease and promptness of processing).

Applicants are advised to address the matters in this Plan first and then if there are any difficulties or general enquiries, consult with the following department:

Development Control and Regulatory Services

Development Applications, Subdivisions, Interallotment Drainage, Garbage Requirements, Landscape Design and Street Trees.

Prior to preparing applications, guidance on the type of supporting information and documents, number of copies, etc. which should be submitted can also be obtained from this Department.

9. Advertising of Applications

Applicants are advised that applications under this Plan may be notified to adjoining neighbours and advertised in accordance with Council's Notification Policy for at least 14 days. Council is committed to ensuring that persons who may potentially be affected by proposed development are provided with the opportunity to make submissions to Council prior to Council making a determination on the proposal.

10. Definitions

The following definitions should be read in conjunction with the definitions in the Ku-ring-gai Planning Scheme Ordinance. In this plan:

“Floor Space Ratio” - means the ratio of the total floor space area of the building to the site area of the development which contains or comprises the building.

“Site Area” – in relation to development means the area of land to which an application for consent to carry out the development relates, excluding therefrom any land on which the development is not permitted by or under the local environmental plan or other environmental planning instrument.

“total floor space area” – means the sum of the areas of each floor of the building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level excluding:

- a. columns, fin walls, sun control devices, awnings and any other elements, projections or works outside the general lines of the outer

- b. face of the external wall; and lift towers, cooling towers, machinery and plant rooms, ancillary storage space and air-conditioning ducts; and
- c. car parking needed to meet any requirements of the Council and any internal designated vehicular or pedestrian access thereto: and
- d. space for the loading and unloading of goods; and
- e. internal public arcades and thoroughfares, terraces and balconies with outer walls less than 1400 millimetres high.

**PART II – BUSINESS CONTROLS AND
GUIDELINES**



11. Development Considerations

11.1 *The objective is to outline qualitative controls over business centres' development for the general enhancement of the centres and their surrounds.*

11.2 The Council may not grant consent to development on land within a business zones unless it is satisfied that:

- a. the carrying out of the development is consistent with the general aims for business zones, the relevant objectives of the Ku-ring-gai Planning Scheme Ordinance and any other Development Control Plan applying to the land;
- b. any elevation of any building facing land in a residential zone has been designed to be reasonably compatible with residential development, or is suitably screened;
- c. the development maintains a reasonable level (taking into consideration the pre-existing level) of solar access to adjoining residential development between the hours of 9.00am and 3.00pm during the winter solstice on 22 June;
- d. noise generation from the development site has been effectively insulated or otherwise minimised;
- e. the development will minimise nuisance to adjoining residential development, by way of traffic movements, parking, security lighting or the like;
- f. development is sited, designed or treated so as to minimise overlooking of adjoining residential living or recreation areas;
- g. sufficient (as determined by the Council) off-street parking is supplied by the development to meet the demand generated by the development;
- h. traffic generated by the development is safely accommodated by the road system and does not unreasonably affect the amenity of surrounding areas;
- i. Adequate space and facilities have been provided wherever site conditions reasonably permit, to provide for the loading and unloading of goods and materials on the development site;
- j. Streetscape qualities of the development are compatible with and enhance the general qualities of the streetscape in which it is situated;
- k. Reasonable measures have been taken to make new buildings and major redevelopments energy efficient; and

- i. An appropriate drainage system is incorporated in the development to minimise the adverse effects of the development on the natural drainage system, other properties and the environment.

12. Height of Buildings

12.1 *The objectives are:*

- a. *to retain a consistent scale of buildings when viewed from the main streets of each business centre being generally 2 storeys with the exception of floor space zone No B1 which is 3 storeys;*
- b. *to minimise the potential for overlooking and overshadowing of business development on non-business development; and*
- c. *to promote a size of building which does not have an avoidable overbearing visual presence on adjacent residential development.*

12.2 Subject to other provisions of this clause a building shall not exceed –

- a. a ceiling height of 12 metres in floor space zone No B1 or 8 metres in any other zone (refer Figure 1); and
- b. an overall height determined by a building height plane projected at an angle of 30⁰ from a point 1.5 metres above ground level located at the boundary of land within a residential or open space zone (refer Figure 2).

