

Access Development Control Plan No 31

KU-RING-GAI COUNCIL



Development Control Plan No 31

Adopted by Council on 22 April 1997
Certified on 14 May 1997

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1. INTRODUCTION



PART 1 - INTRODUCTION

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1. CITATION

This Plan may be cited as Ku-ring-gai Development Control Plan No 31 Access.

2. LAND TO WHICH THIS PLAN APPLIES

This Plan applies to all land where the general public has reasonable expectations for access

3. AIMS OF THE PLAN

This Plan aims to:

- a. Ensure access for all to public buildings, community facilities and new developments, excluding dwelling-houses and dual occupancies but including all buildings and facilities owned or leased by Council.
- b. Ensure access throughout the pedestrian network in the Ku-ring-gai Council area including footpaths, through-site links, public arcades, overpasses and underpasses.
- c. Provide convenient access for all to public open space including parks, reserves, other recreational facilities, commercial buildings including but not limited to malls, plazas and squares.
- d. Ensure that people with a disability have equal access to employment opportunities by way of affording access to facilities, services and opportunities to meet their specific needs.
- e. Ensure that dwellings suitable for the disabled are provided in new multi-unit residential construction.

4. RELATIONSHIP TO ENVIRONMENTAL PLANNING INSTRUMENTS

This Plan refers to land which is subject to the provisions of the Ku-ring-gai Planning Scheme Ordinance.

5. APPLICATION OF PLAN

Whilst every application 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 the aims 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 and in Council's opinion the aims of the Plan are satisfied.
- c. Mere compliance with the aims 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 light of the above.

6. 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.

7. REQUIREMENTS FOR APPLICATIONS

- 7.1 Section II to this Plan contains Council's requirements for information to be provided with an application. This information, where relevant to the particular application, **must** be lodged **with** the application.

Failure to do so may result in the return by Council of the application for re-submission at a later stage when the information is available.

- 7.2 Applicants are advised to use the services of an architect to prepare the development plans, a landscape architect to prepare landscape plans and a surveyor to prepare plans of subdivision. All drawings should bear the names of such persons or firms and should indicate compliance or otherwise where applicable with the Disability Discrimination Act 1992.
- 7.3 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.
- 7.4 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 Council Departments:

Strategic Planning Services

Development Application and Subdivision matters.

Development Control and Health Services

Building Applications, interallotment drainage, garbage requirements, building lines, fencing, site management plans, landscape design, street drainage, internal driveway requirements.

Parks and Landscape Services

Tree Preservation Order and street trees.

Engineering Services

Roads.

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

Development and Subdivision Committee

Applicants are also advised that consultation is available through Council's Development Building Subdivision Committee which provides and opportunity for liaison with senior Council officers from each Department prior to he formal lodgement of an application.

For details and appointment times, contact Council's nominated Chairman of the Development Building Subdivision Committee.

8. NOTIFICATION OF APPLICATIONS

Applicants are advised to check on Council's Advertising/Notification Policy in relation to their particular proposal. Council is committed to ensuring that persons who may potentially be affected by the proposed development are provided with the opportunity to make submissions to Council prior to Council making a determination on the proposal.

9. DEFINITIONS

For the purposes of this Development Control Plan "disability" is defined according to the definition provided by the Disability Discrimination Act 1992. It includes:

- Physical
- Intellectual
- Psychiatric

- Sensory
- Neurological
- Learning
- Physical disfigurement
- The presence in the body of disease causing organisms

The definition includes a disability that:

- Presently exists;
- Previously existed but no longer exists, (eg. a person who has had a back injury, a heart attack or an episode of mental illness);
- May exist in the future, (eg. a person with a genetic predisposition to disease such as Huntington's disease or heart disease or a person who is HIV positive);
- Is imputed to a person, (eg. assuming that a person living with an infectious disease has the disease).

“a continuous accessible path of travel” is an uninterrupted path of travel to or within the building providing access to all the facilities and amenities normally accessible to building users. This accessible path should not incorporate any steps, humps, stairways, revolving doors, escalators or other impediments which prevents the path being used by people with disabilities.

