



**KU-RING-GAI PLANNING PANEL
TO BE HELD ON WEDNESDAY, 23 MARCH 2011 AT 5.00PM
LEVEL 3 COUNCIL CHAMBERS
818 Pacific Highway, Gordon**

AGENDA

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NOTE: For Full Details, See Council's Website –
www.kmc.nsw.gov.au under the link to business papers

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETINGS

ADDRESS THE PANEL

DOCUMENTS CIRCULATED TO THE PANEL

CONFIRMATION OF MINUTES

Minutes of Ku-ring-gai Planning Panel

3

File: CY00370
Meeting held 24 November 2010
Minutes numbered PP21 to PP24

MINUTES FROM THE CHAIRPERSON

PETITIONS

GENERAL BUSINESS

- GB.1 **29 Church Street, Pymble - Alterations and Additions to a Heritage Item** **6**

File: DA0849/10

To determine Development Application 0849/10, which proposes alterations and additions to a dwelling house that is listed as a heritage item on schedule 7 of the Ku-ring-gai Planning Scheme Ordinance (KPSO).

Recommendation:

Refusal.

- GB.2 **6, 6A, 8, 10 & 10A Beaconsfield Parade, Lindfield** **70**

File: DA0986/08

To determine the following Development Applications:

DA0986/08 – Consolidation and re-subdivision into 2 lots being Lot A and Lot B;

DA0987/08 – Demolition of existing dwellings, construction of 2 residential flat buildings comprising 68 units, basement car parking and landscaping works on Lot A; and

DA0988/08 – Demolition of existing dwellings and construction of a residential flat building comprising 40 units basement car parking and landscaping works on Lot B.

Recommendation:

Refusal.

EXTRA REPORTS CIRCULATED AT MEETING

BUSINESS WITHOUT NOTICE – MATTERS OF GREAT URGENCY

INSPECTIONS COMMITTEE – SETTING OF TIME, DATE AND RENDEZVOUS

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MINUTES OF KU-RING-GAI PLANNING PANEL HELD ON WEDNESDAY, 24 NOVEMBER 2010

Present: Janet Thomson(Chairperson)
Vince Berkhout
Stuart McDonald

Staff Present: Manager Urban & Heritage Planning (Antony Fabbro)
Senior Governance Officer (Geoff O'Rourke)

The Meeting commenced at 5.00pm

PP21 **APOLOGIES**

File: S06347

Mr Lindsay Fletcher tendered an apology for non-attendance and requested leave of absence.

Resolved:

That the apology by Mr Lindsay Fletcher for non-attendance be accepted and leave of absence granted.

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

The Chairperson adverted to the necessity for the Ku-ring-gai Planning Panel members and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No Interest was declared.

CONFIRMATION OF MINUTES

PP22 **Minutes of Ku-ring-gai Planning Panel**

File: S06347

Meeting held 20 October 2010
Minutes numbered PP18 to PP20

Resolved:

(Moved: Vince Berkhout/Stuart McDonald)

That Minutes numbered PP18 to PP20 circulated to Panel Members were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

GENERAL BUSINESS**PP23 Ku-ring-gai Planning Panel - Meeting Cycle 2011**

File: S06347

Vide: GB.1

To consider the Ku-ring-gai Planning Panel's Meeting Cycle for 2011.

Resolved:

(Moved: Vince Berkhout/Stuart McDonald)

A. That the 2011 Meeting Cycle for the Ku-ring-gai Planning Panel be as follows:

February	2 February 2011
	23 February 2011

B. That the Panel will meet the day following each formal meeting of Council.

CARRIED UNANIMOUSLY

PP24 Planning Proposal - Amendment to Ku-ring-gai Local Environmental Plan (Town Centres) 2010 - Land Reclassification 5 Ray Street, Turramurra

File: S07624/2

Vide: GB.2

The following member of the public addressed the Panel:

J Harwood

For the Ku-ring-gai Planning Panel to consider the preparation of a Planning Proposal for Council land at 5 Ray Street, Turramurra to be included in Schedule 4 - Classification and Reclassification of Public Land in the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

Resolved:

(Moved: Vince Berkhout/Stuart McDonald)

- A. That the Ku-ring-gai Planning Panel, in accordance with Part 3 of the *Environmental Planning and Assessment Act, 1979* (as amended), initiate a draft Local Environmental Plan for Council Land at 5 Ray Street, Turramurra (Lot 2 DP 221290) to be included as Operational land in *Schedule 4 – Classification and Reclassification of Public Land*.
- B. That the General Manager be granted delegation to prepare and submit a Planning Proposal to the Minister for Planning in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* (as amended) to reclassify 5 Ray Street, Turramurra from Community Land to Operational Land.
- C. That the Planning Proposal exhibition process be in accordance with the NSW Department of Planning's LEP Practice Note (PN09-003) 12 June 2009 and the conditions of any gateway determination.
- D. That a report be brought back to the Ku-ring-gai Planning Panel at the conclusion of the exhibition period

CARRIED UNANIMOUSLY

The Meeting closed at 5.10pm

The Minutes of the Ku-ring-gai Planning Panel held on 24 November 2010 (Pages 1 - 5) were confirmed as a full and accurate record of proceedings on 23 March 2011.

Chairperson

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	29 CHURCH STREET, PYMBLE - ALTERATIONS AND ADDITIONS TO A HERITAGE ITEM
ITEM/AGENDA NO:	GB.1

APPLICATION NO:	DA0849/10
PROPERTY DETAILS:	29 Church Street, Pymble Lot & DP No: C 342616 Site area: 4,260m ² Zoning: Residential 2(c) Ward: St Ives
PROPOSAL:	To determine Development Application 0849/10, which proposes alterations and additions to a dwelling house that is listed as a heritage item on schedule 7 of the Ku-ring-gai Planning Scheme Ordinance (KPSO).
TYPE OF CONSENT:	Local
APPLICANT:	G & M Khannah
OWNER:	G & M Khannah
DATE LODGED:	16 November 2010
RECOMMENDATION:	Refusal

PURPOSE OF REPORT

This application is before the Ku-ring-gai Planning Panel as a consequence of the Department of Planning circular PS08-14 (attached) which does not permit Development Applications that propose variations to development standards in excess of 10% to be determined under delegated authority.

The proposed attic ceiling height exceeds the ceiling height standard (8m) in clause 46(2) of the KPSO by 25%.

EXECUTIVE SUMMARY

Issues	SEPP 1 objection, height, heritage impacts, landscaping
Submissions	No
Land & Environment Court Appeal	No
Recommendation	Refusal

HISTORY

Site

Council has approved the following building applications on the site:

82/1395	Construction of a front fence
83/1614	Alterations and additions to the existing dwelling on the site.
84/2267	Construction of a tennis court and retaining wall on the northern boundary.
84/1907	Installation of an in-ground swimming pool.
84/2268	Construction of a carport

Pre-DA

A pre-DA meeting was held with Council officers, the architect (Robert Shea) and the owner (Megan Khannah) on 21 January 2010. The following matters were discussed at the meeting:

- Council's preferred location for car accommodation on the western side of the house
- the proposed scale of the extended terrace on the northern side of the dwelling
- the likely heritage impact of the two car garage under the terrace
- the requirements for a heritage impact statement and a landscape plan
- the likely impact of the proposed alterations on the former stables/coach house
- the non-compliant height of the proposed attic necessitating a SEPP 1 objection
- the non-compliant western side setback of the garage
- the number of car spaces required for dwelling-houses
- stormwater management
- the impact of the proposed garage under the northern terrace on the curtilage of the heritage item

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DA History

16 November, 2010	The subject application was lodged.
26 November, 2010	Owners of adjoining properties were notified for 30 days in accordance with DCP 56.
2 December, 2010	Comments were received from Council's Development Engineer.
10 December 2010	Council's Heritage Advisor provided comments on the proposal.
23 December, 2010	Landscaping comments were received from Council's Landscape Assessment Officer.
20 January, 2011	A site inspection was undertaken by Council Assessment Officers.
25 January, 2011	The applicant was advised of Council's concerns as listed below: <ul style="list-style-type: none">• excessive paving within the front setback• use of the attic as a separate dwelling being prohibited development under the KPSO.• excessive built upon area• the likely impact of the four car garage on the significance of the heritage item• inadequate side setback for the four car garage• the non-compliance with the permitted height limit the matters raised in the comments from Council's Heritage Advisor and Landscape Assessment Officer
8 February 2011	A meeting was held with the applicant, architect and assessment officers to discuss the issues raised in Council's correspondence.
10 February 2011	The applicant lodged unsolicited amended plans with Council that included the following changes: <ul style="list-style-type: none">• the garage under the northern terrace and the proposed driveway was deleted• a pool room proposed under the northern terrace with a patio on the eastern side of the room• the stairs from the rumpus room to the cellar were relocated to the north-west corner of the room• the kitchen in the attic was removed and replaced with storage area

THE SITE AND SURROUNDING AREA

The site

Zoning	Residential 2(c)
Visual Character study category	Before 1920
Lot and DP number	Lot C DP342616
Site area	4260 square metres
Side of street	Northern
Stormwater drainage	Drainage to an existing 1.83m wide drainage easement through the adjoining property (No. 27 Church Street)
Heritage item	Heritage item listed on schedule 7 of the KPSO
Heritage item in close proximity	Nos. 11, 13 Station Street; Nos.19, 21,23 , 33 Church Street, No. 24 King Edward Street
Integrated development	No
Bush fire prone land	No
Endangered species	No
Urban bushland	No
Contaminated land	No

The subject site (Lot C DP 342616) is located on the northern side of Church Street, between Station and King Edward Streets. The property has a slightly irregular shape with site area of 4,260 square metres and a frontage to Church Street of 45.415m. The site is occupied by a grand two storey dwelling house known as “*Kiewa*” built in 1894.

The house is an intact example of the Federation Queen Anne style architecture built of brick with stucco decoration, a complex hipped slate roof, a turret at the south-eastern corner and a cellar in the basement. The front of the house has extensive two storey verandahs facing Church Street with decorative timber post balustrading and valences as shown in **figure 1** below.



Figure 1: The southern elevation facing Church Street.

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A two storey rear addition was constructed in 1905 with a two storey bay window at the north-eastern corner of the building. Further additions were built in the 1930s in red brick as shown in **figure 3**. In the 1980s, an in-ground pool and a tennis court were constructed in the rear garden.

There is a paved driveway from Church Street to the main entry of the house on the eastern side of the building. The paving also encircles a water feature on the eastern side of the house, and then traverses the front garden to the western side of the house where there is an existing double carport (see **figure 2**). The former stables with a loft is located behind the double carport adjacent to the western boundary.



Figure 2: The existing carport on the western side of the house



Figure 3 The interwar period additions

Surrounding development

To the west of the subject site at the corner of Church and Station Streets, is another heritage item (No. 33 Church Street) with a tennis court in the rear garden adjacent to the existing carport on the western side of the subject site. To the north of the development site, there is a dwelling house on a battle-axe lot with a driveway to Carson Street.

Other residential properties are located to the east and south of the subject site including heritage items Nos. 19, 21, 23 Church Street. A further heritage item (No. 24 King Edward Street) is located at the corner of Church and King Edward Streets. A conservation area is located directly opposite the subject site.

THE PROPOSAL

The proposal is for the following works as shown in the amended plans received on 11 February 2011:

- a four car garage on the western side of the house
- internal alterations to the former stables including a gym, bathroom, bi-fold doors and a ground floor verandah on the southern side of the building and spiral staircase to the upper level
- a pool room under the northern terrace with a patio off the northern and eastern side elevations
- new internal staircase within the rumpus room to the existing basement/cellar
- an attic within the existing roof to include a bedroom, storage, bathroom and a sitting room
- landscaping around the water feature on the eastern side of the house
- relocation of the kitchen and an extension to the northern terrace with new windows and doors
- changes to ground floor laundry and a guest bathroom
- reconfiguration of the first floor bedrooms with ensuites and dressing rooms

CONSULTATION

CONSULTATION – COMMUNITY

Original plans

In accordance with Council's Notification DCP, owners of adjoining properties were given notice of the application on 26 November 2010. No submissions were received.

Amended plans

The applicant lodged amended plans on 11 February 2011 to address the concerns raised in Council's letter of 25 January 2011. It was considered unnecessary to renotify the amended plans because the impacts arising from the amended plans would be similar and/or less than the impacts arising from original plans.

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The amended plans, however, have not been prepared in accordance with Council's Pre-DA Guide or schedule A of the Court's Practice Note which has hindered the assessment of the application.

CONSULTATION – WITHIN COMMUNITY

Engineering

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

Stormwater disposal

There exists a stormwater disposal system for the subject property, which adequately caters for the disposal of stormwater. The subject property has good natural site fall from the front to the rear. Stormwater would be conveyed to an existing 1.83m wide drainage easement.

The proposed built upon area is greater than 100m² an increase in 3.8%. No rainwater tank(s) are required under Council's Water Management DCP No.47 and no BASIX water commitments are proposed.

A site / stormwater concept plan has been submitted showing collection of the new roof areas to be connected to the existing property drainage system. Whilst the majority of the proposed additions are built over existing hard surfaces the increase in runoff generated from the site will be minimal considering that majority of the paving is absorbed by surrounding lawn and planting. The stormwater concept plan is considered acceptable for this type of development.

Site access

The existing carport is to be demolished and replaced with a new double stacked garage which provides for four parking spaces located on the western side of the dwelling.

The garage dimensions comply with AS2890.1 requirements. An existing turning bay area also exists with the internal driveway to be widened to allow vehicles to exit the property in a forwards direction.

Recommendation

From an engineering perspective there are no objections to this application.

Heritage

Council's Heritage Advisor made the following comments:

Background

Preliminary comments were provided on 10/12/10 and a summary of issues on 15/1/2011.

The following further information was requested:

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- *roof plan*
- *additional sections through the proposed garage and terrace area at the rear of the house; and*

The main issues that need to be resolved are:

- *the proposed new garage and additional driveway on western side.*
- *location of stair to basement*
- *connectivity of terrace/garage area to garden and house*
- *daylight to leadlight window to main stair*
- *impact on garden from additional paving and turning bay for garage under terrace; and*
- *layout of cabana*

Amended scheme

Following a meeting with the applicant, amended drawings and additional information was received on 11/2/2011.

Additional information

A roof plan was submitted and a section through the proposed terrace and basement room. However, no supporting heritage information has been provided.

Amendments.

1. Basement garage and additional driveway.

The revised application proposes deleting the additional garage, driveway and turning bay and reusing the space below the new extended terrace as a pool room/store with additional patio area.

In my opinion, removal of the proposed driveway and tuning bay is a vast improvement and does not result in an unacceptable intrusion into the garden setting of the item. However, the excavated patio on the east side intrudes into the garden setting has a similar impact to the driveway, is not functionally connected to the pool and is separated by a retaining wall. The eastern patio and doors are not supported and it is recommended to delete this from the application.

2. Stair to basement cellar.

The revised application has removed the spiral stair and proposes a new stair from the corner of the rumpus room to the cellar. This is an improvement on the previous location. However, it is not an ideal location for a stair. It is considered that a more appropriate solution would be a new stair from the eating area to the cellar and new pool room without making any change to the rumpus room which is one of the highly significant rooms in the item.

3. *Terrace and pool room*

The additional section through the terrace and new pool room assists in understanding how the new spaces relate to the existing terrace and pool. The impact on the significance of the items is limited as this is a rear elevation and the elevation has been subject to several previous changes. The functional connection is not ideal with many changes in levels. From the extended terrace access is to the east via a stair and not directly to the pool or garden. The pool is a recent element (possibly 1980s) and could be remodelled or relocated in the future. The room under the extended terrace is considered to be satisfactory provided the eastern patio is deleted as discussed above.

4. *Attic room*

The roof plan shows additional skylights above the new stair to the attic level room. The applicant has demonstrated that additional daylight will be available to backlight the existing stained glass and leadlight window to the north of the main stair. This is now considered to have minimal heritage impacts and is satisfactory.

5. *Proposed garage and driveway on western side*

The applicant has reduced the amount of paving but was not amended the garage. The applicant has advised Council that a lockable garage is required for security purposes so the four car garage has been retained in amended plans.

At the pre-DA it was indicated that the western side of the house is the preferred location for garaging. Currently, it contains a driveway, a double carport and access to the former stables building which provides a lockable garage. The existing carport is well detailed and appears to be recent.

The proposed four car garage is a solid brick structure with large garage door and metal clad hipped roof. It has little sympathy with the intricately detailed elevations of the house, has little attention to detail and has a dominating visual effect. The garage has an awkward junction with the house and existing cantilevered balcony from the bedroom above. It would also impact on the rooms on the west side of the house by reducing views and daylight. There might be impact on the trees on the boundary between the proposed garage and the tennis court on the adjoining item and limited opportunities to achieve landscaping on the side setback area.

Its location at the side of the house would not result in impacts on the streetscape. It is noted, however, that the garage has a door at the northern end which leads to a paved area that has the ability to provide parking for additional vehicles.

As proposed the garage can not be supported for the reasons provided above. There are many alternatives to provide covered parking on the site including garaging in the former stables building. One option would be to provide an additional carport on the west side of the house in a tandem arrangement. The additional carport could replicate the relatively fine timber detail of the existing carport or could be a more

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simple and functional structure. Lightweight tensile structures could also be considered. If security is a problem, additional gates or carefully designed screens could be provided.

6: Stables building

The amended plan retains the stair on the west side which assists in interpretation and deletes the stair on the east side. It is now proposed to brick up the doorway and remove the door. Privacy is the reason given for this change. This could be reversed in the future and conditions can be applied to ensure the fabric removed is retained on the site.

Changes to the ground floor include removing the existing garage doors, removing a bathroom and converting it to a cabana type facility. All of this work is reversible and does not have unreasonable impacts on the item.

Conclusions and recommendations

As discussed above, the amended application is considered satisfactory, subject to deletion of the freestanding brick garage on the western side and deletion of the patio to the east of the proposed pool room.

Landscaping

Council's Landscape Development Officer made the following comments:

Site characteristics

Site (4260m²) is located on a east west ridge rising approximately 3 metres from Church Street to the south and then falling approximately 6 metres to the rear northern boundary. The property is subject to a local heritage listing.

The applicant has submitted amended plans deleting the garage under the terrace and creating a sunken patio off the basement pool room.

Tree impacts

An arborist's report is required because the proposed garage is in Tree Protection Zone of the trees along western boundary.

Landscape plan/tree replenishment

No Landscape Plan has been submitted with the application so there are no details of proposed planting, retaining walls or surface treatment nor is there a plan indicating built upon area/soft landscaped area.

Heritage landscape

The residence 'Kiewa' was built in 1894 as part of a much larger estate, the intention being to create a landmark residence on a prominent elevated site. The driveway arrived at a large

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circular carriage sweep around a central lawn area in front of the decorated porch on the eastern side of the house. The present circular paving and water feature are in approximately the same location as the original turning circle. The driveway then continued around the northern elevation of the house to the garage. In the 1980's the garage structures were removed for a tennis court and pool and the driveway was relocated around to the western side of the house via the front setback.

As discussed in the pre-DA meeting, the physical and visual link between the house and area of the garden to the north is of great importance to the heritage significance of the property. It is considered that the relationship between the house and the garden to the north has been severed by the proposed alternate relationship to the basement pool room under the existing terrace.

Cut and fill

Proposed new works to the north-east of the house include approximately 1.4m of excavation for a patio and pool room and approximately 1.5m of excavation between the house and the pool to enlarge existing pool area. The works will result in an increased area of paving to the rear of the house. The proposed terrace will be 2.28m above the pool and surrounds (Refer East Elevation, Dwg 510-W/Ds/03). The works are considered acceptable by the heritage consultant as 'this area has already been altered' (HIS, Paul Davies, 2010). The assessment has not been based on the guidelines set out by the NSW Heritage Office publication 'Statements of Heritage Impact', 1996.

CONCLUSION

The proposal is not supported in its current form.

Landscape Issues to be addressed:

- a) *Impact on Heritage Landscape – excessive paving and cut and fill within the curtilage of the house. Landscape treatment is not in keeping with the horticultural style of the heritage item.*
- b) *Tree impacts*

Information required to be submitted with any development application

1. *Heritage Impact Statement – Garden and Landscape Setting*

As part of any development application for the site where the setting is likely to be changed, a detailed analysis of the garden including significant views, should be undertaken by a heritage landscape architect or suitably qualified heritage consultant.

2. *Arborist's report*

The impacts on trees along the western boundary adjacent to the proposed garage are to be assessed by a qualified arborist. The report should identify and detail the health and significance of all existing trees located on site or associated with the site and recommend appropriate setbacks from existing trees to be retained and design considerations to retain

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trees. All trees are to be clearly numbered and the location clearly shown on an appropriately scaled site plan.

3. Landscape plan

A detailed landscape plan is to be submitted at minimum 1:100 scale as part of the development application (Refer Council's DA Guide).

The landscape design should include,

- *all proposed and existing planting*
- *all proposed and existing external surfaces and retaining walls*
- *all existing trees indicated as retained/removed and include trunk and canopy dimensions and spot levels at the base of tree*
- *proposed finished levels of all external areas, top of wall heights*
- *consistency with the arborist's report*

STATUTORY PROVISIONS

The proposal constitutes "Local Development" under Part 4 of the EP and A Act 1979 and requires development consent pursuant to the Ku-ring-gai Planning Scheme Ordinance (KPSO).

State Environmental Planning Policy No. 1 – Development Standards (SEPP 1)

Clause 46(2) of the KPSO stipulates a maximum height of eight (8) metres for single dwellings. The proposed attic would have a height of 10 metres which exceeds the prescribed height limit in the KPSO. Clause 46(2) constitutes a development standard which may only be varied by way of an objection made pursuant to SEPP 1.

The applicant, however, has failed to correctly frame the SEPP 1 objection in accordance with the five part test which is set out in *Winten Property v North Sydney (2001)*. Nevertheless, an assessment of this breach, having consideration to the SEPP 1 objection as submitted by the applicant, is provided below

Whether the planning control to be varied is a development standard

Clause 46(2) prescribes a maximum height of eight metres for development undertaken within a residential 2(c) zone. The KPSO is a statutory planning instrument and Clause 46(2) is a development standard as defined by Section 4 of the Environmental Planning and Assessment Act, 1979.

The SEPP 1 objection as submitted by the applicant fails to identify the correct environmental planning instrument being the KPSO but refers to a non-compliance with the height controls in DCP 38. The aforementioned DCP has a height control of 7m for sites with a slope of less than 20 degrees as well as a two storey height limit.

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The KPSO does not provide specific planning objectives or purpose for the development standard. However, schedule 9 in the KPSO provides general aims and objectives for residential zones:

- 1(a) to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones; and*
- 1(b) to permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.*
- 2(a) all new dwelling-houses and additions to dwelling-houses maintain a reasonable level of sunlight to neighbours' living areas and recreation space between 9am and 3pm during the winter solstice on 22 June, and*
- 2(b) All new dwelling-houses and additions to dwelling-houses are sited and designed so as to minimise overlooking of neighbours' living areas and recreation space; and*
- 2(c) any building or development work shall maintain or encourage replacement of tree-cover whenever possible to ensure the predominant landscape quality of the municipality is maintained and enhanced; and*
- 2(d) any building or development work on a site avoids total or near total site utilisation by maintaining a reasonable proportion of the site as soft landscaping area; and*
- 2(e) all new dwelling-houses and additions to existing dwelling-houses are of a height, size and bulk generally in keeping with that of neighbouring properties and, where larger buildings are proposed, they are designed so as not to dominate and so far as possible to harmonise with neighbouring development; and*
- 2(f) in areas where one period, style or genre of architecture predominates, the new dwelling-house reflects either that style or the main stylistic features such as roof pitch, materials, proportions, setbacks etc and additions to existing dwelling-houses reflect the style of and continue the main stylistic features of the existing structure*
- 2(g) all new dwelling-houses and additions provide reasonable space on the site for the forward entrance and exit of vehicles.*

The applicant, however, has referred to the general aims and objectives and the objectives for the height control in DCP 38. Whilst this DCP does apply to the subject application, SEPP1 applies to standards in an environmental planning instrument (KPSO) and not in a development control plan.

Whether compliance with the standard is consistent with the aims of the policy and whether compliance hinders the attainment of the objectives specified in Section 5(a)(i) and (ii) of the Environment Planning and Assessment Act, 1979.

The aim of SEPP 1 is to:

Provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards, would in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objectives specified in Section 5(a)(i) and (ii) of the Act.

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In this regard, the objects of section 5 (a) (i) and (ii) of the Act are:

(a) To encourage

- (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
- (ii) The promotion and co-ordination of the orderly and economic use and development of land.*

The non-compliance with the development standard in this instance would not hinder the attainment of the above planning objectives.

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

The following provides a summary of the arguments provided by the applicant within the submitted SEPP 1 objection seeking support for the variation of the development standard:

The proposal seeks to provide an attic space over the existing first floor ceiling with stair access from the first floor. The spaces created at this level are in lieu of extending the residence at ground and first floor levels to achieve the desired accommodation requirements.

The existing steeply pitched slate roof has two main ridge lines running north/south and east/west. There have been numerous ill-conceived extensions over the years (refer to the included Heritage Impact Statement) that have resulted in a double valley roof form that discharges storm water into the centre of the house. The area of this section of roof is some 130 sq.m. and includes a pitched glass roof over the main stair case and a small glass roof over a light well.

The existing roof form and drainage present a serious risk to the structure and fabric of the interior of the house due to flooding and on-going leakage problems.

The selected permanent solution is to re-roof this area by extending a low pitched roof from the existing main north/south ridge falling west to a point 2000 back from the existing secondary north/south ridge line. This eliminates the drainage issues and provides slate tiles for reuse elsewhere.

The existing pitched glazed roof over the main stair is to be replaced with a dedicated light well room with external windows, supplementary roof lights and internal lighting. The existing glazed ceiling above the staircase is to remain. The light well room is accessible in order to clean the glass ceiling.

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The proposed staircase to the attic is naturally lit with highlight windows that allow light to reach the first floor hallway areas. The existing glazing in the first floor walls is to remain. The existing small light well is superfluous and is to be converted to storage.

The existing dormer window on the south side currently providing light into the roof space will be renovated and used as a window for the attic.

The proposed attic cannot be seen from the street or from the east side of the house. The western and northern sides have highlight windows. The entire attic structure is below the existing main ridge and therefore there is no increase in overshadowing of the subject property or adjoining properties.

In relation to DCP 38 clause 4.2.5 attic rooms should not:

- *increase the bulk of the building*
- *cause undue overshadowing of adjacent properties, or*
- *cause loss of significant views from adjacent properties, or*
- *be excessive in scale and bulk relative to the rest of the building.*

The proposal achieves these objectives.

It is also noted in clause 4.2.5 that:

- *The form and placement of any windows must respect the privacy of neighbouring properties.*
- *The resultant floor space will be used in calculating the total floor space.*

The roof line is existing. Refer to the Heritage Impact Statement which supports the proposal. There is no increase in overshadowing.

It is also noted in Clause 4.2.5 that:

The maximum roof pitch permitted is 35 degrees:

- *Roofs with a steeper pitch than 35 degrees shall be considered as external walls.*

The roof pitch is existing – approximately 48 degrees therefore compliance is assumed.

The arguments put forward by the applicant have some validity. However, the SEPP 1 as submitted by the applicant is flawed because it refers to planning objectives and controls in DCP 38 not the relevant environmental planning instrument being the KPSO.

The *Winten Test* requires an assessment as to whether it is unreasonable or unnecessary in the circumstances of the case for Council to insist on compliance with the height control. In this instance, it is considered unreasonable or unnecessary to insist upon compliance because the proposed attic would be mostly be contained within the existing roof form on the northern

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and western sides of the house so there would be no impacts for the streetscape and/or adjoining properties.

There would be no privacy loss as a result of the proposed attic for No. 3-5 Carson Street due to the substantial setback to the rear boundary (approximately 53m). Nor would there be any privacy loss for the residents of No. 33 Church Street due to the nine metres setback to the western boundary, the existing vegetation on the boundary and the location of the tennis court at No. 33 Church Street adjacent to their eastern boundary.

There would be no unreasonable overshadowing for the adjoining properties because the attic would mostly be contained within the existing roof form, with the exception of the dormer windows, nor would there be any view loss for adjoining properties. The proposed attic would not add any unnecessary bulk and scale to the building as it is generally contained within the existing roof.

Council's Heritage Advisor is now satisfied that the new light well would allow enough light to the stained glass window on the main staircase so the proposed attic would not have a detrimental impact upon the significance of the heritage item.

The eyelid dormer windows on the northern and western elevations would be the only visible signs of the proposed attic, thereby minimising impacts upon the significance of the building. These windows would not be seen from the street so there would be no impacts upon the streetscape. They are considered to be characteristic of the house because there is a smaller set of eyelid dormer windows within the roof space on the front elevation. The proposed attic is, therefore, considered to be sympathetic to the original part of the dwelling and would have a harmonious relationship with adjoining development.

The proposed attic would not cause any loss of landscaping or tree removal and there would be no additional built upon area as a result of the proposed attic given that the attic would be mostly contained within the existing building.

In summary, it would be unreasonable and unnecessary in the circumstances of the case for Council to insist upon compliance with Council's height control because the attic would satisfy the planning objectives in schedule 9 of the KPSO.

Whether the objection is well founded

The SEPP 1 objection as submitted by the applicant is not well founded because it has been incorrectly structured by referring to DCP 38 rather than the appropriate environmental planning instrument. It has also failed to address the matters raised in five part test as set out in *Winten Property v North Sydney (2001)*.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 requires consideration of the potential for a site to be contaminated. Should any evidence exist to suggest a site may be contaminated, Clause 7 of SEPP 55 requires consideration as to whether the land is suitable for the proposed use in its contaminated state.

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Council's records indicate the site has a history of commercial use. Nothing in Council's records suggests the site may be contaminated. As a consequence, no further investigation is necessary in this regard.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX certificate has been submitted. The certificate demonstrates compliance with the provisions of the SEPP and adequately reflects all amendments to the application.

Ku-ring-gai Planning Scheme Ordinance (KPSO)**Clause 23 – Permissibility**

The proposed development involves alterations and additions to an existing dwelling being a heritage item listed on Schedule 7 in the KPSO. The proposal is a permissible form of development in a residential 2(c) zone pursuant to clause 23 in the KPSO.

Development standards

Development standard	Proposed	Complies
Site Area: 4260m ²		
Minimum allotment size		
Site Area: 929m ² (min)	4260m ²	YES
Site Width: 18m (min)	45.415m	YES
Building height 8m (max)	10m	NO
Built-upon areas		
60%(2556m ²)(max)	48% (2044.8m ²)	YES

Clause 46(2) Height of buildings:

The proposed attic has a building height of 10m, breaching the prescribed development standard set out under clause 46(2) of the KPSO by two metres. A SEPP 1 has been submitted that has been considered earlier in this report. Council officers are unable to support the SEPP 1 objection because it was not set out in accordance with the five part test in *Winten Property v North Sydney (2001)* and failed to address the correct planning instrument.

Clause 61D – Development of heritage items

Pursuant to clause 61D in the KPSO, Council is required to consider the impact of development upon the significance of heritage items. Council's Heritage Advisor has conducted an assessment of the amended plans and found to be acceptable, with the exception of the four car garage.

The proposed garage would dominate the curtilage of the heritage item, having a detrimental impact upon its significance. This is in contrast to the existing carport being an open timber structure that is considered to be a more sympathetic element within the curtilage of the original house. A timber carport is more desirable than a solid brick garage because the

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façade of the original building also has decorative timber balustrades linking the two structures.

The grounds of this stately home are an important part of the significance of "Kiewa". An appropriate cartilage for this property is also important because it is surrounded by other heritage items and located directly opposite a gazetted conservation area under the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

Clause 61E – Development in the vicinity of heritage items

There are a number of heritage items in the vicinity, in particular No. 33 Church Street adjacent to the western boundary of the subject site. At present there is a hedge along the western boundary adjacent to the existing carport that is likely to screen the garage when viewed from No. 33 Church Street. It is not clear, however, whether this hedge will be retained given that a landscape plan was not submitted with the application.

With the exception of the four car garage, most of the works are either internal and/or at the rear of "Kiewa" so there would be no impact to the streetscape and/or heritage items in close proximity.

Schedule 9 - Aims and objectives for residential zones:

The proposed four car garage on the western side of the development would have a detrimental impact upon the significance of the heritage item. This aspect of the application is likely to frustrate the achievement of the following planning objectives in Schedule 9 of the KPSO:

- 1(a) *to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones; and*
- 1(b) *to permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.*
- 2(c) *any building or development work shall maintain or encourage replacement of tree-cover whenever possible to ensure the predominant landscape quality of the municipality is maintained and enhanced; and*
- 2(e) *all new dwelling-houses and additions to existing dwelling-houses are of a height, size and bulk generally in keeping with that of neighbouring properties and, where larger buildings are proposed, they are designed so as not to dominate and so far as possible to harmonise with neighbouring development; and*
- 2(f) *in areas where one period, style or genre of architecture predominates, the new dwelling-house reflects either that style or the main stylistic features such as roof pitch, materials, proportions, setbacks etc and additions to existing dwelling-houses reflect the style of and continue the main stylistic features of the existing structure*

POLICY PROVISIONS

The Ku-ring-gai Residential Design Manual – Development Control Plan No. 38

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Part 1: General Aims

The proposed four car garage is likely to frustrate the achievement of the following aim in part 1.2 in DCP 38:

Conserve and protect the natural, built and cultural heritage significance of Ku-ring-gai including heritage items and conservation areas, and encourage development which respects that significance.

Development Control	Proposed	Complies
4.1 Streetscape:		
Building setbacks (s.4.1.3)		
<ul style="list-style-type: none"> Front setback: 14m (Ave) -75% front elevation 12m (min) – 25% front elevation 	No change to existing No change to existing	N/A N/A
Side setback for dwellings:		
<ul style="list-style-type: none"> Ground floor: 5.44m(min) 1st floor: 6.8m (min) Rear setback: 12m(min) 	9m No change to existing >12m	YES N/A YES
Front fences (s.4.1.5)		
<ul style="list-style-type: none"> Height: 1.2m(max) Transparent/900mm solid 	No change to existing	N/A
Side & rear fences (s.4.1.5)		
<ul style="list-style-type: none"> Height (forward of building line) as above Height (behind building line): 1.8m (max) 	Not part of current application m Not part of current application	N/A N/A
4.2 Building Form:		
FSR (s.4.2.1) 0.3:1 (max)	0.29:1	YES
Height of building (s.4.2.2)		
<ul style="list-style-type: none"> 2 storey (max) and 8m (site >20° slope) or 7m (site <20° slope) 	3 storey & 10m	NO NO
Building height plane (s.4.2.3)		
45° from horizontal at any point 3m above boundary	No breach of the BHP	YES
First floor (s.4.2.4)		
<ul style="list-style-type: none"> First floor FSR< 40% total FSR 	>40%	Existing non-compliance - acceptable
Roof Line (s.4.2.6)		
<ul style="list-style-type: none"> Roof height (5m – single storey) (3m – two+ storey) 	2.8m	YES

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Development Control	Proposed	Complies
Roof pitch 35° (max)	Flat roof for attic	YES
Dormer control	<200mm	NO
• >200mm below main roof ridge	N/A	N/A
• Occupies <40% face of gable	>20%	NO
• Occupies <20% face of roof or slope		
Built-upon area (s.4.2.7) 50% (m ²) (max)	48% (2044.8m ²)	YES
Unrelieved wall length (s.4.2.8) 8m (min) – two storey 12m (min) – single storey	No unrelieved walls	YES
Solar access (4.2.11) 4h solar access to adjoining properties between 9am to 3pm	4 hours to adjoining properties	YES
Cut & fill (s.4.2.14)		
• Max cut 900mm	1.4m for patio & pool room	NO
• Max cut & fill across building area of 1800mm and 900mm	1.4m for patio & pool room	NO
• No cut or fill within side setbacks	Some minor excavation for garage	YES
4.3 Open space & landscaping:		
Soft landscaping area (4.3.3) 50% (2130m ²) (min)	52% (2,215.2m ²)	YES
Tree replenishment (s.4.3.6) 10 Trees required	>10 trees provided	YES
Landscaping cut & fill (4.3.7)		
• max cut or fill 500mm relative to natural ground	1.4 m	NO
• no cut & fill within 2m of boundary	Some minor excavation for garage	NO
Useable open space (s.4.3.8) Min depth 5m and min area 50m ²	Depth >5m Area >50m ²	YES YES
4.4 Privacy & Security:		
Refer to following discussion		
4.5 Access & parking:		
No. of car parking spaces (s.4.5.1) 2 spaces behind building line	4 spaces behind building line	YES but not in its current form
Driveway width (s.4.5.6) 3.5m	No change to existing	N/A

Development Control	Proposed	Complies
4.6 Ancillary facilities:		
Swimming pools (s.4.6.1) <ul style="list-style-type: none"> Setback from boundary: 2m 	No change to existing pool	N/A
Tennis courts (s.4.6.2) <ul style="list-style-type: none"> Setback from boundary: 3m 	The tennis court has been refurbished without development consent	Referred to Council's compliance division
Outbuildings (s.4.6.3) <ul style="list-style-type: none"> Setback from boundary: 2m 	1.6m	NO

Part 3.1.8 Heritage items and conservation areas

In accordance with part 3.1.8 of DCP 38, a heritage impact statement must be provided for development applications involving heritage items having regard to the NSW Heritage Manual (Heritage Office). Whilst a heritage impact statement was provided with the subject application, the document did not provide any justification for the four car garage or an analysis of its likely impact upon the significance of the heritage item.

Part 4.1 - Streetscape:

Most of the building works are internal and/or located at the rear of the house so there will be no impact on the streetscape. Whilst the proposed garage would be located behind the building line of the existing dwelling, this solid structure with little fenestration would dominate the garden setting of the heritage item. This aspect of the application is considered to be unsatisfactory. It would have been preferable to provide an open carport similar to the existing to maintain the significance of this heritage item with its extensive grounds.

Part 4.2.2 – Height of building

The proposal exceeds the prescribed height limit (two storeys, 7m) in DCP 38. The non-compliance is considered to be satisfactory because the proposal would still achieve the planning objectives for the control given that there would be no privacy and/or view loss for adjoining properties, no unnecessary bulk and scale, no unreasonable overshadowing or impacts upon the streetscape. The proposed attic also causes a non-compliance with the two storey height limit that is considered to be satisfactory for the reasons stated previously.

Part 4.2.6 Roof line

There are some non-compliances with the dormer window controls in part 4.26 of DCP 38 that are considered to be satisfactory because there would be no impacts for adjoining properties in terms of overlooking, view loss or overshadowing. The dormer windows would not unduly increase the bulk and scale of the building and they would not be seen from the street.

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Part 4.2.14 Cut and fill

There would be substantial excavation on the northern side of "*Kiewa*" to provide the new terrace overlooking the existing swimming pool. Council's Landscape Development Officer is concerned that this excavation would have a detrimental impact upon the garden setting of "*Kiewa*" and this aspect of the proposal was not addressed in the heritage impact statement.

Part 4.4 – Privacy and security

There would be no privacy loss as a result of the proposed attic for No. 3-5 Carson Street due to the substantial setback to the rear boundary (approximately 53m). Nor would there be any privacy loss for the residents of No. 33 Church Street with the nine metre setback to the western boundary of the subject site, the existing vegetation and the location of the tennis court at No. 33 Church Street adjacent to their eastern boundary.

Part 4.5 - Access & parking:

The four car garage would have a detrimental impact upon the significance of *Kiewa* for the reasons stated throughout this report.

Part 4.6 - Ancillary facilities:

Pursuant to part 4.6.3 in DCP 38, a setback of two metres is required to minimise impacts to adjoining properties. If the existing tree along the western boundary were to be retained this setback would be acceptable. However, there was no arborist report addressing the close proximity of the garage to the trees nor was a landscape plan submitted with the application indicating the retention of the trees.

LIKELY IMPACTS

The impacts of the proposed development have been considered in detail where some of the proposed works were found to be unsatisfactory for the reasons stated throughout the report.

SUITABILITY OF THE SITE

The subject site is zoned for residential use. However, the proposal in its current form is not suitable for the site because the four car garage would have a detrimental impact upon the significance of the heritage item.

ANY SUBMISSIONS

No submissions have been received.

PUBLIC INTEREST

The approval of the application is not considered to be in the public interest for the reasons given within this report.

UNAUTHORISED WORKS

At the time of the site inspection, it was noted that some of the works included in development application 0849/10 have been carried out without development consent. This matter has been reported to Council's Compliance Division given that State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not apply to local heritage items.

OTHER CONSIDERATIONS

There are no other matters for consideration.

CONCLUSION

Upon consideration against Section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, it is concluded that the proposal is unsatisfactory. Therefore, it is recommended that the application be refused.

RECOMMENDATION:

PURSUANT TO SECTION 80(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

That the Ku-ring-gai Planning Panel, as the consent authority, refuse development consent to Development Application No. 0849/10 for alterations and additions to a dwelling house (heritage item) on land at No. 29 Church Street, Pymble for the following reasons:

1. The proposal would have an adverse impact upon the significance of the heritage item

Particulars:

- (i) The four car garage would have an adverse impact upon the significance of the heritage item due to its bulk and scale and its impact upon the garden setting of the heritage item. The extensive grounds and garden area are an important part of the significance of this heritage item as indicated in the heritage impact statement. An open timber carport is the preferred form of car accommodation because it is more sympathetic with the character of the house.
- (ii) The garage would also cause a loss of light to the rooms on the western side of the house.
- (iii) The staircase in the north-western corner of the rumpus room would have a detrimental impact upon the significance of this room.
- (iv) The patio on the eastern side of the pool room would also have a detrimental impact on the garden setting of the heritage item.

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- (v) The relationship between the house and the garden to the north would be severed by the proposed basement pool room under the existing terrace.
- (vi) The excessive paving, cut and fill within the curtilage of the house would have a detrimental impact upon the garden setting of the heritage item.
- (vii) The garage is likely to have an impact upon the trees on the western boundary that are an important element within the curtilage of the heritage item.

2. **The SEPP 1 objection is not well founded.**

The SEPP 1 objection is not well found because the SEPP 1 as submitted by the applicant has failed to demonstrate that the proposal meets the planning objectives for Council's height control in clause 46(2) of the KPSO.

Particulars

- (i) The SEPP 1 objection refers to DCP 38 not the relevant development standard – Clause 46(2) in the KPSO.
- (ii) The SEPP 1 objection does not address the planning objectives in schedule 9 of the KPSO.
- (iii) The SEPP 1 objection is not in accordance with the five part test as set out in *Winten Property v North Sydney (2001)*.

3. **Insufficient information and unsatisfactory plans**

Particulars

- (i) The heritage impact statement fails to provide a proper assessment of the likely impacts upon the heritage item arising from the proposed building works as required by the Heritage Manual published by the Heritage Office.
- (ii) The heritage impact statement does not include an analysis of the likely impacts upon the garden setting and the curtilage of "Kiewa".
- (ii) A landscape plan was not submitted with the application providing details of:
 - existing and proposed planting
 - proposed and existing retaining walls and external surfaces
 - all existing trees indicated as retained/removed and include trunk and canopy dimensions and spot levels at the base of the tree
 - proposed finished levels of all external areas, top of wall heights
 - consistency with the arborist report
- (iii) An arborist's report is required detailing the likely impacts upon the trees on the western boundary adjacent to the proposed garage including:

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- details of the health and significance of all existing trees located on the site or associated with the site
 - recommendations concerning appropriate setbacks from existing trees to be retained and design considerations to retained trees
- (iv) A schedule of materials is required to allow assessment of its likely impact upon the significance of the heritage item.
- (v) The amended plans were not prepared in accordance with the pre-DA guide and/or schedule A of the Court's Practice Directions hindering the proper assessment of the proposal.
- (vi) There was no built upon area compliance diagram to confirm compliance with DCP 38.

Robyn Pearson
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Manager Development Assessment Services

Michael Miocic
Director Development & Regulation

Attachments:	A1	Zoning extract and location sketch	2011/046777
	A2	SEPP 1 objection	2011/046780
	A3	Architectural plans, survey, site plan, site analysis	2011/046784
	A4	Department of Planning Circular PS 08-014	2010/155057

Ku-ring-gai Planning Scheme Zoning Extract
29 Church Street, PYMBLE – DA0849/10



ZONES		RESERVATIONS		GENERAL					
2. RESIDENTIAL (a) RESIDENTIAL A (b) RESIDENTIAL B (c) RESIDENTIAL C (c1) RESIDENTIAL C1 (c2) RESIDENTIAL C2 (d) RESIDENTIAL D (d3) RESIDENTIAL D3 (e) RESIDENTIAL E (f) RESIDENTIAL F (g) RESIDENTIAL G (h) RESIDENTIAL H		3. BUSINESS (a) RETAIL SERVICES FLOOR SPACE RATIOS A1 2.0:1 A2 1.0:1 A3 0.75:1 (d) COMMERCIAL SERVICES FLOOR SPACE RATIOS B1 1.0:1 B2 1.0:1		5. SPECIAL USES (a) SPECIAL USES A (Schools etc) (a1) SPECIAL USES A1 (b) SPECIAL USES (Railway) 6. OPEN SPACE (a) RECREATION EXISTING (b) RECREATION PRIVATE (c) RECREATION PROPOSED		OPEN SPACE (a) OPEN SPACE (Public Parks & Recreation) (b) COUNTY OPEN SPACE SPECIAL USES SPECIAL USES (Parking) ROADS (a) COUNTY ROAD WIDENING (b) COUNTY ROAD PROPOSED (c) LOCAL ROAD PROPOSED (d) LOCAL ROAD WIDENING		OTHER EXISTING COUNTY ROAD OTHER PLANNING INSTRUMENT Scale: 1:2000 Date: 8/03/11 	

LOCATION SKETCH
29 Church St PYMBLE

DEVELOPMENT APPLICATION No. 0849/10



 NORTH	DATE: 8/03/2011	No Written Response		 Ku-ring-gai Council
		AGREEMENT OBJECTION PETITION SUBMISSION	SUBJECT LAND HERITAGE ITEM CONSERVATION AREA CIRCULATED AREA	

Ku-ring-gai Town Centre Scheme Zoning Extract
29 Church Street, PYMBLE



ZONES

B2	Local Centre	E2	Environmental Conservation		High Density Residential
M	Mixed Use	E4	Environmental Living	RE1	Public Recreation
BD	Business Development	R2	Low Density Residential	SP1	Special Activities
B7	Business Park	R3	Medium Density Residential	SP2	Infrastructure

Scale: 1:2000
Date: 8/03/11




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SEPP 1 OBJECTION

FOR

PROPOSED ALTERATIONS AND ADDITIONS

TO

29 CHURCH STREET, PYMBLE

FOR

G & M KHANNAH

Prepared by Robert J Shea and Associates Architects

4 November 2010

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01. INTRODUCTION

This objection has been prepared by Robert J. Shea and Associates Architects, pursuant to State Environmental Planning Policy No.1 - Development Standards (SEPP1) on behalf of G & M Khannah.

This objection is submitted to Ku-ring.gai Council in support of the Development Application for alterations and addition to the existing residence at 29 Church Street, Pymble.

This objection is to be read in conjunction with all other supporting documentation submitted for the development application and in particular the Statement of Environmental Effects prepared by Robert J. Shea and Associates.