HEIGHT OF BUILDINGS

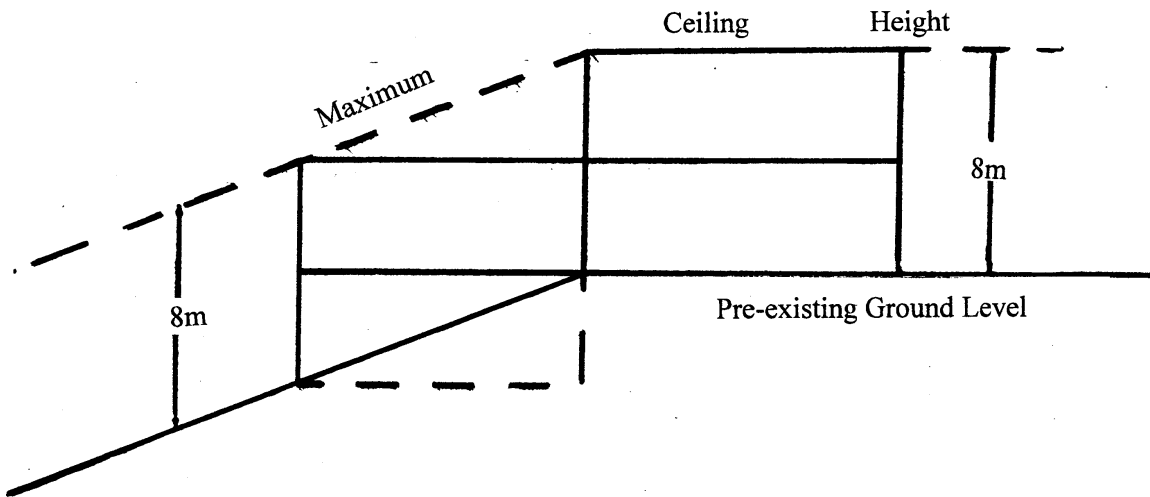


Figure 1

Flat Site

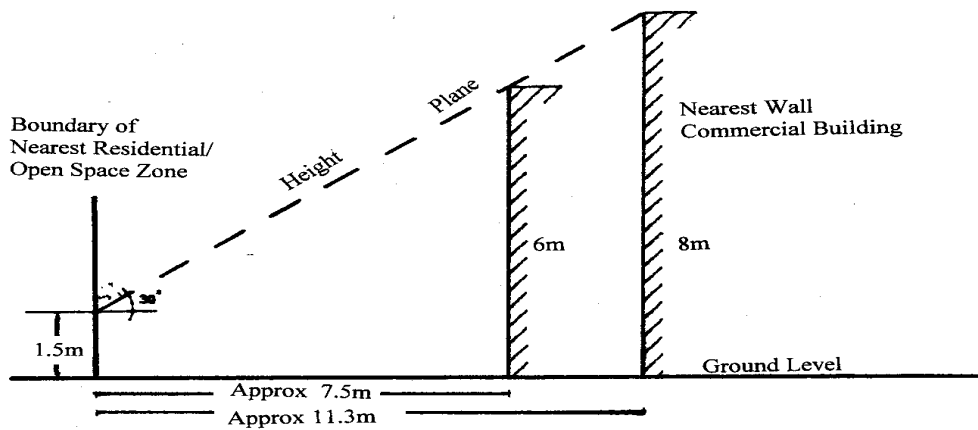


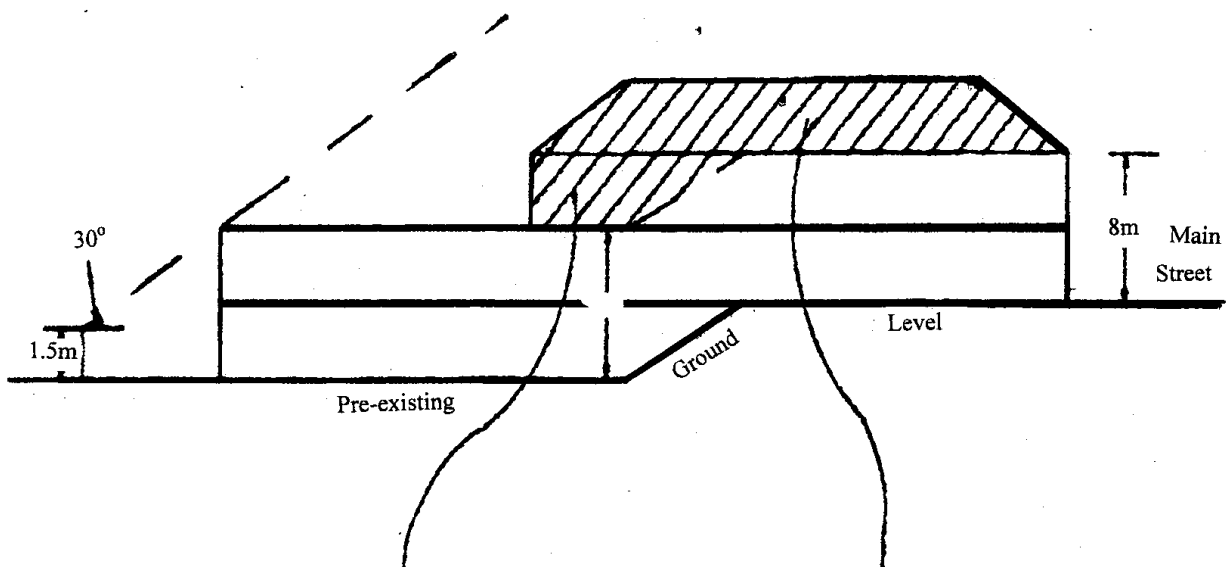
Figure 2

Minimum setback 7.0m / 11.3m from nearest residential or Open Space boundary required for building with 6m / 8m (respectively high façade).