“grabrail” a rail used to give a steadying or stabilising assistance to a person engaged in a particular function.

“handrail” a rail used in circulation areas such as corridors, passageways, ramps and stairways to assist in continuous movement.

“kerb” a side barrier to a trafficable surface.

“kerb ramp” is an inclined accessway with a length not greater than 1520mm and a gradient not steeper than 1 in 8 , located with a kerb and 1200mm wide.

“ramp” is an inclined accessway with a gradient steeper than 1 in 20 but not steeper than 1 in 14.

“Telephone typewriter (TTY)” – device attached to a telephone line which allows callers to communicate by typing messages which are instantaneously seen by the person at the other end of the line.

“walkway” is any accessway with a gradient not steeper than 1 in 20, a path is an external walkway.

10. CATEGORIES TO WHICH PLAN APPLIES

Except as provided by the following table, this plan applies to all land within the Ku-ring-gai area, except dwelling houses and dual occupancies and includes all parts of all buildings, alterations and additions, plazas, places, parks, open space, pathways and recreational, social and cultural facilities, which are the subject of

the application, where there is a reasonable expectation of access by any owner, occupier, employee, customer or visitor.

This plan does not apply to residential dwelling houses. However, some units in medium density residential flat buildings may be required to be accessible.

Council may vary the provisions of this plan if compliance with the plan will cause major difficulties or unreasonable cost to a person or organisation.

Before it can be claimed that providing access is unjustified an applicant needs to:

- Thoroughly consider how access might be provided; and
- Clearly substantiate to Council that providing access in accordance with this plan is unjustified by the provision of a statement by an appropriate body.

For the purpose of this plan “access” is defined as:

1. an ability to travel from one point to another in a continuous and independent manner, following a reasonable route.
2. an ability to communicate or obtain information or service from any person, display or facility which is intended to communicate or provide that information or service to any person.

TYPE OR CLASS OF DEVELOPMENT	AREAS TO BE ACCESSIBLE
1. Single dwelling house/attached or detached dual occupancy	The provisions of this plan do not apply
2. Medium density residential flat buildings	Any residential development containing 8 or more dwellings shall provide 1 dwelling that is accessible to the disabled. A further dwelling accessible to the disabled shall be provided for every 20 dwellings provided thereafter. For further information on this matter, see Disability Discrimination Act. In buildings where designated units are required all facilities provided for the buildings occupants are to be accessible.
3. Office / Commercial	To and within all the areas or facilities of the building where there is a reasonable expectation of access by any owner, occupier, employee or visitor. This usually consists of the entrance floor and access to any other floor to which vertical access by way of ramp, step ramp, kerb ramp or passenger lift complying with the requirements of this plan have been provided.

4. Retail and Service	To and within all the areas or facilities of the building where there is a reasonable expectation of access by any owner, occupier, employee or visitor. This usually consists of the entrance floor and access to any other floor to which vertical access by way of a ramp, step ramp, kerb ramp or passenger lift complying with the requirements of this plan have been provided.
5. Special Uses	To and within the facilities provided including developments submitted in accordance with State Environmental Policy No 5.
6. Open Space	To and within the facilities provided, which may include consideration of public toilets, kiosks, shelters and rest seats, accessible paving, ramp, entrances and signage to public open spaces.

ALTERATIONS AND ADDITIONS

- 11.1 The Building Code of Australia and AS 1428-1993 (Volumes 1 and 2) shall apply to all new buildings, (except Class 1 and 10).
- 11.2 All new buildings providing public access but not required by the Building Code of Australia to provide access for persons with disabilities shall provide entry to the building in accordance with Council's Local Approvals Policy.
- 11.3
- a. are subject to a change of use; or
 - b. involve alterations of the original building; or
 - c. involve alterations or renovations to the entrance or shopfront

shall comply with clause 11.1 or clause 11.2 as appropriate and where for practical reasons it is not possible to comply implicitly the comply with the intent of the BCA.