State Environmental Planning Policy No. 1 allows Councils to approve development applications that are in variance to the statutory development controls or standards where strict compliance can be shown to be unreasonable, unnecessary or hinder the objectives outlined in the Environmental Planning and Assessment Act - 1979. The relevant general sections are as follows:

Section 5

"5(a) to encourage -

- (i) the proper management, development and conservation of natural and man-made resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better built environment;
- (ii) the promotion and co-ordination of the orderly and economic use of and development of land."

Other criteria:

Clause 8

- * "the matters that shall be taken into consideration in deciding whether concurrence should be granted are: -
 - (a) Whether non-compliance with the development application raises any matter of significance for State or regional environmental planning; and
 - (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument."

4.

Selected extracts from The Department of Planning's "Guidelines For The Use of State Environmental Planning Policy No.1"

- * "As numerical standards are often a crude reflection of intent, a development which departs from the standard may in some circumstances achieve the underlying purpose of the standard as much as one which complies. In many cases the variation will be numerically small and in other cases it may be numerically large, but nevertheless be consistent with the purpose of the standard.....
- * In deciding whether to consent to a development application the Council should test whether the proposed development is consistent with the State, regional or local planning objectives for the locality, and in particular the underlying objective of the standard.
- * If the development is not only consistent with the underlying purpose of the standard, but also with the broader planning objectives of the locality, strict compliance with the standard would be unnecessary and unreasonable."

Selected extract from a Draft Amendment to SEPP 1 - to be noted as Draft Amendment 4 and in particular clause 6(b):

- 6(b) "... evidence which demonstrates that the development will be consistent with any express aims or objectives of any environmental planning instrument (including this Policy) applying to the development."

The Ku-ring-gai Residential Design Manual - Development Control Plan No.38 describes the intentions of the standard. The following are selected extracts from DCP No.38:

1.2 Aims of the DCP

The aims of this DCP are to:

1. Encourage development which does not dominate, but harmonises with and contributes to the treed landscape and is sympathetic to the street and locality in which it is proposed.
2. Ensure that with each development sufficient landscaping is provided to contribute to the conservation and replenishment of the tree canopy of Ku-ring-gai, including locally occurring native tree species suited to the site
3. Conserve and protect the natural, built and cultural heritage significance of Ku-ring-gai, including heritage items and conservation areas, and encourage development which respects that significance.
4. Conserve and protect endangered species (flora and fauna), the natural topography, and other geographical and environmental features of Ku-ring-gai.
5. Achieve ecologically sustainable development.

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- 5.
6. Ensure appropriate provision is made for drainage in order to minimize impact on neighbours, watercourses, trees and other elements of the built and natural environment.
7. Protect and minimise the impact of development on adjoining properties and the natural environment
8. Encourage housing of the highest possible architectural, environmental and amenity standards.
9. Manage residential development in a way that recognises the reasonable needs of innovative design and contemporary lifestyles.
10. Achieve without compromising the retention of significant trees, energy efficient design and where possible, solar access.
11. Clarify the requirements relating to development so that there are more certain outcomes for both the applicants and the community.

The Council has discretion to vary a development standard by considering whether strict adherence to the standard (as written) may be unreasonable or unnecessary and therefore can accept an objection that demonstrates that the underlying purpose or intent of the standard has been met. This authority is clearly described in DCP No.38 under Section 2 Decision Making Process and in particular Clause 2.4 which states as follows:

2.4 Variations to Standards

- a. A variation to any development standard of the Ku-ring-gai Planning Scheme Ordinance (the "planning instrument") necessitates the submission of an SEPP 1 Objection signed by the applicant outlining why compliance with a particular development standard is unreasonable or unnecessary. Eg: Building over a cliff line where it is not possible to have a stepped construction without a small section of the building exceeding 8 metres in height.
- b. Standards specified in this DCP may in some circumstances be considered inappropriate for various reasons. In such cases written reasons for a departure from the DCP standard should be submitted. Eg: It might be submitted that the variation of a building line is warranted to permit retention of a tree behind a new dwelling.

6.

02. PROPOSED DEPARTURE FROM THE STANDARDS - ITEMS OF VARIANCE

The Applicants seek approval for the following items that may be in variance to the development standard:

1. Side boundary set back - part existing situation
2. Building height - existing situation
3. Building height plane - existing situation
4. First Floor - existing situation
5. Attic - part existing situation
6. Roof line - existing situation
7. Excavation - part existing situation
8. Access and Parking - part existing situation

02.1 Side Boundary Setback

Standard

4.1.3 Building Setbacks

Ground Floor distance to side boundary:

- (for) (a) Two storey dwelling - 2.0m or 12% of the site width for sites wider than 20m.
(b) Single storey dwelling - 1.5m or 9% of site width for sites wider than 20m.

First Floor distance to side boundary:

- (c) Minimum 2.5m or 15% of site width.

The subject property has a site width of 45.415m. The required side boundary setbacks should therefore be as follows:

- Ground Floor distance to side boundary
- (for) (a) Two storey dwelling - 5.450m
(b) Single storey dwelling - 4.087m
- First Floor distance to side boundary:
(c) 6.812m

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7.

The setbacks from the side boundaries of the subject are as follows:

Main house:	Ground Floor:	9.4m - western side - Complies 17.5m - eastern side - Complies
	First Floor:	9.4m - western side - Complies 17.5 - eastern side - Complies
Cabana: (old stables)	Ground Floor:	2.4m - western side - Exceeds standard N/A - eastern side
	First Floor:	2.4m - western side - Exceeds: existing (original)
Existing Carport:		2.0m - western side - Single storey - Exceeds standard for single storey structures but satisfies the requirement of 2.0m for out-buildings: therefore - Complies
Proposed Garage:		2.0m - western side - Single storey - Exceeds standard for single storey structures but satisfies the requirement of 2.0m for out-buildings: therefore - Complies

The main house complies with the side boundary setback requirements.

The proposed Cabana (old stables) is closer to the side boundary than allowed. This structure is part of an original out-building on the site (refer to the Heritage Impact Statement) and more recently used as a garage. Existing - assumed compliance.

The existing Carport structure to be replaced with a Garage (on the western side of the main house) is in breach of the standard for single storey structures although DCP 38 Clause 4.6.3 allows out-buildings to be 2.0m from the boundary. Assumed compliance.

02.2 Building Height

Standard

4.2.2 Height of Building

A dwelling must not exceed two storeys in height. Council may consider an additional floor on sloping sites where the height is not evident from public areas or adjoining properties and excavation is not excessive.

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The maximum height of a dwelling shall be:

- * 2 storeys in height (including any garage, basement or the like).
- * 8 metres for sites where the slope averaged over the ground level change along the building foundation from front to rear or from side to side, is more than 20 degrees or;
- * **7 metres for slopes less than 20 degrees**

Note: The height referred to is from natural ground to the uppermost ceiling level.

The subject property has the following ceiling heights:

Main house:	8.6m	Exceeds standard: Existing (original)
Cabana: (old stables)	5.6m	Complies

The main house ceiling, although it exceeds the standard is the original ceiling (refer to the Heritage Impact Statement) therefore compliance is assumed.

02.3. Building Height Plane

Standard

- 4.2.2 Permissible building envelope 45 degrees from the horizontal at any point 3.0m above boundaries.

The subject property exceeds the height plane by some 0.6m at the ridge of the Cabana (old stables). This structure is part of an original out-building on the site (refer to the Heritage Impact Statement) and more recently used as a garage. Assumed compliance.

02.4. First Floor

Standard

- 4.2.4 The first floor of dwellings should be well integrated into the design of the development to avoid overbearing bulk/scale relationship with neighbouring properties.

This may be achieved by:

- * "stepped back upper levels in order to avoid bulky vertical wall surfaces; or by
- * erecting the first floor within the existing/proposed roof space.

First floor area must not exceed 40% of total floor space as defined in 4.2.1.

The subject property has the first floor built directly over the ground floor and therefore shares common external walls.

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The first floor does not strictly adhere to having "... stepped back upper levels..."

Note: The first floor is original (refer to the Heritage Impact Statement) therefore compliance is assumed.

Refer to the Statement of Environmental Effects Section B2 for all area calculations. The proposed first floor area complies with the 40% requirement.

02.5. Attic

Standard

4.2.5 Attic Rooms

Use of attic rooms within the roof space for habitable purposes is encouraged in lieu of a second storey, particularly in neighbourhoods that are predominately single storey dwellings.

Attic rooms should not:

- * increase the bulk of the building;
- * cause undue overshadowing of adjacent properties private open spaces;
- * cause loss of significant views from adjacent properties; or
- * be excessive in scale and bulk relative to the rest of the building.

The form and placement of any windows must respect the privacy of neighbouring properties.

The resultant floor space will be used in calculating the total floor space.

The attic space above the Cabana (old stables) is to be converted to a gymnasium.

It is proposed to remove the existing western side external stair and door and reduce the window to an obscure glass highlight. This will significantly improve the privacy to the private open space of the residence immediately to the west of the structure.

Note: This space is original (refer to the Heritage Impact Statement) therefore compliance is assumed.

The proposed attic for the main house is in part in variance to the standard.

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02.6. Roof Line**Standard****4.2.6 Roof Line**

The roof of a building should be designed so that:

- * it does not unduly increase the bulk of the building.
- * in areas of heritage value it reinforces the existing streetscape character and the elements that contribute to this character
- * it does not cause undue overshadowing of adjacent properties and open spaces.

The maximum roof pitch permitted is 35 degrees:

- * roofs with a steeper pitch than 35 degrees shall be considered as external walls.

It is proposed to add or alter the following roof forms:

1. Existing western side carport with corrugated metal sheeting is to be lengthened to form a garage using the same materials.
2. Proposed Ground Floor extensions to the northwest corner and to the northern verandah of the existing house are to be at a pitch to match existing and be slate tiles to match existing.
3. The proposed attic roof will be laid to minimum recommended falls and be constructed from the existing main north/south ridge on the eastern side of the house to approximately 2.0m from the north/south ridge on the western side of the house.

In essence this new roof area is within the existing roof form, not visible from the street and does not cause any increase in overshadowing.

The main roof of the subject property has a roof pitch of approximately 48 degrees on the major roof elements that face the street (south) and to the east.

No changes to the existing roof pitch or the main ridge lines are proposed.

The roof is original (refer to the Heritage Impact Statement) therefore compliance is assumed.

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02.7. Excavation

Standard

4.2.14 Cut and Fill

The extent of excavation (cut) and fill must be minimised so as not to impact on existing trees required by Council to be retained, or significantly alter the natural landscape or watertable.

This must be achieved by:

- * accommodating the development within the natural slope of the land;
- * accommodating the development outside the canopy spread of existing trees where possible
- * not exceeding 900mm in cut and fill relative to natural ground level, with a maximum level difference of cut and fill across the building area of 1800mm and 900mm at any one point relative to natural ground level;
- * avoiding cut or fill within minimum side setbacks from boundary lines as specified in 4.1.3

It is proposed to excavate for the northern basement level garage. The proposed floor level for the garage will be 1200mm below natural ground, approximately 400mm below the adjacent swimming pool level and some 300mm below an adjoining basement area.

The proposed garage is to be located under an extended terrace area that is set some 1300mm above existing ground level.

The proposed works are on the northern side of the house. Excavation for this work is not under any existing trees or near any boundaries.

The proposed excavation is 300mm over the standard and therefore in variance to the standard.

02.8. Access and Parking

Standard

4.5 Access and Parking

Objectives

- a. To encourage the integrated design of vehicle access and functional car parking facilities to minimise adverse visual and environmental impacts on the streetscape.
- b. To minimise stormwater run off from driveway surfaces.
- c. To minimise the extent of hard surfaces forward of the building line.

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Selected references:**4.5.1 Number of car spaces**

Council's Car Parking Code requires the provision of 2 spaces behind the building line for a single occupancy dwelling.

Where more than 2 spaces are proposed, triple (or greater width) garage openings within the front elevation are not permitted.

4.5.2 Size of Car Spaces

The size of parking spaces/structures must reflect:

- * functional requirements;

The amount of space available (for example having regard to the location of existing buildings or trees); and

- * bulk/scale relationship with existing development on-site and adjacent.

4.5.3 Design of Carports and Garages

The design of carport and garage structures should be sympathetic to the existing development on-site and consider adjacent building as well as proximity to drainage systems.

Carport and garage structures should not dominate the site or the streetscape.

Note: scale, form and design will be considered in assessing this control.

- * Where the dwelling is a listed item of local or State heritage or in a conservation area any carport / garage must be a separate building to the dwelling.

There currently exists on the north western side of the main house a double garage within a separate building referred to as the old stables (see the Heritage Impact Statement) and a double carport located on the western side of the main house.

The proposal is to convert the existing double garage (old stables) into a cabana, replace the existing double carport on the western side with a double tandem garage and provide a tandem garage below a proposed verandah extension to the northern side of the house.

The proposed garaging to the western side is to be separated from the main house by 1650mm. This location is in compliance with the standards.

The proposed garaging to the north is to be constructed under a terrace extension that forms part of the main building and is therefore in variance to the standard.

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02.9 Summary of Items in Variance to the Development Standards

The Applicants seek approval for the following items that may be in variance to the development standards:

1. Side boundary set back - part existing situation: assumed compliance.
2. Building height - existing situation: assumed compliance.
3. Building height plane - existing situation: assumed compliance.
4. First Floor - existing situation: assumed compliance.
5. Attic - part existing situation: SEPP 1 Objection required.
6. Roof line - existing situation: assumed compliance.
7. Excavation - part existing situation: SEPP 1 Objection required.
8. Access and Parking - part existing situation: SEPP 1 Objection required.

The detailed descriptions of these items (refer points 02.1 to 02.8 inclusive above) show that many of them relate to existing conditions and structures and therefore should be deemed to comply with the development standards or exempt and do not require a SEPP 1 objection.

The SEPP 1 Objection is now limited to the following:

1. Attic
2. Excavation
3. Access and parking.

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03. RELEVANT PLANNING OBJECTIVES

In relation to the following three items of variance:

1. Attic
2. Excavation
3. Access and parking

the general aims and objectives of the development standards follow.

03.1 Aims of the DCP

DCP 38 Clause 1.2 states:

The aims of this DCP are to:

1. Encourage development which does not dominate, but harmonises with and contributes to the treed landscape and is sympathetic to the street and locality in which it is proposed.
2. Ensure that with each development sufficient landscaping is provided to contribute to the conservation and replenishment of the tree canopy of Ku-ring-gai, including locally occurring native tree species suited to the site
3. Conserve and protect the natural, built and cultural heritage significance of Ku-ring-gai, including heritage items and conservation areas, and encourage development which respects that significance.
4. Conserve and protect endangered species (flora and fauna), the natural topography, and other geographical and environmental features of Ku-ring-gai.
5. Achieve ecologically sustainable development.
6. Ensure appropriate provision is made for drainage in order to minimize impact on neighbours, watercourses, trees and other elements of the built and natural environment.
7. Protect and minimise the impact of development on adjoining properties and the natural environment
8. Encourage housing of the highest possible architectural, environmental and amenity standards.
9. Manage residential development in a way that recognises the reasonable needs of innovative design and contemporary lifestyles.
10. Achieve without compromising the retention of significant trees, energy efficient design and where possible, solar access.
11. Clarify the requirements relating to development so that there are more certain outcomes for both the applicants and the community.

The proposal is consistent with all relevant aims listed above.

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03.2 General Objectives - DCP 38**Clause 3: Site Planning and Environmental Constraints****3.1 Environmental Constraints****Objectives**

- a) To conserve Ku-ring-gai's landscape and habitat and ensure that the natural environment is not dominated by the -
- b) built form.
- c) To protect and conserve Ku-ring-gai's natural, built and cultural heritage.
- d) To discourage fragmentation of the established landscape character as a result of increased development pressures and to encourage development that reinforces Ku-ring-gai's distinctive treed canopy character,
- e) To respect the natural topography
- f) To maintain bio-diversity within Ku-ring-gai
- g) by retaining remnant native vegetation and wildlife habitats.
- h) To protect and improve the endangered Blue Gum High Forest, Duffy's Forest and Sydney Turpentine Ironbark Forest ecological communities and threatened species under the Threatened Species Conservation Act 1985.
- i) To protect and improve the ecological environment within and along Ku-ring-gai's watercourses.
- j) To design for the high rainfall and steep catchment areas of much of Ku-ring-gai in accordance with the principles of ecologically sustainable development (ESD).
- k) To manage stormwater drainage and
- l) run-off problems.
- m) To protect and enhance neighbourhood
- n) and visual character.

The proposal is consistent with all relevant objectives listed above.

03.3 Design Element Objectives - DCP 38

DCP 38 Clause 4 - Design Elements states that ... "the "objectives" specified for each design element represent the outcomes that Council wishes to achieve".

The design element objectives from Clause 4 are as follows:

4.1 Streetscape - Objectives

- a. To ensure that the development is sensitive to the landscape setting, environmental conditions and established character of the street and locality.
- b. To ensure that the appearance of the new development is of a high visual quality, enhances the streetscape and compliments good quality surrounding development.

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- c. To conserve the natural, built and cultural significance of streetscapes of heritage value.

The relevant parts of the proposal are consistent with the above objectives in that:

- * The development is sensitive to the landscape setting. The landscape requirements of the DCP have been met or exceeded.
- * The proposal has been designed to complement the existing buildings. No section of the proposal affects the streetscape and is consistent with surrounding developments.
- * The heritage value of the streetscape is not affected. Refer to the enclosed Heritage Impact Statement.

4.2 Building Form - Objectives

- a. To ensure that the bulk, scale and height of the proposed works do not dominate the natural landscape, existing streetscape, nor adversely impact on the tree canopy vista.
- b. To ensure building bulk, height, location and footprint provide for sufficient soft landscape area for planting and retention of large canopy trees.
- c. To allow adequate daylight, sunlight and ventilation to living areas and private open spaces of new and neighbouring dwellings.
- d. To protect reasonable neighbour amenity including visual and acoustic privacy particularly in regard to living areas and private open space.
- e. To encourage the sharing of views, whilst not restricting the reasonable development potential of a site.
- f. To encourage well designed, attractive and site responsive buildings.
- g. To achieve consistency with the principles of ecologically sustainable development.

The relevant parts of the proposal are consistent with the above objectives in that:

- * The proposed works do not dominate the natural landscape, are not visible from the street or impact on the tree canopy.
- * The area required for soft landscaping complies with DCP 38 and all large canopy trees are retained.
- * There is adequate daylight, sunlight and ventilation provided and there is no impact on neighbours.
- * Neighbour amenity is improved by the proposal in that privacy to the western neighbours is improved by the removal of the western stairs on the (old stables). The proposed attic windows are highlights with the sill at 1500 and are set back from the existing western ridge line 2000.
- * There is no increased view loss.
- * The proposal is in keeping with the existing building and the extended areas to the north (rear) take advantage of the existing site grades.

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- * The proposal is consistent with the principles of ecologically sustainable development. The existing building will be improved in this regard with the inclusion of increased insulation, shading and water saving devices.

4.3 Open Space and Landscape - Objectives

- a. To maintain or enhance the predominant tree dominated landscape quality of Ku-ring-gai by retaining and replanting trees.
- b. To replenish the tree canopy of Ku-ring-gai
- c. To enhance the viability of bio-diversity within Ku-ring-gai by having a proportion of planting in new development that provides bio-linkages between bushland reserves and by retaining remnant vegetation and wildlife habitats.
- d. To provide quality private and public open space areas for the amenity and enjoyment
- e. To retain and enhance significant shrubs and ground covers.
- f. To encourage replanting of locally occurring native plant species from locally collected seed.
- g. To protect and improve the ecological environment within and along Ku-ring-gai's watercourses.
- h. To achieve consistency with the principles of ecologically sustainable development eg. dealing with the high rainfall and steep catchment areas of much of Ku-ring-gai.
- i. To facilitate the transpiration of groundwater to the atmosphere by planting suitable canopy trees.
- j. To achieve effective management of stormwater drainage and run-off.

The relevant parts of the proposal are consistent with the above objectives in that:

- * All existing trees are to be retained. Required supplementary landscaping will be professionally designed and maintained.
- * The site is currently well catered for with existing trees.
- * The existing level of bio-diversity will be unchanged.
- * The proposal will improve the quality of the private open spaces by separating the existing swimming pool area from the main walkway through the rear yard. Improve the usability of the landscaped areas to the rear and in particular those between the main house and the proposed cabana by removing the existing fences that separate the various areas. There is no change to any public open space.
- * The existing landscaping will be professionally designed and supplemented as required.
- * Refer to comments above.
- * No development is occurring near any existing watercourse. The existing ecological environment is unchanged.
- * The proposal is consistent with the principles of ecologically sustainable development. The existing building will be improved in this regard with the inclusion of increased insulation, shading and water saving devices.

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- * The site is currently well catered for with existing trees.
- * The existing stormwater system will be augmented as required.

4.4 Privacy and Security - Objectives

To ensure the siting and design of buildings provides reasonable visual and acoustic privacy for residents and their neighbours in their dwellings and private open space.

To ensure the rights of owners to privacy are balanced with the public benefit of maintaining streetscape character and the predominantly garden and tree dominated landscape character of Ku-ring-gai.

The relevant parts of the proposal are consistent with the above objectives in that:

- * The proposal improves the level of privacy to western neighbours (see comments above).
The streetscape is unchanged.
- * Existing levels of security are not compromised.

4.5 Access and Parking - Objectives

- a. To encourage the integrated design of vehicle access and functional car parking facilities to minimise adverse visual and environmental impacts on the streetscape.
- b. To minimise stormwater run off from driveway surfaces.
- c. To minimise the extent of hard surfaces forward of the building line.

The relevant parts of the proposal are consistent with the above objectives in that:

- * The vehicle access is extended from the existing and integrated into the design. The car parking facilities are functional. The proposed facilities are located to the side and rear of the property and not visible from the street. Therefore there is no adverse visual or environmental impact on the streetscape.
- * The increased driveway surface area is minimal. The stormwater is to be collected and piped into the existing system.
- * There is no increase in hard surface area forward of the building line.

4.6 Ancillary Facilities - Objectives

- a. To ensure that ancillary facilities are integrated into the landscape and are unobtrusive to neighbours and the public domain.
- b. To ensure ancillary facilities are adequate, and well designed and located. Refer to glossary in this DCP for definition of "Ancillary Facilities".
- c. Reasonable provision is to be made on site and within the site plan for the provision of Ancillary Facilities.

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The relevant parts of the proposal are consistent with the above objectives in that:

- * The ancillary facilities are existing. The only changes are to the use of the existing garage (old stables) to a cabana and the existing west side external stairs being removed. The ancillary facilities are unobtrusive to neighbours and the public domain.
- * The facilities are existing and are adequate.

5.0 Managing Construction or Demolition - Objectives

- * Site management
To minimise site disturbance during construction or demolition in order to preserve the various natural elements and habitats such as soil profile, vegetation, natural rock shelves and watercourses.
- * Pollution Control
To ensure that pollution does not increase as a result of works.
- * Waste Management
To save resources by minimizing waste at the construction stage.
- * Tree Protection
To ensure the protection of existing trees from impacts of construction nearby.
- * Noise Control
To protect the amenity of the surrounding locality by ensuring that persons living or working in the neighbourhood of the building site are not exposed to offensive noise or noise at unreasonable hours.

The relevant parts of the proposal are consistent with the above objectives in that:

- * The site works are to be carried out in accordance with Council's standard development consent conditions.
- * Pollution control will be carried out in accordance with Council's standard development consent conditions.
- * A complying waste management plan has been submitted.
- * Tree protection will be carried out in accordance with Council's standard development consent conditions.
- * Noise control during construction to comply with Council's standard development consent conditions.

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03.4 DCP 38 Specific Design Elements Relative to the SEPP 1 Objection

The following design elements are those that are relative to this SEPP 1 Objection:

4.2.2 Height of Building

A dwelling must not exceed two storeys in height. Council may consider an additional floor on sloping sites where the height is not evident from public areas or adjoining properties and excavation is not excessive.

The intention of this standard is to:

- * Limit the height of dwellings so that they do not dominate the treed landscape of Ku-ring-gai.
- * Limit the extent of overshadowing and visual and aural intrusion on the private space of neighbouring properties.
- * Ensure significant views from neighbouring dwellings are not unduly compromised.
- * Maintain the integrity of existing streetscapes.

The proposal meets the intentions of DCP 38 Clause 4.2.2 in that:

- * The overall height of the proposal is existing and there is no increase in dominance of the treed landscape of Ku-ring-gai.
- * There is no increase in overshadowing. There is no increase in aural intrusion.
- * There is no increase in view loss from neighbouring properties.
- * The existing streetscape is maintained.

4.2.3 Relationship with Adjoining Dwellings

Development should avoid the creation of an overbearing effect upon adjoining development in order to:

- * Maintain the relative scale relationship between buildings.
- * Ensure that daylight to habitable rooms in adjacent dwellings is not significantly reduced.
- * Ensure that sunlight to the private open spaces of the subject property and adjacent properties is not significantly reduced.
- * Encourage increased setback with increased height.

The proposal meets the intentions of DCP 38 Clause 4.2.3 in that:

- * There is no alteration to the scale relationship between buildings.
- * There is no decrease in daylight to habitable rooms of adjacent buildings.
- * The amount of sunlight reaching the private open spaces of the subject property or adjacent dwellings is not reduced.
- * The setbacks are significantly larger than the standard required. The setbacks are existing.

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04. JUSTIFICATION FOR DEPARTURES

The following are the three items where the proposal departs from the controls or standards and which are the subject of this SEPP 1 Objection:

1. Attic
2. Excavation
3. Access and parking

04.1 Attic

In this particular situation strict compliance with the controls and standards relating to the number of storeys, height of buildings and roof lines is unnecessary and unreasonable for the following reasons:

The proposal seeks to provide an attic space over the existing first floor ceiling with stair access from the first floor. The spaces created at this level are in lieu of extending the residence at ground and first floor levels to achieve the desired accommodation requirements.

The existing steeply pitched slate roof has two main ridge lines running north/south and east/west. There have been numerous ill-conceived extensions over the years (refer to the included Heritage Impact Statement) that have resulted in a double valley roof form that discharges stormwater into the centre of the house. The area of this section of roof is some 130 sq.m and includes a pitched glass roof over the main stair case and a small glass roof over a light well.

The existing roof form and drainage present a serious risk to the structure and fabric of the interior of the house due to flooding and on-going leakage problems.

The selected permanent solution is to re-roof this area by extending a low pitched roof from the existing main north/south ridge falling west to a point 2000 back from the existing secondary north/south ridge line. This eliminates the drainage issues and provides slate tiles for reuse elsewhere.

The existing pitched glazed roof over the main stair is to be replaced with a dedicated light well room with external windows, supplementary roof lights and internal lighting. The existing glazed ceiling above the staircase is to remain. The light well room is accessible in order to clean the glass ceiling.

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The proposed staircase to the attic is naturally lit with highlight windows that allow light to reach the first floor hallway areas. The existing glazing in the first floor walls is to remain. The existing small light well is superfluous and is to be converted to storage.

The existing dormer window on the south side currently providing light into the roof space will be renovated and used as a window for the attic.

The proposed attic cannot be seen from the street or from the east side of the house. The western and northern sides have highlight windows. The entire attic structure is below the existing main ridge line and therefore there is no increase in overshadowing of the subject property or adjoining properties.

In relation to DCP 38 Clause 4.2.5 Attic Rooms should not:

- * increase the bulk of the building;
- * cause undue overshadowing of adjacent properties private open spaces;
- * cause loss of significant views from adjacent properties; or
- * be excessive in scale and bulk relative to the rest of the building.

The proposal achieves these objectives.

It is also noted in Clause 4.2.5 that:

- * The form and placement of any windows must respect the privacy of neighbouring properties.
- * The resultant floor space will be used in calculating the total floor space.

The proposal achieves that objective and the area of the attic is included in the area calculations provided in the Statement of Environmental Effects.

In relation to DCP 38 Clause 4.2.6 Roof Line:

The roof of a building should be designed so that:

- * it does not unduly increase the bulk of the building.
- * in areas of heritage value it reinforces the existing streetscape character and the elements that contribute to this character
- * it does not cause undue overshadowing of adjacent properties and open spaces.

The roof line is existing. Refer to the Heritage Impact Statement which supports the proposal. There is no increase in overshadowing.

It is also noted in Clause 4.2.5 that:

The maximum roof pitch permitted is 35 degrees:

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- * roofs with a steeper pitch than 35 degrees shall be considered as external walls.

The roof pitch is existing - approximately 48 degrees therefore compliance is assumed.

Compliance with the standards would be detrimental to the design and is considered unnecessary and unreasonable.

04.2 Excavation

In this particular situation strict compliance with the controls and standards relating to the excavation is unnecessary and unreasonable for the following reasons:

The proposed extent of excavation in excess of the standard is negligible and occurs only over a small area at the rear of the house.

It is proposed to excavate for the northern basement level garage. The proposed floor level for the garage will be 1200mm below natural ground, approximately 400mm below the adjacent swimming pool level and some 300mm below an adjoining existing basement area.

The proposed garage is to be located under an extended terrace area that is set some 1300mm above existing ground level. The proposal intends to utilize the potential of this headroom. The proposed garage is located under and within the walls of the complying verandah extension.

There is no increase in wall height or bulk as a result of this minor departure.

In relation to DCP 38 Clause 4.2.14 Cut and Fill:

The extent of excavation (cut) and fill must be minimised so as not to impact on existing trees required by Council to be retained, or significantly alter the natural landscape or watertable.

This must be achieved by:

- * accommodating the development within the natural slope of the land;
- * accommodating the development outside the canopy spread of existing trees where possible
- * not exceeding 900mm in cut and fill relative to natural ground level, with a maximum level difference of cut and fill across the building area of 1800mm and 900mm at any one point relative to natural ground level;
- * avoiding cut or fill within minimum side setbacks from boundary lines as specified in 4.1.3

The proposed cut is only 300mm in excess of the standard and assists in achieving the

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vehicle accommodation requirements without the need to construct a separate garage or increasing the size of another which would result in more site cover and less landscaped area.

The proposal complies with the remaining standards.

Compliance with the standards would be detrimental to the design and is considered unnecessary and unreasonable.

04.3 Access and Parking

In this particular situation strict compliance with the controls and standards relating to the access and parking is unnecessary and unreasonable for the following reasons:

The proposal is to convert the existing double garage (old stables) into a cabana, replace the existing double carport on the western side with a double tandem garage and provide a tandem garage below a proposed verandah extension to the northern side of the house.

The proposed garaging to the western side is to be separated from the main house by 1650mm. This location is in compliance with the standards.

The proposed garaging to the north is to be constructed under a terrace extension that forms part of the main building and is therefore in variance to the standards.

In relation to DCP 38 Clause 4.5.3 Design of Carports and Garages:

The design of carport and garage structures should be sympathetic to the existing development on-site and consider adjacent building as well as proximity to drainage systems.

Carport and garage structures should not dominate the site or the streetscape.

Note: scale, form and design will be considered in assessing this control.

* Where the dwelling is a listed item of local or State heritage or in a conservation area any carport / garage must be a separate building to the dwelling.

The proposed garage is to be located under an extended terrace area that is set some 1300mm above existing ground level. The proposal intends to utilize the potential of this height by increasing the excavation depth to gain the necessary headroom. The garage will be located under and within the walls of the complying verandah extension.

The roofed terrace with the garage below is to be constructed in materials that match the existing house: brick piers and walls with a pitched slate roof.

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The design is sympathetic to the existing building.

The proposal is set to the rear (north) of the house with the terrace forming an integral part of the ground floor planning by providing an external free flowing link between the major living spaces. The terrace is partly covered to provide protection to this most important private open space.

The terrace overlooks the entire rear yard and in particular the pool area. Steps from the terrace provide access to the landscaped areas between the house, pool, cabana, tennis court and remaining yard.

Utilization of the resultant under floor area does not increase the scale, form or bulk of the structure and does not dominate the site.

Views from the house to the rear garden will be enhanced. There is presently a 600 high solid brick wall and dense hedge surrounding the terrace. The height of this wall is not in accordance with the Building Code of Australia which requires a 1000 high hand rail.

It is proposed to remove these for the terrace extension and provide a glazed handrail of legal height.

The minor driveway extension has been included in the area calculations (refer to the Statement of Environmental Effects submitted) and the entire proposal complies with all area and floor space requirements.

The terrace structure with the garage below cannot be seen from the street.

Compliance with the standards would be detrimental to the design and is considered unnecessary and unreasonable.

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05. OBJECTS OF THE ACT

The objects of the Environmental Planning and Assessment Act - 1979 as specified in Section 5(a) (i) and (ii) are achieved by the proposal in that:

- * The proposal constitutes "proper management, development and conservation of natural and man - made resources for the purpose of promoting the social and economic welfare of the community and a better built environment";
- * The proposal does not hinder the "promotion and co-ordination of the orderly and economic use of and development of land." The proposed alterations and additions combined with the repair of deteriorated structure, surfaces and services will ensure the building's longevity and provide the users with a well designed facility that is compatible with their lifestyle.

06. CONCLUSION

The proposed development relates to alteration and additions to an existing residence.

The proposal does not strictly comply with all the development standards of Development Control Plan 38 but does meet the objectives of the standards and planning objectives of DCP 38

In relation to Clause 8 of the Environmental Planning and Assessment Act - 1979 we note the following:

Clause 8

- * "the matters that shall be taken into consideration in deciding whether concurrence should be granted are: -
 - (a) Whether non - compliance with the development application raises any matter of significance for State or regional environmental planning; and
 - (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument."

These areas are reinforced in The Department of Planning's "Guidelines For The Use Of State Environmental Planning Policy No. 1":

- * In deciding whether to consent to a development application the Council should test whether the proposed development is consistent with the State,

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27.

regional or local planning objectives for the locality, and in particular the underlying objective of the standard.

* If the development is not only consistent with the underlying purpose of the standard, but also with the broader planning objectives of the locality, strict compliance with the standard would be unnecessary and unreasonable."

The proposal does not raise any matter of significance for State or regional environmental planning and strict compliance would not add to the public benefit of maintaining the planning controls adopted by the environmental planning instrument.

The proposal is consistent with the underlying objectives and purposes of the standard and also the broader planning objectives of the locality.

The minor departures from the standards do not result in any significant adverse impacts on adjoining properties, the streetscape or the immediate locality.

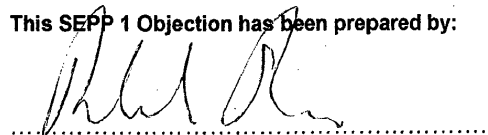
Strict adherence to the standards would not result in any improvement in design.

The application is supported by the Heritage Impact Statement included with the submission.

As Council is no doubt aware, there is ample case law to demonstrate that in any consideration of an objection under SEPP 1, the extent of the variation from the development standard is of little consequence. (1)

The above SEPP 1 Objection clearly demonstrates that all the objectives of the development standard are satisfied by the proposal and therefore the objection is well founded.

This SEPP 1 Objection has been prepared by:

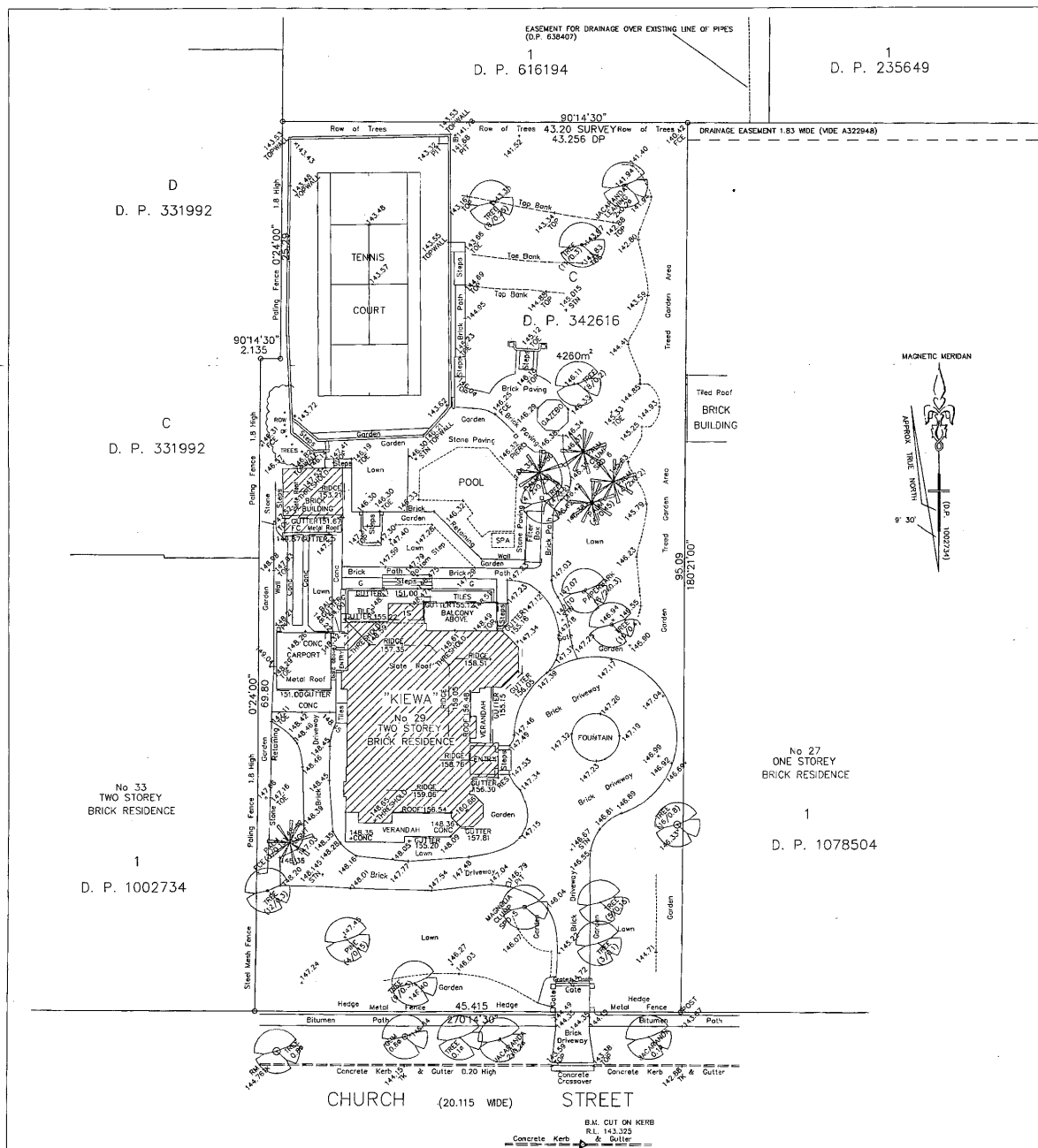


Robert J Shea Architect

Registration No. 4283

Robert J Shea and Associates Architects 4 November 2010

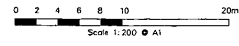
(1) (Refer to Hooker Corporation Pty Ltd v Hornsby Council - NSWLEC, 2 June 1986 or Winton Property Group v North Sydney Council - NSWLEC 46 6 April 2001).



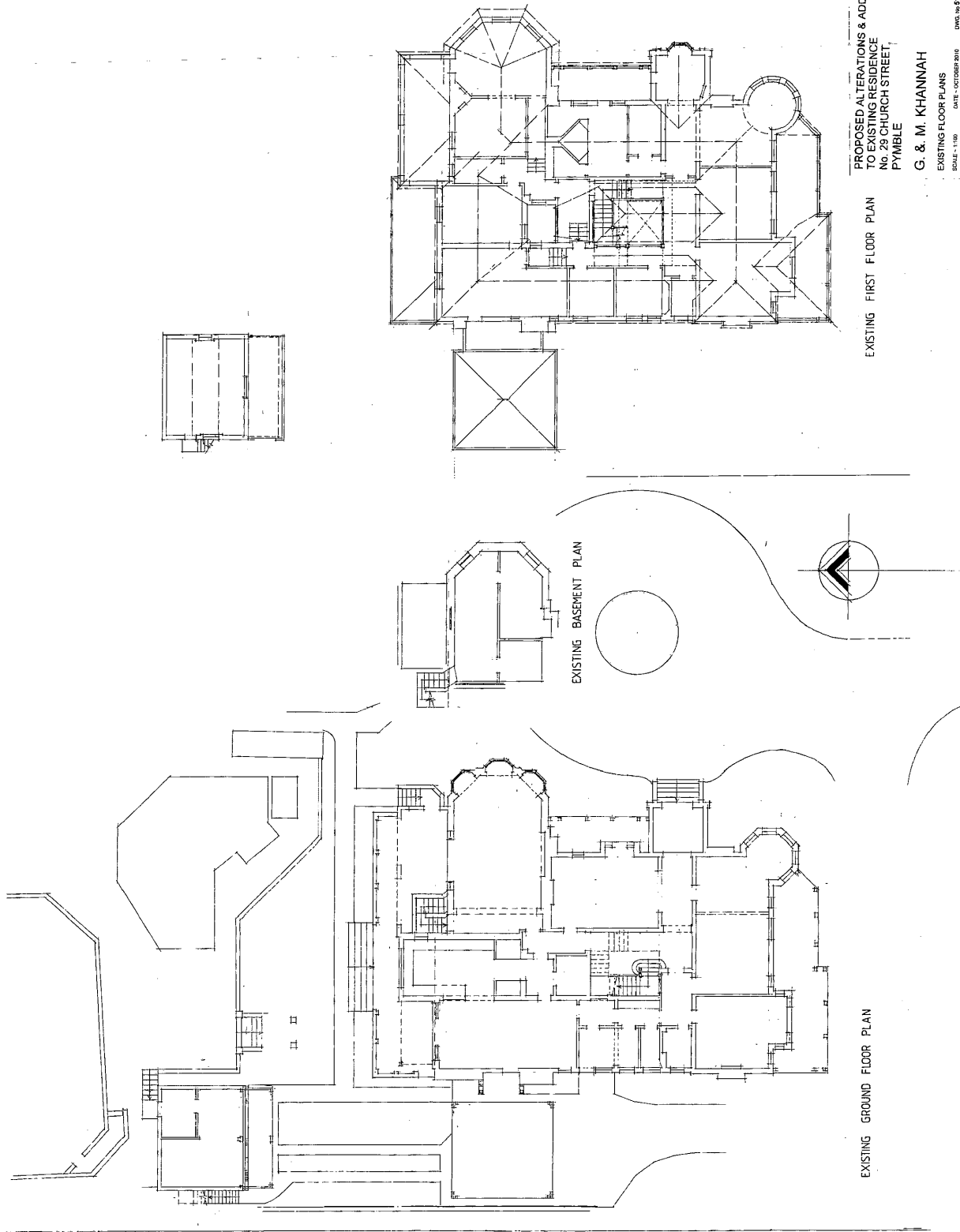
- NOTES**
1. DIMENSIONS AND SITE AREA OBTAINED FROM D.P. 342616 AND ARE SUBJECT TO SURVEY. NO BOUNDARY SURVEY HAS BEEN MADE.
 2. ORIGIN OF LEVEL DATUM = S.S.M. 14241 = R.L. 146.983 A.H.D.(ORDER L2)
 3. THIS PLAN IS PREPARED FOR G. & M.K.T. KHANNAH FROM A COMBINATION OF FIELD SURVEY AND EXISTING RECORDS FOR THE PURPOSE OF DESIGNING NEW CONSTRUCTIONS ON THE LAND AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
 4. THE RELATIONSHIP OF STRUCTURES TO BOUNDARIES IS DIAGRAMMATIC ONLY. WHERE OFFSETS ARE CRITICAL, THEY SHOULD BE CONFIRMED BY FURTHER SURVEY.
 5. THE TITLE BOUNDARIES SHOWN WERE NOT MARKED AT THE TIME OF SURVEY AND HAVE BEEN DETERMINED BY FIELD MEASUREMENTS.
 6. THE LOCATION OF SERVICES HEREON HAVE BEEN DETERMINED FROM VISUAL EVIDENCE ONLY PRIOR TO ANY REMEDIATION/EXCAVATION CONSTRUCTION ON THE SITE. THE RELEVANT AUTHORITY SHOULD BE CONTACTED TO ESTABLISH DETAILED LOCATION AND DEPTH OF SERVICES.
 7. THE POSITION, SPREAD AND DIAMETER OF TREES ARE APPROXIMATE ONLY, WHERE THE POSITION OF TREES IS CRITICAL, THEY SHOULD BE CONFIRMED BY FURTHER SURVEY.
- DENOTES A TREE DENOTES A PALM
- (Ø/S) DENOTES APPROX. SPREAD/DIAM. Ø DENOTES DIAM. SPO DENOTES SPREAD
 9. THE INFORMATION IS ONLY TO BE USED AT A SCALE ACCURACY OF 1:200.
 10. CONTOURS SHOWN DEPICT THE TOPOGRAPHY AND EXCEPT AT SPOT LEVELS SHOWN THEY DO NOT REPRESENT THE EXACT LEVEL AT ANY PARTICULAR POINT.
 11. THE BEARINGS ON THESE PLAN BOUNDARIES ARE FROM LAND TITLE OFFICE PLANS, THEY ARE ON MAGNETIC MERIDIAN. IF ACCURATE TRUE NORTH IS REQUIRED A FURTHER SURVEY WOULD BE NECESSARY.
 12. SITE AREA 4260 m² (BY CALC).
 13. THESE NOTES ARE AN INTEGRAL PART OF THE PLAN.

PLAN SHOWING LEVELS AND DETAILS ON LOT C IN D.P.342616. 29 CHURCH STREET PYMBLE.