12.3. building may exceed the height prescribed in subclause (2)(a) only where the Council is satisfied that:

- a. the existing topography of the site will permit additional height that is consistent with the objectives of this clause; or
- b. attic space is contained within a pitched roof and the character of the building (including any attic windows) is not adversely affected and it is consistent with the objectives of this clause. (Refer Figure 3).

Exceptions to Height Controls



<p>a. Slope of land permits Additional height if:</p> <ul style="list-style-type: none"> - within 30° of building height plane. - not visibly higher than 2 storeys when viewed from main street - overshadowing, overlooking and visual impacts of additional building height on adjoining residential development not unreasonable. 	<p>b. Attic Space within Pitched Roof permitted if:</p> <ul style="list-style-type: none"> - within 30° of building height plane. - no overlooking of residential properties. - building character appropriate in its context. - the overall height is within approximately 1.5 metres of predominant building height in the locality
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- 12.4. Subclause (2)(b) shall not apply in the case of a building on land adjoining the side elevation of a building in a residential zone provided the Council is otherwise satisfied that the proposed building is –
- a. sited (having regard to any side boundary setback or other requirement determined by the Council); and
 - b. treated on its elevation adjoining the building in a residential zone,
- so as to maintain a reasonable standard of privacy and sunlight penetration to any building in the residential zone and its private yard space.
- 12.5. Where a business zone adjoins a residential or open space zone on the side boundary
- a. building height and setback are to be arranged to ensure a minimum of 3 hour sunlight penetration between 9.00am and 3.00pm on 22 June, to windows of a residential property;
 - b. windows in a commercial building are to be placed and screened to avoid overlooking of residential windows and private yard space;
 - c. absolute minimum for commercial buildings to be comparable to the side setback standards required for residential buildings under Ordinance 70 on the side adjoining the residential boundary;
 - d. variations to paragraphs a. and c. may be considered in cases, except where the business development is on the northern side, where the aim of this clause is satisfied.
- 12.6 Attainment of the maximum floor space ratio permitted on the development site will not be a reason for varying height controls.
- 12.7 Nothing in this clause shall prevent the Council from granting consent to the use of unenclosed roof space provided it is satisfied that such use is consistent with the objectives of this clause.
- 12.8 In this clause -
- “Height” is measured vertically from the ground level across any point of the site.
- “Ground Level” mean the level of the development site immediately prior to the lodgement of the development application for the proposed development whether or not this level is the natural ground level of the site but does not include any level that has been obtained without the consent of the Council which has the effect of altering the point from which height would have otherwise been measured in accordance with this clause.

13. FLOOR SPACE RATIOS

13.1 *The objective is to establish by way of floor space ratios a hierarchy of centres as follows:*

- a. *in floor space zone A1, the primary retail and community service centre within the municipality, to provide a reasonable level of service to the Council area as a whole;*
- b. *in floor space zone A2, the district retail and community service centres within the Council area, to provide a reasonable level of service to the surrounding district of each area;*
- c. *in floor space zone A3, the neighbourhood retail and community service centres within the Council area, to provide a reasonable level of service to the surrounding neighbourhood of each area;*
- d. *in floor space zone B1, the primary commercial office centre within the Council area, to provide office accommodation and associated services for the wider upper north shore area; and*
- e. *in floor space zone B2, the secondary commercial office centres within the Council area, to provide office accommodation and associated services for the local as well as wider area and to provide a transitional zone between retail service zones and surrounding residential areas,*

which relate to the existing size, character and level of activity and the real and potential infrastructure capacity of individual centres.

13.2 a. The Council shall not consent to the erection or use of a building on land within a floor space zone specified in the Table to this Clause if the floor space ratio exceeds the ratio specified opposite that zone in the Table.

Table

Floor Space Zone*	Floor Space Ratio
A1	2.0:1
A2	1.0:1
A3	0.75:1
B1	1.0:1
B2	1.0:1

* As shown on the Map to Ku-ring-gai Local Environmental Plan No 100.

b. Except where a building is designed for residential purposes, in floor space zones A1, A2, A3 at least fifty percent (50%) of the total floor space on the development site is to be used or designed for use for shops or refreshment rooms.

13.3 Nothing in this Clause permits a building to exceed the building height provisions outlined in Clause 12 of this schedule.

14. BUILDING SETBACKS

14.1 *The objectives are:*

- a. *to enhance the streetscape character of business centres;*
- b. *to provide where appropriate, open space at the front of buildings, free of construction, for high quality landscaping and public space; and*
- c. *in the Commercial Services Areas, to promote adequate separation between buildings and reduce overlooking, overshadowing and provide a sense of space.*

14.2 Notwithstanding Clause 12.2 as it affects building separation, below are set out the minimum setback requirements in Business Zones.