- 11.4 Alterations to the entrance of buildings are to be constructed so that the access complies with clause 11.1 or clause 11.2 and does not reduce the existing level of accessibility. Buildings subject to heritage listing may be exempt from this requirement.

12. PARKING FOR DISABLED

- 12.1 Parking areas of 50 spaces or more should provide 1 space or 1 per cent of spaces (whichever is greater) for disabled. These spaces should be as close as possible to entrances, and access ramps should be provided.

12.2 The spaces shall be identified by a sign incorporating the International Symbol specified in AS 1428.

12.3 That parking spaces available for use by people with disabilities be provided in accordance with the provisions in AS 2890.1-1993.

13. SIGNS

Appropriate International symbols for the disabled should be displayed/used where appropriate to assist in direction to ramps, lifts etc.



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

PART 111 – PARTICULARS TO BE SUBMITTED WITH APPLICATIONS

1. Objectives

- ◆ *To promote the submission of additional information to allow Council to efficiently expedite the processing of applications in respect of the subject site.*
- ◆ *To ensure that applications adequately demonstrate that future development of the site is compatible and consistent with the environmental character of the surrounding area, maximises tree retention.*

2. General

2.1 A major reason for delays in the processing 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).**

2.2 Applicants for Development Consent should submit the following particulars (these are additional to the particulars normally provided – details of which can be obtained from Strategic Planning Services). The amount of detail required to be supplied may be ascertained by contacting the relevant departments prior to lodging an application.

Failure to submit the required information will result in the return by Council of the incomplete application for resubmission at a later stage when the information is available.

3. Survey Plan

3.1 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;
 - At the building “perimeter” and other major structural or natural features.
- b. Location of all existing built and natural components on the site (built-upon area). A calculation is to be included indicating the proportion of the site which is built-upon area.
- c. Location of dwelling-houses on adjoining properties.

- 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 trunk 1 metres above ground level;
 - Diameter of spread of canopy;
 - Species name;
 - Soil level at base of trunk.
- e. Location of easements, either public or private.
- f. Provision of an Environmental Audit prepared by a suitably qualified consultant clearly indicating if the land is contaminated.

4. Development Plans

- 4.1 Detailed development plans, fully dimensions and at a suitable scale indicating the following particulars:
 - a. Elevations and plans necessary to show all proposed development and landscape works.
 - 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. Natural ground level (reduced levels) to be shown (refer definition).
 - d. Trees proposed to be removed and to stay.
 - e. Detailed landscape plan with species identified.
 - f. Proposed access parking and driveway arrangements.
 - g. Proposed method of draining the buildings and site.
 - 4.2 An additional set of A4 sized plans clearly drawn as a replicated copy of the fully scaled plans is to be submitted with an application.
- 5.** Any future application for subdivision of the site should include the following additional details as specified below:
- a. Indication of the location of the building platforms for each proposed allotment.

- b. Evidence that proposed platforms as identified in a. above can sustain development in accordance with the objectives and controls stipulated in this Plan.
- c. A review of Environment Factors addressing the matters for consideration under Section 90(1) of the Environmental Planning and Assessment Act 1979.

6. Environmental Assessment

- 6.1 All applications must be accompanied by a statement of the environmental effects of proposed development of the site and on the measures proposed to overcome any adverse effects. Matters which should be addressed include traffic, parking, effect on adjacent development(s), overshadowing, overlooking, impact on existing vegetation etc.

7. Statement of Inconsistencies

- 7.1 Where an application fails to meet any development controls stipulated by Council in this Development Control 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 this Plan.

8. Variation of a Development Standard contained within the Ku-ring-gai Planning Scheme Ordinance

- 8.1 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.

9. Fees for Development Applications

- 9.1 The fee determined by Council must accompany the application. In the case of a building work the fess is based upon the estimated cost of that building or work. The scale of fees are set out in Council's Adopted Fees and Charges Schedule which is adjusted annually.