N. K. BENNETT & O'DONNELL LAND & ENGINEERING SURVEYORS 1A BROUGHTON RD. ARTARMON 2064 PHONE: 9413 1788 FAX: 9411 7457 EMAIL: info@nbsnet.com.au ABN 79 701 971 803	REDUCTION RATIO	1 : 200	SHEET
	DATUM:	A. H. D.	OF SHEETS
	DATE:	3-09-2009 3-11-2009	9752-1L1



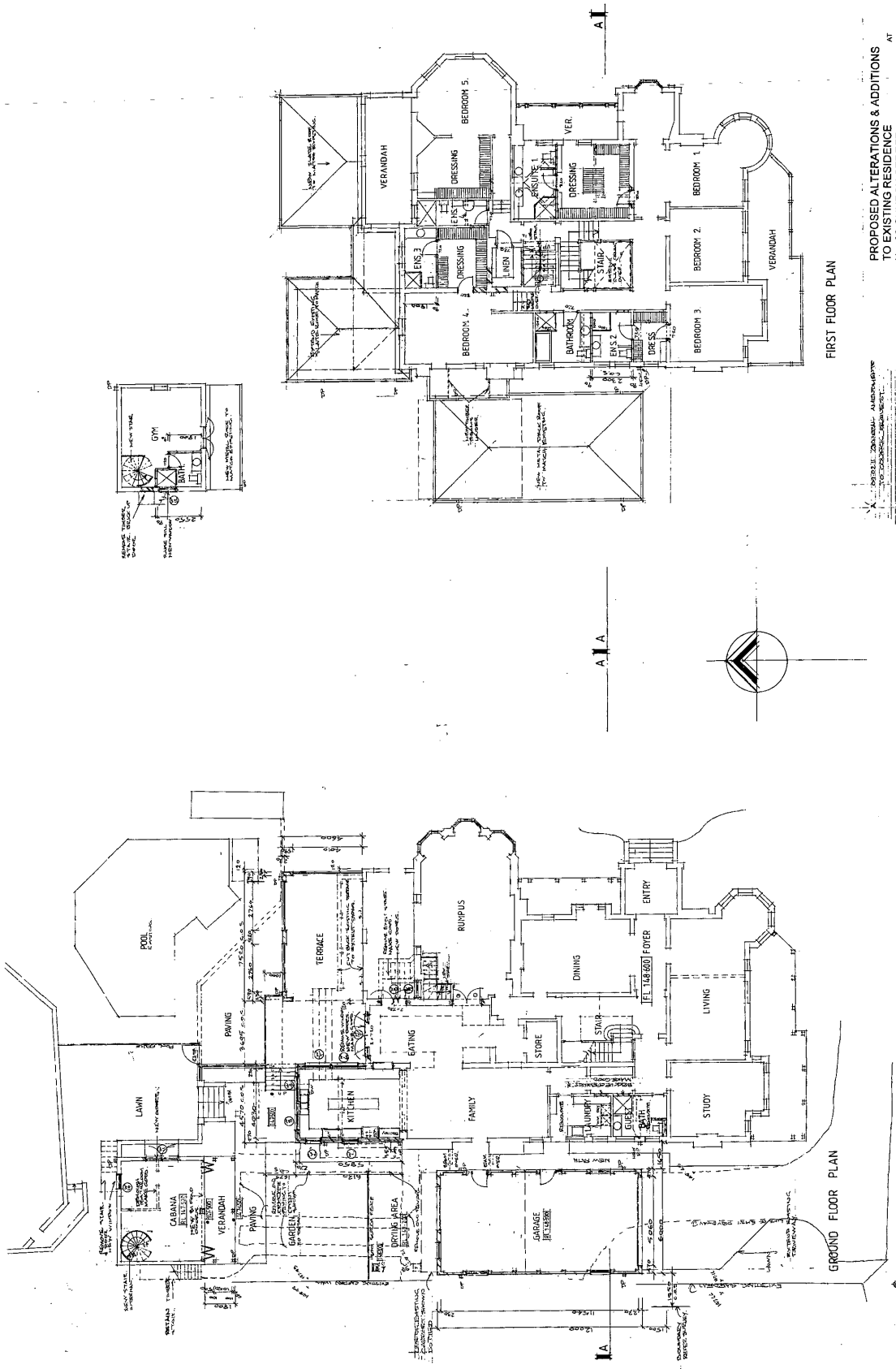
LGA : KU-RING-GAI
 PARISH : GORDON
 COUNTY : CUMBERLAND
 L.B 252-1



PROPOSED ALTERATIONS & ADDITIONS
TO EXISTING RESIDENCE
No. 29 CHURCH STREET,
PYMBLE

FOR
G. & M. KHANNAH

EXISTING FLOOR PLANS
DATE: OCTOBER 2010
DRAWING NO: 510 - DALEX-01
ARCHITECTS
G. & M. KHANNAH ASSOCIATES
P.O. BOX 164 WARRIMOO NSW 2539
(02) 8407 1816

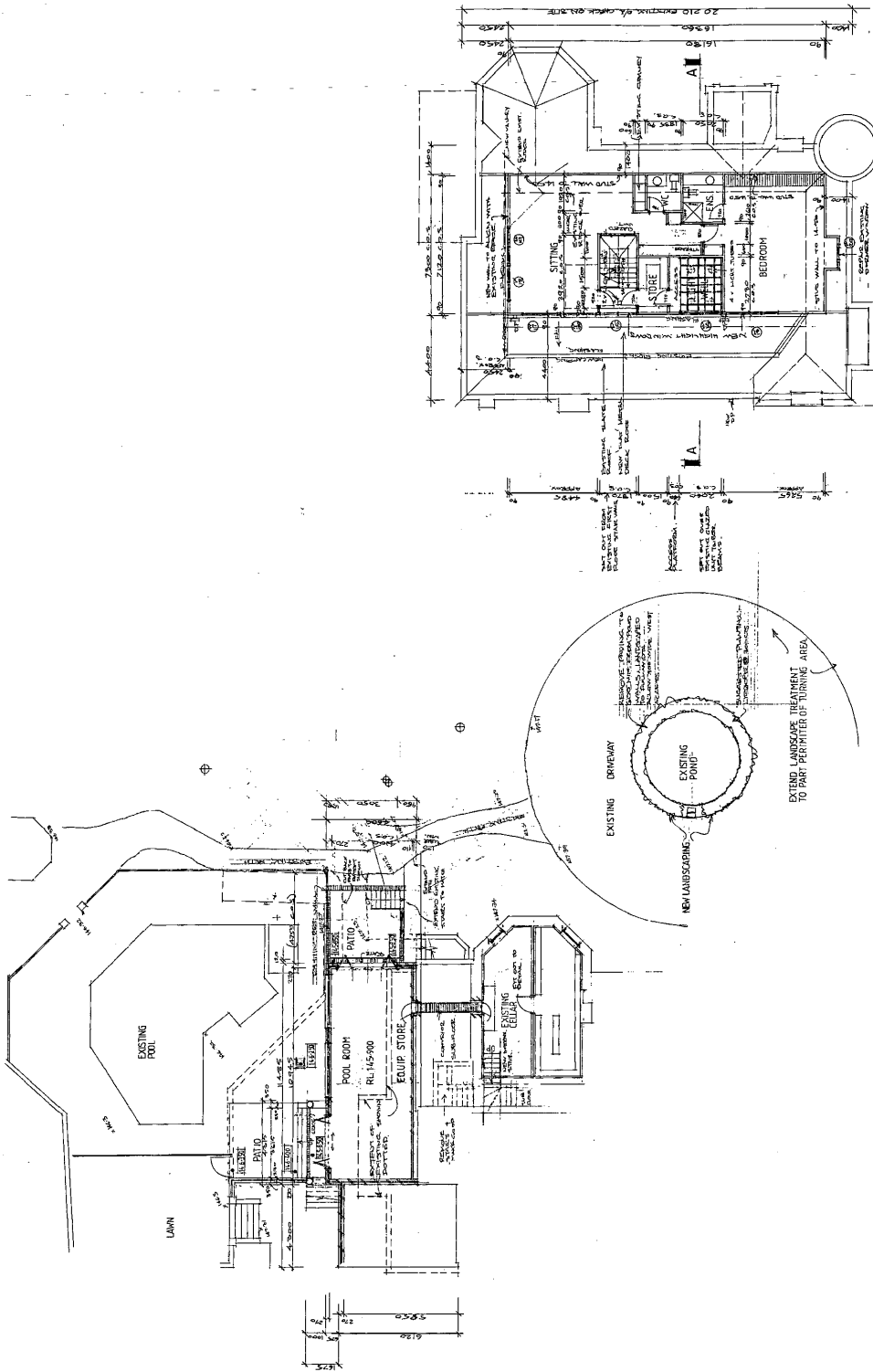


PROPOSED ALTERATIONS & ADDITIONS
 TO EXISTING RESIDENCE
 No. 29 CHURCH STREET,
 PYMBLE

FOR

G. & M. KHANNAH

WORKING DRAWING - GROUND & FIRST FLOOR PLAN
 DATE: 11.11.10
 DRAWN BY: R. SHEA
 CHECKED BY: R. SHEA & ASSOCIATES
 P.O. BOX 654 WARRONGA 3678 (02) 9488 1816



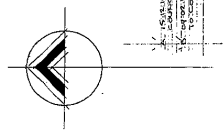
BASEMENT FLOOR PLAN

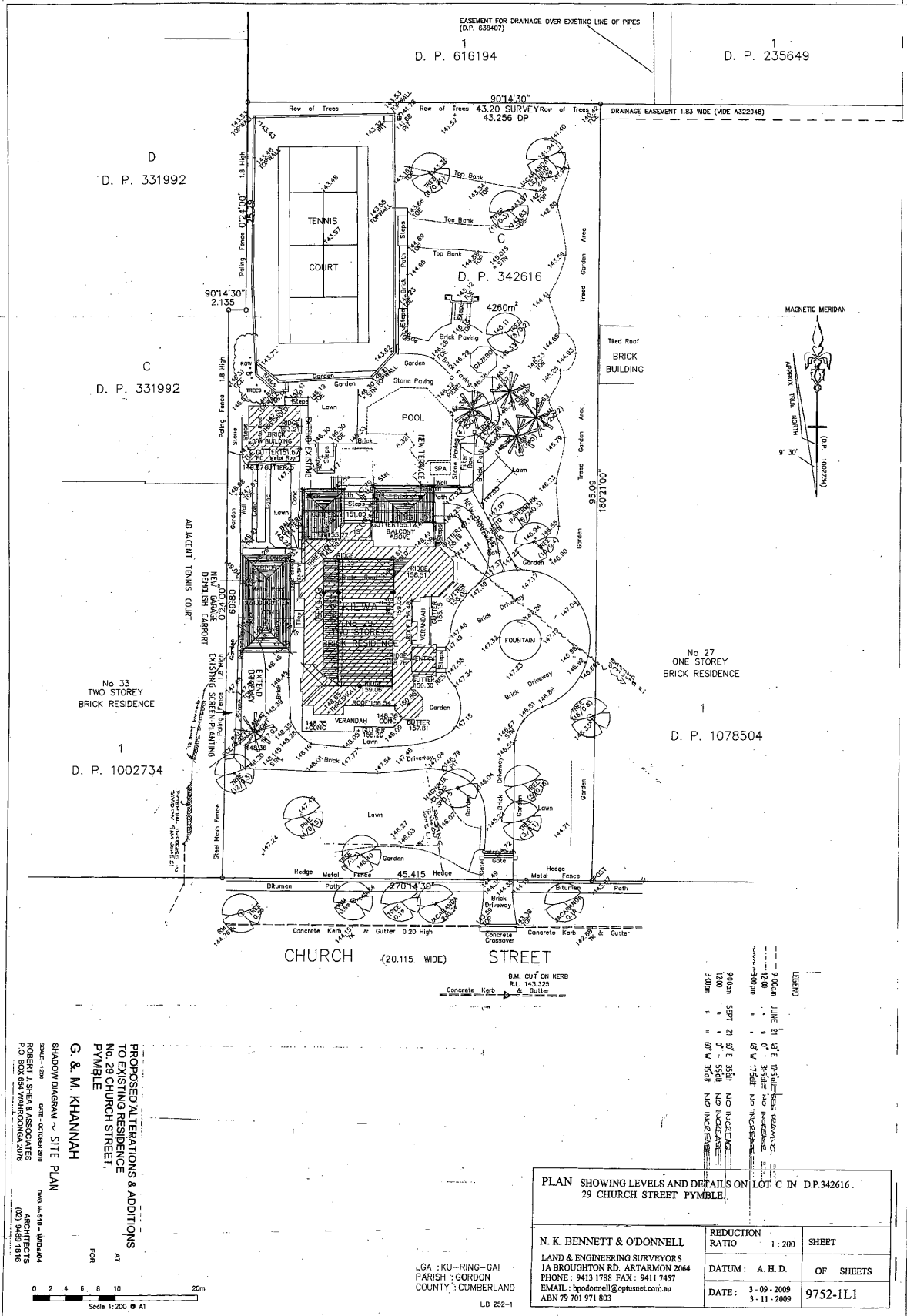
ATTIC FLOOR PLAN

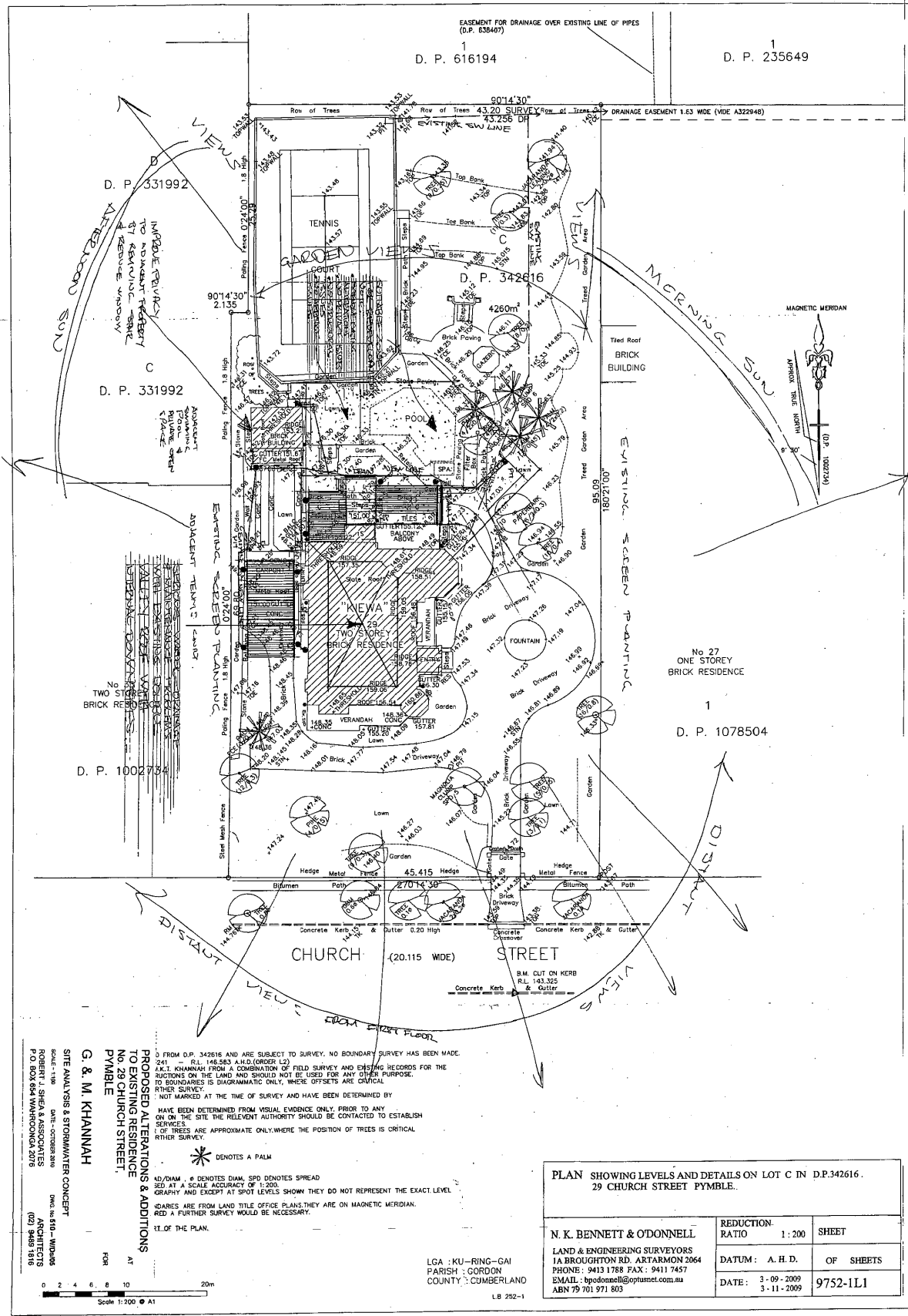
PROPOSED ALTERATIONS & ADDITIONS
TO EXISTING RESIDENCE
AT
No. 29 CHURCH STREET,
PYMBLE

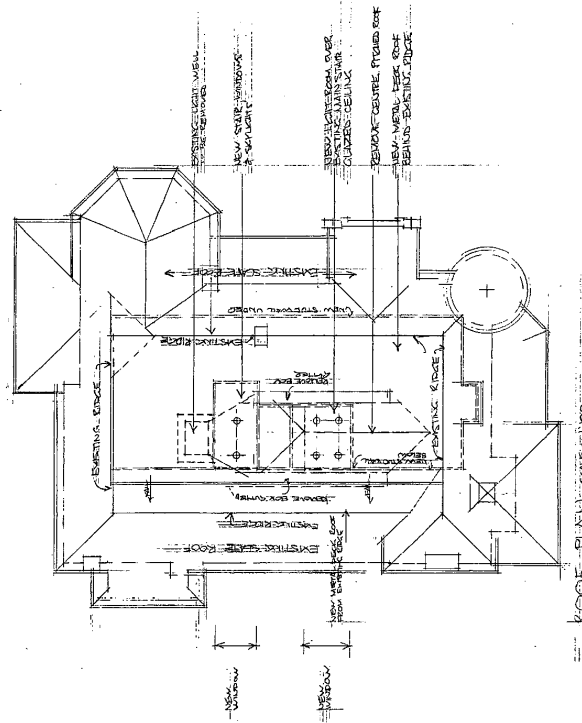
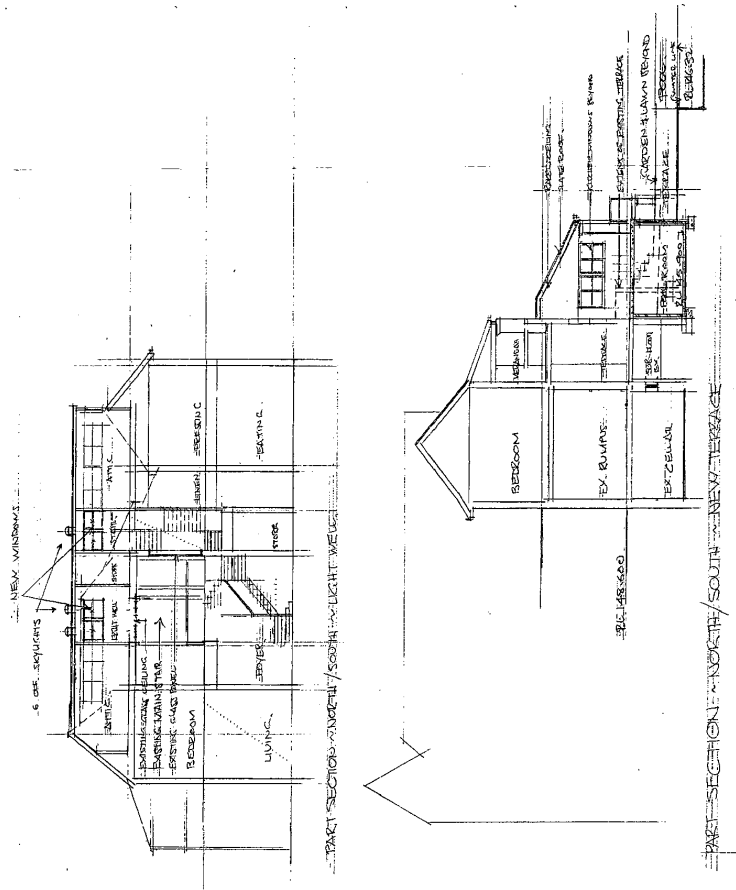
FOR
G. & M. KHANNAH

WORKING DRAWING - BASEMENT & ATTIC PLANS
DATE - OCTOBER 2010
SCALE - 1:50
PROJECT NO. 1010 - MIDLAND
ARCHITECTS
P.O. BOX 664 WARRONGHEE, 2070
(02) 9489 1016









PROPOSED ALTERATIONS & ADDITIONS TO
29, CHURCH STREET
SYDNEY

O & M KHANNAH
MISCELLANEOUS DETAILS
SCALE: 1:100 - PAPER: 000001 - DWG. NO: 100-100-008
PROJECT: AREA 1 ALTERATIONS - ARCHITECTS
P.O. Box 6681 - WALTHAMSTON NSW 1518



PLANNING circular

PLANNING SYSTEM

State environmental planning policies

Circular	PS 08-014
Issued	14 November 2008
Related	PS 08-003 May 2008

Reporting variations to development Standards

The purpose of this circular is to remind councils of their responsibilities to complete quarterly returns on variations to development standards under delegations using State Environmental Planning Policy No. 1 - Development Standards or similar provisions under the Standard Instrument. The returns for the past two quarters – 1 April to 30 June 2008 and 1 July to 30 September 2008 – are to be forwarded to the Department by no later than 4 weeks from the date of this circular.

Introduction

Circular PS 08-003 reminded councils of their responsibilities to monitor the use of the Director-General's assumed concurrence under State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) or under clause 4.6 of the Standard Instrument (or similar provision) on a quarterly basis.

Councils were reminded of the need to keep accurate records of the use of SEPP 1, or the relevant provision of the Standard Instrument and to report quarterly from the April to June 2008 quarter.

Reports due 4 weeks from date of this Circular

Despite the previous circular, a number of councils have not submitted their responses to the Department for the period 1 April to 30 June, which were due on 31 July 2008.

Councils are now advised that they are to forward their reporting of the use of SEPP 1 or clause 4.6 of the Standard Instrument (or similar provision) for the periods 1 April to 30 June and 1 July to 30 September **within 4 weeks from the date of this circular**. Where a council has not exercised its concurrence in a particular quarter, then a nil return is to be forwarded.

Quarterly reports are to be emailed to developmentstandards@planning.nsw.gov.au

If a council does not respond to this request by 15 December 2008, then the Director-General will commence the process of revocation of the concurrence.

Councils are to then report quarterly within one month of the end of the quarter. Failure to do so will trigger a review into the need to revoke of the concurrence.

Further Requirements

In response to the findings of the recent ICAC investigation into corruption allegations affecting Wollongong City Council, councils are required to adopt the following four measures:

- 1) Establish a register of development applications determined with variations in standards under SEPP 1;
- 2) Require all development applications where there has been a variation greater than 10% in standards under SEPP 1 to be determined by full council (rather than general manager or nominated staff member);
- 3) Provide a report to each council meeting on the development applications determined where there had been a variation in standards under SEPP 1;
- 4) Make the register of development applications determined with variations in standards under SEPP 1 available to the public on the council's website.

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	6, 6A, 8, 10 & 10A BEACONSFIELD PARADE, LINDFIELD
ITEM/AGENDA NO:	GB.2

APPLICATION NO:	DA986/08, DA0987/08, DA0988/08
PROPERTY DETAILS:	6, 6A, 8, 10 & 10A Beaconsfield Parade Lindfield Lot & DP No: Site area (m2): Zoning: 2(d3) Residential under LEP 194 – KPSO 4 – High Density Residential under LEP Town Centres Ward: Roseville
PROPOSAL:	To determine the following Development Applications: DA0986/08 – Consolidation and re-subdivision into 2 lots being Lot A and Lot B; DA0987/08 – Demolition of existing dwellings, construction of 2 residential flat buildings comprising 68 units, basement car parking and landscaping works on Lot A; and DA0988/08 – Demolition of existing dwellings and construction of a residential flat building comprising 40 units basement car parking and landscaping works on Lot B.
TYPE OF CONSENT:	(Integrated/Local)
APPLICANT:	Staldone Corporation Pty Limited
OWNER:	B & H Wilson, P De Sauty, J & H Brennan, G Winder & K Bennett, R & J Rinella
DATE LODGED:	30 September 2008

RECOMMENDATION:	Refusal
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PURPOSE OF REPORT

To determine development application DA0986/08, DA0987/08 and DA0988/08.

Pursuant to Environmental Planning and Assessment (Ku-ring-gai Council Planning Panel) Order 2008, DA0986/08, DA0987/08 and DA0988/08 (lodged 30 September 2008) are before the Ku-ring-gai Planning Panel (KPP) as 90 days has elapsed since lodgement.

The applications were lodged prior to the commencement of the JRPP which occurred on 1 July 2009. The savings provisions prevent the applications from being determined by the JRPP and the KPP therefore remains the consent authority.

BACKGROUND TO DA0986/08, DA0987/08 & DA0988/08

On 30 September 2008, DA0986/08, DA0987/08 and DA0988/08 were lodged for subdivision of land and redevelopment of 6, 6A, 8, 10 and 10A Beaconsfield Parade, Lindfield proposing 3 x 5 part 6 storey residential flat buildings. A summary of the applications is provided below:

- DA0986/08 involves consolidation of 6, 6A, 8, 10 and 10A Beaconsfield Parade, Lindfield and re-subdivision into 2 lots identified as 'Lot A' and 'Lot B' (Figure 1 below). Proposed Lot A includes frontage to Drovers Way, Lindfield. Proposed Lot B includes frontage to Beaconsfield Parade, Lindfield.
- DA0987/08 involves redevelopment of proposed Lot A under DA0986/08. The proposed works include demolition of existing dwellings and erection of 2 x 5 part 6 storey residential flat buildings (identified as Building 1 and Building 2 on Figure 2) containing 68 units, basement carparking and associated landscape works. Vehicular access to the development is from Drovers Way.
- DA0988/08 involves redevelopment of proposed Lot B under DA0986/08. The proposed works include demolition of existing dwellings and erection of 1 x 5 part 6 storey residential flat building containing 40 units, basement carparking and associated landscape works (Figure 2). Vehicular access to the development is from Beaconsfield Parade.

DA0986/08, DA0987/08 and DA0988 are interrelated and although they are separate applications the development should be considered in its entirety.

Figure 1 below illustrates the existing allotment boundaries and proposed allotment boundaries to be created under DA0986/10.

Figure 2 below illustrates the building footprints proposed under DA0987/08 and DA0988/08.

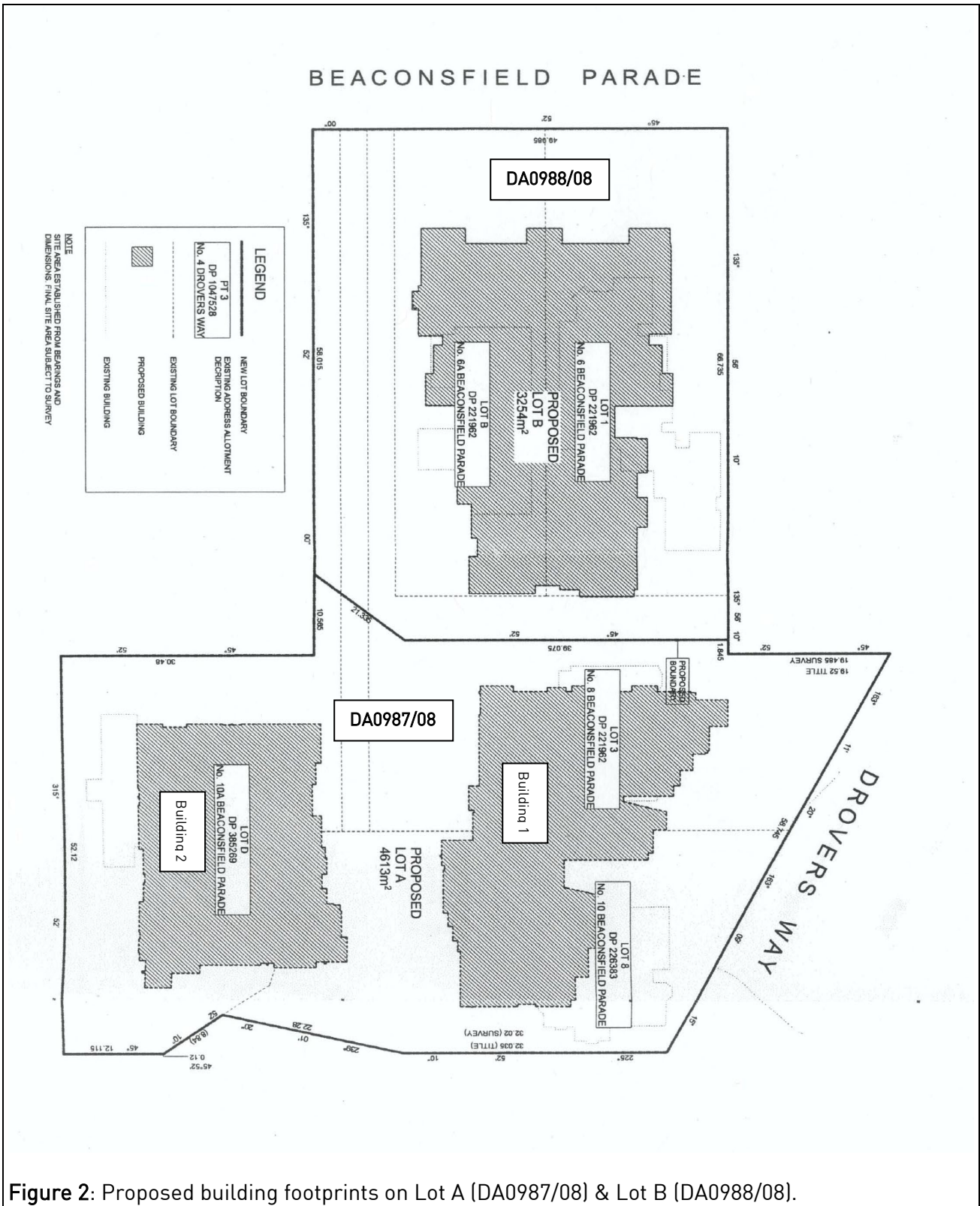


Figure 2: Proposed building footprints on Lot A (DA0987/08) & Lot B (DA0988/08).

EXECUTIVE SUMMARY

Issues:	SEPP 65, multiple urban design issues in relation to design principles, flawed master planning of the site, relationship between high density and low density development down slope of the site, stormwater and catchment management issues, inadequate and unsatisfactory information with regard to built form controls under Clause 25 of the KPSO, inaccurate survey data on architectural plans, manageable housing and accessibility, FSR, private open space, non-compliance with Town Centres LEP, BCA non-compliance, basement design, air conditioning plant, inadequate information with regard to vehicular access.
Submissions:	Yes
Land & Environment Court Appeal:	N/A
Recommendation:	Refusal

HISTORY

Rezoning

The site was previously zoned Residential 2(a) under the KPSO (low density residential). On 28 May 2004, Local Environmental Plan 194 was gazetted, rezoning the site to Residential 2(d3).

On 30 September 2008, DA0986/08, DA0987/08 and DA0988/08 were lodged.

On 25 May 2010, Ku-ring-gai Town Centres LEP was gazetted, rezoning the site to R4 – High Density Residential. The savings provisions under Clause 1.8A of the Town Centres LEP read as follows:

1.8A Savings provision relating to development applications

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Development application:

30 September 2008 DA0986/08, DA0987/08 & DA0988/08 lodged.

October 2008 Notification of DA0986/08, DA0987/08 & DA0988/08 commenced.

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**DA0986/08
11 March 2011**

- 3 November 2008** Letter from the Heritage Branch Department of Planning (DOP), advising of a request for a Interim Heritage Order (IHO) at 10A Beaconsfield Parade, Lindfield.
- 1 December 2008** Applicant submits a heritage report in relation to 10A Beaconsfield Parade, Lindfield.
- 2 December 2008** DA0987/08 – Council sends a preliminary assessment letter to the applicant. Issues raised included deep soil non-compliance, impact on trees, inadequate and unsatisfactory landscape information, unsatisfactory flora and fauna report, requirement for a excavation plan and environmental site management plan.
- 16 January 2009** Correspondence was received from the Heritage Branch DOP, advising that the Minister for Planning, had declined to make an Interim Heritage Order for 10A Beaconsfield Parade.
- 22 January 2009** DA0988/08 - Applicant submits additional information, including architectural plans, landscape plans, environmental site management plan, site management plan, excavation plan, letter from arborist, flora assessment, BASIX, compliance diagrams and response to urban design comments (urban design issues raised included internal amenity, unit design, solar access, natural ventilation, landscaping, design relationship with adjoining zone interface properties, external finishes and storage).
- 5 February 2009** DA0987/08 - Applicant submits additional information for Lot A, including arborist report, flora assessment, environmental site management plan, site management plan, excavation plan, geotechnical report & traffic report.
- 4 March 2009** DA0987/08 & DA0988/08 - Applicant submits revised flora report for Lot B and revised fauna report for Lots A and B.
- 6 April 2009** DA0987/08 - Applicant submits a SEPP1 Objection to 25l(5) maximum number of storeys, 25l(7) limit on top storey floor area, 25l(8) maximum number of storeys & ceiling height, and 25K steeply slope sites under LEP194 – KPSO, payment of fees necessary for integrated referral to NSW Office of Water (NOW) and a submission in relation to the watercourse and riparian zone at 4 – 6 Drovers Way, Lindfield.
- 6 April 2009** DA0988/08 - Applicant submits a SEPP1 Objection to 25l(5) maximum number of storeys, 25l(7) limit on top storey floor area, 25l(8) maximum number of storeys & ceiling height and 25K steeply slope sites under the KPSO.
- 25 June 2009** Site inspection by KPP and Council staff.
- 27 July 2009** Site inspection with residents and Council staff to discuss issues associated with the proposed drainage, biodiversity, vegetation and riparian corridor in Beaconsfield Parade and Drovers Way as a consequence of proposed future developments.

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**DA0986/08
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- August 2009** DA0986/08, DA0987/08 & DA0988/08 deferred following consultation with KPP to allow further assessment in relation to stormwater management and watercourse/catchment impacts from existing and proposed developments within Beaconsfield Parade, Gladstone Parade and Drovers Way, Lindfield.
- 31 August 2009** Council commissioned an independent Drainage Consultant, Geoffrey O'Loughlin, Director of Anstad Pty Ltd to review the potential drainage and environmental impact of a proposed realignment of the stormwater pipeline in No.4-6 Drovers Way Lindfield and high density developments at 6, 6A, 8, 10 and 10A Beaconsfield Parade Lindfield and No.5, 5A and 7 Gladstone Parade, Lindfield as well as potential effects on water quantity and quality down stream of the site.
- The specific scope of works considered included:
1. To undertake a critical review of the approved realignment of the stormwater system within 4-6 Drovers Way, Lindfield and comment on Council's decision for the approval.
 2. To assess and review the impact of the proposed work and identify any inadequacies within the proposed design.
 3. To identify potential adverse impact (if there is any) on the riparian zone within the site and downstream properties.
 4. To evaluate flood risk to the downstream properties, and
 5. To assess the proposed stormwater management and environmental concept plans in No.6 & 6A Beaconsfield Parade, Lindfield (DA0987/08), No.8, 10, 10A Beaconsfield Parade Lindfield (DA0988/08) and No.5,5A and 7 Gladstone Parade, Lindfield, to determine if there are any cumulative impacts on the downstream properties.
- 2 October 2009** Council's independent Drainage Consultant, Geoffrey O'Loughlin, Director of Anstad Pty Ltd, submits draft report on the review of stormwater impacts of proposed developments at Drovers Way, Lindfield.
- 22 October 2009** The applicant submits correspondence from the Hydraulic Consultant, Bruce Kenny of Acor Appleyard, in response to Council's 5 point brief and draft report by Anstad Pty Ltd.
- 23 October 2009** A letter was sent to the applicant requesting additional stormwater information in response to a review carried out by Council's Drainage Consultant.
- 12 November 2009** Applicant's Drainage Consultant submits comments in response to Council's letter dated 23 October 2009.
- 19 November 2009** DA0987/08 - Council sent an email to the applicant advising that the road reserve width of Drovers Way is 12.19m (contrary to the applicant's submission the road reserve width is <12m) and that the proposed 10-12m front setback does not comply with the 13-15m front setback requirement

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**DA0986/08
11 March 2011**

(non-compliance unaddressed in the SEE).

- 27 November 2009** A meeting occurred between the applicant's Drainage Consultant and Council's independent drainage consultant, to determine what additional information was required and what further modelling was necessary for the water quality and quantity assessment
- 14 December 2009** DA0987/08 – The applicant submits a supplementary Statement of Environmental Effects and accompanying diagrams in response to the front setback non-compliance.
- 18 December 2009** DA0987/08 - Council assesses the reasons to vary the front setback as submitted by the applicant and concludes that the reasons provided are not well founded. On this basis, the applicant is advised that a variation of the front setback control is not supported.
- 15 March 2010** Additional drainage information (revised plans and details for the DRAINS assessment) was submitted by the applicant's Drainage Consultant.
- 26 March 2010** DA0987/08 - Amended plans lodged (Amendment 1). The amended plans include an increase in front setback from 10-12m to 13-15m, reduction to the building separation between Buildings 1 and 2, changes to the basement car park configuration, internal floor layout changes, and redesign of the top floor and floor below of Building 2 in attempt to reduce building bulk to the west.
- 16 April 2010** DA0987/08 - Amendment 1 notified.
- 17 May 2010** Applicant's Drainage Consultant, submits a modified stormwater management system.
- 24 May 2010** Applicant's Drainage Consultant, submits further information in relation to stormwater drainage.
- 27 May 2010** Council's independent Drainage Consultant, advised that communication occurred with the Applicant's Drainage Consultant on 24 May 2010 and Bruce Kenny advised that an outstanding report was yet to be submitted.
- 31 May 2010** DA0987/08 - Applicant submits concept amended plans in response to BCA fire egress issues.
- 4-6th June 2010** Email correspondence between Council's independent Drainage Consultant, and the applicant's Drainage Consultant, clarifying the outstanding information required.
- 8 June 2010** Applicant's Drainage Consultant, submits additional drainage information for assessment.
- 16 June 2010** Final assessment letters sent in relation to DA0986/08, DA0987/08 and DA0998/08. Due to the cumulative built form, amenity and environmental

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issues associated with the respective 3 applications, the development proposal collectively cannot be supported.

In relation to DA0986/08, issues raised included an irregularity at the mid-point of the northern boundary of Lot A/rear south-west corner of Lot B, subdivision line inconsistent with the surrounding pattern of subdivision, little justification for this irregularity and appeared to serve no real planning purpose other than to obtain a greater floor space yield in relation to DA0987/08.

In relation to DA0987/08, issues raised included: overbearing bulk and scale and zone interface impacts between Building 2 and the down slope adjoining Residential 2(c), properties including 16 Beaconsfield Parade and to a lesser extent 12 Beaconsfield Parade; failure of the design to appropriately respond to site constraints and context of surrounding development; excessive building length associated with Building 1; unsatisfactory survey data for adjoining properties, inaccurate and misleading detail on plans; non-compliance with solar access; absence of a crime risk assessment; excessive FSR (proposing 1.34:1 where the maximum FSR is 1.3:1); internal amenity; unsatisfactory basement design and inadequate provision of garbage and bicycle services, no provision of air conditioning plant; unsatisfactory lower water use plan in relation to BASIX, non-compliance with Town Centres LEP including FSR and height and stormwater management.

In relation to DA0988/08, issues raised included: excessive scale and building bulk (SEPP1 to Clauses 25I(7) limit on top storey floor area and Clause 25I(9) steeply sloping site provisions not supported); solar access; unsatisfactory basement design and inadequate provision of services, garbage, bicycle parking, residential storage, plant and air conditioning units; absence of a crime risk assessment; excessive FSR (proposal exceeds the maximum 1.3:1 requirement proposing 1.39:1 (+293sqm)); poor design response to constraints of site; internal amenity and outdoor living; non-compliance with FSR and height under Town Centres LEP; inaccurate and unsatisfactory information, and stormwater management.

In view of the above issues, significant re-design and amendments would be required to overcome these issues. The applicant was requested to advise Council within 7 days whether they wish to amend applications DA0986/08, DA0987/08 & DA0988/08). Council also recommended that any re-design involve consultation with Council staff.

16 June 2010

Council's independent Drainage Consultant submits a stormwater assessment based on information received from ACOR Appleyard up to 15 June 2010.

22 June 2010

Applicant submits a letter of reply in response to final assessment letter wishing to amend DA0986/08, DA0987/08 & DA0988/08 and submit additional information.

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11 March 2011**

- 29 June 2010** An assessment letter was sent to the applicant regarding stormwater management, which included a list of outstanding stormwater matters to be addressed, including amended stormwater management plans showing the location of proposed water quality measures, justification for any non-compliances in relation to DCP47 and further detail to be provided for the OSD and water quality treatment.
- 5 July 2010** Applicant submits conceptual amendments in response to Council's letter dated 16 June 2010 (Conceptual Plans 1). The amendments include:
- DA0987/08: reduction to the upper 3 floors of Building 2 (west elevation facing 16 Beaconsfield Parade)
- DA0988/08: reduction to the top floor and floor below to the north-west corner of the building.
- 6 July 2010** Council officers met with the applicant to discuss issues raised in Council's final assessment letters of 16 June 2010. Design issues discussed included:
1. presentation/design and subsequent relationship of Building 2 (DA0987/08) to adjoining zone interface properties (in particular 16 Beaconsfield Parade)
 2. presentation/design and subsequent streetscape presentation of the building (DA0988/08) and relationship to adjoining properties
 3. presentation/design and subsequent streetscape presentation of Building 1 (DA0987/08) and associated design issues
 4. design of common open space area between Building 1 and 2 (DA0987/08) and access issues
 5. subdivision concerns (DA0986/08) including irregularity of the proposed subdivision layout also discussed.
- 26 July 2010** Applicant submits further conceptual amended plans (Conceptual Plans 2).
- 6 August 2010** Council provides feedback to the applicant on Conceptual plans 2 (with the exception of urban design comments). Comments provided in relation to DA0987/08 included: building length of Building 1, entry/access arrangements, basement design, changes to Building 2, communal open space, air conditioning and FSR. Comments provided in relation to DA0988/08 included: top storey design, deletion of ground level unit and redesign of building entrance, FSR, basement design and air conditioning. Comments also provided in relation to subdivision.
- 12 & 13 August 2010** Council's Urban Design Consultants Jennifer Bautovich and Peter Smith of Smith&Tzannes Architecture and Urban Planning, submitted comments in response to the conceptual amendments. Comments included: entrance design for DA0988/08 unresolved, disabled access, safety and security associated with entrance design, entrance and access arrangements for Building 1 and 2 (DA0987/08), internal amenity of apartments (apartment layouts including provision of usable living and bedroom spaces and avoidance of long winding corridors providing connection between the lobby

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**DA0986/08
11 March 2011**

and living spaces), building depth (which exceeds the RFDC requirements), solar access, natural ventilation, storage, and amenity of units around entrances.

25 August 2010

Applicant advises an urban design consultant, Peter John Cantrill of Tzannes Architects, has been appointed in response to the urban design issues.

2 September 2010

A joint conference occurred between Council's Urban Design Consultant Peter Smith of Smith&Tzannes Architecture and Urban Planning and the applicant's Urban Design Consultant Peter John Cantrill of Tzannes Architects.

7 September 2010

A joint report between the applicant's and Council's Urban Design Consultant was submitted. Issues discussed included:

- DA0987/08 relationship between B2 and adjoining properties (in particular 16 Beaconsfield), setback to levels of the building, quantity of west-facing balconies towards the adjoining down slope property, privacy issues
- DA0988/08 streetscape presentation: entrance design still unresolved, disabled access, design of lower ground units and foyer areas
- DA0987/08 presentation to streetscape, design of pedestrian entrance, width, gradients and provision of disabled access
- DA0987/08 common open space and access issues, disabled access, provision of a visual link from the street to Building 2, relationship between indoor and outdoor spaces
- other areas of concern included internal amenity of apartments, apartment layouts, building depth, solar access, natural ventilation and storage, addressing drawing inadequacies including RLs associated with existing proposed ground and retaining walls.

16 September 2010

Applicant submits further conceptual amended plans (Conceptual Plans 3).

30 September 2010

Council provides feedback to Conceptual Plans 3, including acknowledgement that the changes were an improvement, however the development remained unsatisfactory with regard to SEPP65 considerations and the proposal had not satisfactorily overcome all issues raised.

8 November 2010

Amended plans & associated documentation lodged for DA0986/08 (Amendment 1), DA0987/08 (Amendment 2) and DA0988/08 (Amendment 1) in response to issues raised in Council's letter of 16 June 2010.

10 November 2010

Amended plans notified for a 14 day period.

Nov/Dec/Jan 2010

Amended plans referred over the Christmas/New Year period to relevant internal staff and external authorities for assessment.

20 January 2010

Re-notification of amended plans lodged 8 November 2010 for a 30 day

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period (20 January to 21 February 2011).

The amended development was previously notified 10 November 2010 for 14 days. An additional period for resident submission (30 days) was provided to comply with Council's Notification Policy DCP56 for this category of proposed development.

THE SITE

Visual Character Study Category:	Pre 1920-1945
Heritage Affected:	No
Within the vicinity of a heritage item:	Yes, 14 Beaconsfield Parade and 9 Drovers Way (aka 270 Pacific Highway), Lindfield
Integrated Development:	Yes (within 40metres of a watercourse)
Bush Fire Prone Land:	No
Endangered Species:	Yes (Sydney Turpentine Ironbark Forest STF EEC)
Urban Bushland:	No
Contaminated Land:	No

- The site (DA0986/08, DA0987/08 and DA0988/08)

The site comprises 5 properties being 6, 6A, 8, 10 and 10A Beaconsfield Parade, Lindfield and is located on the southern side of Beaconsfield Parade and west side of Drovers Way, Lindfield. The site is irregular in shape, with two frontages being a frontage of 49.975m to Beaconsfield Parade and a frontage of 58.635 metres to Drovers Way. The total area of the site is 7,867m². The site is steeply sloping, with a cross fall greater than 15% (north-south direction).

No. 6 Beaconsfield Parade contains an attached dual occupancy development and 6A Beaconsfield Parade contains a single dwelling house. Both properties have frontage to and vehicular access from Beaconsfield Parade.

Nos. 8, 10 and 10A Beaconsfield have frontage to Drovers Way, however, vehicular and pedestrian access to the respective properties is provided from Beaconsfield Parade via 3 x 3.25m wide access handles with reciprocal rights of carriageway. Pedestrian access to 8 and 10 Beaconsfield Parade is also provided from Drovers Way. Each property contains a single dwelling house.

Existing vegetation on the site includes native and exotic trees and shrubs. The vegetation is representative of Sydney Turpentine Ironbark Forest and Blue Gum High Forest endangered ecological communities, the latter being classified as a critically endangered ecological community (STIFEEC AND BGHFCEEC).

The site falls away towards the southern corner where drainage easements from 8 Beaconsfield Parade (across 10a) and 10 Beaconsfield Parade (through 8a) convey runoff to a watercourse within 4 Drovers Way. This watercourse flows in a westerly direction through 16, 18, 20a and 22 Beaconsfield Parade and is then piped through the downstream properties.

- DA0987/08 (Proposed Lot A)

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Proposed Lot A is located to the south-west side of Drovers Way, between Beaconsfield Parade and Gladstone Parade, Lindfield. Lot A is irregular in shape and has a frontage of 58.635m to Drovers Way and total area of 4613sqm. Lot A slopes from the northern corner fronting Drovers Way (RL99.40) to the rear southern corner (RL82.00) at an average gradient of 15.55% (steeply sloping).

- DA0988/08 (Proposed Lot B)

Proposed Lot B is located to the south side of Beaconsfield Parade, between Drovers Way and Averil Place, Lindfield. Lot B is irregular in shape and has a street frontage of 49.9 metres to Beaconsfield Parade and a depth of 68.5metres. The total area of Lot B is 3254sqm. The site has a fall of 7.5 metres from east (RL 95.5) to west (RL 88.0) which represents an average slope gradient of 1 in 6.6 or 15.1% (steeply sloping).

Existing mature remnant endemic trees are located to the western boundary of the site.

Surrounding Development

Surrounding development consists of low density residential development (single and two storey dwelling houses) on large landscaped lots. To the south-east of the site (east side of Drovers Way) are 3 and 4 storey residential flat buildings. A part 5/part 6 storey residential flat building is currently under construction on the corner of Gladstone Parade and Drovers Way at 5, 5A & 7 Gladstone Parade, Lindfield (DA0419/08). The future context is subject to a transition from low to high density residential development as a result of re-zoning which has occurred as part of LEP194 and the Town Centres LEP 2010.

The site has been rezoned under LEP194 to allow a scale of 5 storey residential flat development and its zone interface (immediately down slope and west of the site) adjoins land zoned Residential 2(c2) under the KPSO which allows low density residential development (2 storeys).

Under the Town Centres LEP, the site is located on the western edge of the Lindfield Town Centre area. The adjoining land down slope and west of the site remains zoned Residential 2(c2) under the KPSO.