14.3 In floor space zone B1, for sites with a street frontage of 20 metres or more –

- a. Minimum average building line of 8 metres.
- b. Absolute minimum building line of 3 metres.
- c. Minimum distance of 7 metres from buildings on the same or adjoining land. (Figure 4).
- d. The area in front of the building line is to have a subsurface depth of 4 metres to allow for adequate landscaping.

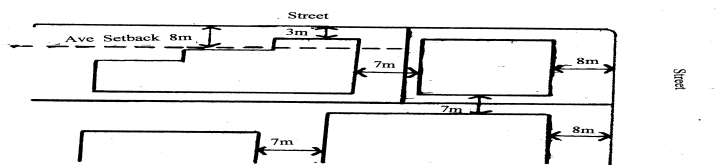


Figure 4

14.4 In all other Business Zones –

The primary determination of building line in all other business zones, particularly involving infill development, will be the prevailing building line along the street in which the development is situated.

Where the predominant part of a street block is being redeveloped however, Council will generally impose a 3 metres building line to the main street frontage.

14.5 Setbacks from rear or side land will be determine don the merits of the case.

14.6 Where narrowness of sites renders development in compliance with the above setbacks impracticable, Council will consider reducing setbacks provided the aims of this clause are generally satisfied.

14.7 Variations on prescribed setbacks may also be considered where compliance with them may adversely affect the existing streetscape character of a locality or other local planning objectives. The applicant must provide a statement with the application justifying the proposed variation under this heading.

15. LANDSCAPING

15.1 *The objectives are:*

- a. *to promote useable landscaped areas within business centres for the amenity and enjoyment of those who use the centres; and*
- c. *to ameliorate the visual impact and improve the character and the appearance of business centres and townscape quality by providing areas for planting of trees and shrubs between and around buildings.*

15.2 Areas of the site not used for building or necessary hard surface areas (eg driveways, car parking) should be landscaped in such a manner to provide the following:

- a. in the case of rear or side boundaries adjoining non-business zones, planting of substantial trees and shrubs to minimise overlooking and reduce the visual impact of the building from those adjacent properties.
- b. in the case of the front boundaries and areas between commercial developments a combination of recreational areas and trees/plants to provide useable space and an attractive aspect to the street.

15.3 Hard landscape treatments and furniture are to be in character with a high quality landscape image.

15.3 Prior to preparation of landscape plans, the proposal should be discussed with Council's Parks and Landscape Division.

16. ALTERATIONS AND ADDITIONS TO EXISTING PREMISES

- 16.1 *The objective is to require that redevelopment of existing buildings complies with the aims and intent of the height control principles of this plan while not prohibiting redevelopment where existing buildings already exceed those controls.*
- 16.2 Height controls and setbacks outlined above apply in relation to all new development and alterations and additions to existing development.
- 16.2 Notwithstanding Clause 16.2, Council may approve alterations and additions to existing development in excess of the height controls, but only in the following circumstances:
- a. where they do not increase the existing building envelope to any significant degree.
 - b. where they do not add to the height of existing development on the side of development which immediately adjoins residential and open space zones; and
 - d. where they do not reduce privacy for adjoining residences.

17. VEHICULAR ACCESS AND CIRCULATION

- 17.1 *The objective is to require that vehicular access points for business developments are both adequate and safe.*
- 17.2 Vehicular access points should be located where they will cause least interference with vehicular and pedestrian movement on public roads. Direct access should not be provided off existing high traffic volume roads whenever an alternative access is available.
- 17.3 Vehicular access to parking areas in close proximity to traffic signals, intersections or where sight distance is considered inadequate by Council will not be permissible.
- 17.4 The number of access points to be provided from any site to any one street frontage should be limited to one ingress and one egress.
- 17.5 Provisions is to be made for all vehicles to enter and leave the site in a forward direction.
- 17.6 The potential for on-street queuing should be eliminated by the provision of sufficient standing area for vehicles entering the car park and loading area.
- 17.7 Mechanised gates to parking areas for visitors are generally not accepted.
- 17.8 Adequate space will be provided within any development for the loading and unloading for service vehicles. The standard of loading facilities will depend on the nature of the development and the proposed uses. For certain developments, Council may require the provision of parking for courier vehicles. Where possible, loading facilities should be located at the rear of developments with access off back lanes.

17.9 Vehicular movements for loading/unloading and customer parking should be separated where possible and all pedestrian movements should be separated from vehicular movements to avoid possible conflict and congestion.

17.10 Certain developments may require referral to the Traffic Authority of NSW under the provisions of the State Environmental Planning Policy No 11 – Traffic Generating Developments.

18. CAR PARKING

18.1 *The objectives are:*

- a. *to establish minimum car parking requirements for development and redevelopment which reflect actual demand for parking generated by development in Ku-ring-gai;*
- b. *to establish that car parking is provided on-site within the specified height control principles of this Policy; and*
- c. *to promote car parking areas and structures of a high urban design and landscape quality.*

18.2 Car parking is to be provided in accordance with Council's current Car Parking Code.

18.3 Car Parking on site should form an integral part of site design, having an attractive appearance from public places or being effectively screened and landscaped. Car Parking must be contained within the height controls prescribed in this schedule.