Lindfield Town Centre is located further to the north of the site which includes retail and commercial land uses. Lindfield Primary School is located to the south of the site, opposite the T-intersection of Drovers Way and Gladstone Parade.

THE PROPOSAL AS AMENDED NOVEMBER 2010)

DA0986/08

Consolidation of 6, 6A, 8, 10 and 10A Beaconsfield Parade, Lindfield (total site area of 7,867sqm) and re-subdivision into 2 lots identified as 'Lot A' and 'Lot B'.

Proposed Lot A is an irregular shaped lot with a site area of 4613sqm and includes a 58.745 metres frontage to Drovers Way, Lindfield. The site depth varies between 73 – 99metres.

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Proposed Lot B is an irregular shaped lot with a site area of 3254sqm and includes a 49.985 metres frontage to Beaconsfield Parade, Lindfield. The site depth varies between 58 – 66.7 metres.

DA0987/08

Demolition of 3 existing dwelling houses.

Erection of 2 x part 5/part 6 storey residential flat buildings containing 68 units.

Building 1 (fronting Drovers Way)

Building 1 is a part 5/part 6 storey residential flat building containing 41 units, with basement parking.

Basement: 2 levels of basement carparking accommodating 58 car spaces (including 11 visitor spaces), residential and garbage storage, lift access, residential and visitor bicycle parking.

Ground (Level1): 1 x 1 bedroom, 2 x 2 bedroom and 1 x 3 bedroom

Level 2: 5 x 1 bedroom, 3 x 2 bedroom

Level 3: 6 x 1 bedroom, 1 x 1 bed + study, 3 x 2 bedroom

Level 4: 6 x 1 bedroom, 1 x 1 bed + study, 3 x 2 bedroom

Level 5: 3 x 1 bedroom, 1 x 2 bedroom, 3 x 3 bedroom

Level 6: 2 x 3 bedroom

Of the total 41 units provided within Building 2, none are designated as adaptable units.

Pedestrian access:

Pedestrian access is provided via a 1 metre wide pathway and 2 x 1:20 access ramps from Drovers Way to the central foyer of Building 1. Building 1 includes two lifts which provide access to the residential and basement levels of the building.

Vehicular access:

A two way entry/exit driveway is located to the front, southern, corner of Lot A which provides vehicular access from Drovers Way to two levels of basement parking beneath the footprint of Building 1.

Air conditioning plant is proposed within the mechanical plant room of the basement (up to 8 condensing units) as well as up to 33 condensing units on the roof to be concealed behind a 1m high parapet.

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Building 2

Building 2 is a part 5/part 6 storey residential flat building containing 27 units, with basement parking.

Basement: Two levels of basement carparking accommodating 48 spaces (including 7 visitor spaces), residential and garbage storage, residential and visitor bicycle parking

Ground (Level1): 1 x 1 bedroom, 3 x 3 bedroom

Level 2: 1 x 1 bedroom, 3 x 2 bedroom and 2 x 3 bedroom

Level 3: 2 x 1 bedroom, 2 x 2 bedroom and 2 x 3 bedroom

Level 4: 1 x 1 bedroom, 2 x 2 bedroom and 2 x 3 bedroom

Level 5: 3 x 2 bedroom and 1 x 3 bedroom

Level 6: 2 x 3 bedroom

Of the total 27 units provided within Building 2, seven (7) are designated as adaptable housing.

Pedestrian access:

Pedestrian access to Building 2 is via the 1m wide pathway from Drovers Way to the central foyer of Building 1. At this point, lift or stair access is available to a lower level central foyer area of Building 1 which connects to a bridge across the communal open space between Building 1 and 2 to the central foyer area of Building 2. Building 2 includes 1 lift which provides access to the residential and basement levels of the building.

Vehicular access:

Vehicular access to Building 2 is via the two way entry/exit driveway ramp from Drovers Way and basement levels of Building 1 which then connects to the basement of Building 2 via an underground ramp between the two buildings.

Air conditioning plant includes 4 condensing units located within the basement and 23 condensing units located on the roof to be concealed behind a 1m high parapet.

Landscaping/communal open space:

The principal area of communal open space is located between Buildings 1 and 2. The proposal also provides a small area of communal open space in the front setback that links to the main pedestrian entry.

The proposal retains several existing exotic canopy trees at the north-eastern corner of the Drovers Way frontage.

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Side and rear setback areas include private courtyards, combined with common areas for planting of trees, shrubs and groundcovers adjacent to the boundaries of the site. Approximately 900mm fill (with fencing above) is proposed to the lower ground courtyards of Building 2.

DA0988/08

Demolition of an attached dual occupancy and single dwelling.

Erection of a part 5/part 6 storey residential flat building containing 40 units, with basement parking.

Basement: 2 levels of basement carparking accommodating 67 spaces (including 9 visitor spaces), residential and garbage storage, lift access, residential and visitor bicycle parking.

Basement/
part residential
(Level 1) 1 x 3 bedroom unit

Level 2: 1 x 1 bedroom, 5 x 2 bedroom and 3 x 3 bedroom

Level 3: 1 x 1 bedroom, 5 x 2 bedroom and 3 x 3 bedroom

Level 4: 1 x 1 bedroom, 5 x 2 bedroom and 3 x 3 bedroom

Level 5: 1 x 1 bedroom, 4 x 2 bedroom and 3 x 3 bedroom

Level 6: 4 x 3 bedroom

Of the total 40 units provided, four (4) are designated as adaptable housing

Pedestrian access:

Pedestrian access is provided from Beaconsfield Parade to the north-western corner and western elevation of the building. The building includes two lifts which provide access to the residential and basement levels of the building.

Vehicular access:

A two way entry/exit curved driveway ramp is located to the front north-western corner of Lot B which provides vehicular access from Beaconsfield Parade to two levels of basement parking beneath the footprint of the building.

Landscaping/communal open space:

The principal communal open space area is located along the western boundary that supports a long corridor of existing remnant canopy trees. This area is proposed to be revegetated with Sydney Turpentine Ironbark Forest vegetation in association with removal of weed species.

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A secondary communal open space is proposed along the front setback, consisting of gently sloping lawns, exotic deciduous trees and shrub plantings. A large existing tree within the front communal open space is proposed to be retained.

Side and rear setback areas include private courtyards, combined with common areas for planting of trees, shrubs and groundcovers adjacent to the boundaries of the site.

Air conditioning plant includes 7 condensing units within the upper level basement (near the driveway entrance) and 35 condensing units located on the roof to be concealed behind a 1m high parapet.

External colours and finishes for both DA0987/08 and DA0988/08 include:

Walls:	Face brick choc tan (Boral)
Window frames:	Precious silver pearl metallic 57225 (dulux)
Rendered masonry walls:	Sandy day P14.C1 (Dulux)
Horizontal cladding:	Milk white m7774-630 (alpoloc wall sheeting)
Roof:	Colourbond metal roof sheeting shale grey
Balcony and façade projections:	Whisper white 74161 (dulux)
Pergolas and handrails:	Precious pewter pearl metallic 88202 (dulux)

CONSULTATION

Community

In accordance with Council's Notification DCP, owners of surrounding properties were given notice of the original proposal and amended plans for DA0986/08, DA0987/08 and DA0988/08. The following table outlines the number of submissions received in response to each notification:

DA No.	Date of notification	Plans notified	Submissions received
DA0986/08	31 October 2008	Original plans	19 submissions and 1 petition including 449 signatures
	10 November 2008	Amended plans (Amendment 1)	50 submissions
	19 January 2011	Re-notification of Amendment 1	31 submissions
DA0987/08	2 October 2008	Original plans	92 submissions and 1 petition received including 449 signatures
	8 April 2010	Amended plans (Amendment 1)	50 submissions
	10 November 2010	Amendment plans (Amendment 2)	60 submissions
	19 January 2011	Re-notification of Amendment 2	42 submissions
DA0988/08	2 October 2008	Original plans	78 submissions and 1 petition including 449 signatures
	10 November 2010	Amended plans (Amendment 1)	57 submissions received.

	19 January 2011	Re-notification of Amendment 1	39 submissions
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Attachment A: Lists the submitters to the original and amended plans.

The matters raised in the submissions include:

Traffic access and parking, excessive parking, poor access to Drivers Way

Council's Development Engineer has addressed matters relating to traffic, access and parking (refer comments elsewhere in this report). The development exceeds the minimum parking requirements under Clause 25J Carparking of the KPSO. Inadequate information has been submitted with regard to vehicular access to DA0988/08.

Impact on flora and fauna, ecological impacts on STIF and BGHFCEEC

Council's Ecological Assessment Officer has advised that the proposal is acceptable and does not result in a significant effect on either STIF or BGHFCEEC.

Loss of trees

Council's Landscape Assessment Officer has advised that the likely impact on trees is acceptable, subject to conditions.

Loss of views (including distant view towards the Blue Mountains) as a result of the buildings

The site and surrounding area enjoy suburban views. The proposal does not result in a direct loss of view to a significant landmark.

Calculation of FSR

The calculation of FSR is incorrect and not in accordance with relevant definitions contained in DCP55 and LEP Town Centres.

Impact on the watercourse, riparian, hydrological and catchment management issues, no updated stormwater plans, stormwater and potential flooding risks, hydrology of the site

The application fails to satisfactorily address stormwater and catchment management issues as discussed in this report.

Lack of consultation with residents

The applications (in original and amended forms) have been notified in accordance with DCP56 requirements. Multiple site inspections including inspections from directly adjoining properties have occurred during the assessment process. Council's obligations with regard to public consultation under DCP 56 have been met.

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Overshadowing impacts to adjoining properties

The proposal overshadows No.12 and 16 Beaconsfield during the morning period (in midwinter between 9am-12pm) with these properties being largely unaffected by shadow from the development for the remainder of the day. The proposal satisfies C-6 under Section 4.5 of DCP55.

Privacy impacts

The proposed zone interface relationship between Building 2 and 16 Beaconsfield Parade is unacceptable for the reasons advanced in the SEPP65 assessment below.

Proposed 6 storeys exceeds the 5 storey maximum

The development benefits from the provisions of Clause 25K of the KPSO which allows a 6th storey on steeply sloping sites. Due to unsatisfactory information, an accurate and comprehensive assessment against the built form controls under Clause 25 of the KPSO cannot be undertaken.

Failure to satisfy SEPP65/RFDC – in relation to access arrangements, building separation, amenity, solar access, excessive building length and width, unsatisfactory transition in scale to adjoining homes, amenity impacts and unacceptable relationship and transition to 16 Beaconsfield Parade

The proposal fails to satisfy the principles of SEPP65 and does not satisfactorily respond to the surrounding context as is discussed in detail by Council's Urban Design Consultant below.

Failure to satisfy the objectives of LEP194

As a result of the multiple urban design and stormwater issues raised, the proposal fails to satisfy many of the objectives under Clause 25 of the KPSO (LEP 194) as is discussed elsewhere in this report.

Non-compliance with Town Centres LEP

The proposal fails to satisfy the height and FSR controls and objectives under LEP Town Centres.

Disabled access and adaptable housing

No adaptable units have been provided in Building 1 under DA0987/08. Accessibility issues are also raised with regard to providing satisfactory disabled access to communal open space areas (refer comments by Council's Landscape Officer below).

Scale of the development is out of keeping with surrounding development

The scale of the buildings is permissible under the Residential 2(d3) zone of LEP194 and R4 High density residential zone of LEP Town Centres. However, the master planning behind the development is flawed, fails to satisfy the design principles under SEPP65 and proposes a poor relationship with the single dwelling house context located down hill of the development.

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Sewage disposal

In the event of an approval, a Sydney Water Section 73 Certificate would be required.

Heritage impacts

Council's Heritage Advisor is of the opinion the proposal does adversely impact to the heritage item at 14 Beaconsfield Parade.

Air pollution and noise

In the event of an approval, standard construction management conditions would be imposed to address noise and air pollution.

Inadequate and inaccurate information, misleading and confusing plans, RL levels and height data

This concern is well founded and is discussed in detail further in this report. In particular, the contours shown on the architectural plans are not consistent with those depicted on the survey plan.

Within Council

Urban Design

Council's Urban Design Consultant, has reviewed DA0986/08, DA0987/08 and DA0988/08 (as amended, November 2011) against the provisions of SEPP 65 and provided the following comments:

DA 986/08, DA 987/08, DA 988/08 has been previously reviewed. The most recent review dated 17-8-2010 was undertaken in collaboration with the applicants urban design consultant Peter John Cantril from Tzannes Associates. As a response to those comments the applicant has made amendments to the architectural plans. This review is provided based on documents received by Council on 8 November 2010.

To provide consistency, this report follows the same structure as the minutes and the response, dated 22 July 2010. Additional comments in relation to SEPP65 are provided at the end of the report.

1. *The relationship between Building 2 and adjoining properties (DA0987/08)*

The current site layout, orientation and placement of the building forms present a flawed response to the topography, immediate context and existing natural features of the site. The placement – in particular of Building 2, parallel to the rear boundary creates significant issues at the interface boundary that are difficult to overcome through detailed design interventions. As discussed later in this report, an approach where the buildings are placed perpendicular to the contours, (hence perpendicular to the rear boundary) would provide for a more sensitive approach.

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Such an approach has not been presented by the client so the commentary and recommendations are provided in the context of the submissions and amendments made by the applicant.

The applicant proposes to provide the following setbacks of Building 2 to the south-western property boundary:

- Level LG: 6m to terrace and 9m to building facade*
- Level G: 9m*
- Level 1: 9m*
- Level 2: 9m to terrace and 11-12m to building facade*
- Level 3: 11.5m to terrace and 14-15.5m to building facade*
- Level 4: 14.5m to terrace and 17.5-18m to building facade (16.5 to lift and stair core)*

This does begin to resolve some of the visual impacts of the building upon 16 Beaconsfield Parade and to a lesser extent 12 Beaconsfield Parade. The architectural outcome has improved since the previous plans and the articulation introduced into this elevation is an improvement. It is noted that, where terraces are provided, planter boxes have been included along the edges to reduce privacy impacts and soften the building.

Work has been done on the stepping of the building in order to provide an improved design outcome. The rear of the building has been broken into two lower sections which are rendered and face brick and glazed materials are used for the more recessive elements. The western terraces could benefit from some pergolas – this would further articulate the building but also provide for some much needed shade from the western sun.

The stepping of the building results in a 'pyramidal' building form, that without appropriate articulation in plan, generally delivers a very poor architectural outcome. (there are numerous examples of this – in particular around Crows Nest and other north Sydney areas.) This solution also provides for an extensive quantity of balcony area along the boundary – providing additional sources of noise and increasing the potential for overlooking of the adjoining property. These terraces are south-west facing, and in many cases are the primary open space of the dwelling.

The sight lines provided and rationale provided on sight lines is circumstantial and arbitrary based only on the specified distances from the boundary and does not take into account oblique views. The upper floors will be visible from many parts of the site. However, if these levels can appear in the 'background' rather than the 'foreground' or 'stepping away' then the building will not appear to be on top of the adjoining property and the scale impacts will be reduced. The amended plans provide for these upper levels in a dark masonry colour which will assist in maintaining a recessive form.

An approach would be to provide a more defined step in the building at level 2. This has the added benefit as the planning of the internal apartments can focus on a northern orientation, and can adopt a more rational plan – with the potential for similar floor plates at each level (if desired)

If this direction is to be adopted, then it is preferred that the setbacks from the boundary be amended as follows:

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- Level LG: 6m to terrace and 9m to building facade
- Level G: 9m
- Level 1: 9m
- Level 2: 9m to terrace and average of 12m +1 / -3m to facade
- Level 3: average of 15m +1/-3m to facade
- Level 4: average of 18m +1/-3m to facade

Conclusion

Although the preferred solution has not been adopted by the applicant. Significant effort has been made by the applicant to take on board many of the comments previously made in particular to ensuring that the building is well articulated and the mass is broken down by the use of different materials.

The terraced setback of the upper levels does present a potential privacy concern but, given the existing trees that are proposed to be retained, and the proposed trees in the landscape plan, the privacy impacts have been reduced. However, the issues of privacy and bulk and scale remain.

2. 0988/08 Streetscape presentation (Beaconsfield)

The amended plans indicate that they address the concerns regarding the transition between the proposed development and the single dwelling at 12 Beaconsfield Parade.

The amended elevations have satisfactorily resolved the massing and form of the building as it addresses 12 Beaconsfield Parade.

More work is still required to achieve a satisfactory outcome for the entrance to the building. It is possible that a side entrance can provide an acceptable outcome when treated as a designed element. There is scope to provide a colonnade style entrance along the side of the building opening at a variety of points to the common garden areas. This level of design quality is not yet apparent in the plans provided to date. This colonnade would be defined by columns that relate the rest of the building and provide definition to the entrance – rather than the round columns that simply provide a structural purpose.

Direct disabled access should be provided, (to AS1428.1-2009) and the width of the pathway should be appropriate to the function of the main entrance of the building. The path in the garden to the south-west should be deleted. There is concern about the safety of the proposed entrance on the side. Work should be done to remove recesses that provide opportunities for concealment close to the building. A recommended minimum width of at least 1.8m should be provided.

The current revision provides for larger foyer space which is commended. However, the lobby to the southern lift remains long and narrow.

Conclusion

Improvements have been made to the entrances, however, the resolution is still not satisfactory, in particular with regard to the colonnade and the location of the southern lift.

3. 0987/08 Presentation to streetscape (Drovers Way)

The increase in the width to the southern entrance is commendable and appears to address the issue of entry to the building. The landscape provided at the entrance is also a positive contribution, as to is the visual access through the building and the stair providing access to the lower level.

This main pedestrian entrance should be provided with sufficient width and gradient to enable disabled access and also the practicality of moving items in and out of the building. The path, particularly, its width should comply with AS1428.1(2009) It should also be of a material suitable for universal access.

Conclusion

Improvements have been made regarding presentation to the streetscape.

As noted previously, a site master plan where buildings were located perpendicular to the rear boundary would also address issues of streetscape presentation and identity, as both buildings could potentially be visible from the street and access would not necessitate passing through one building to gain entry to the second.

4. 0987/08 Common open space and access issues

The pedestrian bridge between Building 1 and 2 is noted and appreciated and the grassed common open space will provide good amenity for the residents.

The amendments provide for a clear connection between the two buildings. As for the front entrance, the width of the path should be at least 1.8 – 2.4m, and the entrance to the Building 2 lobby should be inviting rather than just a corridor. The new lobby to the second building is a significant improvement on the previous version.

The sections through the buildings and courtyard indicate that the level changes between the buildings and the courtyard have been resolved.

5. Other areas of concern

Internal amenity of apartments

In the preparation of amended plans, the following needs to be taken into consideration:

Apartment layouts: *provision of usable living and bedroom spaces and avoidance of long winding corridors providing connection between the lobby and living spaces.*

Building depth: *it has been noted previously that the building depths exceed the rules of thumb provided in the Residential Flat Design Code. The objective of the building depths is to ensure that the interior of the apartments are provided with good natural daylight and ventilation. Further, it allows for well organised, functional and high quality apartment layouts.*

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Access to daylight: Where rooms are provided with a single orientation, the distance from the glazing line to the rear of the apartment should not exceed 7-8m

Storage: storage areas required by the DCP should be indicated on the plans. Noting that at least 50% be provided within the unit. A detailed unit schedule that summaries the apartment number, floor area, balcony area and storage provided has still not been provided.

Drawings should indicate proposed ground levels around the perimeter of the building and level (height) of any retaining walls

6. Reference to SEPP65 design quality principles

The proposed development in its current form fails in many areas to satisfy the Design Quality Principles set out in Part 2 of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.

Principally as noted above, a lack of a strategic and contextual approach when undertaking the site master planning has resulted in a poor relationship of the building to the site, problems with access, address and entry, poor relationship with the single dwelling house context – located down hill from the development and apartments with unsatisfactory amenity.

The sites currently presented in the three separate development applications should be presented as one site and a master plan informed by the contextual and physical constraints.

Context:

The development does not respond well to the context with regard to the built form. The location and orientation of the built form should take into consideration the topography and the adjoining dwelling houses. The proposal does not contribute to the quality and identity of the area.

Scale:

The proposed scale of the development, in particular the relationship of Building 2 and the adjoining property is inappropriate to the context and the relative scale of the adjoining buildings. It is not so much the height of the buildings but the manner in which they present themselves to the adjoining properties. A site strategy that minimized the length of building abutting the residential zone boundary would have the effect of reducing the apparent scale.

Built form:

The proposed built form is not appropriate for the site – the result is a number of buildings located on the site have an excess building depth and are poorly located with respect to the context, and the public domain. The poor site strategy also results in unnecessarily poor amenity for many of the apartments.

Given the orientation of the site, context and topography, a built form where the buildings ran perpendicular to the contours may provide for a more desirable outcome. All apartments

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*could be provided with a northern orientation and the roof terraces created as the building steps down could provide for an abundance of outdoor space for the residents. This approach may also assist in the resolution of some of the stormwater issues. The buildings with a maximum depth of 18m could be well ventilation achieving almost 100% cross ventilation. The 2006 Draft Town Centres Development Control Plan provided for a site master plan (known as Precinct F, **Attachment B**). This master plan provided for a considerable setback from the interface boundary. Most significant in this master plan is the orientation of the buildings.*

Consideration could also be given in this circumstance to a reduced setback to Drivers Way. If combined with a building form that provided views through the site (between buildings) this could improve the amenity of the apartments and adjoining properties. Providing view corridors between buildings from the public domain could provide a positive streetscape benefit.

Although the site is highly constrained – when combined it is a large site. Given the low maximum density provided on the site, a building layout should be able to be sought.

We are not aware of the applicant having demonstrated or explored any alternative site layouts in the time that these applications have been lodged with Council. The amendments that have been proposed have been merely 'tinkering' around the edges of what is essentially a flawed concept.

There are some minor separation concerns at the upper levels at the southern end of Building 1 and 2 on Lot B, where the distance between the second floor of Building 1 and the penthouse level of Building 2 is less than 18m between habitable rooms (16m between rooms and 14.5m between bedrooms and private open space).

Density:

The issues raised with regard to poor amenity and poor contextual fit suggest that the maximum density may not be able to be achieved on this site. An alternate site strategy may be able to demonstrate otherwise.

Resource, energy and water efficiency:

The BASIX reports submitted with the project indicate that the development achieves the minimum targets for water and energy consumption.

Landscape:

Refer to comments by Council's Landscape Officer below.

Amenity:

The current revisions provide for some amenity improvements from previous revisions, however, an improved amenity and orientation could be provided if a different site strategy was chosen and the buildings complied with the 'rules of thumb' with regard to building depth.

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There is a considerable proportion of units that have a southern and western orientation. (31% in building 1 and 30% in building 2). A building form that has an orientation perpendicular to the contours / rear boundary, would also have predominantly a northern orientation – which would have the potential to result in a higher number of dwellings with a more acceptable orientation.

A site with a steep slope is always going to have a considerable extent of cut and fill across the site, however, in areas where apartments are located at or below existing ground level (in particular on the up slope side of a building) care needs to be taken that the amenity of the apartments is not compromised.

Safety and security:

The development provides for a good level of natural passive surveillance of the public and communal spaces as a result of the apartments looking over these spaces. The main area of concern is the entrance to the building on proposed Lot B as discussed above.

Social dimensions and housing affordability:

A development of this scale should be able to provide for an effective communal space that has limited impact on the residents. A small communal space is proposed on Lot B adjacent the entrance which is commended, however, the quality and accessibility of the external communal spaces could be enhanced. Access to the common space on Lot A appears to be quite restricted. The location of the development ensures that it will provide a positive contribution to the wider community.

Aesthetics:

The aesthetics of the building are generally satisfactory. A restrained palette of materials including face brick, render and glass are appropriate for the context and have been generally used in a logical manner.

Heritage

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

DA0987/08

Previous heritage comments – Amendment 1

The amended design is similar to the original version in terms of impact to the nearby heritage items. The key difference is that Building 1 & 2 has been amended in with a reduction in the overall bulk. Amendments to Building 2 which is closest to the heritage item include amending the "butterfly roof" to a flat roof, a reduction to the bulk on the fifth and sixth floors changes to the ground levels which now have less benching and are closer to the natural ground line. The nearby heritage items are a reasonable distance from the subject site and the application complies with the heritage controls in DCP 55. The amended scheme is considered to be a slight improvement in terms of its impact on the nearby heritage items and is considered to be satisfactory.

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While I believe the amended scheme is satisfactory on heritage grounds, I note the scale of the proposed buildings will have impacts on the adjoining sites at No 12 and 16 Beaconsfield Parade. However, despite having some potential heritage significance, these properties are not listed items and have not been identified by Council as having heritage significance.

Previous conclusions and recommendation

Demolition of the existing houses is acceptable provided photographic archival recording is undertaken before demolition to Council's standard conditions. Recording for No 10 A Beaconsfield should include measured drawings and photographs.

In my opinion, the scheme largely is in accordance with the heritage objectives and controls in DCP 55 for sites within the vicinity of heritage items. The amended scheme can be considered to be an improvement in terms of impacts on the nearby items. .

The concrete paving slabs was associated with funding for the Sydney Opera House should be retained on the site and included in an interpretive display. The interpretative display should include interpretation of the Sydney Ancher house at 10 A Beaconsfield Parade.

Comments on Amendment 2

A number of changes to the design have been made to comply with planning and access issues. The major change is the reduction in the bulk to the western façade of Building 2 with additional setbacks on the upper levels and more stepping in scale which result in a better transition to the lower scaled development adjoining to the west and north, particularly No 12 and 16 Beaconsfield Parade. This would also improve the relationship of the development to the nearby heritage item at No 14 Beaconsfield Parade. Changes to Building 1 have resulted in improvements to the scale of the building as to presents to Drivers Way. There are some internal modifications which do not affect the heritage issues. In other respects it is a similar development and complies the heritage objectives and controls in DCP 55.

Conclusion and recommendation

The design modifications result in some reduction to the bulk and scale of Building 2 at the upper levels on the western elevation. The amendment does not result in a greater impact to the heritage item at No 14 Beaconsfield Parade. The application is acceptable on heritage grounds, subject to conditions.

DA0988/08

Previous heritage comments on DA0988/08

The nearby heritage items are a reasonable distance form the subject site and the application complies with the heritage controls in DCP 55. On heritage ground, the proposal is an acceptable application.

The application proposed a 6 storey scale along the western side of the building achievable under Clause 25K of the KPSO. Due to the fall along Beaconsfield Parade, the additional

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height and scale of the proposed building will have impacts on the heritage item at No 14 Beaconsfield Parade.

While not part of this application, a development application has been received for the adjoining site at Nos. 8, 10 & 10A Beaconsfield Parade. While rezoned for medium density that site contains two buildings that have potential heritage significance and have not previously been identified or assessed. An application has been made to the NSW Heritage Council for an Interim Heritage Order (IHO). If successful, an IHO would mean Council can not determine the development application until a complete heritage assessment of the site is made and if appropriate draft LEPs prepared to list the buildings. Until a decision from the NSW Heritage Council is made, it is not appropriate for Council to consider impacts this development may have on the adjoining site which currently has no heritage status.

Previous conclusion and recommendation

Demolition of the existing houses is acceptable, provided photographic archival recording is undertaken prior to any works commencing on the site.

The scheme is largely in accordance with the heritage objectives and controls in DCP 55 for sites within the vicinity of heritage items. For this application the listed items are a reasonable distance from the subject site and this part of the street is not within a UCA. I recommend that the semi-circular stone return walls adjoining the stone entry piers to the pedestrian entry be retained and the proposed driveway be amended. I also recommend that the existing stone front fence be retained, repaired and extended along the Beaconsfield Parade boundary to the site.

Design amendments

Design amendments were received on 8 November 2010. The amendments are relatively minor and address several issues raised by Council. In relation to heritage, the key design modification has been a reduction in bulk and setbacks on the western side of the proposed building. This modification changes the street elevation and western elevation of the proposed building and provides a better transition to the scale of the adjoining building at No 12 Beaconsfield Parade and the heritage item at No 14 Beaconsfield Parade. It results in less impact on the heritage item at No 14 Beaconsfield Parade.

The plans have also been amended to include the semi-circular stone return walls and entry piers adjoining the "maintenance access path".

Conclusion and recommendation

The design modifications result in some reduction to the bulk and scale of the development and an increased setback on the upper levels at the western elevation. The amendment does not result in a greater impact to the heritage item at No 14 Beaconsfield Parade. The earlier recommendation to retain the stone entry and part of the wall has been incorporated into the application. The application is supported on heritage grounds with conditions.

Building

Council's Senior Building Surveyor commented on the proposal as follows:

DA0987/08

I have carried out a BCA assessment on the proposed amended development.

Under the original application, concerns were raised in relation to BCA and fire egress. This issue was addressed under Amendment 1. This is the second amendment (Amendment 2) and the following BCA issues relating to exits from the building are raised:

- 1. The fire isolated stair in Building 1 (north side) must discharge by way of its own fire isolated passageway to comply with D1.7(b) of the BCA.*
- 2. The discharge points for the fire isolated stair in Building 1 (south side) are confusing and not clear on the submitted plans. Discharge of exit must comply with D1.7 of the BCA.*

DA0988/08

I have reviewed the amended application and no objections are raised, subject to conditions.

Landscaping

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

DA0987/08

Deep soil

The applicant has calculated deep soil area as 51.08%. This calculation is not agreed with and the following areas should be excluded from the calculation:

- Retaining walls required to be shown on landscape plan due to excessive change of level between courtyard and existing levels of side setback.*
- Area of paving/courtyard to Unit 1G-01*

Notwithstanding the above, excluding the above areas from the deep soil calculation and including the area of the retaining wall to the west of Building 2, the development would still comply with deep soil standard.

Tree & vegetation removal & impacts

An arborist report, prepared by Landscape Matrix, dated 19/09/08, has been submitted as part of the original application. Tree numbers refer to this report.

Significant trees to be removed

Eucalyptus pilularis (Blackbutt) Tree 76/32H/24S /1000DBH, evidence of recent pruning – to be removed for building.

Two arborist's reports have been submitted with the application. The first of these reports, prepared by Urban Tree Management (UTM), dated 18 February 2008, was prepared as part

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of a separate tree works application received by Council 4/03/08, for the removal of Tree 76. The report included an aerial examination and assessment of the six defect locations that were identified. The report concluded that the tree had been top lopped in the past and recommended removal due to reasons of structural instability.

A further inspection was undertaken for Council by an independent expert, Ian English. The report included an aerial inspection that assessed each of the defect locations. The conclusion disagreed with the UTM report in terms of the past top lopping of the tree and associated poorly attached regrowth. The growth above the stubs was considered to be secure with no evidence of fungal decay. The report stated that branch shedding was considered likely due to maturity and exposure rather than structural instability and concluded that 'if pruned correctly the tree is retainable for greater than 15 years with a significantly reduced probability of branch failure.'

Since all three reports have been prepared, the pruning has been carried out to Tree 76 in accordance with Tree Works Permit CRS 253201, issued 26/05/08.

The reports by Urban Tree Management and Sydney Arboricultural Services disagree in regards to whether Tree 74 was topped at 18 metres and also the presence of decay in stubs and structural soundness of regrowth attachments.

A detailed investigative report by Laurie Dorfer (UTM Tree Report, 18/02/08) to assess the extent of decay in the 'decayed stubs' and the 'expected wood decay columns' at the branch junction and internally, has been undertaken. Of the 6 'defect areas' considered hazardous in the UTM Tree Report dated 18/02/08, one (Defect 5) has been assessed as failing the Mattheck test (UTM Tree Report dated 19/01/09) with a medium failure potential (Landscape Matrix 23/01/09). The arborist report concludes that 20-25% of the tree's canopy would be affected if this branch was removed. Removal is supported.

Other trees to be removed:

Pittosporum undulatum (Sweet Pittosporum) Tree 48/14H - dead

Nyssa sylvatica (Tupelo) Tree 58/8H/8S /130DBH, screen planting to no. 12 – 3.2m from basement 2. Construction impacts will severely impact this tree.

Pinus sp. (Pine Tree) Tree 66/17H/7S/385DBH – to be removed for building

Strelitzia nicholai (Giant Bird of Paradise) Tree 70/12H/6S/multi – to be removed for building

Quercus robur (English Oak) Tree 67/20H/14S/670DBH – to be removed for building

Pistacia chinensis (Pistacia) Tree 73/12H/9S/180/270DBH – to be removed for building

Grevillea robusta (Silky Oak) Tree 81/20H/9S/430DBH – 5.8m from basement 2. Amended basement allows tree to be retained

Cupressus macrocarpa (Monterey Cypress) Tree 85/19H/6S/520DBH – to be removed for building

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Stenocarpus sinuatus (Firewheel Tree) Tree 86/11H/6S/350DBH – to be removed for building

Liquidambar styraciflua (Liquidambar) Tree 87/16H/10S/490DBH – to be removed for building

Citharexylum spinosum (Fiddlewood) Tree 88/14H/6S/110/260DBH – to be removed for building

Syzygium paniculatum (Brush Cherry) Tree 89/8H/7S/200DBH – to be removed for building

Camellia sasanqua (Chinese Camellia) Tree 100/10H/8S/250DBH – to be removed due to construction impacts

Magnolia x soulangiana (Magnolia) Tree 107/8H/8S/200DBH – to be removed for basement

Magnolia grandiflora (Bull-bay Magnolia) Tree 118/10H/8S/250DBH – to be removed for private courtyard and pedestrian access

Melaleuca quinquenervia (Broad Leaved Paperbark) Tree 127/10H/5S/340DBH – to be removed for entry path and front wall.

Jacaranda mimosifolia (Jacaranda) Tree 134/10H/9S/290/290DBH – assessed as of moderate to high landscape significance and medium to long SULE by arborist. Construction access within canopy spread. Recommended to be retained.

Liquidambar styraciflua (Liquidambar) Tree 82/16H/8S/400DBH – 6.1m from basement 2, 5m from building. Recommended to be retained.

The following trees are not considered significant due to size, location and condition or they are exempt under Council's Tree Preservation Order. Their removal will not have an adverse environmental impact and is supported:

Trees 50, 51, 54, 55, 61, 62, 68, 69, 70, 71, 72, 74, 75, 77, 78, 79, 80, 95, 96, 97, 98, 99, 101-105, 106, 110, 111, 112, 116, 117, 125, 126, 128, 129 and 130 (exempt trees in italics)

Trees to be retained

Brachychiton acerifolius (Flame Tree) Tree 53/15H/3S/200DBH – tree is located within proposed mulch path. Mulch path to be relocated to be setback minimum

Jacaranda mimosifolia (Jacaranda) Tree 56/12H/8S/200/360DBH, SRZ 2.3, TPZ 5.2– 8.5m from basement. 5.7m to excavation for private courtyard, 2.8m from steps of access path and approx 1 metre fill to communal open space. Proposed mulch access path within TPZ.

Cupressus macrocarpa (Monterey Cypress) Tree 60/28H/8S/760DBH, SRZ 3, TPZ 9.1, adjoining property – 7.1m from basement, proposed mulch access path within TPZ.

Cupressus macrocarpa (Monterey Cypress) Tree 63/28H/12S/1100DBH, SRZ 3.4, TPZ 13.2, adjoining property – 7.7m from basement, proposed private courtyard and mulch access path within TPZ.

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Eucalyptus saligna (Sydney Blue Gum) Tree 64/30H/16S/1100DBH, SRZ 3.4, TPZ 13.2 – 7.2m from basement, proposed private courtyard and mulch access path within TPZ. To preserve health and condition of tree, private courtyard to not extend further west of external paving of Unit 2LG-01 and further north of external paving of Unit 2LG-02. Existing ground levels to be retained.

Araucaria heterophylla (Norfolk Island Pine) Tree 83/160H/7S/270DBH – 11m from basement carpark

Eucalyptus saligna (Sydney Blue Gum) Tree 90/28H/20S/1030DBH, adjoining property, SRZ 3.4, TPZ 12.4 – 7.8m from basement, proposed mulch access path within TPZ

Cedrus deodara (Himalayan Cedar) Tree 123/18H/11S/700DBH, SRZ 2.8, TPZ 8.4– 7.8m from basement, 6.7m from substation wall

Cedrus deodara (Himalayan Cedar) Tree 124/16H/8S/600DBH –no impacts

Jacaranda mimosifolia (Jacaranda) Tree 131/10H/9S/290/290DBH , adjoining property

Jacaranda mimosifolia (Jacaranda) Tree 132/10H/8S/300DBH, adjoining property

Jacaranda mimosifolia (Jacaranda) Tree 133/10H/8S/300DBH, adjoining property

The following trees are considered significant in terms of amenity due to their location along site boundaries – Tree 49, 52, 57, 65, 84, 92, 93, 94

There are no street trees to be removed.

Threatened Species Act (1995)

Council's Lands of High and Special Ecological Value Map Biodiversity (Draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008) indicates that the site is of High Biodiversity Significance. The site is also mapped in this Draft LEP as characteristic of Blue Gum High Forest and Sydney Turpentine Ironbark Forest (Appendix 4 Vegetation Communities within the Ku-ring-gai Town Centres, Attachment 4: Draft Study of Land of High & Special Ecological Value). Remnant canopy species, such as Eucalyptus pilularis (Blackbutt) Tree 76, are proposed to be removed and proposed construction is within the canopy spread of others that have been proposed to be retained.

A Flora and Fauna report, prepared by Total Earth Care, dated 8 September 2008, has been submitted. An amended report was submitted in January 2009. The report concludes that the site includes STIF in a small area that forms an extension of the existing community to the north (Clause 6.2.1). The site also has BGHF 'over the southern half of 10A Beaconsfield Parade and a small area of 10 Beaconsfield Parade and then extending off the subject site into 8 and 8A Drovers Way' (Clause 6.2.2). The statement that 'the natural resilience of the plant community is low' is incorrect as there is evidence of regeneration of BGHF species including Eucalyptus pilularis (Blackbutt) and Breynia oblongifolia (Breynia) identified on the site.

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Following a peer review by Council's Biodiversity expert, a further amended report was submitted in March 2009. The peer review prepared by Council's expert then had the following comments.

The revised reports have incorporated the majority of points raised by peer review of the original DA documents pertaining to ecological matters. No outstanding legislative issues remain. Given that the revised reports have addressed relevant legislative requirements and have included all the necessary information required in impact assessments, Eco Logical Australia has no major recommendations to make.

Riparian zone

The site includes the riparian zone of a watercourse located in the adjoining properties. The application is required to be referred to the Department of Water and Energy as integrated development.

Landscape plan

- *Side setbacks*

To preserve neighbour amenity and achieve the intent of the zoning that requires 6 metres setback to buildings for provision of effective screen planting, the existing levels shall be retained between the driveway and southern site boundary. Excessive excavation within side setbacks should be avoided.

- *Common open space*

The proposal provides the major communal open space between Building 1 and 2. A smaller communal open space has been provided in the front setback. The central area includes a lawn area with ramped access from Building 1 'Lower Ground' and both areas provide several bench seats and an area of lawn. A partially elevated path links the two buildings from Building 1 Lower Ground Floor to Building 2 First Floor. Proposed reduced levels are unclear from Landscape Plan. Additional bottom of wall levels to western retaining wall of communal open space should be provided on the Landscape Plan in accordance with the architectural plans (Section CC, DA18).

Planting that continues the Sydney Turpentine Ironbark community through the centre of the site should be provided. An additional set of steps to the communal open space from the Building 1 Lower Ground Floor should also be incorporated for access.

- *Private courtyards*

Private courtyards have been defined generally as a 'timber screen fence' (architectural plans), however, no detail has been provided on the Landscape Plan or architectural plans. Proposed 2 metres high solid masonry private courtyard fencing to Units 1G02, Unit 1LG-04 and Unit 2G-01 does not comply with DCP55 which allows maximum 1.8m high fencing with only 1.2m solid component. The proposed fill (approx 900mm) for lower ground courtyards of Building 2 is considered excessive and should be replaced with existing ground levels.

- *Screen planting*

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Northern boundary – Syzigium paniculatum 'Dwarf' (Dwarf Lilly Pilly) 3m, Callistemon citrinus (Lemon Scented Bottlebrush) 3m, Dodonea triquetra (Hop Bush) 2m, Correa alba (White Correa) 1.5m, Acacia myrtifolia (Red-stemmed Wattle) 1.5m, Acacia implexa (Hickory Wattle) 10m, Elaeocarpus reticulatus (Blueberry Ash) 6-8m to be added.

Western boundary – Pittosporum revolutum (Yellow Pittosporum) 3m, Breynia oblongifolia (Breynia) 3m, Clerodendron tomentosum (Hairy Clerodendron) 3m. An additional five (5) Elaeocarpus reticulatus (Blueberry Ash) 6-8m to be added.

Southern boundary – Callistemon citrinus (Lemon Scented Bottlebrush) 3m, Pittosporum revolutum (Yellow Pittosporum) 3m, Breynia oblongifolia (Breynia) 3m, Polyscias sambucifolia (Elderberry Panax) 3m.

BASIX

Common area landscape nominated for indigenous or low water use species – 1557.9m².

Excavation plan

An excavation plan has been submitted indicating piling to the basement perimeter. Landscape excavation is considered to be excessive, particularly within the TPZ of existing trees.

Other issues and comments

Front Fence: A 1.8m high (total) metal picket fence on retaining wall with a stone clad entry is proposed. It is recommended that the fence be a maximum of 1.2m in height.

Stone cladding building to finish: There is a lot of stone finish to the retaining and freestanding walls as well as to the lower ground floor walls (Refer Building 2 'West Elevation', DA14C). There is no detail provided on the finishes diagram.

Access to principal communal open space: An additional set of steps to the communal open space from the Building 1 Lower Ground Floor is required to provide opportunity for more direct access from central pedestrian spine between Building 1 and 2.

Retaining walls to private courtyards: Proposed 2.18m retaining wall to private courtyard of Unit 1G01 restricts solar access to living room (refer Building 1, Section CC, DA18).

Private courtyard fencing: Proposed 2 metres high solid masonry private courtyard fencing to Units 1G02 in front setback and Unit 1LG-04 does not comply with DCP55 which allows maximum 1.8m high fencing with only 1.2m solid component.

Reduction in area of private courtyards to preserve Tree 64 – Unit 2LG-01 and 2LG-02: To preserve health and condition of Tree 64, the private courtyards shall not extend further west of external paving of Unit 2LG-01 and further north of external paving of Unit 2LG-02. Area to be included as common open space and the existing ground levels shall be retained beyond basement excavation.

Drawing inaccuracies/inadequacies

The deep soil landscape plan should be amended as follows:

Areas that are to be excluded from deep soil landscape area refer below:

- *Retaining walls required due to excessive change of level between courtyard and existing levels of side setback – Unit 1G-08, 1LG-01, 1LG-04*
- *Area of paving/courtyard to Unit 1G-01*

Areas that are to be deleted (included in deep soil landscape area) refer below:

- *the entire length of proposed retaining wall to the west of Building 2*

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Deep soil

The deep soil area calculation is 50.3% and complies with the minimum 50% requirement.

Tree & vegetation removal & impacts

An arborist's report, prepared by Landscape Matrix, dated 19/09/08, has been submitted as part of the application. Tree numbers refer to this report. Additional information from the arborist has considered construction impacts of proposed development in the assessment including the proposed temporary driveway crossing in relation to Tree 3.

- *Significant trees to be removed include:*

Eucalyptus resinifera (Red Mahogany) Tree 29/8H/3S /180DBH, lost leader, only epicormic regrowth remaining. Removal supported

Ulmus sp. (Elm) Tree 191/8H/8S /130DBH, front setback, visually prominent – to be removed for landscape works.

Laurus nobilis (Bay Tree) Tree 192/10H/190DBH/4S, front setback, visually prominent – to be removed for landscape works.

Elaeocarpus reticulatus (Blueberry Ash) Tree 199/10H/190DBH/5S, rear yard – to be removed for building

The following trees are not considered significant due to size, location and condition. Their removal will not have an adverse environmental impact and is supported:

Trees 9, 11, 14, 22, 26, 32, 37, 45, 108, 113, 114, 193, 196, 199, 200

- *Trees to be retained include:*

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Eucalyptus saligna (Sydney Blue Gum) Tree 13/12H/7S/350DBH, good form and vigour – 5.8m from basement, 4.8m from pond, 1.6m from rebuilt retaining wall, arborist's report states that there will be moderate to high impacts on the canopy as it extends 7m north east from the trunk. The proposed building is 5.9m to the south east of the tree so only minor pruning for building clearance should be required.

Angophora costata Tree 17/22H/14S/700DBH– 7m from the basement, 8.2m from the building, minor canopy pruning (5%)

Angophora costata Tree 18/22H/12S/540DBH– 7m from basement, minor canopy pruning (5%)

Lophostemon confertus (Brushbox) Tree 19/12H/6S/230DBH – 5.7m from basement

Eucalyptus resinifera (Red Mahogany) Tree 20/15H/400DBH/8S– 4.3m from basement, 5.2m from building, minor canopy pruning (5%)

Brachychiton acerifolius (Flame Tree) Tree 21/7H/3S/140DBH – 3.1m from basement

Brachychiton acerifolius (Flame Tree) Tree 23/11H/3S/200DBH – 3.2m from basement

Eucalyptus pilularis (Blackbutt) Tree 24/18H/9S/340/380DBH – 4.3m from basement

Melaleuca styphelioides (Prickly Paperbark) Tree 25/9H/4S/180DBH – 5.3m from basement

Corymbia maculata (Spotted Gum) Tree 28/14H/6S/310DBH – 4.4m from basement

Eucalyptus resinifera (Red Mahogany) Tree 30/17H/9S/425DBH – 3.2m from basement, 4.3m from building, minor canopy pruning (5%)

Eucalyptus pilularis (Blackbutt) Tree 31/23H/10S/6350DBH – 4.2m from basement, minor canopy pruning (5%)

Eucalyptus saligna (Sydney Blue Gum) Tree 47/20H, 9S, 400DBH – 1.6m from proposed treated pine sleeper wall.

Erythrina crista-galli (Cockscomb Coral Tree) Tree 54/10H, 10S, 530DBH – 7.3m from building, 3.7m from path, radius shown incorrectly on Landscape Plan, minor pruning recommended by arborist. Written permission required from adjoining owner.

Lophostemon confertus (Brushbox) Tree 190/19H/11S/450/800DBH – past pruning

Liquidambar styraciflua (Liquidambar) Tree 194/17H/10S/525DBH - secondary site access within canopy spread

Elaeocarpus reticulatus (Blueberry Ash) Tree 197/7H/3S/100DBH – 4.4m from basement

To preserve the health and condition of the following existing trees, the proposed batter to basement wall to west of Unit LG01 indicated on architectural (Section AA, DA13B, South

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Elevation DA12B and West Elevation DA11B) is to be deleted. Existing levels to be retained as per Landscape Plan. To be conditioned.

Street trees to be retained include:

Eucalyptus paniculata (Grey Ironbark) Tree 1/23H/15S/680DBH – 3.5m from the proposed driveway which is in the approximate position of the existing driveway. Low to moderate level of impact. Existing driveway is proposed to be demolished with restoration of natural ground levels of the nature reserve.

Angophora costata Tree 2/12H/12S/290DBH – 5m from proposed driveway.

Street trees to be removed include:

Eucalyptus globoidea (White Stringybark) Tree 3/17H/8S/480DBH, trunk damage, epicormic growth and dieback – to be removed for driveway.

Cedrus deodara (Himalayan Cedar) Tree 4/12H/290DBH/5S – to be removed for driveway.

Brachychiton acerifolius (Flame Tree) Tree 5/6H/1300DBH/2S – relocation of driveway to approximate location of the existing vehicle crossover will not impact this tree. Removal is not supported.

Construction Impacts:

The proposed site sheds are located within the canopy spread of existing trees that have been identified as characteristic of Sydney Turpentine Ironbark Forest. To preserve the health and condition of these trees, the site sheds should be located within the front setback.

Threatened Species Act (1995)

Council's Native Vegetation Association Map indicates that the site is characteristic of Sydney Turpentine Ironbark Forest (T3b). Remnant canopy species, such as Eucalyptus resinifera (Red Mahogany) Tree 29, are proposed to be removed and proposed construction is within the canopy spread of others that have been proposed to be retained.

An amended Flora report, prepared by Total Earth Care, dated March 2009, has been submitted. The amended report was referred to Council's Biodiversity Officer who made the following comments.

The revised reports have incorporated the majority of points raised by peer review of the original DA documents pertaining to ecological matters. No outstanding legislative issues remain. Given that the revised reports have addressed relevant legislative requirements and have included all the necessary information required in impact assessments, Eco Logical Australia has no major recommendations to make.

The amended plans submitted 4/11/10 have been further assessed by Total Earth Care in October 2010 and determined as not increasing the potential impact on the biodiversity of the subject site.

Landscape plan

- *Communal open space*

The proposal provides the major communal open space to the northern boundary (p 41, 46, SOEE). An additional area of communal open space is located along the western boundary and supports most of the existing remnant trees. No disabled access to either of the communal open space areas has been provided.

An additional ramp between the entry level and the western communal open space should be provided, the proposed mulch maintenance path between Beaconsfield Parade and the access ramp to the lower ground level should be replaced with a path of appropriate surface treatment for disabled access and should be 1m maximum width.

A secondary communal open space in the front setback, consisting of sloping lawn with greater solar access but less privacy, has been provided. This area has no disabled access.

- *Private courtyards*

To provide effective landscaping to the building, all private courtyards allow for generous planting areas within the site setbacks. The proposed 1.5m high masonry wall to the private courtyard of Unit LG01 should be reduced to a maximum 1.2m high masonry wall and a further 300mm transparent batten screen courtyard fencing as per the Landscape Plan.

- *Screen Planting*

Northern boundary – Syzigium paniculatum 'Dwarf' (Dwarf Lilly Pilly) 3m, Elaeocarpus reticulatus (Blueberry Ash) 6-8m, Clerodendron tomentosum (Hairy Clerodendron) 3m

Western boundary– Syzigium australe 'Elegance' 2m

Southern boundary – Syzigium australe 'Elegance (Dwarf Lilly Pilly) 1.5m Kunzea ambigua (Tick Bush) 2m, Ziera smithii (Sandfly Ziera) 2m

BASIX

Common area landscape nominated for indigenous or low water use species – 1178.8m².

Excavation plan

An excavation plan has been submitted indicating piling to the basement perimeter. To be conditioned.

Other issues and comments

Front fence: No fencing is proposed along Beaconsfield Parade.

Disabled access to the communal open space: An additional ramp between the entry level and the western communal open space should be provided. The proposed mulch maintenance path between Beaconsfield Parade and the access ramp to the Lower Ground

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level should be replaced with a path of appropriate surface treatment for disabled access and be a maximum width of 1 metre.

Private courtyard fences: The proposed 1.5m high masonry wall to the private courtyard of Unit LG01 is to be reduced to a maximum of 1.2m high masonry and a further 300mm transparent batten screen courtyard fencing as per Landscape Plan. The architectural plans should be amended to ensure consistency between plans.

Removal of fill within canopy spread of existing trees: To preserve health and condition of Tree 47 and 54, the proposed batter to the basement wall to the west of Unit LG01 indicated on architectural shall be deleted (Section AA, DA13B, South Elevation DA12B and West Elevation DA11B). Existing levels should be retained as per the Landscape Plan. Architectural plans should be amended to ensure consistency between plans.

Ecology

Council's Ecological Assessment Officer, commented on the proposal as follows:

DA0987/08

The ecological review of the study area was based on the results of a desktop review and a site inspection by John Whyte, Ecological Assessment Officer of Ku-ring-gai Council on 30 November 2010.

During the site inspection, remnant Blue Gum High (BGHF) listed as a Critically Endangered Ecological Community (EEC) under the Threatened Species Conservation Act 1995 was identified. As well as the EEC, suitable habitats for threatened mobile fauna species listed under the aforementioned act were also observed.

The flora and fauna assessment, prepared by Total Earth Care, has adequately assessed the proposal in accordance with section 5A of the Environmental Planning and Assessment Act 1979.

On this basis, the development proposal is deemed satisfactory and is unlikely to compromise the existing Blue Gum High Forest and fauna habitats within the site and locality.

DA0988/08

This ecological review of the study area was based on the results of a desktop review and a site inspection by John Whyte, Ecological Assessment Officer of Ku-ring-gai Council on 30 November 2010.

During the site inspection, remnant Blue Gum High Forest (BGHF) & Sydney Turpentine Ironbark Forest (STIF) listed under the Threatened Species Conservation Act 1995 as endangered ecological communities were identified. As well as the CEEC suitable habitats for threatened mobile fauna species listed under the aforementioned act were also observed.

- *Review of flora and fauna assessment*

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The flora and fauna assessment, prepared by Total Earth Care, has adequately assessed the proposal in accordance with section 5A of the Environmental Planning and Assessment Act 1979.

On this basis, the development proposal is deemed satisfactory and is unlikely to compromise the existing Blue Gum High Forest & Sydney Turpentine Ironbark Forest communities and fauna habitats within the site and locality.

The following species are to be substituted from the landscape plan along the western boundary of the site.

<i>Proposed landscape planting</i>	<i>Replacement species</i>
<i>Correa alba</i>	<i>Daviesia ulicifolia</i>
<i>Correa reflexa</i>	<i>Leucopogon juniperinus</i>
<i>Banksia spinulosa</i>	<i>Rapanea variabilis</i>
<i>Viburnum tinus</i>	<i>Pittosporum revolutum</i>

Engineering

Council's Engineering Assessment Team Leader, commented on the proposal as follows:

DA0986/08

The following documents were used for the assessment:

- *Metroplan Statement of Environmental Effects, dated November 2010;*
- *Usher & Company Subdivision Plan 2429-DRAFT Issue 1, dated 22 October 2010.*

Vehicular access

At present, vehicular access to 8 and 10a Beaconsfield Parade is via a driveway from Beaconsfield Parade which is covered by reciprocal rights of carriageway over the three battleaxe handles. The drawings indicate that the handles are to be amalgamated into proposed Lot B and the reciprocal rights of carriageway extinguished.

The dwellings at 8 and 10a Beaconsfield Parade would then be left without any means of vehicular access. A right of carriageway over Lot 7 (8a Drovers Way) benefits Lot 8 (10 Beaconsfield) only. For continued vehicular access to all residences on proposed Lot A, the terms of the right of way would need to be amended to include those lots.

Reference to the title certificate for 8a Drovers Way (not part of the subject application) indicates that that property also benefits from the right of carriageway and easements over 8, 10 and 10a Beaconsfield Parade, even though they are not contiguous. The consent of the owner of 8a Drovers Way would have to be included on any Section 88B Instrument proposing to extinguish those easements and rights.

It is Council's usual practice to require the approval of a benefitting owner to the extinguishment of a burden or the burdened owner to the expansion of terms. This has not been addressed by the applicant at this stage.

Stormwater drainage

Proposed Lot B can drain by gravity to the street gutter in Beaconsfield Parade.

Stormwater runoff from proposed Lot A is intended to be discharged to the existing drainage system within 4 Drovers Way by means of an existing easement described by the Instrument H955048. A copy of this instrument has been provided. Neither 10a Beaconsfield Parade (Lot D DP385269) or 8 Beaconsfield Parade (Lot 3 DP221962) benefit from the easement. The terms of the easement must benefit all lots which are intended to constitute Lot A.

Furthermore, Council has given approval to the relocation of the drainage easement within 4 Drovers Way. There is no condition on that approval requiring easements benefiting upstream properties to be relocated in conjunction with the works. Therefore, it is necessary for provision to be made for runoff from the proposed Lot A to drain into the relocated easement.

It is expected that the pipe within the easement to drain a residential flat building on Lot A will need to be at least 300mm diameter. Under Council's DCP 47, an interallotment drainage easement over a 300mm diameter pipe needs to be 1.3 metres wide.

It is Council's usual practice to require a letter from the downstream owner agreeing to the new or augmented easement.

In this case, should the development application be approved deferred commencement conditions could be imposed which require the amendments to burdens and benefits to be done as part of Schedule A.

DA0987/08

The proposal is for 68 units (28x1br, 25x2br and 15x3br) in two buildings on Lot A (site area 4,613 square metres) of the proposed subdivision which is the subject of DA0986/08.

Amended plans have now been received and the following documentation has been used for the assessment:

- *Metroplan Statement of Environmental Effects (SEE), dated November 2010;*
- *BASIX Certificate 343572M dated 29 October 2010;*
- *Wolski Coppin Driveway Sections DR01B and Drawings DA04B, DA05C, DA06D, DA07C, DA08D, DA09D, DA DA16C and DA18.*
- *ACOR Appleyard letter dated 28 October 2010;*
- *ACOR Appleyard Drawings G0090667/P1 and P2, Issue 2, dated 10/3/10;*
- *Accessibility Solutions Access Report dated 26 October 2010.*

An assessment against the Ku-ring-gai Development Control Plan (Town Centres) 2010 was included with the SEE, although the application was originally lodged under DCP 55.

Water management

Council engaged a hydrological expert, Dr Geoffrey O'Loughlin, to undertake an assessment of the proposed water management associated with this development and others around to

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determine whether there would be an adverse effect on downstream properties in regard to flooding and water quality.

Dr O'Loughlin's findings, presented in his report dated 16 June 2010, were:

"...with appropriate controls and devices, the flooding hazards and stormwater pollutant loads will not be worsened by the proposed developments." He went on to state "I would expect that for DA submissions, Council would require concept plans showing the location of stormwater treatment devices and information on maintenance procedures." This requirement was conveyed to the applicant in a letter dated 29 June 2010.

Despite Council's request, amended water management plans and the other information requested were not submitted with the latest amended architectural plans and other documentation. Only a letter from ACOR Appleyard dated 28 October 2010 was submitted, which states:

"...it is anticipated that the findings set out in our reports dated 11 March 2010 and 21 May 2010 would also be appropriate for this development".

The findings of the report, dated 12 March 2010 do not deal with water quality, only with flooding. The findings of the report, dated 21 May 2010, are "The proposed treatment train is generally in accordance with the individual Stormwater Management Plans prepared for each site albeit with the inclusion of a Humeceptor which treats roof and driveway stormwater."

The most up to date water management plans in the DA file are Drawings G0090667/P1 and P2, Issue 2, dated 10/3/10, which were sent to Council electronically as an attachment to ACOR Appleyard report of 12 March 2010.

No Humeceptor is shown on those drawings and they are of such a conceptual nature that it is still not clear that all roof areas can drain into the OSR/ OSD tank, through such water quality devices. Neither do they demonstrate that the proposed system complies with the requirements of Council's DCP 47 Water management in regard to design of OSD systems.

These drawings show a combined detention/retention tank beneath the lower basement of Building 1. Schematic pipe locations are indicated with the notation "Connect roof drainage to OSD/OSR. Support pipe from basement in accordance with AS/NZS3500".

The outlet from the detention tank around the north-western side of the building is shown schematically as well. The pipe is required to be installed across the carpark ramp between the two buildings. The pipe level would be between RL82.40 and RL82.15, however, there is a void over this section of the carpark, with a ceiling level of RL86.3, so the pipe would be suspended across here, restricting headroom to about 1.5 metres, which is not sufficient even for a car, let alone the small waste collection vehicle.

The discharge control pit (DCP) is proposed to be against the north-western side of Building 2, apparently in a private courtyard, contrary to the requirements of Appendix A5.1h of DCP 47.

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There is no evident safe route to prevent surcharge from the DCP from entering the downstream property, as is required by Appendix A5.1o) of DCP 47.

The top water level of the detention system is shown on the ACOR Appleyard plan as RL83.40, although the landscape plan has the courtyard level at RL83.50; either way, the overflow is not 300mm below the floor level of all habitable areas adjacent to the OSD, as required by A5.1q)(i) of DCP 47. (Building 2 Lower Ground level RL83.60).

If driveway runoff is also to be treated by the Humeceptor, it would need to be positioned where such runoff could be collected prior to entry into the pump-out pit beneath the lowest basement level of Building 2. Details should be provided.

It is also not clear whether the erosion and sedimentation control drawings originally submitted, ACOR Appleyard Drawings C1-5 to C1-7, remain current.

Traffic and parking

The site is within 400 metres of Lindfield railway station, so under the KPSO, 68 resident and 17 visitor parking spaces are required.

Under the Town Centres DCP, a minimum of 60 resident and maximum of 90 resident spaces plus 17 visitor spaces are required.

For the adaptable units, 7 disabled resident parking spaces are required under both DCP 55 and the Town Centres DCP. One disabled visitor space is required.

According to the Compliance Checklist in Section 3.2 of the SEE, 89 resident and 17 visitor spaces are provided.

AS2890.6:2009 requires disabled parking spaces to have a minimum width of 2.4 metres, provided there is a 2.4 metre wide shared zone adjacent.

AS2890.1:1993, still called up under the BCA, requires only 3.2 metres width for disabled parking spaces.

The plans indicate 80 resident parking spaces and 17 visitor spaces of standard width. One disabled visitor space is provided in space V6 or 38, located on Building 2 upper basement RL80.57 – its width is 3.8 metres which is sufficient under AS2890.1:1993.

The resident disabled spaces are shown as spaces 26 and 27 in Building 2 lower basement and 47 and 48 in Building 2 upper basement - although these are marked as 2.4 metres wide, there is adequate space adjacent to each to achieve compliance with Section 2.4.5 of AS2890.1:1993.

Spaces 17 and 18 in Building 2 lower basement and 39 in Building 2 upper basement (3.8m wide) and Space 27 in Building 1 lower basement RL83.83 (4.0m wide) comply with AS2890.1:1993.

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According to the Compliance Checklist in Section 3.2 of the SEE, 21 bicycle spaces are provided. This complies with the requirements of both DCP 55 and the Town Centres DCP (1 per 5 units for residents and 1 per 10 units for visitors, ie 21 total).

The entry driveway gradients are satisfactory. There is a slight non-compliance with the requirement of AS2890.1:2004 that the maximum grade be 5% for the first 6 metres, in that the high side of the driveway is at 5% for 4 metres and 10% for 2 metres. This is due to the steepness of the site, has been endorsed by the applicant's traffic engineer and is accepted.

Waste management

Space is required for 68x240 litres containers (68/2 for garbage, 68/4 for paper and 68/4 for mixed recycling). The SEE states that space for 44 containers is provided in Building 1 and for 28 containers in Building 2, and that each room can be accessed by Council's waste collection vehicle. A longitudinal section along the entry driveway to Building 1 is provided to confirm the 2.6 metres of headroom required for the small waste collection vehicle.

For access to Building 2, it appears that the voids provided will allow for adequate headroom. Driveway gradients are satisfactory with a maximum of 20%.

Geotechnical investigation

Due to access restrictions, only one borehole has been drilled to date, close to the Drivers Way boundary of the site.

The report recommends additional boreholes following demolition. Recommendations are contained in the report for dilapidation survey of nearby structures, vibration monitoring and excavation methods and support.

Regarding hydrogeological considerations, the report states "we do not consider that there is a likelihood of the construction of the basement causing significant interference to the groundwater flow due to the relatively impermeable nature of the subsurface profile".

It is not unusual for geotechnical recommendations to be of a general nature pending further investigation.

Conclusion

The application is not supported as insufficient information has been submitted regarding water management for the development, as follows:

- 1. Section 8.3.1 of Council's DCP 47 Water management requires treatment of captured stormwater to achieve water quality targets.*
- 2. Appendix 5 of DCP 47 contains design requirements for on site detention systems.*
- 3. Council engaged a hydrological expert, Dr Geoffrey O'Loughlin, to undertake an assessment of the proposed water management associated with this development and others around to determine whether there would be an adverse effect on downstream properties in regard to flooding and water quality.*
- 4. Dr O'Loughlin recommended*

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"I would expect that for DA submissions, Council would require concept plans showing the location of stormwater treatment devices and information on maintenance procedures."

This requirement was conveyed to the applicant in a letter dated 29 June 2010.

- 5. Despite Council's request, amended water management plans and the other information requested were not submitted with the latest amended architectural plans and other documentation.*
- 6. The most up to date water management plans in the DA file are Drawings G0090667/P1 and P2, Issue 2, dated 10/3/10, which were sent to Council electronically as an attachment to ACOR Appleyard report of 12 March 2010.*
- 7. No stormwater treatment devices are shown on those drawings, which do not demonstrate that all roof areas can drain into the OSR/ OSD tank through such devices.*
- 8. Neither do the drawings demonstrate that the proposed system complies with the requirements of Council's DCP 47 Water management in regard to design of OSD systems.*
- 9. These drawings show a combined detention/ retention tank beneath the lower basement of Building 1. Schematic pipe locations are indicated with the notation "Connect roof drainage to OSD/OSR. Support pipe from basement in accordance with AS/NZS3500".*
- 10. The outlet from the detention tank around the north-western side of the building is shown schematically as well. The pipe is required to be installed across the carpark ramp between the two buildings. The pipe level would be between RL82.40 and RL82.15, however there is a void over this section of the carpark, with a ceiling level of RL86.3, so the pipe would be suspended across here, restricting headroom to about 1.5 metres, which is not sufficient even for a car, let alone the small waste collection vehicle.*
- 11. The discharge control pit (DCP) is proposed to be against the north-western side of Building 2, apparently in a private courtyard, contrary to the requirements of Appendix A5.1h) of DCP 47.*
- 12. There is no evident safe route to prevent surcharge from the DCP from entering the downstream property, as is required by Appendix A5.1o) of DCP 47.*
- 13. The top water level of the detention system is shown on the ACOR Appleyard plan as RL83.40, although the landscape plan has the courtyard level at RL83.50; either way, the overflow is not 300mm below the floor level of all habitable areas adjacent to the OSD, as required by Appendix A5.1q)(i) of DCP 47. (Building 2 Lower Ground level RL83.60).*
- 14. If driveway runoff is also to be treated, such runoff must be collected prior to entry into the pump-out pit beneath the lowest basement level of Building 2. Details have not been provided.*

15. *It is also not clear whether the erosion and sedimentation control drawings originally submitted, ACOR Appleyard Drawings C1-5 to C1-7, remain current.*

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The following documents were used for the assessment:

- *Metroplan Statement of Environmental Effects dated November 2010;*
- *Wolski Coppin architectural plans DA04B to DA14B and DA15A;*
- *BASIX Certificate 343954M dated 29 October 2010;*
- *ACOR Appleyard letter dated 28 October 2010;*
- *ACOR Appleyard Drawings 382716/C2-1, C2-2 and C2-3, all Issue 3, dated 16/9/08.*

Water management

Council engaged a hydrological expert, Dr Geoffrey O'Loughlin, to undertake an assessment of the proposed water management associated with this development and others around to determine whether there would be an adverse effect on downstream properties in regard to flooding and water quality.

Dr O'Loughlin's findings, presented in his report dated 16 June 2010, were that:

"...with appropriate controls and devices, the flooding hazards and stormwater pollutant loads will not be worsened by the proposed developments."

He went on to state "I would expect that for DA submissions, Council would require concept plans showing the location of stormwater treatment devices and information on maintenance procedures."

This requirement was conveyed to the applicant in a letter dated 29 June 2010.

Despite Council's request, amended water management plans and the other information requested were not submitted with the latest amended architectural plans and other documentation. Only a letter from ACOR Appleyard dated 28 October 2010 was submitted, which states "...it is anticipated that the findings set out in our reports dated 11 March 2010 and 21 May 2010 would also be appropriate for this development".

The findings of the report dated 12 March 2010 do not deal with water quality, only with flooding. The findings of the report dated 21 May 2010 are "The proposed treatment train is generally in accordance with the individual Stormwater Management Plans prepared for each site albeit with the inclusion of a Humeceptor which treats roof and driveway stormwater."

The most up to date water management plans in the DA file are Drawings 382716/C2-1, C2-2 and C2-3, all Issue 3, dated 16/9/08, which were sent to Council electronically as an attachment to ACOR Appleyard report of 12 March 2010.

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No Humeceptor is shown on those drawings so it is not clear that all roof areas can drain into the OSR/ OSD tank, through such water quality devices.

If driveway runoff is also to be treated by the Humeceptor, it would need to be positioned where such runoff could be collected prior to entry into the pump-out pit beneath the lowest basement level. Details should be provided.

The drawings show a previous layout. The combined detention and retention tank is beneath the entry drive, which is now 4 metres uphill of its original location, with correspondingly higher levels and a shorter length. The tank volume and depth will therefore be affected and it is not clear that they will be adequate. The basement carpark layout is quite different so the drawings could not be stamped with the DA stamp.

All levels of the top of the tank (ie at the high and low sides) should be shown on the stormwater plan.

It is also not clear whether the erosion and sedimentation control drawings originally submitted, ACOR Appleyard Drawings C2-5 and C2-6, remain current.

Traffic and parking

The site is within 400 metres of Lindfield railway station, so 40 resident and 10 visitor parking spaces are required. Four adaptable units are required, and four disabled resident parking spaces and one disabled visitor space.

The basement carpark contains 51 standard width resident spaces, 9 standard width visitor spaces, 1 disabled visitor space (not conveniently located) and 4 disabled resident spaces. With the exception of Space 45, the disabled parking spaces comply with AS2890.1:1993, which is called up by the BCA. Space 45 does not seem to provide the clear width required, due to the column, and the walkway on the other side, if divided between the two disabled spaces, makes each one 3.1 metres wide only (3.2 metres minimum required).

However, there is an oversupply of 11 resident parking spaces, so two of these could easily be adapted to create another disabled space. This could be conditioned.

Sufficient bicycle parking as required under DCP 55 is provided.

Moving the entry driveway up may have caused a discrepancy in the levels. The level at the boundary in the centre of the driveway should be approximately RL91.50, and 6 metres inside the property at 5%, as required under AS2890.1:2004, the level should be RL91.20, however, the architectural drawing shows RL90.70.

This needs to be corrected now because the driveway would be constructed to the levels on the architectural plans and the difference between those levels and the natural ground level at the boundary may not become evident until a driveway slab is actually in place. It also needs to be corrected on the stormwater plans, because the capacity of the tank might be compromised or vehicular access obstructed if the tank levels are not consistent with those on the architectural plans.

Waste management

The ground floor level over the carpark entry is RL93.53, and the driveway level is RL89.20, a difference of 4.33 metres. However, see above regarding the levels for the entry drive. When these are corrected, it is most likely that the minimum headroom of 2.6 metres will still be available, but this should be confirmed by the preparation of a longitudinal section.

Conclusion

The application is not supported as insufficient information has been submitted regarding water management and vehicular access for the development as follows:

- 1. Section 8.3.1 of Council's DCP 47 Water management requires treatment of captured stormwater to achieve water quality targets.*
- 2. Council engaged a hydrological expert, Dr Geoffrey O'Loughlin, to undertake an assessment of the proposed water management associated with this development and others around to determine whether there would be an adverse effect on downstream properties in regard to flooding and water quality.*
- 3. Dr O'Loughlin recommended*

"I would expect that for DA submissions, Council would require concept plans showing the location of stormwater treatment devices and information on maintenance procedures."

This requirement was conveyed to the applicant in a letter dated 29 June 2010.

- 4. Despite Council's request, amended water management plans and the other information requested were not submitted with the latest amended architectural plans and other documentation.*
- 5. The most up to date water management plans in the DA file are Drawings 382716/C2-1, C2-2 and C2-3, all Issue 3, dated 16/9/08, which were sent to Council electronically as an attachment to ACOR Appleyard report of 12 March 2010.*
- 6. No stormwater treatment devices are shown on those drawings, which do not demonstrate that all roof areas can drain into the OSR/ OSD tank through such devices.*
- 7. The stormwater management plans show a previous building layout. The combined detention and retention tank is beneath the entry drive, which is now 4 metres uphill of its original location, with correspondingly higher levels and a shorter length. The tank volume and depth will therefore be affected and it is not clear that they will be adequate. The basement carpark layout is quite different so the drawings could not be stamped with the DA stamp.*
- 8. All levels of the top of the tank (ie at the high and low sides) should be shown on the stormwater plan.*

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9. *If driveway runoff is also to be treated, such runoff must be collected prior to entry into the pump-out pit beneath the lowest basement level. Details should be provided.*
10. *It is also not clear whether the erosion and sedimentation control drawings originally submitted, ACOR Appleyard Drawings C2-5 and C2-6, remain current.*
11. *The level at the boundary in the centre of the driveway should be approximately RL91.50, and 6 metres inside the property at 5%, as required under AS2890.1:2004, the level should be RL91.20, however, the architectural drawing shows RL90.70.*
12. *Because of the gradient of Beaconsfield Parade at the driveway location, longitudinal sections of the high and low side of the new vehicular crossing and driveway should have been prepared. This is to determine the amount of regrading which may be required in Council's nature strip and to confirm that levels will comply with Council's standard vehicular crossing profiles and AS2890.1:2004 Off street car parking.*
13. *The levels need to be correct now because the driveway would be constructed to the levels on the architectural plans and the difference between those levels and the natural ground level at the boundary may not become evident until a driveway slab is actually in place.*
14. *The entry driveway levels need to be correct on the stormwater plans, because the capacity of the tank might be compromised, or vehicular access obstructed if the tank levels are not consistent with those on the architectural plans.*
15. *The ground floor level over the carpark entry is RL93.53, and the driveway level is RL89.20, a difference of 4.33 metres. When the entry driveway levels are corrected, it is most likely that the minimum headroom of 2.6 metres required for Council's small waste collection vehicle to enter the basement will still be available, but this should have been confirmed by the preparation of a longitudinal section.*

Catchment management

Council's Technical Officer Water and Catchments, commented on the proposal as follows:

DA0987/08

There is no riparian zone mapped on the subject site, however, there is a waterway (Category 3 riparian zone, a headwater tributary to Little Blue Gum Creek) on an adjacent lot within 40m of the proposed development. The development proposal includes plans to direct stormwater from the site through an easement to the waterway.

Plans/documents sited

The applicant has submitted an amended Statement of Environmental Effects (November 2010), however, no amended stormwater management plans have been submitted since those revised on 10/03/2010.

Appendix N contained in the SEE – Advice from Acor Appleyard has been provided. In summary, the letter (dated 28/10/2010) outlines that the updated architectural plans are similar enough to previous

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plans so that the previously specified stormwater quality and quantity controls could be incorporated into the new development.

This letter does not address any of the issues raised by Council in its letter "Assessment – Stormwater Management" to the applicant (dated 19/06/2010). This letter requested updated and additional information relating to the stormwater plans. This information has not been provided.

Conclusions

The application cannot be supported due to unsatisfactory and inadequate information. Information requested as part of a previous assessment (letter dated 19/06/2010) has not been provided.

- 1. Additional detail is required to demonstrate the exact location, dimensions and implementation of the OSD and water quality treatment device(s), including a maintenance schedule (as required by DCP47 Section 8.3.1g/Town Centres DCP 5F.2(7)). The stated performance of the OSD and treatment system remains uncertain.*
 - a. This information is required to ensure that the devices are positioned appropriately to ensure that both buildings can drain to the device(s) and that they can be maintained appropriately.*
 - b. Plans should show that the orifice plate will be put in place as soon as the OSD system is constructed to ensure minimal negative impact from increased flows on the downstream environment.*
- 2. No detail has been provided addressing the concerns relating to the system not meeting Council's stormwater quality requirements (DCP47 Section 8.3.1/Town Centres DCP Section 5F.2), uncertainty remains regarding the water quality treatment performance of the concept system.*
 - a. This relates to the water quality entering the downstream environment and it is preferable that the proposed stormwater treatment train be amended to ensure that each of the objectives is met.*
 - i. If the objectives cannot be met then justification should be provided with evidence to demonstrate that the best treatment possible for the site is achieved.*
- 3. No detail has been provided for the new outlet structure for the easement at the receiving waterway, uncertainty remains around the potential for erosion of the receiving waterway as a result of the outlet.*
 - a. This detail is required to ensure that the outlet will not have adverse impact on the receiving waterway and should be designed in conjunction with the NOW guidelines (as outlined in the letter dated 19/06/2010).*
- 4. No information has been provided relating to the impact of the controlled flows from the OSD system on the receiving waterway and whether this is lower than the "stream (or channel) forming flow". Uncertainty remains around erosion along the extent of the*

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receiving waterway, a headwater tributary which is unlikely to be robust to changes in flow regime.

- a. *If the water released from the OSD system is at or above the "stream (or channel) forming flow" for the receiving waterway then there is likely to be excess erosion as part of the development, which is against the objectives of the water management controls. This potential impact should be addressed and mitigated through design of the OSD system.*

Outside Council

NSW Office of Water (NOW)

Under the provisions of section 91 of the Environmental Planning and Assessment Act 1979, DA0987/08 is integrated development on the basis that it requires development consent from Ku-ring-gai Council as well as a Part 3A permit from NSW Office of Water (NOW, branch of the Department of Environment, Climate Change and Water NSW) under the Water Management Act 2000, due to the development involving excavation within 40 metres of a water course.

Accordingly, Amendment 2 has been referred to NOW for comment. Their response (**Attachment C**) was as follows:

I refer to your recent letter regarding an Integrated Development Application (DA) proposal for the subject property. Attached, please find the NSW Office of Water's General Terms of Approval (GTA) for 'works' requiring a Controlled Activity Approval under the Water Management Act 2000 (WMA) as detailed in the subject DA.

Council's Technical Officer Water and Catchments, has provided the following comments in response to the general terms of approval:

The key differences between the GTA comments from NSW Office of Water and Council's assessment include:

The GTA relate to the works that occur directly to the 'waterfront land', including the outlet construction and vegetation impacts which have not been adequately shown on the plans. There is overlap between the further information required by Council and that listed in the GTA. However, in addition to the lack of information shown on the plans there is also concern over:

- *the uncertainty relating to achieving the water quality requirements (DCP 47 section 8.3.1/Town Centres DCP Section 5F.2); and*
- *uncertainty relating to the impact of the flows (from the OSD) on the receiving system.*

Council requires the information for these issues to ensure that any proposed solutions meet the water quality and flow objectives.

STATUTORY PROVISIONS

State Environmental Planning Policy No. 1 – Development Standards

SEPP 1 provides flexibility in applying development standards and enables a consent authority to vary a standard where strict compliance would be unnecessary, unreasonable or tend to hinder the objectives of the Environmental Planning & Assessment Act, 1979. Where there is a variation to a development standard, the application must be accompanied by a SEPP 1 Objection.

Clause 25I(7),(8), (9) and Clause 25K form the suite of built form controls which apply to the proposed development. DA0988/08 fails to comply with the top storey and steeply sloping site requirements under LEP194-KPSO. The applicant has lodged a SEPP 1 Objection seeking variation to Clauses 25I(7) and Clause 25K of the KPSO.

The applicant's the SEPP1 objections are considered below.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require consideration of 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 No. 65 - Design quality of residential flat development and the Residential Flat Design Code (RFDC)

SEPP 65 aims to improve the design quality of residential flat buildings across New South Wales and to provide an assessment framework and design code for assessing "good design".

Pursuant to Clause 50 of the EP& A Regulation 2000, a design verification Statement is to be submitted which states the application has been designed in accordance with the design quality principles under Part 2 of the SEPP. The submitted Statement of Environmental Effects (SEE), dated November 2010 for both DA0987/08 and DA0988/08 includes a design verification statement by D. Wolski of Wolski Coppin Architecture. However, the statement is undated and it is not certain whether the statement relates to the current amended proposal.

Council's Urban Design Consultant has reviewed DA0986/08, DA0987/08 and DA0988/08 (as amended November 2010) in relation to SEPP65 and considers that the proposal is not satisfactory in this regard.

State Environmental Planning Policy-Building Sustainability Index (BASIX)

A BASIX Certificate has been submitted with DA0987/08 and DA0988/08 demonstrating compliance with the prescribed targets for energy, water and thermal performance (DA0987/08 Certificate No 343572M; DA0988/08 Certificate No 343954M). The proposed development is therefore deemed to comply with the requirements of SEPP (BASIX).

Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment)

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The site is located within the Sydney Harbour Catchment area (Clause 3(1) of the SREP). The provision of Clause 2(1) of the SREP, state:

"2 Aims of plan

(1) This plan has the following aims with respect to the Sydney Harbour Catchment:

- (b) to ensure a healthy, sustainable environment on land and water*
- (c) to achieve a high quality and ecologically sustainable urban environment*
- (g) to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity"*

Part 2 (Planning principles) Clause 13 (Sydney Harbour Catchment) of the SREP also applies to the site, which states:

"13 Sydney Harbour Catchment

The planning principles for land within the Sydney Harbour Catchment are as follows:

- (a) development is to protect and, where practicable, improve the hydrological, ecological and geomorphological processes on which the health of the catchment depends,*
- (b) the natural assets of the catchment are to be maintained and, where feasible, restored for their scenic and cultural values and their biodiversity and geodiversity,*
- (c) decisions with respect to the development of land are to take account of the cumulative environmental impact of development within the catchment,*
- (d) action is to be taken to achieve the targets set out in Water Quality and River Flow Interim Environmental Objectives: Guidelines for Water Management: Sydney Harbour and Parramatta River Catchment (published in October 1999 by the Environment Protection Authority), such action to be consistent with the guidelines set out in Australian Water Quality Guidelines for Fresh and Marine Waters (published in November 2000 by the Australian and New Zealand Environment and Conservation Council),*
- (e) NA*
- (f) NA*
- (g) NA*
- (h) development is to improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water,*
- (i) action is to be taken to achieve the objectives and targets set out in the Sydney Harbour Catchment Blueprint, as published in February 2003 by the then Department of Land and Water Conservation,*

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(j) development is to protect and, if practicable, rehabilitate watercourses, wetlands, riparian corridors, remnant native vegetation and ecological connectivity within the catchment..."

The proposal fails to satisfactorily address direct and indirect impacts on the watercourse and associated down stream impacts within the catchment area. Based on the environmental impacts and unsatisfactory information (refer comments by Council's Team Leader Development Engineers and Council's Technical Officer Water and Catchments), the proposal fails to satisfy the above aims and principles of SREP (Sydney Harbour Catchment) 2005.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Zoning and permissibility

The site is zoned Residential 2(d3).

Under Clause 25B (definitions) of the KPSO – LEP194, a residential flat building is defined as '*a building containing three or more dwellings.*' The residential flat buildings proposed on the site satisfy this definition and are permissible with consent pursuant to the development control table under Clause 23 of the KPSO.

Aims and objectives for residential zones

Having regard to the issues raised in this report, the proposal does not satisfy the following aims and objectives for residential zones:

Clause 25C(2) - Objectives of Part 3A under the KPSO:

- 2(a) to provide increased housing choice
- 2(b) to encourage the protection of the natural environment of Ku-ring-gai, including biodiversity, the general tree canopy, natural watercourses, natural soil profiles, groundwater and topography and to reduce and mitigate adverse impacts of development on natural areas
- 2(c) to achieve high quality urban design and architectural design
- 2(f) to encourage use of public transport, walking and cycling (excessive carparking, 17 spaces)
- 2(g) to achieve a high level of residential amenity in building design for the occupants of buildings through sun access, acoustic control, privacy protection, natural ventilation, passive security design, outdoor living, landscape design, indoor amenity and storage provision.

Clause 25D(2) – Consideration of residential zone objectives under the KPSO:

- 2(h) to encourage water sensitive urban design
- 2(i) to encourage the protection and enhancement of open watercourses

Clause 25I – Heads of consideration for multi-unit housing

- 1(b) the impact of any overshadowing, and any loss of privacy and loss of outlook, likely to be caused by the proposed development
- 1(c) the desirability to achieve an appropriate separation between buildings and site boundaries and landscaped corridors along rear fence lines

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- 1(d) the environmental features that are characteristic of the zone in which the site is situated by requiring sufficient space on-site for effective landscaping
- 1(e) the desirability of adequate landscaping so that the built form does not dominate the landscape
- 1(f) how the principles of water cycle management can be applied to limit the impacts of runoff and stormwater flows off site.

Development standard	COMPLIANCE TABLE - DA0986/08	Complies
Site area (min): 1200m ²	Lot A: 4613m ² Lot B: 3254m ²	YES
Street frontage (min): CL25H(4): 23m CL25I(3): 30m	Lot A: 58.745m Lot B: 49.9m	YES

Development Application 0986/08 is for the proposed subdivision of land upon which development proposed under DA0987/08 and DA0988/08 (if approved and constructed) will stand.

Consequently, the subdivision must be considered not only in view of the surrounding subdivision pattern but importantly must also be considered on merit in terms of any associated impacts of the proposed future development for these sites.

The proposed subdivision line presents an irregularity at the mid-point of the northern boundary of Lot A/rear south-west corner of Lot B. The subdivision line is inconsistent with the surrounding pattern of subdivision. The application offers little justification for this irregularity.

Having regard to Council’s assessment letters dated 16 June 2010 and given the issues raised in relation to DA0987/08 and DA0988/08, it appears that the boundary irregularity serves no real planning purpose other than to obtain a greater floor space yield in relation to DA0987/08.

The amended proposal involves a re-alignment of the boundary irregularity. The alignment still appears to rely on ensuring no change to the proposed site area of Lot A and B. It is noted that the amended proposal reduces the FSR for both DA0987/08 (from 1.34:1 to 1.3:1) and DA0988/08 (from 1.39:1 to 1.3:1). However, the amended boundary irregularity does not overcome Council’s previous concerns that the irregularity serves no real planning purpose other than to obtain a greater floor space yield in relation to DA0987/08. In this regard, the nature of the subdivision is not well justified and creates an unnecessary irregular shaped arrangement, when compared to the surrounding subdivision pattern.

Council’s Urban Design Consultant considers that the proposal fails in many areas to satisfy SEPP65 and lacks a strategic and contextual approach when undertaking the site master planning. The proposed scheme results in a poor relationship of buildings to the site, problems with access, address and entry, poor relationship with the single dwelling house context located down hill of the development and apartments with unsatisfactory amenity. The proposal currently presented as three separate development applications should be presented as one site and a master plan informed by the contextual and physical constraints.

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Development standard	COMPLIANCE TABLE - DA0987/08	Complies
Site area (min): 1200m ²	Lot A: 4613m ²	YES
Deep landscaping (min): 50%	≥50%	YES
Street frontage (min): 30m	58.745m	YES
Number of storeys (max): Five (5)	Six (6) Development benefits from Clause 25K steeply sloping site provisions	YES
Site coverage (max): 35% 1614.55sqm	<35%	YES
Top floor area (max): 60% of level below	Applicants calculation: Building 1: Level 5: 59.9% of Level 4 Level 6: 59.9 of Level 5 Building 2: Level 5: 55% of Level 4 Level 6: 55% of Level 5 Council's assessment: Unsatisfactory documentation to undertake an accurate assessment	NO (unsatisfactory information)
Storeys and ceiling height (max): 4 (not including top storey) 13.4m	4 <13.4m	YES YES
Storeys and ceiling height (max): 6 storeys 16.4 metres (13.4m + 3m = 16.4m) measured at the ceiling of the 5th floor which is located within the same 25% of the building footprint (the penultimate floor below that part of the top storey which is 6 storeys)	Building 1: 6 and <16.4 m Applicant's calculation of 6 th storey/building footprint: 15.2% Council's assessment: Unsatisfactory documentation to undertake an accurate assessment Building 2: 6 and <16.4. Applicant's calculation of 6 th storey/building footprint: 15.4% Council's assessment: Unsatisfactory documentation to undertake an accurate assessment	YES NO (unsatisfactory information) YES NO (unsatisfactory information)
Car parking spaces (min): 17 (visitors) 68 (residents) 85 (total)	18 88 106	YES YES YES
Zone interface setback (min): 9m	9m (Building 2)	YES
Manageable housing (min): 10% or 7 units	0 units within Building 1 7 units within Building 2	NO

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Development standard	COMPLIANCE TABLE - DA0987/08	Complies
Lift access: required if greater than three storeys	Lift access to all levels of both Building 1 and 2	YES

Clause 25I(9) – definition of a storey, Clause 25I(7) limit on floor area of top storey and Clause 25K – Steeply sloping sites

- Clause 25I(9) definition of a storey

The provisions of Clause 25I(9) state:

(9) Any storey which is used exclusively for carparking, storage or plant, or a combination of them, in accordance with the requirements of this Ordinance and no part of which (including any wall or ceiling which encloses or defines the storey) is more than 1.2metres above ground level, is not be counted as a storey for the purposes of the Table to subclause (8).

Clause 25I(9) effectively defines those parts of a building that are not to be included in the storey calculation. Unless used exclusively for carparking (with no portion 1.2 metres above ground level), any storey will be counted in the storeys count.

Clause 25I(9) does not constitute a development standard when read in isolation. Its purpose is to define those parts of a building which are counted as a storey for the purposes of assessment in relation to Clause 25I(5),(7), (8) and Clause 25K.

The applicant has submitted a 1:200 survey plan prepared by Usher & Company Pty Ltd, architectural plans 1:200 and reduced scale conceptual compliance diagrams on A3 sheets contained in the Statement of Environmental Effects. The contours shown on the survey plan are not consistent with the contours shown on the architectural plans. With regard to Clause 25I(9), the ceiling RLs have not been provided on the architectural plans to assist with the assessment of applying the 1.2m dimension to the storey count assessment and levels on the survey. The compliance diagrams are at a reduced scale and not consistent with the architectural plans (1:200) for overlaying purposes. The standard of information is unsatisfactory for the purposes of assessment against the built form controls under Clause 25 of the KPSO.

Based on interpolating the contours between the survey plan and the architectural plans, the compliance diagrams submitted are not supported as they are not accurate with the survey. Due to the complex design of the driveway, basement, void areas, part residential levels combined with the steeply sloping topography of the site, accurate and consistent information is essential and has not been provided.

A 'technical' and 'merit based' assessment is necessary with regard to the Clause 25 controls in view of the difficulties associated with the interpretation of Clause 25I(9) of the KPSO. This cannot be satisfactorily undertaken due to inaccurate and unsatisfactory information as outlined above.

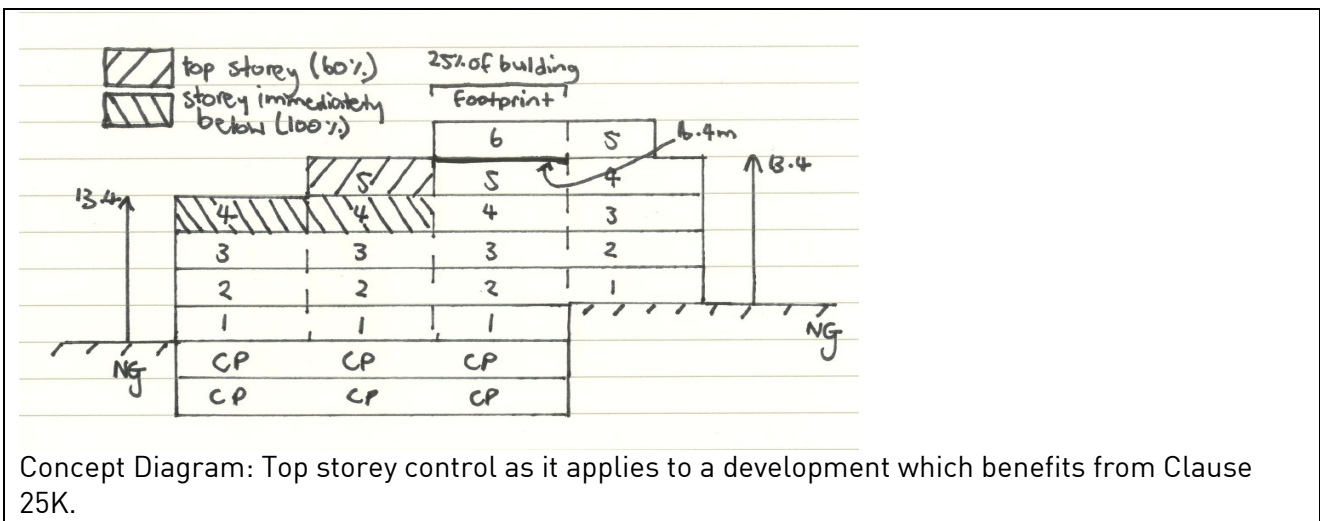
- Clause 25I(7) Top Storey

The provisions of Clause 25I(7) is a development standard and reads as follows:

Limit on floor area of top storey

In Zone No.2 (d3), where the maximum number of storeys permitted is attained, then the floor area of the top storey of a residential flat building of 3 storeys or more is not to exceed 60% of the total floor area of the storey immediately below it.

The 'top storey' represents 'the storey directly above which there is no other storey', or the uppermost storey of each portion of a building that steps up the slope of a site. The 'top floor' of each section of the building is limited to 60% of that area of the floor immediately below which represents 100%. The total floor area of the storey immediately below the 'top storey', is 100% of what the top floor could have been, if it wasn't subject to Clause 25I(7).



An accurate merit based and technical assessment in relation to the top storey control cannot be undertaken due inadequate and unsatisfactory information.

- Clause 25K Steep slope sites

The provisions of Clause 25K (steep slope sites) under the KPSO states:

"Consent may be granted to a building on a site with a site slope greater than 15% that would:

- exceed the number of storeys controls in clause 25I(8) by only one storey for up to 25% of the building footprint, or*
- exceed the height controls in clause 25I(8), but only by up to 3 metres for up to 25% of the building footprint, or*
- take advantage of the concessions conferred by both paragraphs (a) and (b), but only for up to the same 25% of the building footprint."*

Clause 25K applies to steeply sloping sites, where a site includes a slope greater than 15%. The site slope is >15% within the building footprint (as defined under Clause 25B) and, in this regard, the development benefits from the provisions of Clause 25K.

Clause 25K(a) indicates that consent may be granted to a building that exceeds the number of storeys control in 25I(8) (4 storeys + top storey = 5 storeys) by only one storey (permitting a 6th

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storey element) for up to 25% of the building footprint. It is the 6th storey, being that portion of the building 'exceeding the number of storeys control', that must be no more than 25% of the building footprint.

Clause 25K(b) allows for the height control to be exceeded by 3m and clause 25K(c) allows for both, so long as it applies to the same 25% of the building footprint. As the top floor becomes in part, the 6th floor, the maximum perimeter ceiling height being 16.4m (13.4m + 3m = 16.4m) must be measured at the ceiling of the 5th floor which is located within the same 25% of the building footprint (the penultimate floor below that part of the top storey which is 6 storeys).

The development would comply with the 16.4 metres height requirement when applied to the 'technical' 5th storey of the building (pursuant to Clause 25I(9)). However, due to the inadequate and unsatisfactory information provided, the extent of the 6th storey component in relation to the 25% of the building footprint control is not certain.

Clause 25N Manageable housing

Of the total 41 units provided within Building 1 (with direct frontage and access to Drovers Way), no units are designated as adaptable housing. Of the total 27 units provided within Building 2 (located to the rear and down slope of Lot A), seven (7) are designated as adaptable housing.