19. DEVELOPER CONTRIBUTIONS

19.1 **The objective is to establish the level of contributions from developers.**

19.2 Council may levy a development contribution under Section 94 of the Environmental Planning and Assessment Act 1979 where there is either a shortfall of physical provision of car parking (as described in the previous section), or there is an identified demand for community services or facilities created by the proposed development.

19.3 Contribution rates are adjusted annually and current rates are available from Council's.

20. HERITAGE CONSERVATION

20.1 *The objectives are:*

- a. *to identify heritage items in Business centres and establish development principles for those items and surrounding items and designed to maintain their significance; and*

- b. to enhance the physical and social environment of Business Centre.*
- 20.2 Several buildings within business zones have been identified as items of environmental significance in Ku-ring-gai. The list of such buildings is shown in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance.
- 20.3 In any proposed redevelopment of these buildings, including renovations, attention should be paid to ensure that the heritage value of the building and its curtilage is not diminished.
- 20.4 Similarly where development or redevelopment adjoining or in immediate proximity to a building identified in Schedules 7 is proposed, that (re)development should not detract from the significance of the adjacent building and its curtilage.
- 20.5 Specific matters which should be taken into account in any development or redevelopment either directly or indirectly affecting significant buildings include:
- a. the style and design of the building;*
 - b. the pitch and form of the roof;*
 - c. the style, size, proportion and position of the openings for windows and doors;*
 - d. the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building to ensure compatibility with the materials used in the existing building(s); and*
 - e. the treatment of the surrounding landscape to ensure compatibility and character sympathetic to the existing buildings.*

21. URBAN DESIGN

- 21.1 *The objective is to establish urban design principles to enhance the existing and future physical and social environment of Business Centres.*
- 21.2 The following principles should be applied where possible in new developments and alterations and additions to existing development:
- a. the appearance of buildings should be consistent with the existing character of each centre.*
 - b. In centres where there is an identifiable existing streetscape pattern, the facades of any new building should generally follow the pattern of modulation of existing shop fronts, ie the length of continuous glazing should be similar to he existing pattern. For example, (where applicable) in modules 6-8 metres separated by masonry piers, this pattern should continue to the upper level facades to promote a continuity of existing scale. Other details such as glazing, parapets and so forth should be consistent with the existing built form. (Figure 5)*

- c. Provision of covered walkways or continuous awning along street frontages , joining where possible with existing awnings on adjoining developments.
- d. Subject to setback requirements outlined in the Plan, setbacks for retail development to be sympathetic with that of adjoining developments to avoid a “missing tooth” appearance.
- e. Provision in larger development of outdoor “recreation space” – providing opportunities for outdoor seating preferably exposed to a sunny aspect. Preference should be given to making these appear open public spaces rather than enclosed private spaces.
- f. While allowance remains available for individual expressions in external design and materials, an effort should be made to ensure that development is reasonably sympathetic and with existing adjoining development. This is particularly relevant where development adjoins items of environmental significance – refer previous section.
- g. Reference should be made to Council’s resolution of 21 April 1987 on the criteria for using reflective glass as external cladding material for building wherein a maximum reflectivity index of 20% is generally to be adopted.
- h. Attention should be paid to present an attractive appearance to the rear as well as the front of developments to avoid a “forgotten back end” appearance.
- i. The overall development scheme should be compatible with any Development Control Plans and/or urban design scheme formulated by Council in relation to the particular business centre.

22. COLOUR

22.1 *The objective is to emphasise colour as an important part of the design and environmental quality of centres.*

22.2 Colour schemes should harmonise with the remainder of the building and the street scene and strident or harsh colours or garish colour combinations should be avoided.

Colour can however be used to advantage to emphasise importance elements of the design, and to highlight or reinforce the structural logic of the design. It can also be used to pick out details eg gilding or mouldings, capitals and fluting. An inventive colour scheme may be all that is needed to give the facelift which is required for an old existing shopfront rather than going to the expense of a replacement. In many cases, features of the whole building rather than just the shopfront may be used to advantage. A well maintained significant building can be the retailer’s best asset and advertisement in the street scene. (From City and District of St Albans: Shopfronts & Advertisements October 1985).

23. SIGNS AND ADVERTISING STRUCTURES

23.1 *The objectives are:*

- a. *to maintain a balance between the established built form and character of the streetscape and commercial need to advertise goods and services;*
- b. *To ensure that advertisements and advertising structures erected or displayed do not unnecessarily intrude into and effect the amenity of the area;*
- c. *To ensure that advertisements and advertising structures erected or displayed are designed to be compatible with the architectural styles of the building and compatible with adjoining built environment; and*
- d. *To ensure that advertisements and advertising structures do not disrupt vehicular or pedestrian traffic flow.*

23.2 Signs should be sympathetic with the scale and character of the building to which they are to be affixed and where possible should seek to enhance the immediate streetscape and maintain any positive identifiable characteristics associated with signage in the centre.