The proposal 'numerically' complies with the 10% requirement under Clause 25N of the KPSO when applying an assessment to the development as a whole. However, the development fails to provide reasonable and equitable distribution of manageable units between Building 1 and 2. Building 1 does not provide housing choice for seniors and people with disabilities nor does it provide housing that allows people to stay in their home as their needs change due to aging or disability.

Clause 25M Non-discretionary development standards

The provisions of Clause 25M of the KPSO states:

Pursuant to section 79C(6)(b) of the Act, the development standards for number of storeys, site coverage, landscaping and building set back that are set by this Part are identified as non-discretionary development standards for development for the purpose of a residential flat building on land within Zone No.2(d3).

Non-discretionary development standards, also known as "deemed to comply" development standards are standards which can be set out in LEPs, SEPPs and REPs. The purpose of these standards is to provide a level of certainty in the development control system. Where a proposed development complies with this type of development standard, then the consent authority has no discretion to give further consideration to the development standard, or to refuse an application on grounds related to the standard, or to impose a more stringent standard. However, other considerations under Section 79C of the EPA Act that do not fall within the scope of the nominated non-discretionary standards will continue to apply. The consent authority still has the discretion to attach conditions or refuse consent on those other grounds.

In this regard, it is acknowledged that the development numerically complies with number of storeys permitted (6), site coverage, landscaping and building set back which are identified as non-discretionary development standards under Clause 25M. However, the proposal fails to satisfy the

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10 Design quality principles under SEPP65 and the overall master planning of the site is flawed as discussed elsewhere in this report.

Development standard	COMPLIANCE TABLE - DA0988/08	Complies
Site area (min): 1200m ²	3254m ²	YES
Deep landscaping (min): 50%	50.3%	YES
Street frontage (min): 30m	49.9 m	YES
Number of storeys (max): Five (5)	Six (6) (development subject to Clause 25K)	YES
Site coverage (max): 35%	Applicants calculation: 34.8% <35%	YES
Top floor area (max): 60% of level below	Applicant's calculation: Level 5: 92% of Level 4 Level 6: 59.9% of Level 5 Council's assessment: Level 5: 839sqm Level 6: 503sqm = 59.95% Level 4: L4 – L6 = 408sqm Level 5: L5 – L6 = 336sqm = 82.4%	NO (SEPP1 submitted)
Storeys and ceiling height (max): 4 (not including top storey) 13.4m	4 <13.4	YES
Steeply sloping site provisions 6 storeys 16.4 metres (13.4m + 3m = 16.4m) measured at the ceiling of the 5th floor which is located within the same 25% of the building footprint (the penultimate floor below that part of the top storey which is 6 storeys)	6 storeys <16.4m at the 5 th storey Applicant's calculation of 6 th storey/building footprint: 51.8% Council's assessment: Unsatisfactory documentation to undertake an accurate assessment	YES YES NO (SEPP 1 submitted)
Car parking spaces (min): 10 (visitors) 40 (residents) 50 (total)	10 57 (+17) 67	YES YES YES
Zone interface setback (min): 9m	>9m (12-13m)	YES
Manageable housing (min): 10% or 4 units	4 units	YES
Lift access: required if greater than three storeys	Lift access to all levels	YES

Clause 25I(9) – definition of a storey, Clause 25I(7) limit on floor area of top storey and Clause 25K – Steeply sloping sites

- Clause 25I(9) definition of a storey

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Similar to DA0987/08, the applicant has submitted a survey plan 1:200 prepared by Usher & Company Pty Ltd, architectural plans 1:200 and conceptual compliance diagrams on reduced A3 sheets contained in the Statement of Environmental Effects. The contours shown on the survey plan are not consistent with the contours shown on the architectural plans. With regard to Clause 25I(9), the ceiling RLs have not been provided on the architectural plans to assist with the assessment of applying the 1.2m dimension to the storey count assessment. The compliance diagrams are at a reduced scale and cannot be overlaid with the architectural plans.

What can be established is that the development includes one storey which is part carparking and part one residential unit (LG-01, refer architectural plan DA05B). The respective storey 'as a whole' is not exclusively used for parking and therefore is counted as a storey (in its entirety) for the purposes of assessment under Clause 25 of the KPSO.

- Clause 25I(7) Top storey

Due to the technical application of the storey control, the proposal, does not comply with the top storey provisions with regard to the assessment between Level 4 and Level 5. The proposed 5th top storey component of the building represents 82.4% of the 4th storey below and does not comply with the 60% requirement. A SEPP1 Objection has been submitted in this regard.

- Clause 25K Steep slope sites

The development would comply with the 16.4 metres height requirement when applied to the 'technical' 5th storey of the building (pursuant to Clause 25I(9)) and the 5th storey as viewed above ground. However, the 6th storey technically exceeds 25% of the building footprint (proposing 51.8%). A SEPP 1 Objection has been submitted in this regard.

SEPP1 Objection assessment in relation to Clause 25I(7) top storey and Clause 25K steeply sloping site provisions

The following is an assessment of the applicant's SEPP 1 Objection in relation to Clause 25I(7) and 25K using criteria established in the Land and Environment Court.

whether the planning control in question is a development standard

The top storey and steeply sloping site controls prescribed under Clause 25I(7) and Clause 25K of the KPSO are development standards.

the underlying objectives or purpose behind the standard

The underlying objective of the top storey control under Clause 25I(7) of the KPSO is to set back the 5th storey and 6th storey (subject to both 25I(7) and 25K) components of the building (as viewed above ground), from the outer face of the floor below in order to minimise visual bulk, promote articulation and minimise the appearance of the top floor components of the building as viewed from the street and surrounding area. Clause 25I(7) is designed to control the bulk of the top floor of a building by reference to the storey immediately below it.

The steeply sloping site provisions apply to sites which are subject to topographical constraints. The control recognises that compliance with the provisions of Clause 25I(8) is difficult to achieve due to the steeply sloping nature of certain sites. As the slope falls away, a building that would otherwise be five storeys may have a six storey element. Clause 25K recognises this site

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constraint and provides a concession, allowing a sixth storey. To balance this concession and ensure that the portion in breach of the sixth storey does not have excessive and negative impact, it is limited to 25% of the building footprint.

whether compliance with the development standards is consistent with the aims of the policy and, in particular, whether compliance with the development standards hinder the attainment of the objectives specified under Section 5 (A)(i), (ii), (iii) and (iv) of the Environmental Planning and Assessment Act

Due to unsatisfactory and inconsistent information provided, an informed assessment in relation to the above cannot be undertaken.

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

The submitted SEPP1 (**Attachment D**) states that the development standards contained under Clause 25I(7) and Clause 25K is unreasonable and unnecessary for the following reasons:

- 1. The technical non-compliance with the standards is triggered by the interpretation of Clause 25I(9) which includes the Lower Ground Floor basement car park level in calculation of the number of storeys due to its 'attachment' to a habitable segment of the floor.*
- 2. The Lower Ground Floor parking component of the building is located below natural ground level with the exception of a western segment which protrudes up to 1.2m above the natural ground level and is screened by the residential component of this 'storey'.*
- 3. The building presents a predominantly four storey scale above natural ground level when viewed from north, south and east with the topmost storey set back from the main perimeter, constituting 59.9% of the storey below. The height of the building is consistent with the controls of Clause 25K which stipulates a fifth storey maximum perimeter ceiling height of 16.4m (Technical Compliance Diagrams TC008 and TC009).*
- 4. If the car park component of the Lower Ground Floor, which is predominately situated below the natural ground level, is excluded from the storeys count, the development would fully comply on merit with the top storey standards of Clauses 25I(7) and 25K. The sixth storey component would have area 53.7sqm (4.8%) of the building footprint and would comply on merit with the 25% building footprint standard of 25K(a). The GFA of the sixth storey of 503sqm would constitute 59% of the storey below, while the GFA of the unencumbered segment of the fifth storey of 74sqm would constitute 52% of the unencumbered segment of the fourth storey (Merit Compliance diagrams TC002B and TC004B).*
- 5. The perimeter ceiling heights of the fifth storey of the building are well below the maximum perimeter ceiling height of 16.4m above ground level permissible under Clause 25K(b). The development compares favorably with the six storey residential flat building at 5-7 Gladstone Parade, Lindfield (DA0419/08)*
- 6. The non-compliance can, in part, be attributed to the constraints of the steeply sloping site. However, despite the technical non-compliance, the development meets the underlying*

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objectives of the standards governing bulk and form of the uppermost storeys (above the 4th storey), namely:

- (a) The amenity impacts on adjoining residences in terms of overshadowing, overlooking and view-sharing fully comply with the relevant controls specified in DCP55*
 - (b) The form and scale of development are consistent with the desired future character of the 2(d3) zone envisaged under the KPSO/DCP55 as the perimeter ceiling heights of the building are considerably lower than the maximum permissible perimeter ceiling height anticipated by the height controls in Clause 25I(8) and Clause 25K*
 - (c) The top storeys, set back from the main perimeter of the buildings, contribute to modulation of the building mass and reduce the apparent building scale when viewed from the street or the surrounding properties.*
- 7. The development complies with all other non-discretionary development standards of part 3A of the KPSO (site coverage, deep soil, landscaping and zone interface setbacks) and is fully consistent with the aims and objectives of part 3A as it:*
- (a) Constitutes orderly development of land and resources of Ku-ring-gai within the Railway/Pacific Highway corridor*
 - (b) Contributes to environmental, economic and physical well being of residents of Ku-ring-gai*
 - (c) Increases housing choice*
 - (d) Achieves high quality urban and architectural design*
 - (e) Achieves high level of residential amenity for the occupants*
 - (f) Promotes ecological sustainability by reducing the volume of excavation for parking levels*
- 8. Due to the steep slope of the site, strict compliance with the storey controls would dictate a split-level building configuration with consequent inefficient internal design, awkward circulation and additional lifts. It would unreasonably affect the development potential of the site, inherent in the building envelope as determined by the building footprint and height controls, without commensurate amenity or streetscape benefits.*
- 9. Council's interpretation of Clause 25I(9) results in the Lower Ground car park level being counted as a storey which triggers technical non-compliance and the need for this objection, can be nominally addressed and the objection avoided, by lowering the topmost car park level by 3m. However, such option would create a useless void at the rear of the lowest habitable level and while the building bulk above ground would remain the same, the additional excavation would increase construction time, costs and environmental impacts.*

As previously mentioned, a 'technical' and 'merit based' assessment is necessary with regard to the top storey and steeply sloping site controls in view of the difficulties associated with the interpretation of Clause 25I(9) of the KPSO.

As shown on plan architectural plan DA05B, LG-01 is counted as a storey in its entirety. However, a merit assessment of the development in relation to the top storey and steeply sloping site

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provisions cannot be undertaken due to inaccurate and inconsistent survey data between the survey plan, the architectural plans and compliance diagrams.

Due to the unsatisfactory and inconsistent information provided, an informed assessment with regard to the SEPP1 Objection cannot be undertaken on this basis.

Clause 25M Non-discretionary development standards

As previously discussed, it is acknowledged that the development numerically complies with number of storeys permitted (6), site coverage, landscaping and building set back which are identified as non-discretionary development standards under Clause 25M. However, the proposal fails to satisfy the 10 Design quality principles under SEPP65 and the overall master planning of the site is flawed as discussed elsewhere in this report.

Clause 61E Development within the vicinity of a heritage item

No.14 Beaconsfield Parade is an item of local significance under the KPSO. Council's Heritage Advisor concludes that the amendments do not result in a greater impact to the heritage item at No 14 Beaconsfield Parade.

Development Control Plan No 55 - Railway/Pacific Highway Corridor & St Ives Centre

Development control	COMPLIANCE TABLE - DA0987/08	Complies
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
150m ² per 1000m ² of site area = 692m ²	>692m ²	YES
No. of tall trees required (min): 15.4 (16) trees	>16 trees	YES
Private outdoor space differentiation Up to 1.2m solid wall with at least 30% transparent component above	2 metres (capable of being resolved by condition)	NO
Building footprint (max):		
35% of total site area	34.98%	YES
Floor space ratio (max):		
1.3:1	Applicants calculation 1.298:1 Council's assessment: >1.3:1	NO
Comment: The floor space area compliance diagrams exclude pedestrian fire egress tunnels from the basement of the buildings. This is not consistent with the definition of gross floor area under DCP55 (the definition is consistent with definition of gross floor area under Clause 25B of the KPSO). The purpose of the pedestrian tunnels is to provide fire egress, not to provide designated communal pedestrian access to and from the basement. These areas should be included in the FSR calculation. Their inclusion would result in a FSR which would exceed 1.3:1.		
Part 4.3 Setbacks:		
Street boundary setback (min):		

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Development control	COMPLIANCE TABLE - DA0987/08	Complies
13-15 metres (<40% of the zone occupied by building footprint)	13-15 metres	YES
	38.8%	YES
Setback of ground floor private courtyards to street boundary (min): Private terraces 11m:	11 metres	YES
% of total area of front setback occupied by private courtyards (max): 15%	<15%	YES
Side boundary setback (min):		
6m	6m	YES
Rear boundary setback (min):		
6m	6m to courtyard areas of Building 2 9m to western façade of Building 2	YES
Façade articulation:		
Wall plane depth >600mm	>600mm	YES
Wall plane area <81m ²	<81sqm	YES
Built form:		
Building width < 36 metres	45 metres	NO
Balcony projection < 1.2 metres	2metres	NO
<p>Comment: The width of a single building on any elevation facing the street should not exceed 36 metres. On sites where a building length exceeds 36m, the building shall be sufficiently recessed and/or articulated so as to minimise streetscape impacts associated with excessively long facades.</p> <p>The proposed amendments are an improvement on the previous design and provide a more 'defined' and 'pronounced' recess/articulation (visual break) with the principal entrance to Building 1. The amendments also improve access arrangements from Drovers Way through Building 1 to Building 2. Council's Urban Design Consultant advises the amendments to the building length of Building 1 are now acceptable.</p> <p>In relation to balconies projecting more than 1.2m, the design of the building maximises the floor space area (proposing 1.298:1) with multiple balconies extending beyond the external walls of the building. The balconies are not well integrated as part of the overall building form.</p>		
Part 4.5 Residential Amenity		
Solar access:		
>70% of units receive 3+ hours direct sunlight in winter solstice	SEPP65 Amenity compliance report prepared by Steve King states 48/68 or 70.6% of units achieve 3+hrs of sunlight to living and POS between 9am-3pm as defined in the RFDC	YES
	In relation to each building:	
	Building 1: 66% of units achieve 3+hrs of sunlight to living and POS between 9am-3pm as defined in the RFDC	NO
	Building 2: 74% of units achieve 3+hrs of sunlight to living and POS between 9am-3pm as defined in the RFDC	YES

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Development control	COMPLIANCE TABLE - DA0987/08	Complies
>50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice	The principle communal open space located between Building 1 and 2 would receive at least 50% solar access late morning and afternoon.	YES
<15% of the total units are single aspect with a western orientation =	Building 1: 13/42 (31%) Building 2: 8/27 (30%)	NO NO
No single aspect units shall have a southern orientation	0 units with only southern orientation however multiple units have a western and south-western orientation and have been included in calculation above	YES
<p>Comment: As raised by Council's Urban Design Consultant, the high quantity of western and south-western apartments (exceeding the 15% control) is a result of a poor relationship between the location and orientation of buildings on the site. The non-compliance contributes to problems with excessive building depth, access, address and entry and a poor relationship with down slope apartments and adjoining down slope zone interface land. The poor site strategy results in unnecessary substandard amenity for many of the apartments.</p> <p>Given the orientation of the site, context and topography, a built form where the buildings ran perpendicular to the contours, allowing apartments to be provided with a northern orientation would provide a more desirable outcome.</p>		
Development shall allow retention of 3hrs of sunlight between 9am-3pm on June 21 to habitable rooms and the principle portion of the outdoor living area of adjoining houses in single house zones (2(c1) and 2(c2) zones	The building overshadows No.16 Beaconsfield during the morning period (between 9am-12pm), with the remainder of the day largely unaffected by overshadow from the development.	YES
Visual privacy:		
Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4 12 metres b/w habitable rooms	8.5m between Building 1 and the dwelling house on 8A Drovers Way (zoned R4 under the Town Centres LEP) 12m between Building 2 and the dwelling house at 16 Beaconsfield Parade Between proposed buildings under DA0987/08 and DA0988/08: 12m	NO YES YES

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Development control	COMPLIANCE TABLE - DA0987/08	Complies
5th Storey 18 metres b/w habitable rooms	Over existing adjoining dwelling houses	YES
	15m - 17m between Level 4 Building 1 and Level 5 Building 2	NO
	12.5m between the proposed building (Level 5) on Lot B and Building 1 (Level 5) on Lot A	NO
	12.5m between roof top terraces and @17.5m between habitable living areas between the proposed building (level 5/6) on Lot B and Building 1 (Level 5/6) on Lot A (Refer comments by Council's Urban Design Consultant)	NO
Internal amenity:		
Habitable rooms have min floor To ceiling height of 2.7 metres	2.7 metres	YES
1-2 bedroom units have min plan dimension of 3m in all bedroom	≥ 3m	YES
3+ bedroom units have min plan dimension of 3m in at least two bedrooms	≥ 3m	YES
Single corridors: serve a maximum of 8 units 1.8m wide at lift lobbies	Building 1: 10 units, 2 lifts Building 2: 6 units, 1 lift	YES
	1.8 metres	YES
Storage: 50% to be provided within the unit	Building 1: 43 storage units Building 2: 27 storage units	YES
Comment: Residual areas within the basement have been designated to include residential storage. A schedule of storage volume has not been provided to confirm whether storage areas are sufficient in size/volume. Having regard to the excess number of carparking spaces.		
Outdoor living:		
Ground floor apartments have a terrace or private courtyard greater than 25m ² in area	≥ 25sqm	YES
Balcony sizes: - 10m ² - 1 bedroom unit - 12m ² - 2 bedroom unit - 15m ² - 3 bedroom unit NB. At least one space >10m ²	<10sqm	NO
	<12sqm	NO
	<15sqm	NO

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Development control	COMPLIANCE TABLE - DA0987/08	Complies
primary outdoor space has a minimum dimension of 2.4m	≥2.4 metres	YES
Common Open space (30% Of the site area	Proposed deep soil area = 2307sqm (50%) Principle area of communal open space concentrated between Building 1 and 2 with common open space to the front, side and rear setbacks.	YES
Private open space adjoining common open space not to be enclosed with high solid fences	Solid fencing to 2 metres in height (capable of being addressed via condition)	NO
Comment: The architectural plans nominate balcony areas which comply with the minimum area requirements. However, calculations based on internal dimensions within the designated balcony areas, suggest multiple balconies do not support the nominated figures provided.		
Part 4.7 Social dimensions:		
Visitable units (min):		
70%	100%	YES
Housing mix:		
Mix of sizes and types	Whole development: 26 x 1 bed, 2 x 1bed+study, 25 x 2 bed and 15 x 3 bed units Building 1: 21 x 1 bed, 2 x 1bed+st, 12 x 2 bed and 6 x 3 bed Building 2: 5 x 1 bed, 7 x 2 bed and 9 x 3 bed	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency:		
>65% of units are to have natural cross ventilation 60% of units to have natural cross ventilation under RFDC	SEPP65 Amenity compliance report prepared by Steve King states 48/68 or 70.6% of units which may be characterised as cross ventilated In relation to each building: Building 1: 29/41 = 70.7% Building 2: 19/27 = 70.4%	YES
RFDC: Single aspect units are to have a maximum depth of 8m DCP55: single aspect units are to have a maximum depth of 10m	>8m & >10m Refer assessment by Council's Urban Design Consultant	NO
25% of kitchens are to have an external wall for natural ventilation and light	>25%	YES
Part 5 Parking and vehicular access:		
Car parking (min):		
68 residential spaces (< 400m of Lindfield train station)	88 spaces (+20 spaces)	YES
17 visitor spaces	18 spaces (+1 space)	YES
85 total spaces	106 spaces (+21 spaces)	YES

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Development control	COMPLIANCE TABLE - DA0987/08	Complies
Building 1: 41 residential spaces 10.25 (11) visitor spaces 52 total spaces	47 residential spaces (+ 6 spaces) 11 visitor spaces 58 spaces (+6 spaces)	YES
Building 2: 27 residential spaces 6.75 (7) visitor spaces 34 total spaces	41 residential spaces (+14 spaces) 7 visitor spaces 48 spaces (+ 14 spaces)	YES
1 disabled space per adaptable unit (4)	Building 1: No adaptable units provided Building 2: 7 residential disabled spaces	YES
1 adaptable/disabled visitor space	Building 1: 0 disabled visitor spaces (capable of being resolved by condition) Building 2: 1 disabled visitor space	NO YES
1 service/removalist vehicle/carwash bay	Building 1: 1 garbage truck bay Building 2: 1 garbage truck bay	YES
1 bicycle parking space per 5 residential units Building 1: 8.2 (9) Building 2: 5.4 (6)	Building 1: 9 residential bicycle bays Building 2: residential bicycle bays sufficient in size to accommodate 6 bicycles	YES
1 bicycle parking space per 10 visitor spaces Building 1: 4.1 (5) Building 2: 2.7 (3)	Building 1: 6 visitor bicycle bays Building 2: no visitor bicycle bays allocated (capable of being resolved by condition)	YES NO

Development control	COMPLIANCE TABLE - DA0988/08	Complies
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
150m ² per 1000m ² of site area (3254m ²)= 488m ²	Proposed deep soil area = 1636.7sqm (50.3%)	YES
No. of tall trees required (min): 11 trees	17 trees	YES
Private outdoor space differentiation Up to 1.2m solid wall with at least 30% transparent component above	1.5 metres (capable of being resolved via condition)	NO
Building footprint (max):		
35% of total site area	<35%	YES
Floor space ratio (max):		
1.3:1	Applicant's calculation: 4229sqm, 1.299:1 Council's calculation: >1.3:1	NO
Comment: Similar to DA0987/08, the floor space area compliance diagrams exclude pedestrian fire egress tunnels from the basement of the buildings. This is not consistent with the definition of gross floor area under DCP55. The purpose of the pedestrian tunnels is to provide fire egress, not as designated communal pedestrian access to and from the basement. These areas should be included in the FSR calculation. Their inclusion would result in a FSR which would exceed 1.3:1		
Part 4.3 Setbacks:		

Development control	COMPLIANCE TABLE - DA0988/08	Complies
Street boundary setback (min):		
13-15 metres (<40% of the zone occupied by building footprint)	13-15 metres 51.8%	YES NO
Comment: The underlying objective of the 40% front setback control is to encourage articulation and modulation to the building façade and ensure adequate deep soil landscaping is provided within the frontage of the site. The balconies which encroach within the front set back zone (contributing to the >40% non-compliance) also project more than 1.2m from the outermost part of the building façade and fail to comply with the design control under C-6, Section 4.4 of DCP55.		
Private terraces: 11m:	11 metres	YES
Side boundary setback (min):		
6m	6m	YES
Setback of ground floor courtyards to street boundary (min): 11m	11m	YES
% of total area of front setback occupied by private courtyards (max):15%	10.94%	YES
Façade articulation:		
Wall plane depth >600mm	>600sqm	YES
Wall plane area <81m ²	<81sqm	YES
Built form:		
Building width < 36 metres	31 metres	YES
Balcony projection < 1.2 metres	2.0 metres	NO
Comment: The balconies proposed to the north (front façade) as well as the western and eastern side facades project more than 1.2m from the outermost part of the building façade. The design of the building maximises the floor space area (proposing 1.299:1) with multiple balconies extending beyond the external walls of the building. The balconies are not well integrated as part of the overall building form.		
Part 4.5 Residential Amenity		
Solar access:		
>70% of units receive 3+ hours direct sunlight in winter solstice	SEPP65 Amenity compliance report prepared by Steve King states 29/40 or 72% of units achieve 3+hrs of sunlight to living and POS between 9am-3pm as defined in the RFDC.	YES
>50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice	Communal open space located to the rear south-west corner of the site will achieve some solar access between 12-3pm, but not 3 hours Communal open space is also provided to the front north-east corner of the site and will achieve 3 hrs. However its location within the front setback of the site is visible from the public domain (not private) and could not be considered the principle communal open space area for the development.	NO
<15% of the total units are single aspect with a western orientation = 6	12 units (30%)	NO

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Development control	COMPLIANCE TABLE - DA0988/08	Complies
No single aspect units shall have a southern orientation	There are no units with only southern orientation but multiple units have a western and south-western orientation and have been included in calculation above	YES
<p>Comment: As raised by Council's Urban Design Consultant, the high quantity of western and south-western apartments (exceeding the 15% control) is a result of a poor relationship between the location and orientation of buildings on the site. The non-compliance contributes to problems with excessive building depth, access, address and entry, poor relationship with adjoining zone interface land and apartments. The poor site strategy results in unnecessary substandard amenity for many of the apartments.</p> <p>Given the orientation of the site, context and topography, a built form where the buildings ran perpendicular to the contours, allowing apartments to be provided with a northern orientation would provide a more desirable outcome.</p>		
Development shall allow retention of 3hrs of sunlight between 9am-3pm on June 21 to habitable rooms and the principle portion of the outdoor living area of adjoining houses in single house zones (2(c1) and 2(c2) zones	The building overshadows No.12 Beaconsfield during the morning period (between 9am-12pm) with the remainder of the day casting no overshadow to this property.	YES
Visual privacy:		
Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4 12 metres b/w habitable rooms	<p>8m to No. 4A Beaconsfield Parade to the east (zoned R4 under the Town Centres LEP)</p> <p>10 metres to 8 Beaconsfield Parade (zoned R4 under the Town centres LEP)</p> <p>12-13m to 12 Beaconsfield Parade (zoned Residential 2(c2) under the KPSO)</p>	<p>NO</p> <p>NO</p> <p>YES</p>
5th Storey 18 metres b/w habitable rooms	<p>Over existing adjoining dwelling houses</p> <p>12.5m between the proposed building (Level 5) on Lot B and Building 1 (Level 5) on Lot A</p> <p>12.5m between roof top terraces and @17.5m between habitable living areas between the proposed building (level 5/6) on Lot B and Building 1 (Level 5/6) on Lot A (Refer comments by Council's Urban Design Consultant)</p>	<p>YES</p> <p>NO</p> <p>NO</p>
Internal amenity:		
Habitable rooms have a minimum floor to ceiling height of 2.7 metres	2.7 metres	YES
1-2 bedroom units have a minimum plan dimension of 3m in all bedroom	≥3	YES
3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms	≥3	YES

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Development control	COMPLIANCE TABLE - DA0988/08	Complies
Single corridors: - serve a maximum of 8 units - 1.8m wide at lift lobbies	Two lifts servicing a maximum of 9 units 1.8m	YES YES
Storage: 50% to be provided within the unit	14 storage units identified in upper basement 26 storage units identified in lower basement 40 storage units	Yes subject to condition
Comment: Residual areas within the basement have been designated to include residential storage. The storage units S04 and S03 to the lower basement level (plan DA04B) appear narrow in depth (approximately 400 – 600mm). A schedule of storage volume has not been provided to confirm whether storage areas are sufficient in size.		
Outdoor living:		
Ground floor apartments have a terrace or private courtyard greater than 25m ² in area	>25sqm	YES
Balcony sizes: - 10m ² – 1 bedroom unit - 12m ² – 2 bedroom unit - 15m ² – 3 bedroom unit NB. At least one space >10m ²	<10sqm <12sqm <15sqm	NO NO NO
Comment: The architectural plans nominate balcony areas which comply with the minimum area requirements. However, calculations based on internal dimensions within the designated balcony areas, suggest multiple balconies do not support the nominated figures provided.		
primary outdoor space has a minimum dimension of 2.4m	2.4 metres	YES
Common Open space (30% Of the site area principally for tall tree planting	Proposed deep soil area = 1636.7sqm (50.3%) Common open space concentrated along the western boundary (including stand of existing endemic trees) adjacent to 12 Beaconsfield Parade (zoned 2(c2))	YES
Private open space adjoining common open space not to be enclosed with high solid fences	1.5 metres (capable of being resolved via condition)	NO
Part 4.7 Social dimensions:		
Visitable units (min):		
70%	100%	YES
Housing mix:		
Mix of sizes and types	4 x 1 bed, 19 x 2 bed and 17 x 3 bed units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency:		
>65% of units are to have natural cross ventilation 60% of units to have natural cross ventilation under RFDC	SEPP65 Amenity compliance report prepared by Steve King states 28/40 or 70% of units which may be characterised as cross ventilated	YES

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Development control	COMPLIANCE TABLE - DA0988/08	Complies
RFDC: Single aspect units are to have a maximum depth of 8m DCP55: single aspect units are to have a maximum depth of 10m	>8m & >10m Refer assessment by Council's Urban Design Consultant	NO
25% of kitchens are to have an external wall for natural ventilation and light	>25%	YES
Part 5 Parking and vehicular access:		
Car parking (min):		
40 resident spaces (< 400m of Lindfield train station)	57 (+17 spaces)	YES
10 visitor spaces	10	YES
50 total spaces	67	YES
1 disabled space per adaptable unit (4)	4 residential disabled spaces (lower basement level)	YES
1 adaptable/disabled visitor space	1 disabled visitor space (lower basement level)	YES
1 service/removalist vehicle/carwash bay	1 garbage truck/wash bay	YES
1 bicycle parking space per 5 residential units (8 spaces)	10 residential bicycle bays	YES
1 bicycle parking space per 10 visitor spaces (4 spaces)	5 visitor bicycle bays	YES

Basement design

From Council's experience with unauthorised works during the construction phase of residential flat buildings, the irregular shape and indenting of basements is not practical for construction. This issue is relevant to the subject applications due to the proposed irregular design of the basements.

The design intent appears to numerically maximise the development as far as possible, noting the site coverage proposed at 35% and FSR of the buildings at 1.3:1. The proposed deep soil area for DA0987/08 and DA0988/08 is 50% (with minimal buffer) and largely relies on the jagged external wall of the basements. Further, DA0987/08 and DA0988/08 includes an excess of 21 and 17 carparking spaces, respectively, within the confines of the basement and numerical built form controls. The basement design is problematic and impractical for construction and is a further design issue among other urban design issues raised in this report.

Plant and air conditioning units

Lift overruns and plant equipment (including air conditioning units) must be integrated into the building form and should not be visible. It is preferable that condenser units are contained and incorporated within the basement levels of the buildings as units on the roof are undesirable from a visual perspective. Air conditioning units to balconies are also discouraged.

The proposal seeks to provide a single condensing unit for each residential unit. Under DA0987/08, Building 1 includes 33 out of 41 condenser units (80.5%) and Building 2 includes 23 out

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of 27 condenser units (85%) to be located on the roof of the buildings. Under DA0988/08, 35 out of 40 condenser units (87.5%) are to be located on the roof. The remaining units are proposed within the basement of the respective buildings. The submitted air conditioning plant report, prepared by Wood & Grieve Engineers, states that the units are nominally 900mm wide x 350mm deep x 900mm high. A 1m high parapet wall is proposed to conceal the units on the roof.

The report by Wood & Grieve Engineers states it should be possible to locate the condensing units in the basement and roof of the buildings as proposed, on the basis that minimum clearances and standard manufacturers requirements are met. Once further detailed design is carried out, the distance between the fan coil unit (located within the residential unit) and the condensing unit (located in the allocated plant space) must not exceed the maximum refrigerant pipework run limit.

However, having regard to the sloping topographical context, including R4 zoned land up-slope of the site and the Lindfield Business zone further up-slope towards Pacific Highway, concern is raised that a 1m parapet is not adequate to screen the large number of units proposed to the roof of the buildings.

The mechanical plant and screening (through appropriate materials and finishes) has not been well integrated with the building form. Rather, the mechanical plant has been applied to the buildings after the design phase of the development.

Development Control Plan No. 31 Access

Matters for assessment under DCP 31 have been taken into account in the assessment of this application against LEP194- KPSO and DCP 55.

Development Control Plan No. 40 - Construction and Demolition Waste Management

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against LEP194- KPSO and DCP 55.

Development Control Plan No. 43 - Car Parking

Matters for assessment under DCP 43 have been taken into account in the assessment of this application against LEP194- KPSO and DCP 55.

Development Control Plan No.47 - Water Management

Matters for consideration under DCP 47 have been taken into account in the assessment of this application against LEP194- KPSO and DCP 55 and the proposal is unsatisfactory in this regard.

Section 94 Plan

Ku-ring-gai Contributions Plan 2010 came into force on 19 December 2010 and applies to all Development Applications determined after that date. This Contributions Plan applies to all development in Ku-ring-gai that gives rise to a net additional demand for infrastructure identified in the Contributions Plan. This includes all forms of residential development.

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The plan takes a consolidated approach to providing infrastructure as a result of new development, authorising proportional contributions from new development towards the provision of infrastructure for that development. The plan also identifies situations where Council must provide a contribution on behalf of the existing population where new infrastructure will meet demand arising from the community as a whole.

However, as these applications are recommended for refusal, it is not appropriate to levy a S94 contribution.

KU-RING-GAI LOCAL ENVIRONMENTAL PLAN (TOWN CENTRES) 2010

Background

Draft Ku-ring-gai Town Centres LEP and DCP 2006

Under DLEP Town Centres 2006 (exhibited October 2006), the Beaconsfield Parade, Gladstone Parade and Drovers Way, Lindfield Precinct was to be re-zoned from an existing Residential 2(d3) zoned area under LEP194 to R4 high density residential with a maximum height of 5 – 6 storeys and FSR of 1.3:1.

Precinct F was characterised by single dwellings on steep sites to the west and predominantly residential apartment buildings to the east. The precinct was located on the edge of the Town Centre boundary, adjoining low density land zoned Residential 2(c2) under the KPSO. The precinct was noted as including a watercourse and riparian zone and also features vegetation representative of BGHFCEEC and STIFEEC.

Under DDCP Town Centres 2006, Council drafted site specific built form controls for Beaconsfield Parade, Gladstone Parade and Drovers Way Precinct, Lindfield (identified as 'Precinct F', **Attachment B**). The draft DCP was exhibited November 2006. The final version of the DCP (including Precinct F) was adopted by Council on 19 November 2006. The DCP was to come into force on the date of gazettal of the DLEP Town Centres 2006, however the LEP was never gazetted.

On 30 September 2008, DA0986/08, DA0987/08 and DA0988/08 (subject applications) were lodged.

Draft Ku-ring-gai Town Centres LEP 2008

On 5 November 2008, the Ku-ring-gai Planning Panel resolved to place draft Ku-ring-gai LEP (Town Centres) 2008 on public exhibition. The exhibited draft proposed to down zone the majority of Precinct F from R4 to R3 responding to interface impacts on adjoining down slope low density residential properties.

On 27 May 2009, the revised Draft KLEP (Town Centres) 2008 was adopted by the KPP to be forwarded to the Department and the Minister for Planning with a request that the Plan be made. The adopted plan up-zoned Precinct F from R3 to R4 (**Attachment E**: pages 127 – 136 of Council's report to KPP presenting an assessment and recommendations to the DLEP 2008, pages 127-136 include a discussion on Precinct F).

On 26 August 2009, another development application DA0552/09 was lodged. This development application proposed demolition of three existing dwellings and construction of a residential flat building comprising 42 units, basement car parking and associated landscaping at 6, 8 and 8a

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Drovers Way, Lindfield (adjacent to land subject to DA0986/08, DA0987/08 and DA0988/08). The applicant was Staldone Developments - Drovers Way Pty Ltd (**Attachment F** includes the building footprints for DA0987/08, DA0988/08 and DA0552/09).

On 5 November 2009, Council sent a preliminary assessment letter to the applicant in relation DA0552/09 raising multiple design and environmental issues in relation to:

- non-compliance with deep soil landscaping
- unsatisfactory information regarding top storey and steeply sloping site provisions
- excessive FSR
- setbacks
- building length
- SEPP65 design issues (including excessive building bulk to the rear, potential isolation of 2 and 4 Drovers Way, solar access, internal amenity)
- impacts on Blue Gum High Forest Critically Endangered Ecological Community (BGHF CEEC)
- unsatisfactory landscape plan
- poor communal open space
- driveway design
- impacts on the natural water course and riparian corridor
- hydrological and stormwater management impacts
- unsatisfactory information regarding traffic, parking, access, construction management and waste management
- unsatisfactory geotechnical report
- inadequate information regarding BASIX
- unsatisfactory arborist report
- inadequate provision of utility infrastructure
- unsatisfactory geotechnical and structural documentation regarding impacts to the rail corridor
- visibility of air conditioning units
- unsatisfactory architectural plans

On 24 November 2009, DA0552/09 was withdrawn.

No pre-DA consultation occurred in relation to DA0986/08, DA0987/08, DA0988/08 or DA0552/08 (same applicant). The site layout for the respective DAs is inconsistent with the master planning envisaged by Council under Precinct F. It is acknowledged that Precinct F has no statutory weight, however it should be noted that the constraints of these sites, along with suggested design solutions to address apparent concerns, had been developed and recognised as early as 2006 by both residents and Council staff. These constraints remain and cannot be overcome without careful site analysis, siting and design consideration. The master planning behind DA0986/08, DA0987/08 and DA0988/08 as well as DA0552/09 (when taking a holistic view), is flawed and lacks a strategic and contextual approach and fails in many areas when applying the principles of SEPP65.

Ku-ring-gai Town Centres LEP 2010

On 25 May 2010, the Ku-ring-gai Town Centres LEP (KLEP2010) was gazetted, rezoning the site to R4 High Density Residential (gazetted prior to the lodgement of Amendment 2).

The provisions of Clause 1.8 and 1.8a under the Town Centres LEP, read as follows:

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- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

1.8A Savings provision relating to development applications

If a development has been made before the commencement of this Plan, in relation to land to which this Plan applies and the applicant has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Therefore, the assessment of the application against the provisions of the KLEP2010 is based on giving the plan the weight of an imminent and certain draft local environmental plan only.

Part 2: Permissibility

The site is zoned R4 High density residential. Under Clause 1.4 (definitions) of the KLEP Town Centres, a residential flat building is defined as 'a building containing three or more dwellings, but does not include an attached dwelling or multi dwelling housing'. The proposal satisfies this definition and is permissible with consent pursuant to Part 2 of the LEP.

Part 4: Principal Development standards

Development standard	DA0986/08	Complies
Minimum subdivision lot size 1200sqm	Lot A: 4613m ² Lot B: 3254m ²	YES

Development standard	DA0987/08	Complies
Height of buildings 17.5m (max)	Building 1: >17.5m 18.15m (+0.65m, +3.4%)	NO
	Building 2: >17.5m 18.85m (+1.35%, +7.7%)	NO
Floor space ratio (FSR) 1.3:1 (max)	Applicant's calculation: 1.298:1 Council's assessment: >1.3:1 The FSR compliance diagrams do not comply with the definition of gross floor space area under the TCLEP which excludes vertical circulation areas. The fire egress pedestrian tunnels which have been omitted from the FSA calculation, must be included and would result in the development exceeding the maximum 1.3:1 requirement.	NO

Development standard	DA0988/08	Complies
Height of buildings 17.5m (max)	>17.5m 19.77m (+2.27m, 12.97%)	NO

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Floor space ratio (FSR) 1.3:1 (max)	Applicant's calculation: 1.299:1 Council's assessment: >1.3:1 FSR compliance diagrams do not comply with the definition of gross floor space area under TCLEP (same issue as DA0987/08)	NO
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All buildings exceed the 17.5m height standard and the 1.3:1 FSR standard in the Town Centres LEP.

The proposal does not satisfy the objectives underlying the height and floor space standards in the Town Centres LEP having regard to the cumulative SEPP65 issues raised and failure of the proposal to appropriately respond to the site constraints and surrounding context as discussed in this report.

Part 5.10: Heritage conservation

Clause 5.10 of the Town Centres LEP requires consideration of the impact of any development upon the significance of a heritage item in the vicinity of the site. Council's Heritage Advisor has assessed the development in context with the item at 14 Beaconsfield Parade and considers the proposal does not result in an unreasonable impact on the item.

- **Ku-ring-gai Development Control Plan (Town Centres) 2010**

The KDCP Town Centres was adopted 8 June 2010 (effective 11 June 2010).

The savings provisions of KLEP2010 acts to make the KPSO the principal instrument for the assessment of this application, with the KLEP2010 being considered as an imminent and certain draft LEP only.

The Section 79C matters for consideration under the EPA Act, include consideration of any draft planning instrument (eg KLEP2010), however not a draft DCP (eg KDCP2010) and as KDCP Town Centres cannot operate without its 'higher order' instrument, it cannot repeal the provisions of DCP55, which remains the relevant DCP for consideration in the assessment of this application.

Notwithstanding the above, a merit assessment of DA0987/08 and DA0988/08 in relation to KDCP Town centres has been undertaken. The DCP has been prepared in accordance with SEPP65 and has been formulated to respond to the design quality principles of SEPP65 and also has regard to the design principles and rules of thumb under the RFDC (similar to DCP55).

Part 3 Specific Building Type Controls under Ku-ring-gai Town Centres DCP 3C Residential flat building (combined assessment in relation to DA0987/08 and DA0988/08)		
Development Control	Proposed	Complies
3C.1 Building Separation 4storeys over podium <ul style="list-style-type: none"> • 12m between habitable room/balconies 5 to 8 storeys over podium	Refer building separation assessment under DCP55	NO

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Part 3 Specific Building Type Controls under Ku-ring-gai Town Centres DCP 3C Residential flat building (combined assessment in relation to DA0987/08 and DA0988/08)		
Development Control	Proposed	Complies
• 18m between habitable room/balconies		
3C.2 Building Setbacks Street setbacks: 10 – 12m (40%)	13-15m	YES
Side & rear setbacks: 6m	6m	YES
Zone interface setbacks: 9m to the 4 th storey	DA0987/08 and DA0988/08 numerically comply with the 9m (to the 4 th storey) zone interface setback requirements. In relation to DA0987/08, this is a circumstance where the minimum zone interface set back requirement does not achieve the objectives under 3C.2 as impacts are exacerbated by virtue of the topographical differences between high density development on Lot A and low density development on 16 Beaconsfield located down slope of the site. A greater separation combined with appropriate site master planning is demanded to ensure an acceptable transition and amenity between high and low density is achieved.	DA0987/08 NO in relation to Objectives
Setback to the 5 th storey 9m	Side setbacks to the 5 th storey <9m (refer definition of building line or setback under TCLEP)	NO
Encroachments (basement encroachments into street, side and rear setbacks, ground floor terrace/courtyard encroachments within front setback)	Refer assessment under DCP55	Satisfactory
3C.3 Site coverage Site coverage: 35%	35%	YES
3C.4 Deep soil landscaping 50% Tree replenishment and planting	50% Refer assessment by Council's Landscape Officer	YES
3C.7 Building storeys Maximum building height: 17.5m Maximum no. of storeys: 5	> 17.5m, 6 storeys	NO
3C.8 Building facades Building width < 36m	DA0987/08: >36m DA0988/08: <36m Refer assessment under DCP55	NO YES
Balcony projection < 1.2m	DA0987/08 and DA0988/08: 2m Refer assessment under DCP55	NO
3C.9 Building entries	DA0987/08: Amended design acceptable	YES

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Part 3 Specific Building Type Controls under Ku-ring-gai Town Centres DCP 3C Residential flat building (combined assessment in relation to DA0987/08 and DA0988/08)		
Development Control	Proposed	Complies
	DA0988/08: Unsatisfactory Refer comments by Urban Design Consultant	NO
3C.10 Top storey design and roof forms	Physical top storey of each building is 60% of the storey below.	YES
3C.12 Private open space ground floor apartments have a terrace or private courtyard greater than 25m ² in area Balcony sizes: - 10sqm – 1 bedroom unit - 12m ² – 2 bedroom unit - 15m ² – 3 bedroom unit NB. At least one space >10m ² primary outdoor space has a minimum dimension of 2.4m	>25sqm DA0987/08 and DA0988/08: <10sqm <12sqm <15sqm Refer assessment under DCP55 2.4m	YES NO YES
3C.13 Communal open space	Refer assessment under DCP55	Satisfactory
3C.14 Apartment depth and width 1. 18m maximum internal plan depth 2. 8m maximum depth to single aspect apartments 3. 4m minimum width to dual aspect apartments over 15m 4. 8m maximum distance from kitchen to an opening	Refer comments by Council's Urban Design Consultant	NO
3C.15 Ground floor apartments Finished ground level outside living area not more than 0.9m below existing ground level	DA0987/08, Building 1: The finished courtyard levels adjacent to Units 1LG-01 (up to 2m of cut), 1LG-04 (1m cut - @500m fill), 1G-01 (up to 2m of cut) Building 2: The finished courtyard levels adjacent to Units 2LG01 (+1.4m cut) Fencing associated with courtyard areas results in overshadow and reduces the amenity of the respective courtyard spaces.	NO
3C.16 Natural ventilation 60% natural cross ventilation 25% of all kitchens to be naturally ventilated	Refer assessment under DCP55	YES
3C.17 Solar access 70% apartments to receive min of 3+ hours direct sunlight to living and private outdoor	Refer assessment under DCP55	Development as a whole: YES DA0987/08 (Building 1): NO
>50% of the principle common open	Refer assessment under DCP55	Satisfactory

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Part 3 Specific Building Type Controls under Ku-ring-gai Town Centres DCP 3C Residential flat building (combined assessment in relation to DA0987/08 and DA0988/08)		
Development Control	Proposed	Complies
space of the development receives 3+ hours direct sunlight in the winter solstice		
<10% of the total units are single aspect with a western orientation	Refer assessment under DCP55	NO
3C.18 & 19 Visual and acoustic privacy	Refer building separation assessment under DCP55	NO
3C.20 Internal ceiling heights 2.7m	2.7m	YES
3C.21 Room sizes 1. living areas minimum dimension: • 4m for apartments with 2 or more bedrooms • 3.5m for other apartments 2. 3m minimum internal plan dimension for 1 and 2 bedroom apartments 3. 3m minimum internal plan dimension for 2 bedrooms in apartments with 3 or more bedrooms	Bedrooms 3m	YES
3C.22 Internal common circulation Single corridors: - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobby	Refer assessment under DCP55	YES
3C.23 Storage 1. Storage space provided as follows: i. 6m ³ for studio apartments ii. 8m ³ for one bedroom apartments iv. 12m ³ for apartments with two or more bedrooms 2. 50% of storage space located within the apartment, remaining space in basement allocated separately	Refer assessment under DCP 55	Satisfactory subject to condition
3C.25 Car parking provision Residential Control 1 bed = 0.7 – 1 spaces 2 bed = 1 – 1.25 spaces 3 bed = 1 – 2 spaces DA0987/08: 1 bed = 18.2 – 26 spaces 2 bed = 27 – 33.75 spaces 3 bed = 15 – 30 spaces Total = 60.2 – 89.75 spaces DA0988/08 1 bed = 2.8 – 4 spaces 2 bed = 19 – 23.75 spaces	DA0987/08: 26 x 1 bed, 2 x 1bed+study (2b), 25 x 2 bed and 15 x 3 bed units 88 spaces DA0988/08: 4 x 1 bed, 19 x 2 bed and 17 x 3 bed units 57 spaces	YES

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Part 3 Specific Building Type Controls under Ku-ring-gai Town Centres DCP 3C Residential flat building (combined assessment in relation to DA0987/08 and DA0988/08)		
Development Control	Proposed	Complies
3 bed = 17 – 34 spaces Total = 38.8 – 61.75 spaces		
Visitor parking		
1 space per 4 units DA0987/08: 68 units, 17 visitor spaces DA0988/08: 40 units, 10 visitor spaces	DA0987/08: 18 visitor spaces DA0988/08: 10 visitor spaces	YES
1 adaptable/disabled visitor space	DA0987/08: Building 1, 0 disabled visitor spaces Building 2: 1 disabled visitor space DA0988/08: 1 disabled visitor space	NO YES YES
1 service/removalist vehicle/carwash bay	DA0987/08: Building 1 and 2 include a service bay DA0988/08: 1 service bay	YES
3C.26 Bicycle parking 1 bicycle space per 5 units for residents 1 bicycle space per 10 units for visitors	Refer assessment under DCP55	Satisfactory subject to condition
3C.27 Adaptable housing 1. All residential flat buildings must contain 10% of apartments as adaptable 2. 1 disabled car space per adaptable apartment 3. 70% of apartments are visitable	DA0987/08: Building 1: 0% adaptable Building 2: 10.3% adaptable units, 7 disabled residential spaces within the basement of Building 2 DA0988/08: 10% adaptable, 4 disabled residential spaces within the basement DA0987/08 and DA0988/08: 100% visitable	NO YES YES
3C.28 Apartment mix and sizes 1. Range of apartment sizes within the development 2. Minimum apartment sizes: i. 50m ² for studios and one bedroom apartments ii. 70m ² for two bedroom apartments iii. 95m ² for three bedroom apartments	DA0987/08: 26 x 1 bed, 2 x 1bed+study, 25 x 2 bed and 15 x 3 bed units Da0988/08: 4 x 1 bed, 19 x 2 bed and 17 x 3 bed units ≥ 50sqm for 1 bed > 70 for 2 bed >95sqm for 3 bed	YES

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

LIKELY IMPACTS

The master planning behind DA0986/08, DA0987/08 and DA0988/08 is flawed, lacks a strategic and contextual approach and fails in many areas when applying the principles of SEPP65. Further, the proposal fails to address critical stormwater and catchment management issues.