23.3 Special care should be taken in the design of signs and advertising structures to ensure that these do not clash with existing heritage items in the vicinity.

23.4 The erection of advertising signs are permissible with the building approval of Council. Details are obtainable from Council Development and Control Department and guidelines are also available in Council's Advertising Code.

24. PLANT

24.1 *The objective is to reduce the visual impact of building plant.*

24.2 Plant rooms should wherever possible be incorporated either inside the building or if not, incorporated as a design feature of the building.

24.3 Where the principles in 24.2 are not attained, plant rooms should be located and designed to be as unobtrusive as possible.

25. OPEN SPACE AND PEDESTRIAN ACCESS

25.1 *The objective is to increase the amount of available open space and the availability of pedestrian links in business centres.*

25.2 Where possible, developments should incorporate public plaza/open space within their designs. Consideration should also be given to solar access, weather protection and reasonable pedestrian access. Developments which reduce the amount of open space or remove important pedestrian links will not be acceptable.

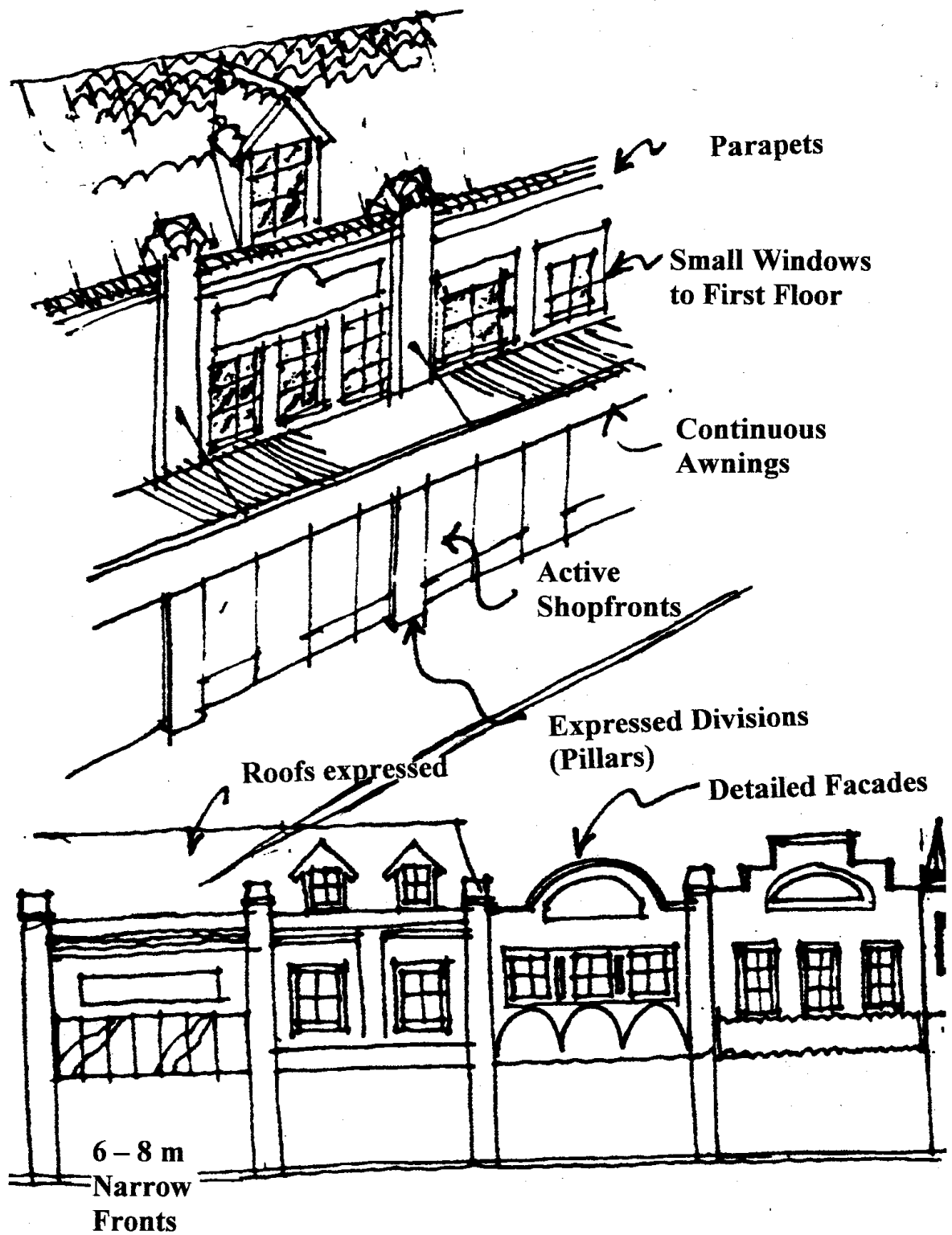


Figure 5

26. SOLAR ACCESS

- 26.1 *The objective is to require that adequate solar access is provided to existing open spaces within business centres and minimise overshadowing of existing and proposed public areas and adjoining residential development.*
- 26.2 No development shall significantly affect solar access between the hours of 9.00am and 3.00pm in the Winter Solstice to adjoining open space, plaza areas or residential zones. (See also Clause 11).

Council may require the submission of shadow diagrams with development applications to assess the effect of a proposal development on solar access to adjoining areas.

27. FACILITIES FOR THE DISABLED AND THE ELDERLY

27.1 *The objectives are:*

- a. *to promote adequate access for disabled and elderly persons in business centres; and*
- b. *to promote adequate facilities within business centres for disabled persons.*

27.2 Developments in business centres should be provided with at-grade access from the street and wherever possible, ramps should be used to replace stairs (except for fire stairs). The design of ramps should comply with the requirements of Ordinance 70 of the Local Government Act 1919.

27.3 Flat access should be provided from parking areas to walkways. Parking for the disabled should be located close to walkways and entrances.

27.4 Toilet and other facilities for the disabled should be provided in accordance with Council's requirements and Ordinance 70.

28. FACILITIES FOR CYCLISTS

28.1 *The objective is to improve the safety of bicycle riders within the Council area and the range of facilities available.*

28.2 Where possible, facilities for cyclists such as parking areas shall be provided within business centres.

29. **COMMUNITY FACILITIES**

29.1 *The objective is to encourage the provisions of community facilities in business centres.*

29.2 The provisions of community facilities such as child care centres, public plazas with meeting areas and other facilities providing worthwhile benefits to the community in business centres, shall be looked on favourably by Council and may, in larger scale developments, be required as a condition of consent.

30. **SERVICES**

30.1 *The objective is to require that adequate services are available to support any development.*

30.2 Developers are advised to contact relevant service authorities such as the Sydney Water, Energy Australia, Telstra and the AGL wherever applicable to ensure that adequate services are available during the design stage to avoid any delays in the release of building plans or occupation of the premises.

30.3 Council's Department of Technical Services, Department of Open Space and Department of Development Control have specific requirements on stormwater retention, garbage enclosures, drainage and food storage. Developers are advised to contact the departments for specific requirements. Requirements include inter alia, Food Act Construction Standards, Trade Waste Storage Area Code, Stormwater Drainage Policy etc.

30.4 Where possible service lines shall be designed to avoid root zones of significant existing trees as determined by Council's Tree and Landscape Assessment Division.

31. **STORMWATER DRAINAGE.**

31.1 *The objectives are:*

- a. *to maximise public safety and convenience by providing an appropriate and effective stormwater drainage system throughout the Council area.*
- b. *To preserve and wherever practicable, to restore the natural drainage system;*
- c. *To minimise the adverse effects of urban stormwater runoff on the natural environment;*
- d. *To minimise the introduction of nutrients and pollutants into the drainage system;*
- e. *To minimise the impact of development on the drainage system;*
- f. *To minimise the impact of overland flow on other properties; and*

g. *To control erosion.*

31.2 Reference should be made to any Council adopted Stormwater Drainage Policy.

32. **CONTROLS DURING CONSTRUCTION**

32.1 *The objective is that disturbance to neighbours and the environment caused prior to and during construction should be minimised.*

32.2 Construction and demolition work and delivery of materials and plan, shall only take place between 7.00am and 5.30pm Mondays to Saturdays. No such operations shall take place Sundays and Public Holidays.

High level noise generating equipment is not to be used after 1.00pm on Saturdays. Such equipment included hydraulic rock breakers and any other apparatus and work that produces noise levels exceeding those specified under regulations of the Noise Control Act and Council's adopted Noise Code.

32.3 Prior to demolition of existing structures on site, applicants should consult with Council's Department of Development Control for information on matters including safety measures – including the need for temporary shoring, hoarding etc and sedimentation control.

32.4 Sites should be cleared in preparation for development in an orderly and environmentally sensitive manner over a short period of time. Tree clearing will not be permitted without prior relevant approval under Council's Tree Preservation Order.

32.5 The use of residential streets by heavy construction vehicles should be minimised when travelling to and from the site.

32.6 Neighbours will be notified of proposed demolition works.

32.7 No offensive noise, as defined in the Noise Control Act 1975, shall be audible in a public place or adjoining properties.

32.8 A builder's sign is to be clearly visible on the construction site.

33. **SITE CONSOLIDATION**

33.1 *The objective is to require that site consolidation takes place for developments on more than on lot.*

33.2 For integrated developments constructed on a number of existing lots, all lots are to be consolidated into one lot by plan of subdivision.

33.3 Such consolidation shall be completed prior to occupation of the building, issue of a Certificate of Classification under Part 6 of Ordinance 70 or issue of a building Certificate under Section 317AE of the Local Government Act whichever occurs first.