SUITABILITY OF THE SITE

The site is zoned for multi-unit development. However, due to the urban design/SEPP65, drainage and catchment management issues identified, the development is not supported.

PUBLIC INTEREST

The proposal is considered not to be in the public interest.

ANY OTHER RELEVANT MATTERS NOT ALREADY DISCUSSED

There are no other relevant considerations.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be unsatisfactory. Therefore, it is recommended that DA0986/08, DA0987/08 and DA0988/08 be refused.

RECOMMENDATION:

- A. Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979 THAT Ku-ring-gai Planning Panel, as the consent authority, refuse development consent to DA0986/08 – Consolidation and re-subdivision into 2 lots being Lot A and Lot B on land at 6, 6A,8, 10 and 10A Beaconsfield Parade, Lindfield as shown on subdivision plan TC006A prepared by Wolski Coppin Architecture, for the following reasons:
1. Irregular subdivision line
Particulars:
 - a) The proposed subdivision line presents an irregularity at the mid-point of the northern boundary of Lot A/rear south-western corner of Lot B. The subdivision line is inconsistent with the surrounding pattern of subdivision. The application offers little justification for this irregularity. The boundary irregularity serves no planning purpose other than to obtain a greater floor space yield in relation to DA0987/08.
 - b) The amended proposal involves a re-alignment of the boundary irregularity. The alignment seeks to maintain the proposed site area of Lot A and B. The amended boundary does not overcome previous concerns that the irregularity serves no planning purpose other than to obtain a greater floor space yield in relation to DA0987/08. In this regard, the nature of the subdivision is not well justified and creates an unnecessary irregular shaped arrangement.
- B. Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979 THAT Ku-ring-gai Planning Panel, as the consent authority, refuse development consent to DA0987/08 – Demolition of existing dwellings, construction of 2 residential flat buildings comprising 68 units, basement carparking and landscaping works on Lot A, on land at 6, 6A,8, 10 and 10A Beaconsfield Parade, Lindfield as shown on

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architectural plans DA01B, DA02A, DA03B, DA04B, DA05C, DA06D, DA07C, DA08D, DA09D, DA10C, DA11C, DA12C, DA13C, DA14C, DA15C, DA16C, DA17 and DA18 prepared by Wolski Coppin Architecture and landscape plans One/Three, Two/Three and Three/Three, dated October 2010, prepared by Iscape Landscape Architecture for the following reasons:

1. Failure to satisfy SEPP65 Design Quality Principles

Particulars:

a) General

The development fails in multiple areas to satisfy the Design Quality Principles set out in Part 2 of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.

Principally, the development lacks a strategic and contextual approach and lacks regard to all site constraints.

The proposed development results in a poor relationship of building to the site, problems with access, address and entry, poor relationship with the single dwelling house context located down hill of the development and apartments with unsatisfactory amenity.

b) Context:

The development does not respond well to the context with regard to the built form. The location and orientation of the built form should take into consideration the topography and the siting and design of adjoining dwelling houses. The proposal fails to adequately consider the topography and associated impacts upon the siting and design of the adjoining development, in particular 16 Beaconsfield Parade, and results in a poor built form relationship having regard to the character, quality and identity of the area.

c) Scale:

The scale of Building 2 is excessive and results in both unreasonable and adverse impacts to the dwelling house at 16 Beaconsfield, particularly having regard to its building length, orientation and number of units, and differences in levels between these properties.

d) Built form and amenity

The proposed built form is not appropriate for the site. The result is a number of buildings located on the site having an excessive building depth which are poorly located with respect to the context of the subject site, adjoining sites and the public domain. The site strategy in this regard, is poor and results in substandard amenity for many of the apartments.

e) Density:

The proposed development is excessive in scale and floor space and has not had adequate regard for adjoining single dwelling development in terms of maintaining a relative scale relationship and reasonable level of amenity.

f) Storage:

Storage areas required by the DCP should be indicated on the plans, noting that at least 50% be provided within the unit. This has not been provided. A detailed unit schedule which summaries the apartment number, floor area, balcony area and storage provided has not been provided.

2. The relationship between Building 2 and adjoining properties

Particulars:

- a) The current site layout, orientation and placement of the building forms presents a flawed response to the topography, immediate context and existing natural features of the site. The placement of Building 2 in particular, parallel to the rear boundary creates significant built form and amenity issues at the interface boundary. The overall master plan and strategy to develop the site should be reconsidered to fully address these concerns.
- b) The stepping of the Building 2 results in a 'pyramidal' building form that, without appropriate articulation in plan, generally delivers a very poor architectural outcome. This solution also provides for an extensive quantity of balcony area along the boundary – providing additional sources of noise and increasing the potential for overlooking onto the adjoining property. These terraces are south-west facing, and in many cases are the primary open space of the dwelling. The terraced setback of the upper levels also presents a potential privacy concern.

The sight lines provided and rationale provided on sight lines are circumstantial and arbitrary based only on the specified distances from the boundary and do not take into account oblique views. The upper floors will be visible from many parts of the site.

3. Pedestrian entrance and access arrangements from Building 1 to Building 2

Particulars:

- a) This main pedestrian entrance is of insufficient width to provide satisfactory disabled access and to allow for the practicality of moving items in and out of the building. The path in parts is 1m in width and does not comply with the minimum 1.2m requirement for disabled access. The path, particularly, its width fails to comply with AS1428.1(2009).
- b) The front entrance pathway is not sufficient in width for practical access or providing a formal sense of main entrance to the development, noting

access to Building 2 is also via Building 1 (the entrance should be at least 1.8 – 2.4m wide). The entrance to the Building 2 lobby has been designed as a corridor rather than an inviting entrance.

4. Insufficient information has been submitted regarding water management for the development

Particulars

- a) Section 8.3.1 of Council's DCP 47 *Water management* requires treatment of captured stormwater to achieve water quality targets. Appendix 5 of DCP 47 contains design requirements for on site detention systems.

Council engaged a hydrological expert to assess the proposed water management associated with this development and others around to determine whether there would be an adverse effect on downstream properties in regard to flooding and water quality.

Dr O'Loughlin recommended "*I would expect that for DA submissions, Council would require concept plans showing the location of stormwater treatment devices and information on maintenance procedures.*" This requirement was conveyed to the applicant in a letter dated 29 June 2010.

Despite Council's request, amended water management plans and the other information requested were not submitted.

- b) The most up to date water management plans in the DA file are Drawings G0090667/P1 and P2, Issue 2, dated 10/3/10, which were sent to Council electronically as an attachment to ACOR Appleyard report of 12 March 2010.

No stormwater treatment devices are shown on these drawings, which do not demonstrate that all roof areas can drain into the OSR/ OSD tank through such devices.

Neither do the drawings demonstrate that the proposed system complies with the requirements of Council's DCP 47 *Water management* in regard to design of OSD systems.

- c) These drawings show a combined detention/ retention tank beneath the lower basement of Building 1. Schematic pipe locations are indicated with the notation "Connect roof drainage to OSD/OSR. Support pipe from basement in accordance with AS/NZS3500".

The outlet from the detention tank around the north-western side of the building is also shown schematically. The pipe is required to be installed across the carpark ramp between the two buildings. The pipe level would be between RL82.40 and RL82.15, however there is a void over this section of the carpark, with a ceiling level of RL86.3, so the pipe would be suspended across here, restricting headroom to about 1.5 metres, which is

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insufficient even for a car, and even less so for a small waste collection vehicle.

- d) The discharge control pit (DCP) is proposed to be against the north-western side of Building 2, apparently in a private courtyard, contrary to the requirements of Appendix A5.1h) of DCP 47.
- e) There is no evident safe route to prevent surcharge from the DCP from entering the downstream property, as is required by Appendix A5.1o) of DCP 47.
- f) The top water level of the detention system is shown on the ACOR Appleyard plan as RL83.40, although the landscape plan has the courtyard level at RL83.50; either way, the overflow is not 300mm below the floor level of all habitable areas adjacent to the OSD, as required by Appendix A5.1q)(i) of DCP 47. (Building 2 Lower Ground level RL83.60).
- g) If driveway runoff is also to be treated, such runoff must be collected prior to entry into the pump-out pit beneath the lowest basement level of Building 2. Details have not been provided.
- h) It is not clear whether the erosion and sedimentation control drawings originally submitted, ACOR Appleyard Drawings C1-5 to C1-7, remain current.

5. Catchment management

Particulars:

The application cannot be supported due to the provision of unsatisfactory information. Requests for information made as part of a previous assessment (letter dated 19/06/2010) have not been provided.

- a) Additional detail has not been provided to demonstrate the exact location, dimensions and implementation of the OSD and water quality treatment device(s), including a maintenance schedule (as required by DCP47 Section 8.3.1g/Town Centres DCP 5F.2(7)), as such uncertainty remains around the stated performance of the OSD and treatment system.
 - This information is required to ensure that the devices are positioned appropriately to ensure that both buildings can drain to the device(s) and that they can be maintained appropriately.
 - Plans should show that the orifice plate will be put in place as soon as the OSD system is constructed to ensure minimal negative impact from increased flows on the downstream environment.
- b) No detail has been provided addressing the concerns relating to the system not meeting council's stormwater quality requirements (DCP47 Section 8.3.1/Town Centres DCP Section 5F.2), uncertainty remains regarding the

water quality treatment performance of the concept system.

- This relates to the water quality entering the downstream environment and it is preferable that the proposed stormwater treatment train be amended to ensure that each of the objectives is met.
 - i. If the objectives cannot be met then justification should be provided with evidence to demonstrate that the best treatment possible for the site is achieved.
- c) No detail has been provided for the new outlet structure for the easement at the receiving waterway, uncertainty remains around the potential for erosion of the receiving waterway as a result of the outlet.
 - This detail is required to ensure that the outlet will not have adverse impact on the receiving waterway and should be designed in conjunction with the NOW guidelines (as outlined in the letter dated 19/06/2010).
- d) No information has been provided relating to the impact of the controlled flows from the OSD system on the receiving waterway and if this is lower than the “stream (or channel) forming flow”. Uncertainty remains around erosion along the extent of the receiving waterway, a headwater tributary which is unlikely to be robust to changes in flow regime.
 - If the water released from the OSD system is at or above the “stream (or channel) forming flow” for the receiving waterway then there is likely to be excess erosion as part of the development, which is against the objectives of the water management controls. This potential impact should be addressed and mitigated through design of the OSD system.

6. Inadequate and unsatisfactory information for the purposes of assessment in relation to built form controls under Clause 25 of the KPSO.

Particulars:

- a) The standard of information is unsatisfactory for the purposes of assessment against the built form controls under Clause 25 of the KPSO.

The applicant has submitted a survey plan 1:200, prepared by Usher & Company Pty Ltd, architectural plans 1:200 and reduced scale conceptual compliance diagrams on A3 sheets contained in the Statement of Environmental Effects. The contours shown on the survey plan are not consistent with the contours shown on the architectural plans. With regard to Clause 25(9), the ceiling RLs have not been provided on the architectural plans to assist with the storey count assessment when applying the 1.2m dimension in conjunction with RLs/contours provided on survey. The

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compliance diagrams are at a reduced scale and not at a consistent scale with the architectural plans (1:200) for overlaying purposes and to assess those areas included and not included in the applicant's top story and 25K assessment.

- b) Based on interpolating the contours between the survey plan and the architectural plans, the compliance diagrams submitted are not supported as they are not accurate with the survey. Due to the complex design of the driveway, basement, void areas, part residential levels combined with the steeply sloping topography of the site, accurate and consistent information is essential and has not been satisfactorily provided.
- c) A 'technical' and 'merit based' assessment is necessary with regard to the Clause 25 controls in view of the difficulties associated with the interpretation of Clause 25(9) of the KPSO. This cannot be satisfactorily undertaken due to inaccurate and unsatisfactory information as outlined above.

7. Manageable housing

Particulars:

- a) The development fails to provide reasonable and equitable distribution of manageable units between Building 1 and 2. None of the 41 units in Building 1 (with direct frontage and access to Drovers Way), are designated as adaptable housing. Of the total 27 units in Building 2 (located to the rear and down slope of Lot A), seven (7) are designated as manageable housing.

Building 1 does not provide housing choice for seniors and people with disabilities nor provides housing that allows people to stay in their home as their needs change due to aging or disability.

8. Non-compliances with DCP55

Particulars:

- a) FSR: The floor space area compliance diagrams exclude pedestrian fire egress tunnels from the basement of the buildings. This is not consistent with the definition of gross floor area under DCP55. The purpose of the pedestrian tunnels is to provide fire egress (not as common pedestrian access to and from the basement). The inclusion of the fire egress stairs would result in an FSR exceeding 1.3:1.
- b) Balconies/private open space: The architectural plans nominate balcony areas which comply with the minimum area requirements. However, manual calculation based on internal dimensions within the designated balcony areas, suggest multiple balconies do not support the nominated figures provided.

9. Non-compliances with Town Centres LEP

Particulars:

- a) The buildings exceed the maximum 17.5m height control (Building 1 as 18.15m and Building 2 as 18.85m) and FSR under the Town Centres LEP.
- b) The proposal does not satisfy the height and floor space objectives under the Town Centres LEP having regard to the cumulative SEPP65 issues raised and failure of the proposal to appropriately respond to the site constraints and surrounding context.
- c) The FSR compliance diagrams do not comply with the definition of gross floor space area under the TCLEP which excludes vertical circulation areas. The fire egress pedestrian tunnels which have been omitted from the FSA calculation, must be included and would result in the development exceeding the maximum 1.3:1 requirement.

10. BCA non-compliance

Particulars:

- a) The proposed fire exits are unsatisfactory in relation to the BCA as follows:
 - The fire isolated stair in Building 1 (north side) must discharge by way of its own fire isolated passageway to comply with D1.7(b) of the BCA.
 - The discharge points for the fire isolated stair in Building 1 (south side) are confusing and not clear on the submitted plans. Discharge of exit must comply with D1.7 of the BCA.
 - Re-design of the fire egress stairs may result in a change to deep soil landscaping and possible non-compliance noting the current design includes minimal buffer to the 50% requirement.

11. Impractical basement design for construction

Particulars:

- a) The irregular shape and indenting of basements is not practical for construction. Having regard to the cumulative issues raised, the impractical basement design is a further indicator that the proposal as a whole is an overdevelopment of the site.

12. Plant and air conditioning units

Particulars:

- a) Building 1 includes 33 out of 41 condenser units (80.5%) and Building 2 includes 23 out of 27 condenser units (85%) to be located on the roof of the buildings.

Having regard to the sloping topographical context including R4 zoned land up-slope of the site and Lindfield Business zone further up-slope towards Pacific Highway, a 1m parapet is a poor design solution to screen the high quantity of units proposed to the roof of the buildings.

- b) The mechanical plant has not been well integrated with the building form. Rather, the location of mechanical plant has been considered after the design phase of the development.

13. Courtyard areas and fencing

Particulars:

- a) Private courtyards have been defined generally as a 'timber screen fence' (architectural plans) however no detail has been provided on the Landscape Plan or architectural plans. The proposed 2 metre solid masonry private courtyard fence to Units 1G02, Unit 1LG-04 and Unit 2G-01 does not comply with DCP55 which allows maximum 1.8m high fencing with only 1.2m solid component.
- b) The proposed fill (approx 900mm) to the lower ground courtyards of Building 2 is excessive. The proposed landscaping has an inappropriate relationship with the existing ground levels and will be visually dominating when viewed from the down slope adjoining property.
- c) Stone cladding building to finish: There is a dominance of stone finish to retaining and freestanding walls as well as to the lower ground floor walls (Refer Building 2 'West Elevation', DA14C). There is no detail provided on the finishes diagram.
- d) Retaining walls to private courtyards: The proposed 2.18m retaining wall to the private courtyard of Unit 1G01 restricts solar access to the living room (refer Building 1, Section CC, DA18).
- e) Private courtyard fencing: The proposed 2 metres high solid masonry private courtyard fencing to Units 1G02 within the front setback and Unit 1LG-04 does not comply with DCP55 which allows maximum 1.8m high fencing with only 1.2m solid component.

14. Deep soil compliance diagram

Particulars:

- a) The deep soil compliance diagram does not comply with the definition under Clause 25 of the KPSO. Deep Soil landscape Plan should be amended as follows:

Areas that are to be excluded from deep soil landscape calculation:

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- Retaining walls required due to excessive change of level between courtyard and existing levels of side setback – Unit 1G-08, 1LG-01, 1LG-04
- Area of paving/courtyard to Unit 1G-01

Areas that are to be deleted (included in deep soil landscape area) refer below:

- the entire length of proposed retaining wall to the west of Building 2

C. Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979 THAT Ku-ring-gai Planning Panel, as the consent authority, refuse development consent to DA0988/08 – Demolition of existing dwellings and construction of a residential flat building comprising 40 units basement carparking and landscaping works on Lot B, on land at 6, 6A,8, 10 and 10A Beaconsfield Parade, Lindfield as shown on architectural plans prepared by Wolski Coppin Architecture, landscape plans prepared by, for the following reasons:

1. Failure to satisfy SEPP65 Design Quality Principles

Particulars:

a) General

The development fails in multiple areas to satisfy the Design Quality Principles set out in Part 2 of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.

Principally, the development lacks a strategic and contextual approach and lacks regard to all site constraints.

The proposed development results in a poor relationship of building to the site, problems with access, address and entry, poor relationship with the single dwelling house context located down hill from the development and apartments with unsatisfactory amenity.

b) The proposed development is excessive in scale and floor space and has not had adequate regard for adjoining single dwelling development in terms of maintaining a relative scale relationship and reasonable level of amenity.

c) Safety and security:

The entrance to the building on Lot B has not been satisfactorily resolved.

The proposed entrance to the side of the building, including recesses and opportunities for concealment, is of poor design from a safety and security perspective. The lobby to the southern lift remains long and narrow.

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d) Communal open space and accessibility

The quality and accessibility to the external communal open spaces is restricted and poor.

The proposal provides the major communal open space to the northern boundary. An additional area of communal open space is located along the western boundary which supports most of the existing remnant trees. No disabled access to either communal open space areas has been provided.

A secondary communal open space in the front setback, consisting of sloping lawn with greater solar access but less privacy, has been provided. This area has no disabled access.

e) Storage areas required by the DCP should be indicated on the plans, noting that at least 50% be provided within the unit. This has not been provided. A detailed unit schedule which summaries the apartment number, floor area, balcony area and storage provided has not been provided.

2. Streetscape presentation

Particulars:

a) A satisfactory outcome for the entrance to the building has not been achieved. The side entrance does not provide an acceptable outcome and has not been treated as a designed or integrated element. There is scope to provide a colonnade style entrance along the side of the building opening at a variety of points to the common garden areas. This level of design quality is not apparent in the plans provided to date.

The proposed round columns provide a structural purpose, however, fail to provide definition to the entrance and relates poorly to the architectural design of the rest of the building.

3. Insufficient information has been submitted regarding water management for the development

Particulars

a) Section 8.3.1 of Council's DCP 47 *Water management* requires treatment of captured stormwater to achieve water quality targets.

Council engaged a hydrological expert, to assess the proposed water management associated with this development and others around to determine whether there would be an adverse effect on downstream properties in regard to flooding and water quality.

Dr O'Loughlin recommended "*I would expect that for DA submissions, Council would require concept plans showing the location of stormwater treatment devices and information on maintenance procedures.*" This

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requirement was conveyed to the applicant in a letter dated 29 June 2010.

Despite Council's request, amended water management plans and the other information requested were not submitted.

- b) The most up to date water management plans in the DA file are Drawings 382716/C2-1, C2-2 and C2-3, all Issue 3, dated 16/9/08, which were sent to Council electronically as an attachment to ACOR Appleyard report of 12 March 2010.

No stormwater treatment devices are shown on these drawings, which do not demonstrate that all roof areas can drain into the OSR/ OSD tank through such devices.

- c) The stormwater management plans show a previous building layout. The combined detention and retention tank is beneath the entry drive, which is now 4 metres uphill of its original location, with correspondingly higher levels and a shorter length. The tank volume and depth will therefore be affected and it is not clear that they will be adequate. The basement carpark layout is quite different so the drawings are inconsistent with the current amended plans submitted.
- d) All levels of the top of the tank (ie at the high and low sides) should be shown on the stormwater plan. If driveway runoff is also to be treated, such runoff must be collected prior to entry into the pump-out pit beneath the lowest basement level. The details above have not been satisfactorily provided.
- e) It is also not clear whether the erosion and sedimentation control drawings originally submitted, ACOR Appleyard Drawings C2-5 and C2-6, remain current.

4. Inadequate information has been submitted regarding vehicular access to the development

Particulars

- a) The level at the boundary in the centre of the driveway should be approximately RL91.50, and 6 metres inside the property at 5%, as required under AS2890.1:2004, the level should be RL91.20, however, the architectural drawing shows RL90.70.
- b) Because of the gradient of Beaconsfield Parade at the driveway location, longitudinal sections of the high and low side of the new vehicular crossing and driveway are required. This is to determine the amount of regrading which may be required in Council's nature strip and to confirm that levels will comply with Council's standard vehicular crossing profiles and AS2890.1:2004 *Off street car parking*.

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- c) The levels are necessary at the assessment stage because the driveway would be constructed to the levels on the architectural plans and the difference between those levels and the natural ground level at the boundary may not become evident until a driveway slab is actually in place.
- d) The entry driveway levels need to be correct on the stormwater plans, because the capacity of the tank might be compromised, or vehicular access obstructed if the tank levels are not consistent with those on the architectural plans.
- e) The ground floor level over the carpark entry is RL93.53, and the driveway level is RL89.20, a difference of 4.33 metres. When the entry driveway levels are corrected, it is uncertain whether the minimum headroom of 2.6 metres required will be achieved to allow Council's small waste collection vehicle to enter the basement. This should have been confirmed by a longitudinal section.

5. Inadequate and unsatisfactory information for the purposes of assessment in relation to built form controls under Clause 25 of the KPSO.

Particulars:

- a) The standard of information is unsatisfactory for the purposes of assessment against the built form controls under Clause 25 of the KPSO.

The applicant has submitted a survey plan 1:200, prepared by Usher & Company Pty Ltd, architectural plans 1:200 and reduced scale conceptual compliance diagrams on A3 sheets contained in the Statement of Environmental Effects. The contours shown on the survey plan are not consistent with the contours shown on the architectural plans. With regard to Clause 25(9), the ceiling RLs have not been provided on the architectural plans to assist with the storey count assessment when applying the 1.2m dimension in conjunction with RLs/contours provided on survey. The compliance diagrams are at a reduced scale and not at a consistent with the architectural plans (1:200) for overlaying purposes and to assess those areas included and not included in the applicant's top story and 25K assessment.
- b) Based on interpolating the contours between the survey plan and the architectural plans, the compliance diagrams submitted are not supported as they are not accurate with the survey. Due to the complex design of the driveway, basement, void areas, part residential levels combined with the steeply sloping topography of the site, accurate and consistent information is essential and has not been satisfactorily provided.
- c) A 'technical' and 'merit based' assessment is necessary with regard to the Clause 25 controls in view of the difficulties associated with the interpretation of Clause 25(9) of the KPSO. This cannot be satisfactorily undertaken due to inaccurate and unsatisfactory information as outlined

above.

6. Non-compliances with DCP55

Particulars:

- a) FSR: The floor space area compliance diagrams exclude pedestrian fire egress tunnels from the basement of the buildings. This is not consistent with the definition of gross floor area under DCP55. The purpose of the tunnels is to provide fire egress (not common pedestrian access to and from the basement). The inclusion of the fire egress stairs would result in an FSR which would exceed 1.3:1.
- b) Balconies/private open space: The architectural plans nominate balcony areas which comply with the minimum area requirements. However, calculations based on internal dimensions within the designated balcony areas, suggest multiple balconies do not support the nominated figures provided.

7. Non-compliances with Town Centres LEP

Particulars:

- a) The buildings exceed the maximum 17.5m height control (19.77m) and FSR under the Town Centres LEP.
- b) The proposal does not satisfy the height and floor space objectives under the Town Centres LEP having regard to the cumulative SEPP65 issues raised and failure of the proposal to appropriately respond to the site constraints and surrounding context.
- c) The FSR compliance diagrams do not comply with the definition of gross floor space area under the TCLEP which excludes vertical circulation areas. The fire egress pedestrian tunnels which have been omitted from the FSA calculation, must be included and would result in the development exceeding the maximum 1.3:1 requirement.

8. Impractical basement design for construction

Particulars:

- a) The irregular shape and indenting of basements is not practical for construction. Having regard to the cumulative issues raised, the impractical basement design is a further indicator that the proposal as a whole is an overdevelopment of the site.

9. Plant and air conditioning units

Particulars:

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- a) Most of the condenser units (35 out of 40 or 87.5%) are to be located on the roof.

Having regard to the sloping topographical context including R4 zoned land up-slope of the site and Lindfield Business zone further up-slope towards Pacific Highway, a 1m parapet is a poor design solution to screen the high quantity of units proposed to the roof of the buildings.

- b) The mechanical plant and screening has not been well integrated with the building form. Rather, the location of mechanical plant has been considered after the design phase of the development.

Rebecca Eveleigh
Executive Assessment Officer

Richard Kinninmont
Team Leader- Development Assessment -
Central

Corrie Swanepoel
Manager Development Assessment Services

Michael Miocic
Director Development & Regulation



Attachments:	A1	Location sketch	2011/050953
	A2	Zoning extract - Ku-ring-gai Town Centres	2011/050963
	A3	Zoning extract prior to gazettal of Town Centre	2011/050961
	A4	Plan of subdivision	2011/051071
	A5	Amended plans - DA0987/08	2011/051079
	A6	Amended plans - DA0988/08	2010/213478
	A7	Attachment A - List of submitters to the original and amended plans	2011/050523
	A8	Attachment B Drafted site specific building form controls for Precinct F	2011/050766
	A9	Attachment C Advice on integrated development from NSW Office of Water	2010/250873
	A10	Attachment D SEPP1 objection lodged under DA0988/08	2011/050746
	A11	Attachment E Pages 127-136 of report to Ku-ring-gai Planning Panel 27 May 2009	2011/050763
	A12	Attachment F Proposed development at DA0552/09 (withdrawn) in relation to DAs986-988/08	2011/050758

LOCATION SKETCH

6-10A Beaconsfield Parade LINDFIELD

DEVELOPMENT APPLICATION No.0986-0988/08



 NORTH	DATE: 16-3-2011 Metres 0 10 20 40 60	126 Responses Outside the Map Area, 311 in total OBJECTION ⊗ DA0986/08 ● DA0987/08 ⊙ DA0988/08	▨ SUBJECT LAND ▩ HERITAGE ITEM ▤ CONSERVATION AREA □ CIRCULATED AREA	Ku-ring-gai Council 
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Ku-ring-gai Town Centre Zoning Extract

6-10A Beaconsfield Parade LINDFIELD DA0986-0988/08



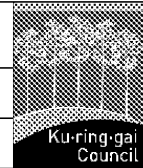
ZONES

B2	Local Centre	E2	Environmental Conservation	R4	High Density Residential
B4	Mixed Use	E4	Environmental Living	RE	Public Recreation
B5	Business Development	R2	Low Density Residential	SP1	Special Activities
B7	Business Park	R3	Medium Density Residential	SP2	Infrastructure





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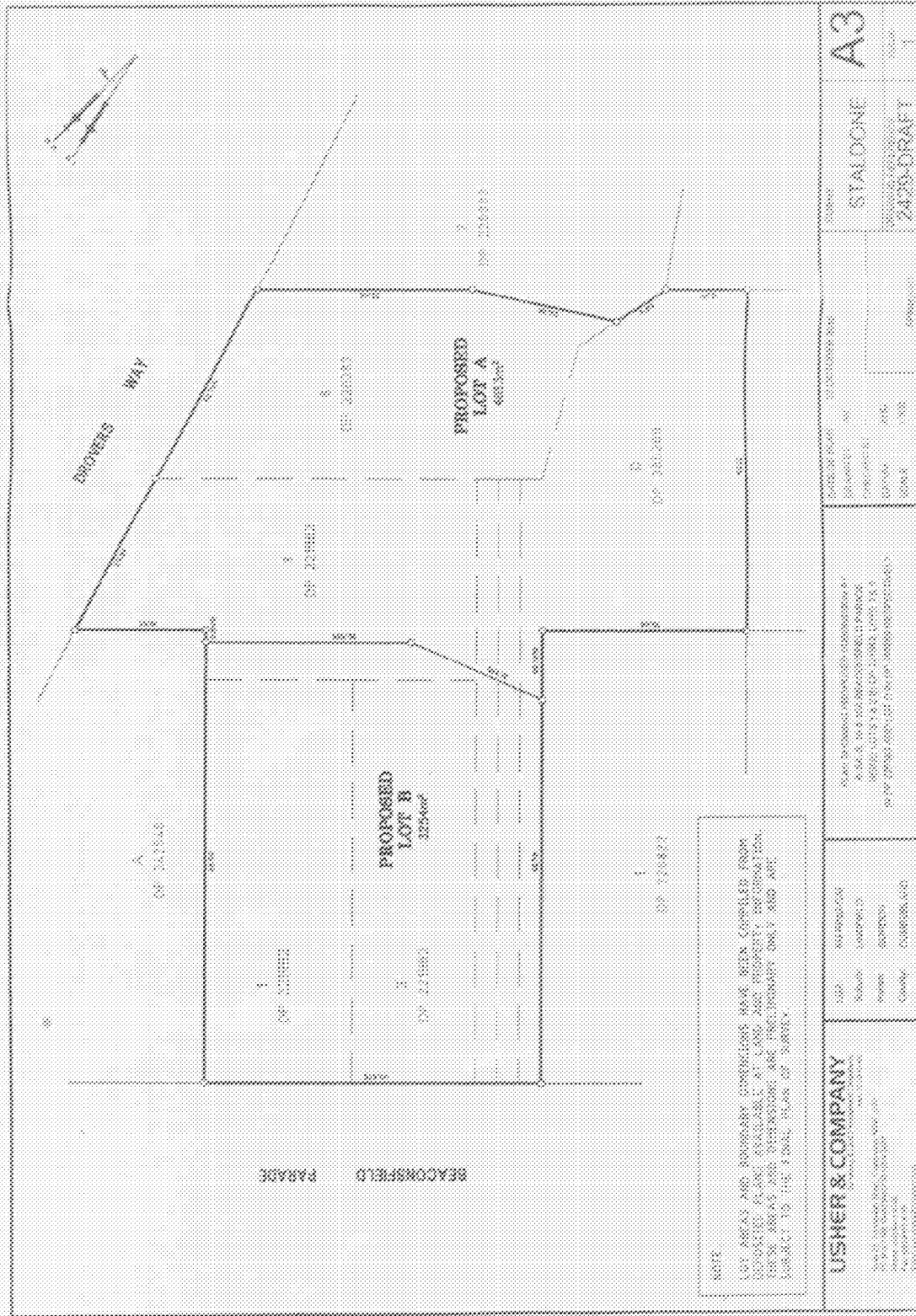
16/03/2010



Ku-ring-gai Planning Scheme Zoning Extract
 Prior to Gazettal of the Twon Centres LEP
 6-10A Beaconsfield Parade LINDFIELD DA0986-0988/08



ZONES			RESERVATIONS	GENERAL
2. RESIDENTIAL (a) RESIDENTIAL A (b) RESIDENTIAL B (c) RESIDENTIAL C (c1) RESIDENTIAL C1 (c2) RESIDENTIAL C2 (d) RESIDENTIAL D (d3) RESIDENTIAL D3 (e) RESIDENTIAL E (f) RESIDENTIAL F (g) RESIDENTIAL G (h) RESIDENTIAL H	3. BUSINESS (a) RETAIL SERVICES FLOOR SPACE RATIOS A1 2.0:1 A2 1.0:1 A3 0.75:1 (b) COMMERCIAL SERVICES FLOOR SPACE RATIOS B1 1.0:1 B2 1.0:1	5. SPECIAL USES (a) SPECIAL USES A (Schools etc) (a1) SPECIAL USES A1 (b) SPECIAL USES (Railway)	OPEN SPACE (a) OPEN SPACE (b) COUNTY OPEN SPACE SPECIAL USES SPECIAL USES (Parking etc) ROADS (a) COUNTY ROAD WIDENING (b) COUNTY ROAD PROPOSED (c) LOCAL ROAD PROPOSED (d) LOCAL ROAD WIDENING	OTHER EXISTING COUNTY ROAD OTHER PLANNING INSTRUMENTS
			(a) RECREATION EXISTING (b) RECREATION PRIVATE (c) RECREATION PROPOSED	 Scale : 1:3000 Date : 16/03/2011 



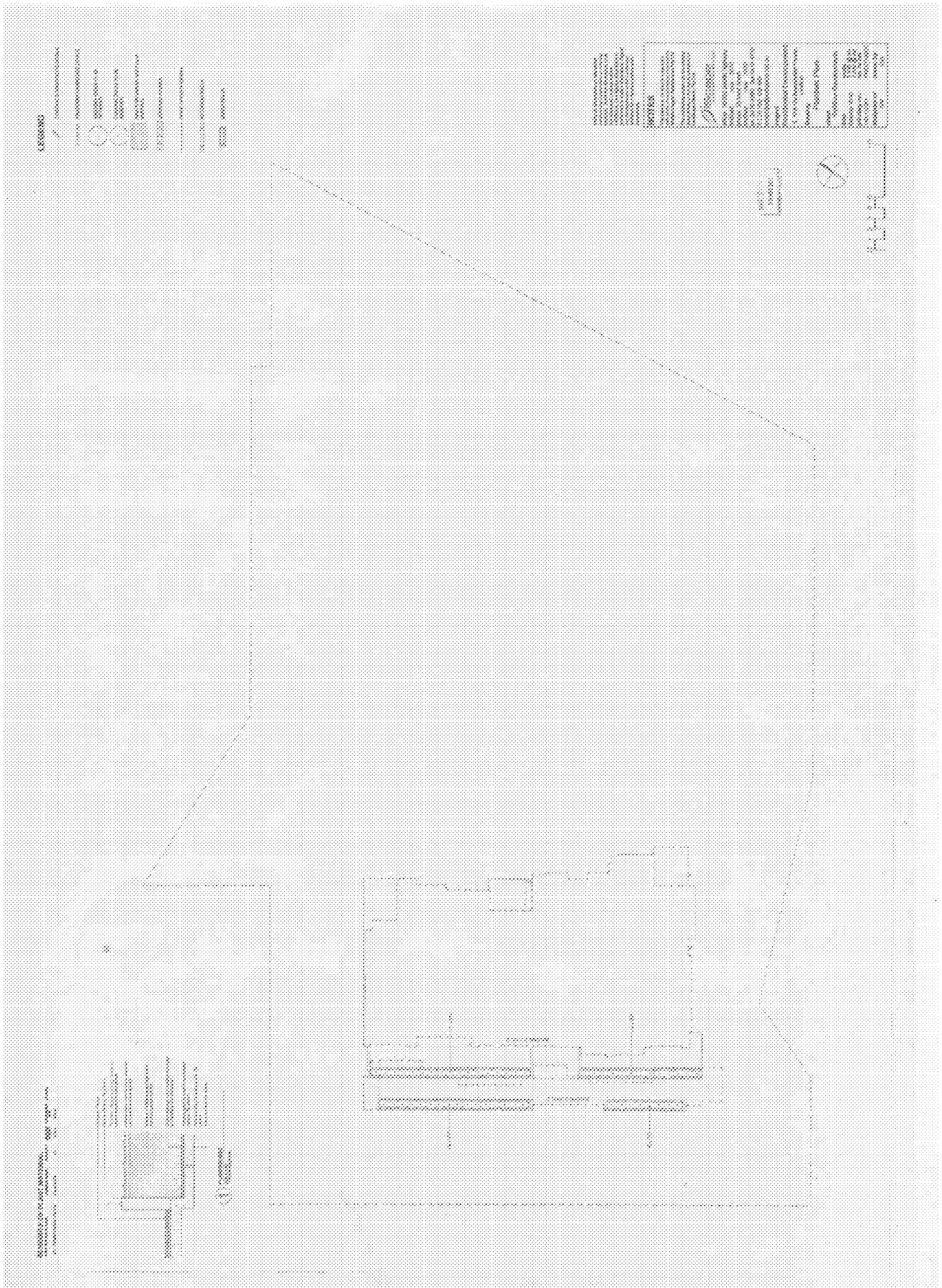
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A3
24/05/2011
24/05/2011

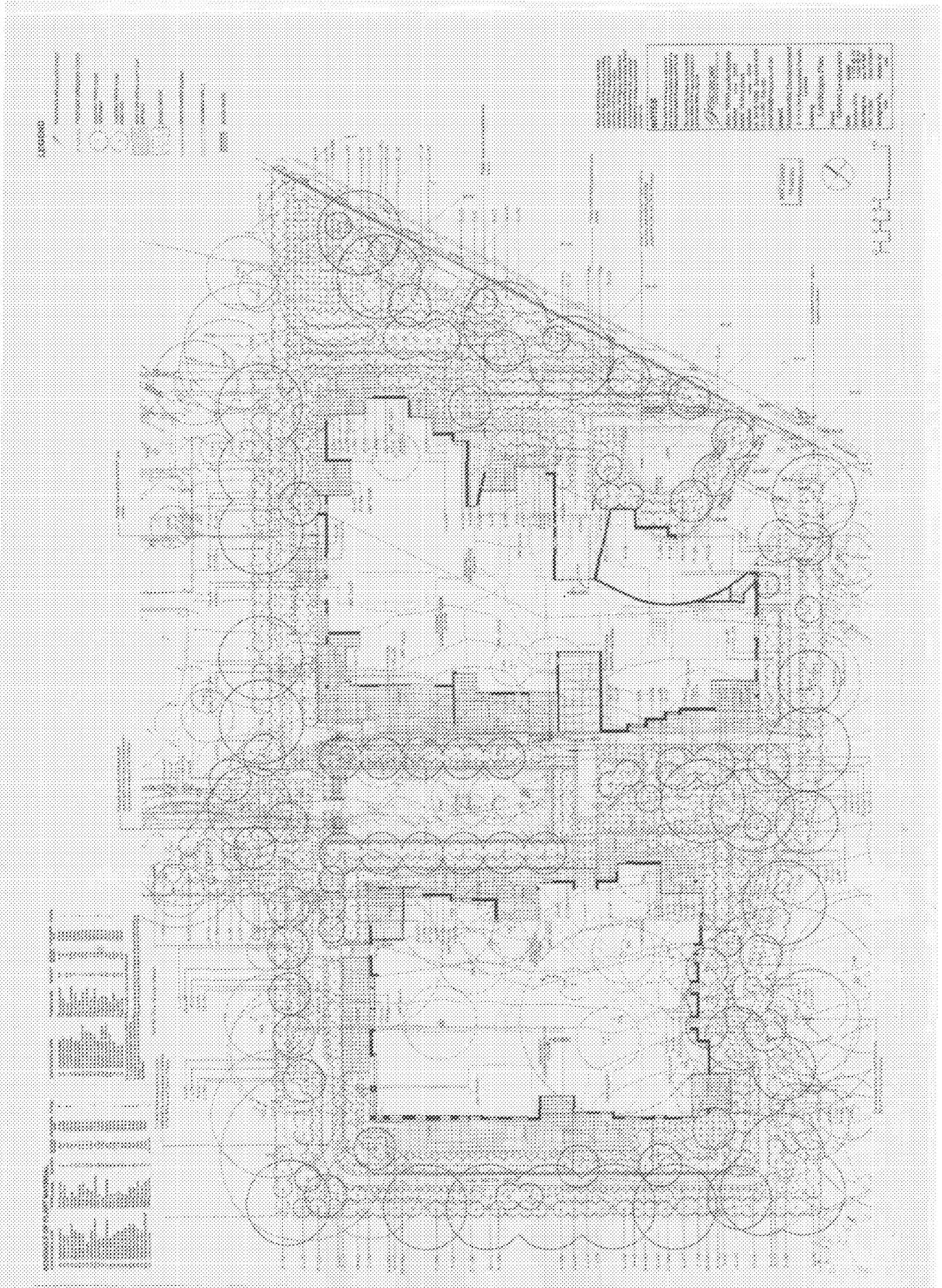
USHER & COMPANY
SURVEYORS
100/102 SEACORNFIELD PARADE
MELBOURNE VIC 3004
TEL: 03 9594 1111
WWW.USHERANDCOMPANY.COM.AU

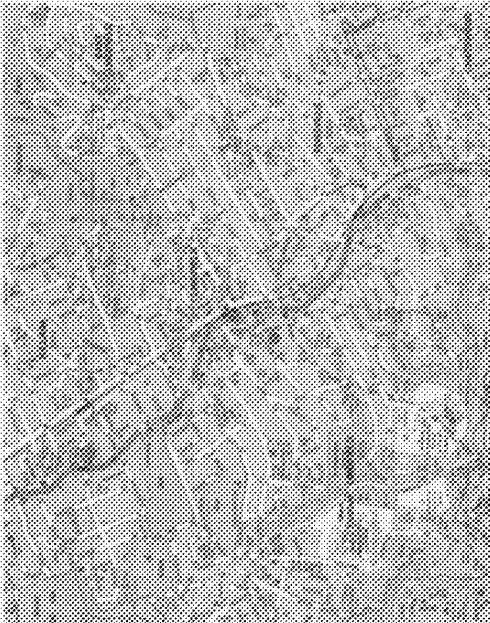
PLAN PREPARED BY USHER & COMPANY
A.S.A. TO THE PROVISIONS OF THE
SURVEY ACT 1958 (VIC) AND THE
SURVEY REGULATIONS 1958 (VIC)