34. RAILWAY LAND*34.1 The objectives are:*

- a. to control development on railway land to enable unification of disparate parts of centres separated by the railway land; and*
- b. to promote development on railway land which remains in character with and enhances the environment of existing Business Centres.*

34.2 Council will in general, favour business development utilising railway land only where that development:

- a. adjoins an existing business zone;
- b. would unify existing separated parts of a business zone.
- c. Satisfies height control and floor space ratio principles applicable to the adjoining business zones;
- d. Does not detract from the general character of the existing business zone; and
- e. Contains uses compatible with those permissible in the adjoining business zone.



**PART III – PARTICULARS TO BE SUBMITTED WITH
APPLICATIONS**



35. GENERAL

35.1 A major reason for delay in the processing of applications lodged with Council is the failure of applicants to provide sufficient information with their applications. Failure to provide the details which Council requires to make an adequate assessment of any application can add several weeks to the processing time as Council must write to applicants requesting further information and wait for it to be provided prior to considering the application.

Consequently, a complete application will save time (and possibly money).

35.1 Where it is considered that this Plan is likely to apply, applicants for Development Consent should submit the following particulars (these are additional to the particulars normally provided – details of which can be obtained from Environmental and Regulatory Services Department). The relevance of some of these matters may vary according to the magnitude of the proposal. The amount of detail required to be supplied may be ascertained by contacting the department prior to lodging an application.

36. SURVEY PLAN

36.1 Detailed survey plan, fully dimensioned indicating the following particulars:

- a. reduced levels sufficient to show the existing ground level (as defined) across the site, including the following points:
 - at all site boundaries: and
 - at the building “perimeter” and other major structural or natural features, including rock outcrops and clumps of vegetation and existing tree bases.
- b. location of all existing built and natural components on the site.
- c. Location of any dwelling-houses on adjoining properties within at least 7 metres of the subject site boundary.
- d. Location of all existing trees on site with an overall height greater than 5 metres and a spread of 4 metres or more. The following particulars should also be shown:
 - diameter of the trunk 1 metre above ground level;
 - diameter of spread of canopy;
 - species name;
 - soil level at base of trunk
- e. location of Council’s nature strip, showing trees as referred to in (d) above.

- f. Location of easements, either public or private.

37. DEVELOPMENT APPLICATION PLANS

37.1 Detailed development application plans, fully dimensioned and at a suitable scale indicating the following particulars:

- a. Elevations and plans necessary to show all proposed building, development and landscaping.
- b. Reduced levels for all relevant building and structural heights on site (and for adjoining property development within at least 7 metres from the subject site boundary).
- c. Ground level (reduced levels) to be shown (refer definition).
- d. Trees proposed to be removed, to stay or be relocated and location of tree protective fencing.
- e. Detailed landscape plan showing details of existing and proposed finished soil levels, type and depth of soil and mulch, drainage, plant materials including species common name, pots sizes to be used, plant quantities, staking, water supply, bank and edge treatments, retaining walls, landscape works on slab, details of finishes including paving and grassing. Reference should be made to Council's brochure entitled "Preparing a Landscape Plan".
- f. Proposed parking and driveway arrangements.
- g. Proposed method of draining the buildings and site.

38. ENVIRONMENTAL ASSESSMENT

38.1 A statement of environmental effects and any necessary supporting information in relation to the environmental impact of the proposal. Such particulars to cover:

- a. The application of Council's adopted height plane, maximum height and other relevant controls to the proposal.
- b. Overshadowing of adjoining properties. Shadow diagrams may be required showing the impact of shadows on adjoining residential buildings and their outdoor recreation areas.
- c. Overlooking of and looking back into adjoining properties.
- d. Relationship of proposal to surrounding development in terms of height, bulk, design characteristic and location on the site. Diagrams representing streetscape perspectives from the centre of the road may be required for this purpose. Existing trees should be shown.

- e. Impact on existing vegetation, which particular reference to removal, pruning, changes in soil levels and site drainage.
- f. Measures to be taken in conjunction with the proposed development to reduce potential impact, including proposed landscape works.
- g. The effect on views of adjoining buildings.
- h. A review of the unavoidable adverse environmental effects of the proposal, proposed measures to mitigate such effects and an indication of the desirability of the proposal above other alternatives.

39. STATEMENT OF INCONSISTENCIES

Where an application fails to meet any development controls stipulated by Council in this Plan, detailed justification for the departure must be given with the application.

Such justification should relate to the manner in which the proposal satisfies the objectives of the Plan.

40. VARIATION OF A DEVELOPMENT STANDARD

Where there is a proposal which involves a variation of a development standard contained in the Ku-ring-gai Planning Scheme Ordinance, it will be necessary for the applicant to submit a statement, and any other necessary supportive information, to justify the variation on the basis that the particular development standard is unnecessary or unreasonable in the circumstances of the case. In this regard, reference should be made to State Environmental Planning Policy No 1 – Development Standards.

41. FEES FOR DEVELOPMENT APPLICATIONS

The fee determined by Council must accompany the application. In the case of a building or work the fee is based upon the estimated cost of that building or work.

An advertising fee is also payable. Applications are advised to enquire as to Council’s adopted fees and charges to determine these and other costs associated with lodgement and/or approval of applications.