DATE: 24/05/2011
BY: [Signature]
CHECKED: [Signature]
SCALE: AS SHOWN

USHER & COMPANY
SURVEYORS
100/102 SEACORNFIELD PARADE
MELBOURNE VIC 3004
TEL: 03 9594 1111
WWW.USHERANDCOMPANY.COM.AU

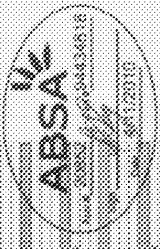




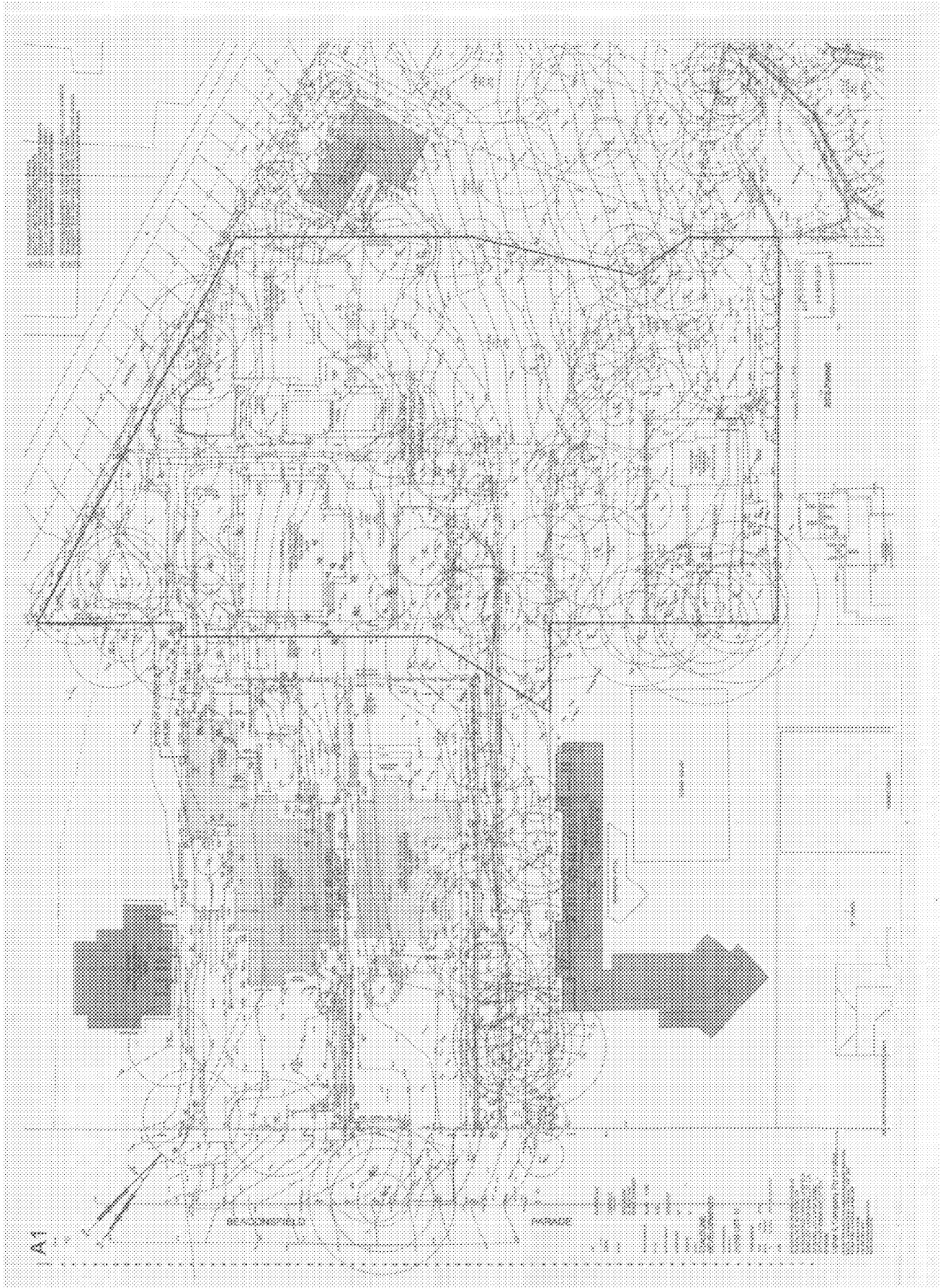


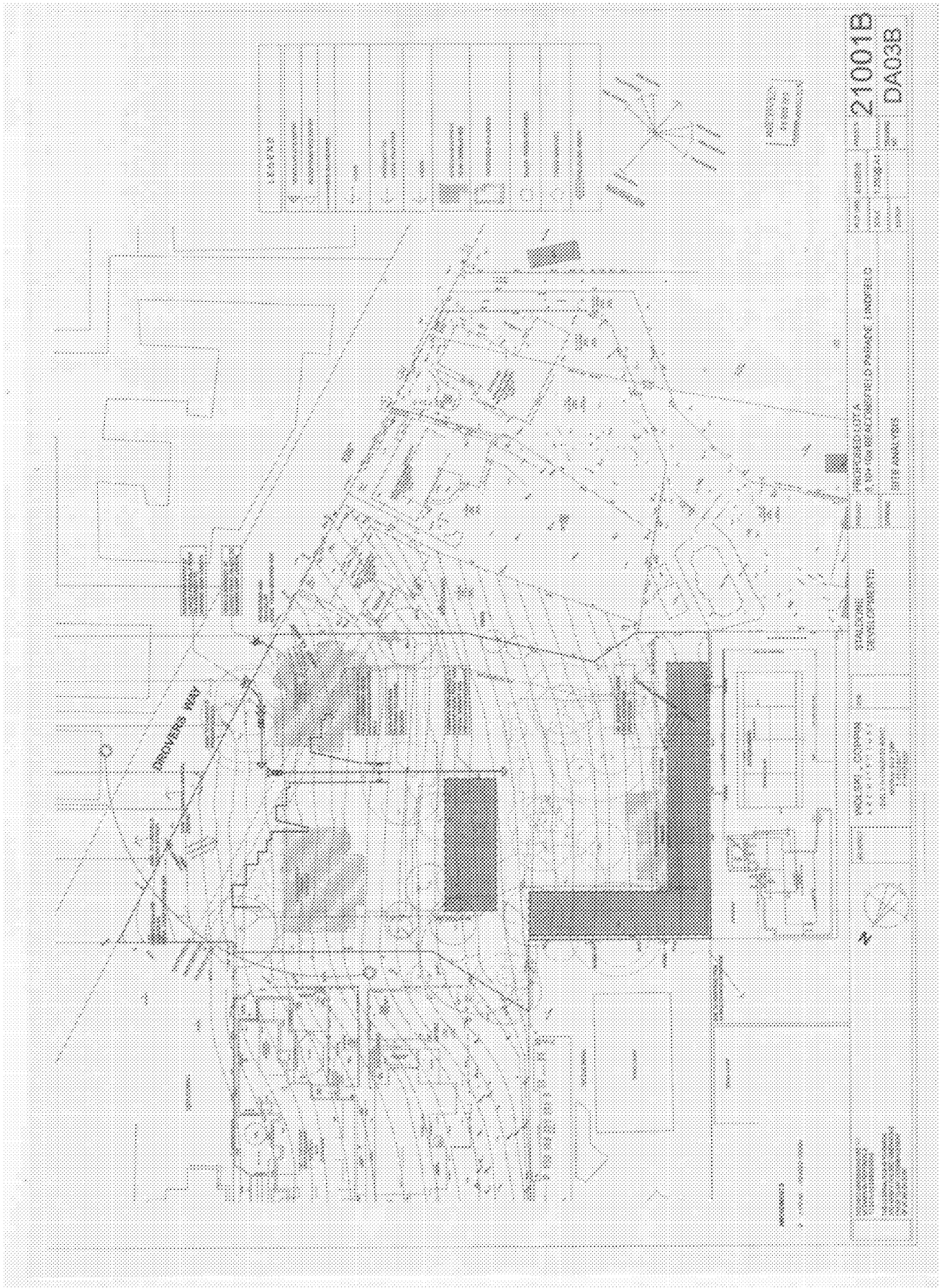
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00009	PROPOSED LOT 3B
00010	PROPOSED LOT 4A
00011	PROPOSED LOT 4B
00012	PROPOSED LOT 5A
00013	PROPOSED LOT 5B
00014	PROPOSED LOT 6A
00015	PROPOSED LOT 6B
00016	PROPOSED LOT 7A
00017	PROPOSED LOT 7B
00018	PROPOSED LOT 8A
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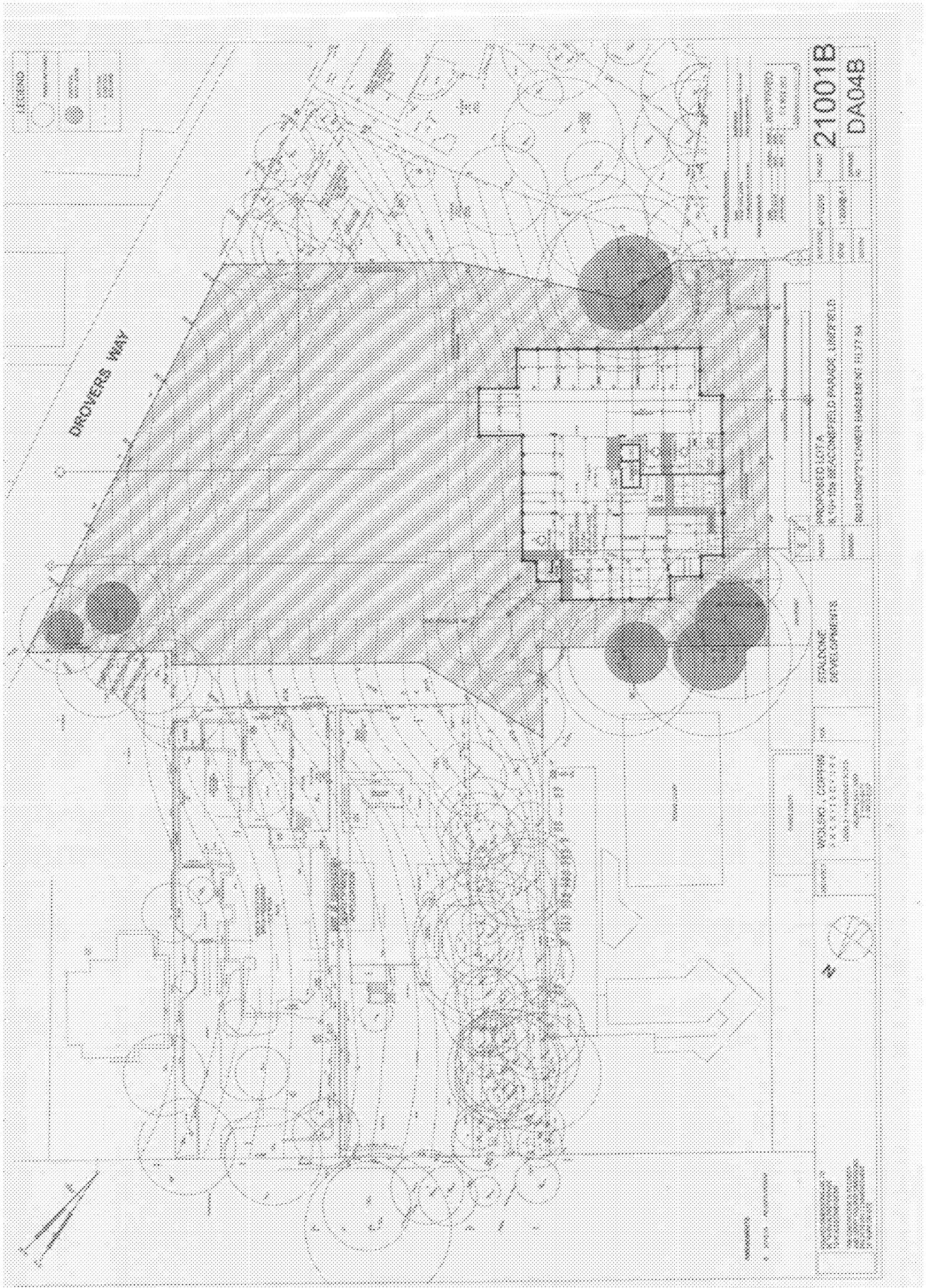
DEVELOPMENT APPLICATION
 FOR
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 IN SUBDIVISION OF
8, 10 AND 10a BEACONSFIELD
PARADE (portions of).
LINDFIELD
 (Amended Submission Oct. 2010)

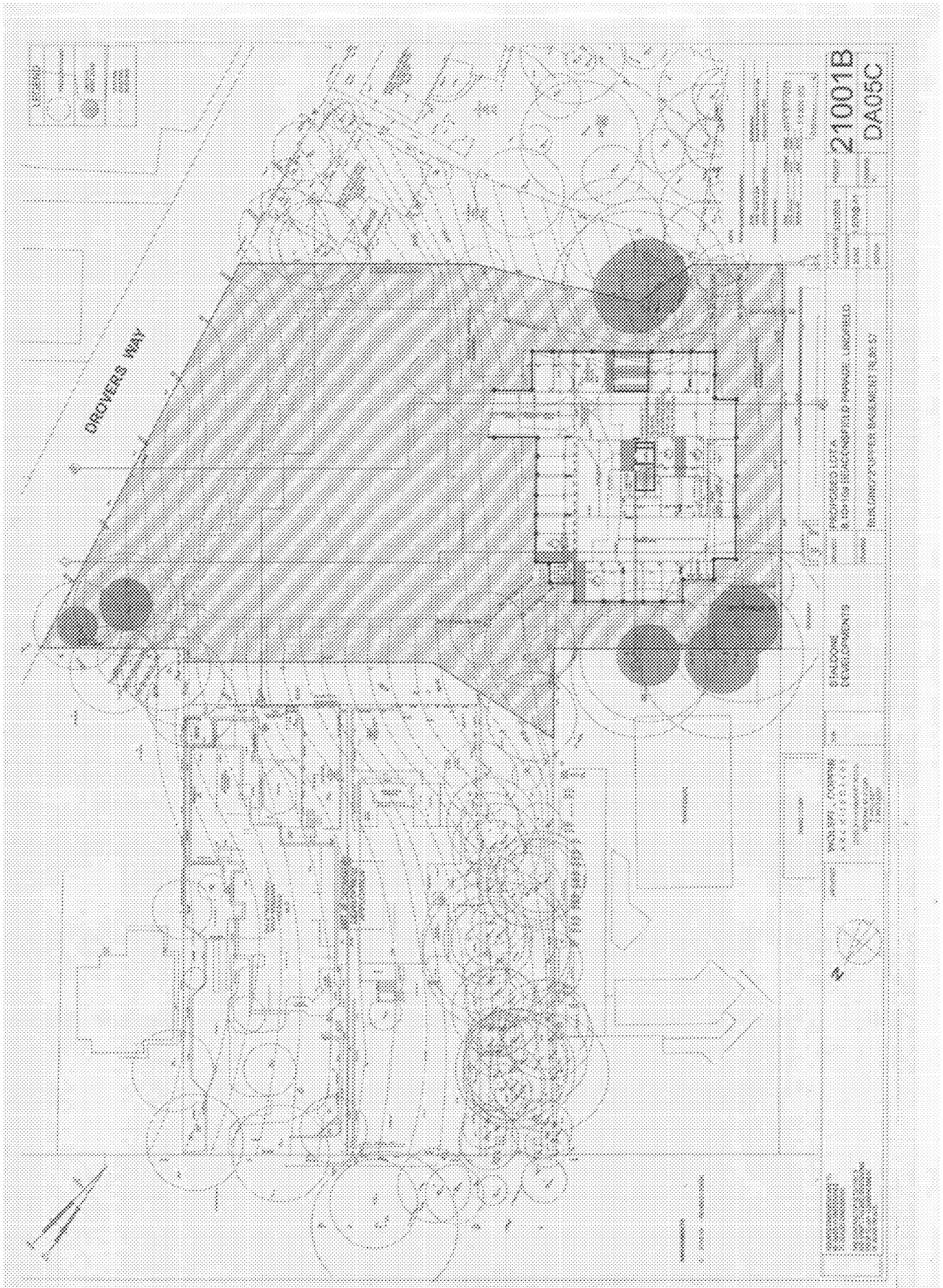


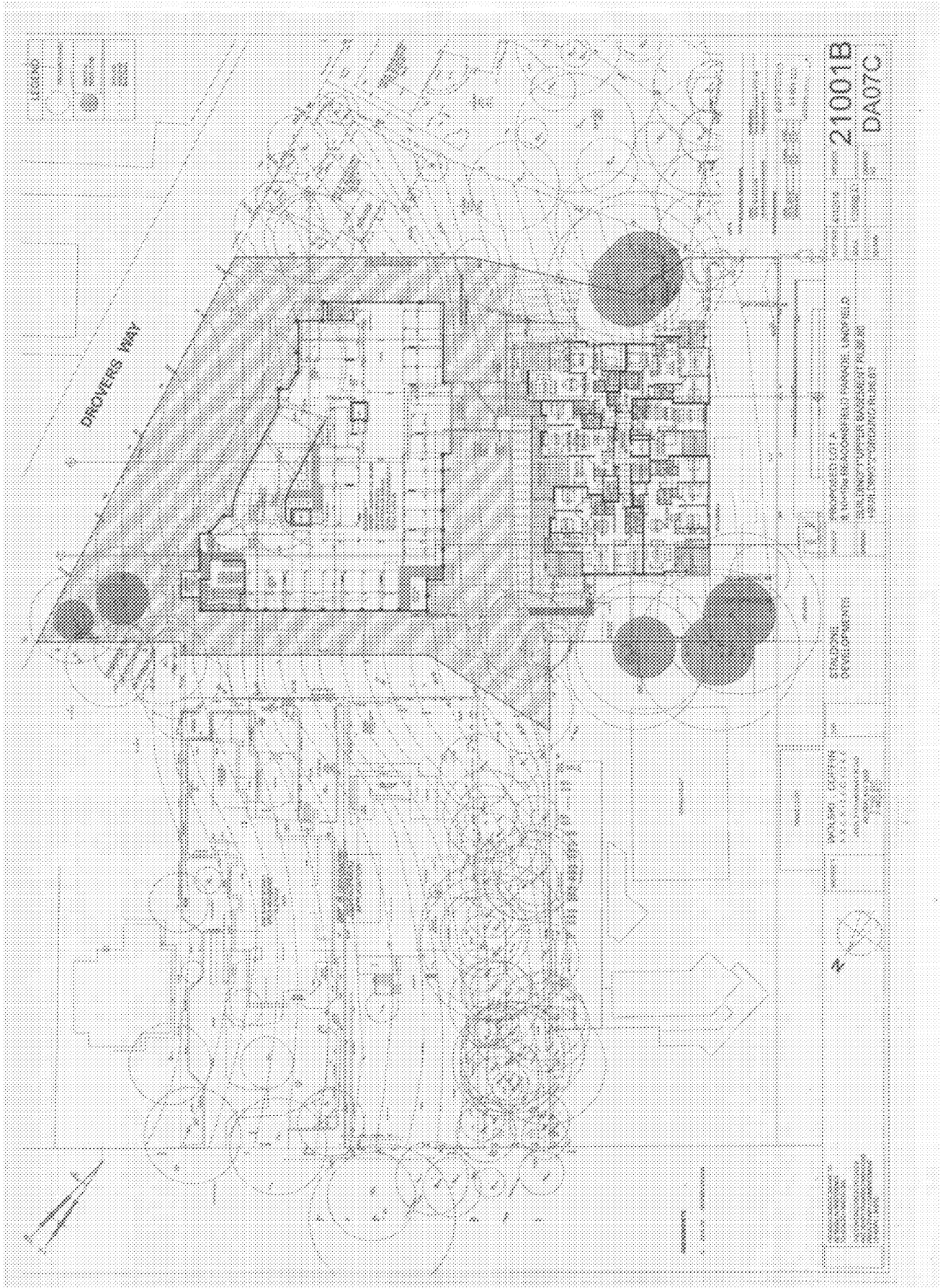
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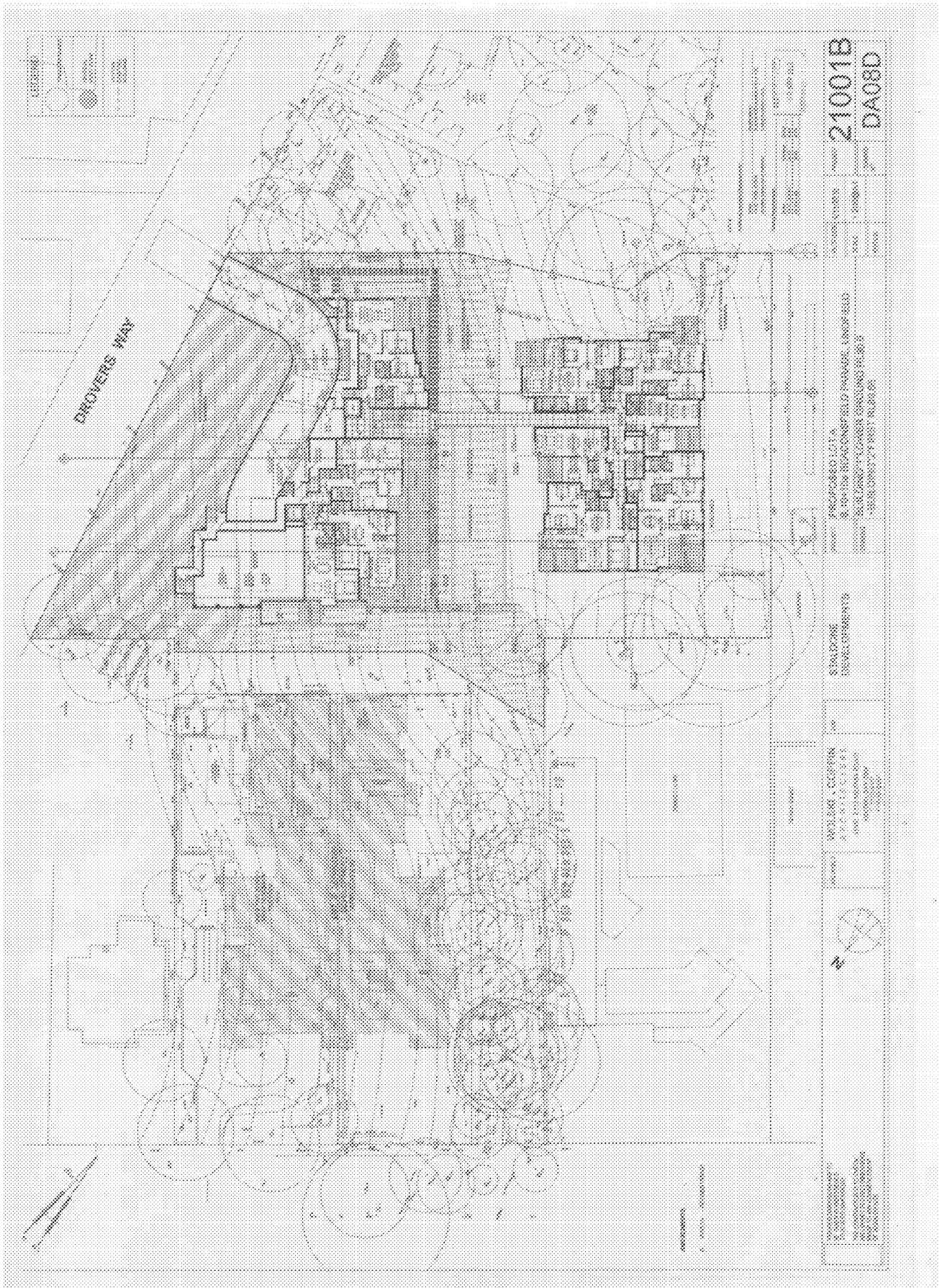


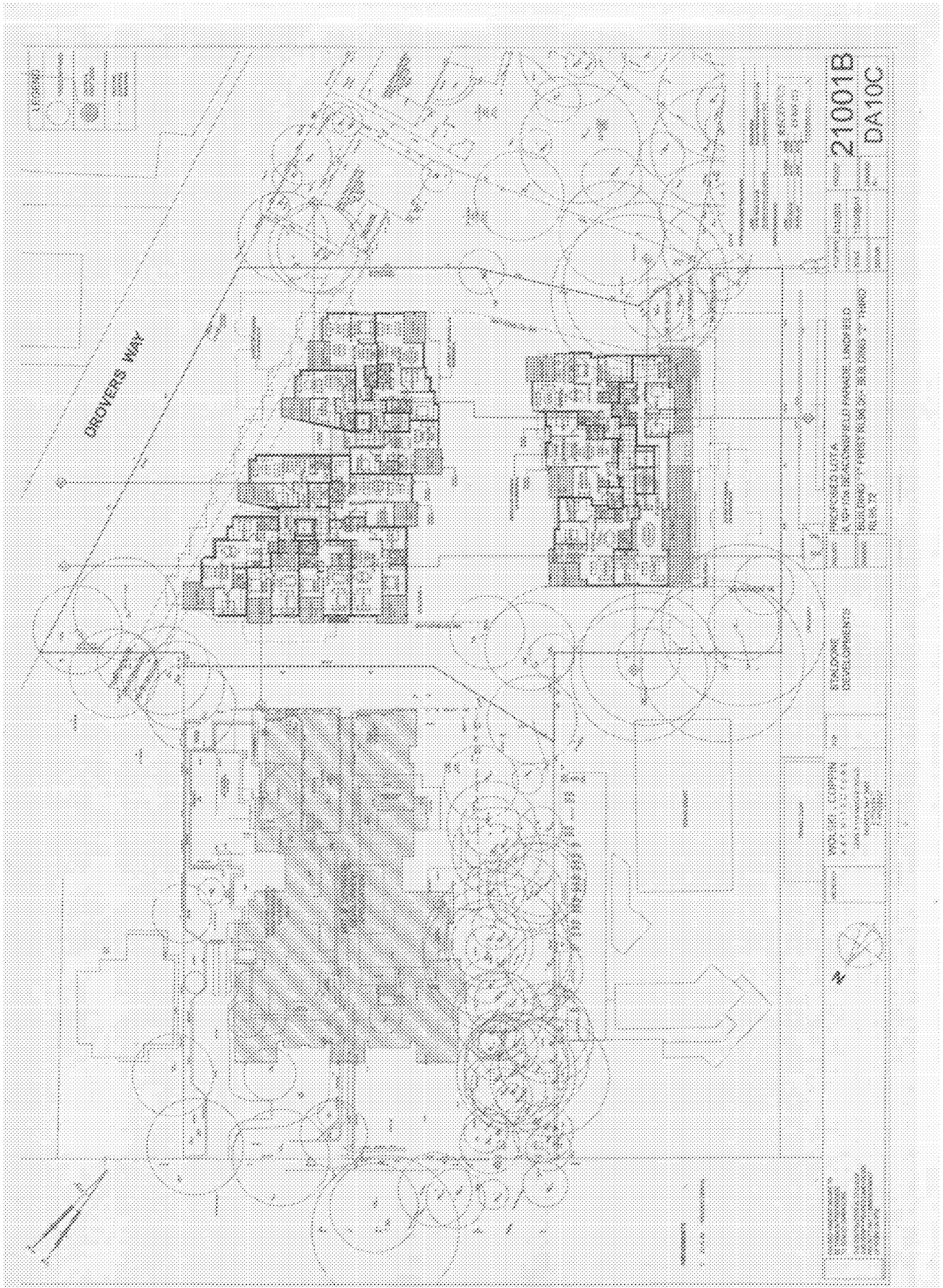


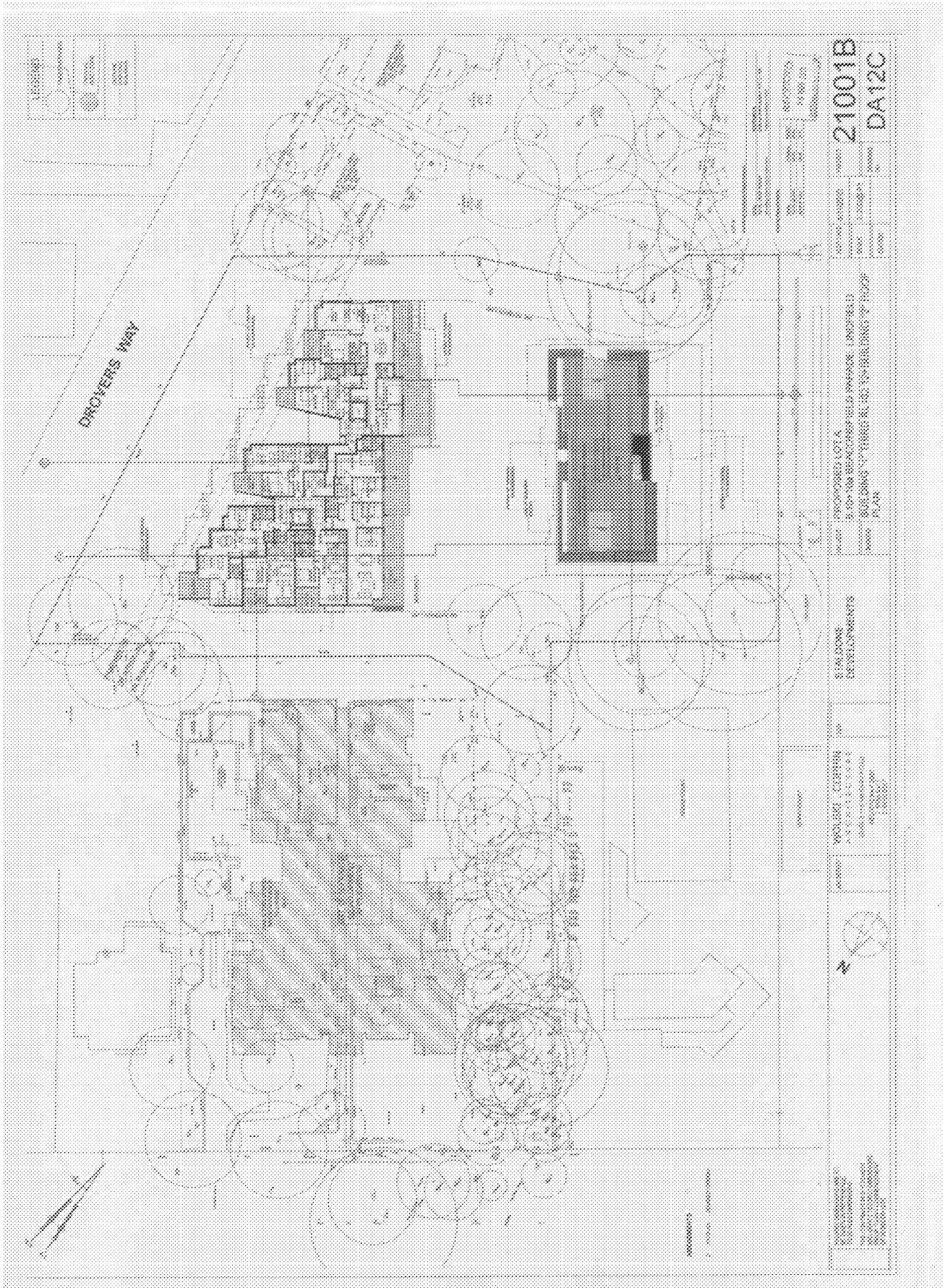


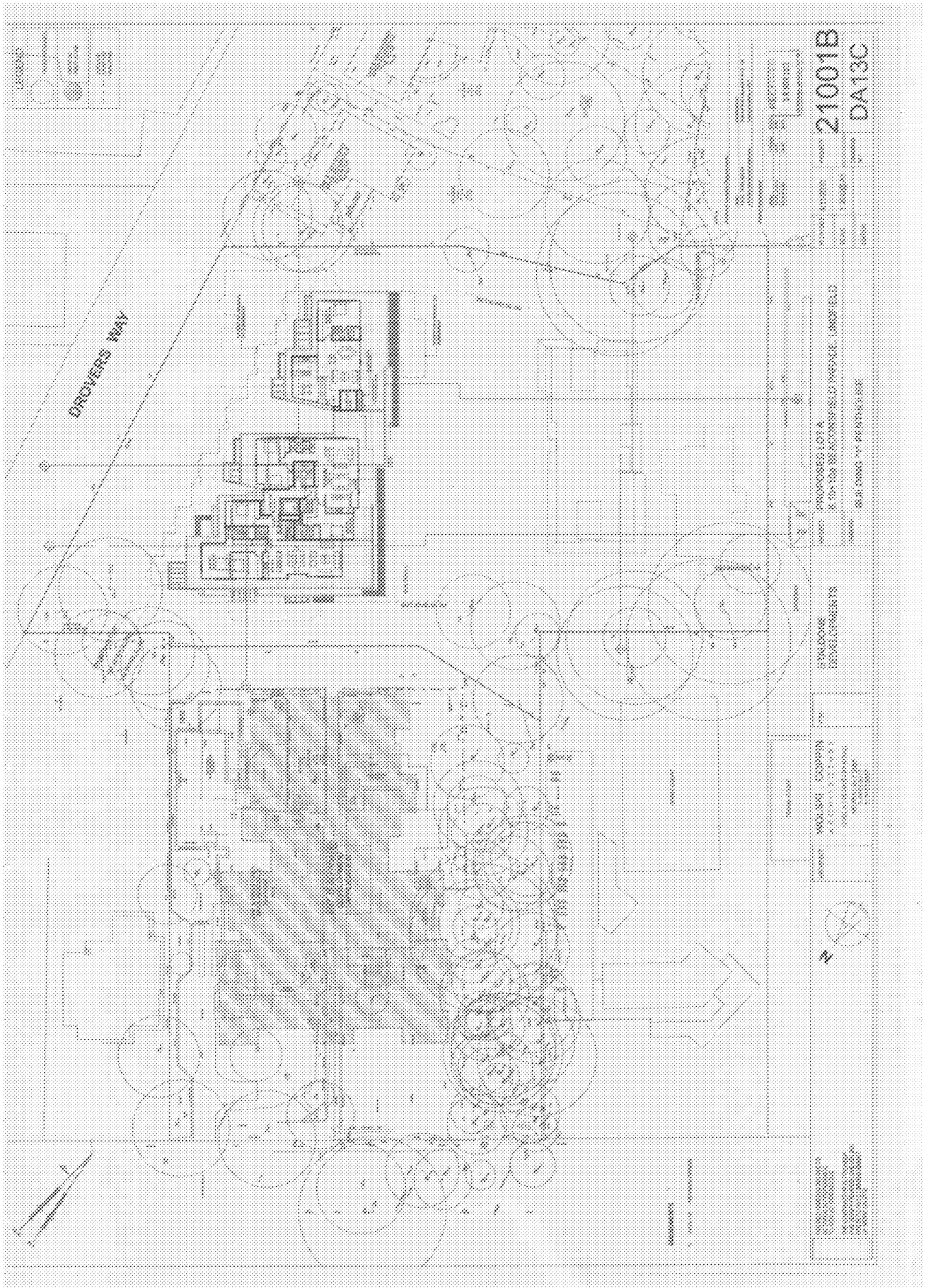


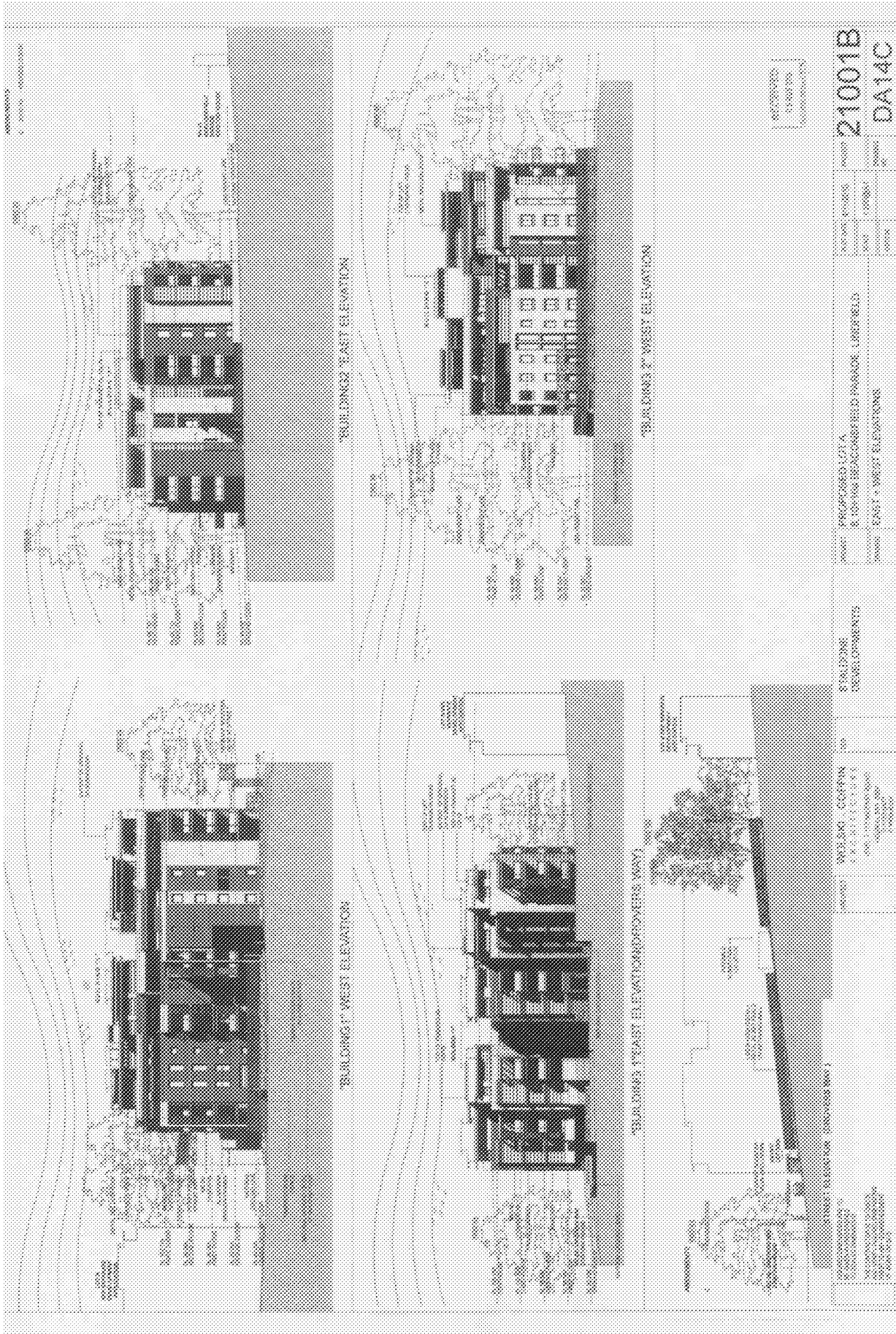










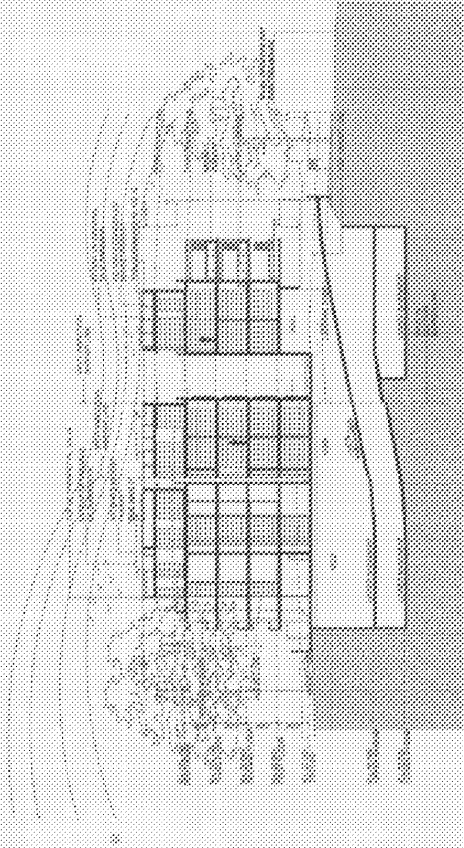


BUILDING 1 - NORTH ELEVATION

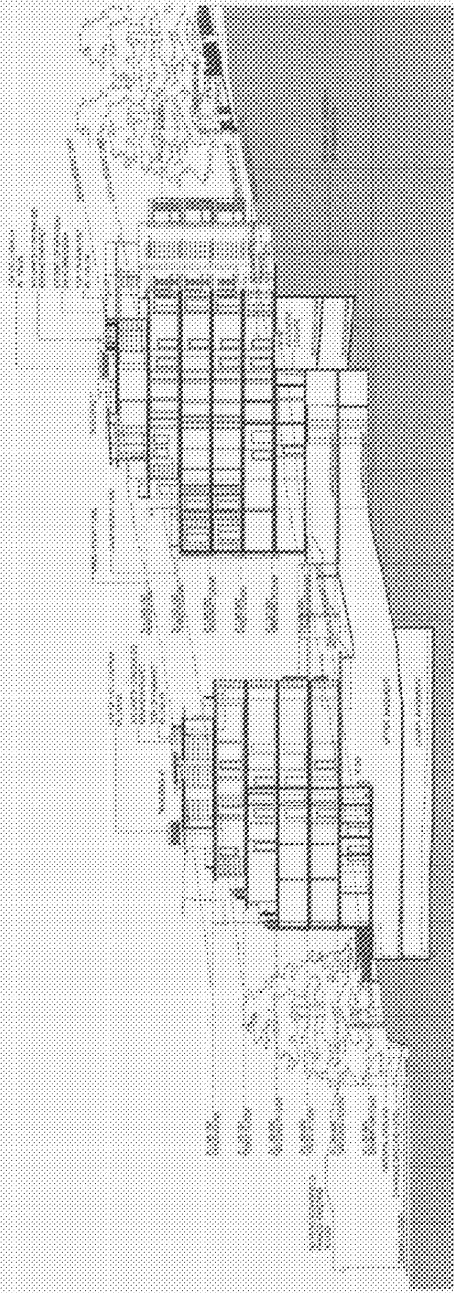
BUILDING 1 - SOUTH ELEVATION

	PROJECT: STATION DEVELOPMENTS NO. 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	PROPOSED LOT A 8 TO 108 BRADSHAW ROAD, LINDFIELD	PROJECT NO: 21001B DATE: DA150
	ARCHITECT: [Faint text] DRAWN BY: [Faint text] CHECKED BY: [Faint text]	NORTH & SOUTH ELEVATIONS	

21001B
DA16C



SECTION 6A



SECTION 6B

SECTION 6A
SECTION 6B

21001B
DA16C

PROJECT: PROPOSED LOT 1A, 10-104 BEAULIEFIELD PARKWAY, DREDFIELD
SUBJECT: SECTION 6A

DATE: 10/11/11
DRAWN BY: [Name]
CHECKED BY: [Name]

SCALE: 1/4" = 1'-0"

PROJECT NO: 21001B
DA16C

DATE: 10/11/11

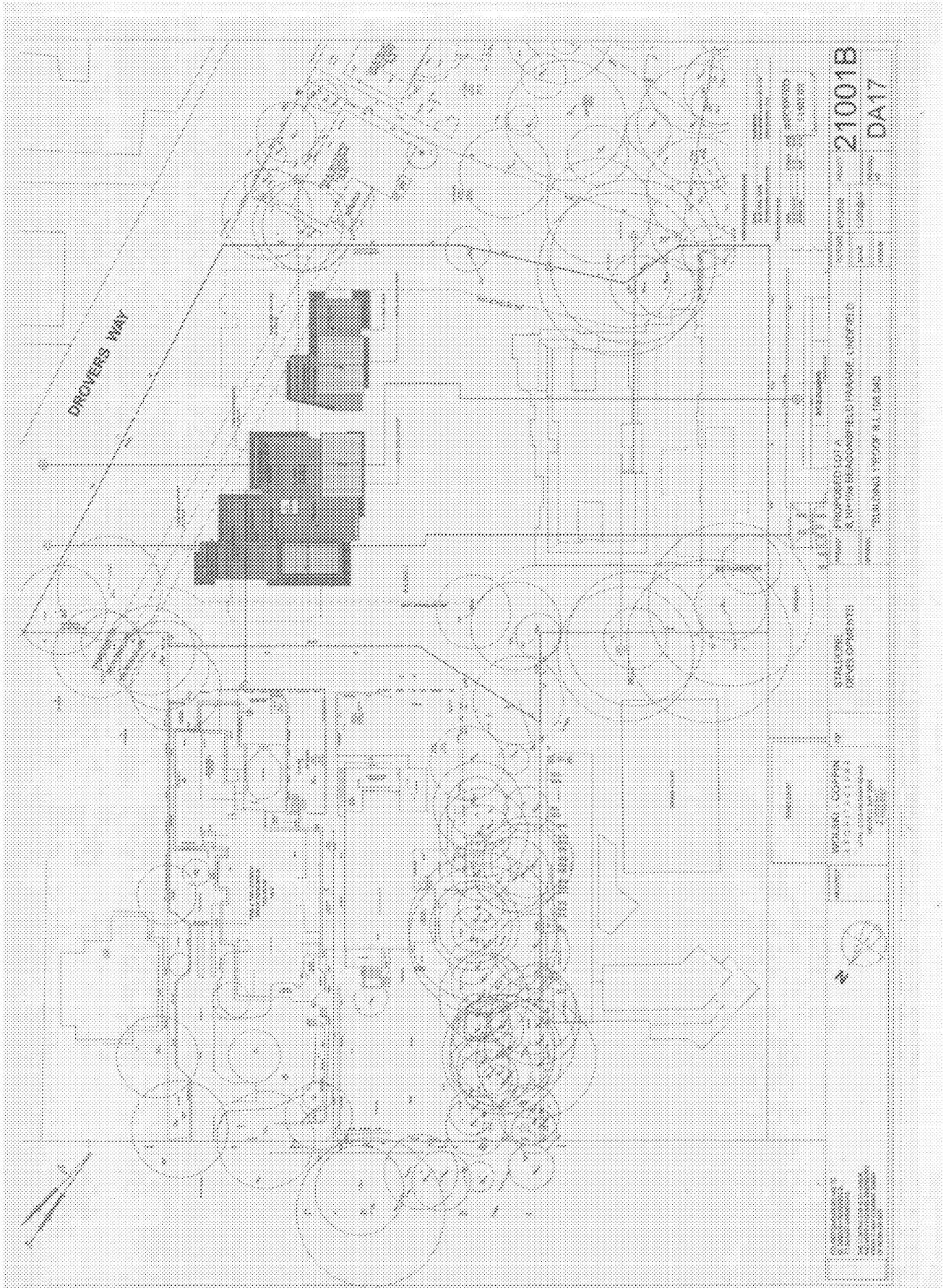
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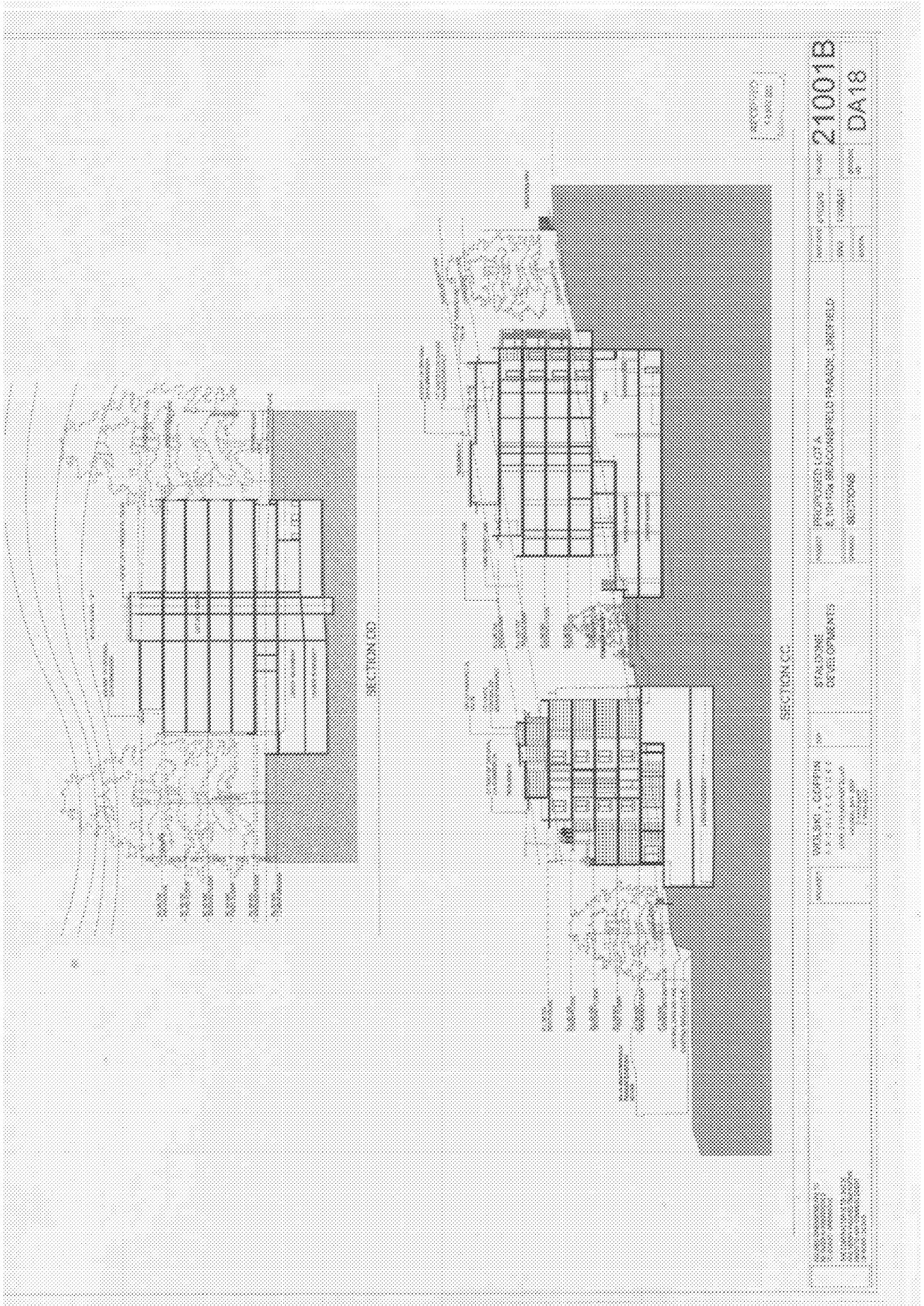
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DA16C

DATE: 10/11/11

SCALE: 1/4" = 1'-0"

PROJECT NO: 21001B
DA16C





PROPOSED
 PROJECT: 21001B
 SHEET: 5
 DATE: DA18

PROJECT: PROPOSED LOT A
 8, 10+ FM BEACONFIELD PARKWAY, BEACONFIELD
 SHEET: SECTIONS

PROJECT: STADIUM DEVELOPMENTS

PROJECT: WILKINS & GIFFIN
 1/27/2011 11:51:17 AM
 10/11/2011 10:00:00 AM
 PROJECT NO: 21001B

PROJECT: 21001B
 SHEET: 5
 DATE: DA18

PROJECT: 21001B
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PROJECT: 21001B
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PROJECT: 21001B
 SHEET: 5
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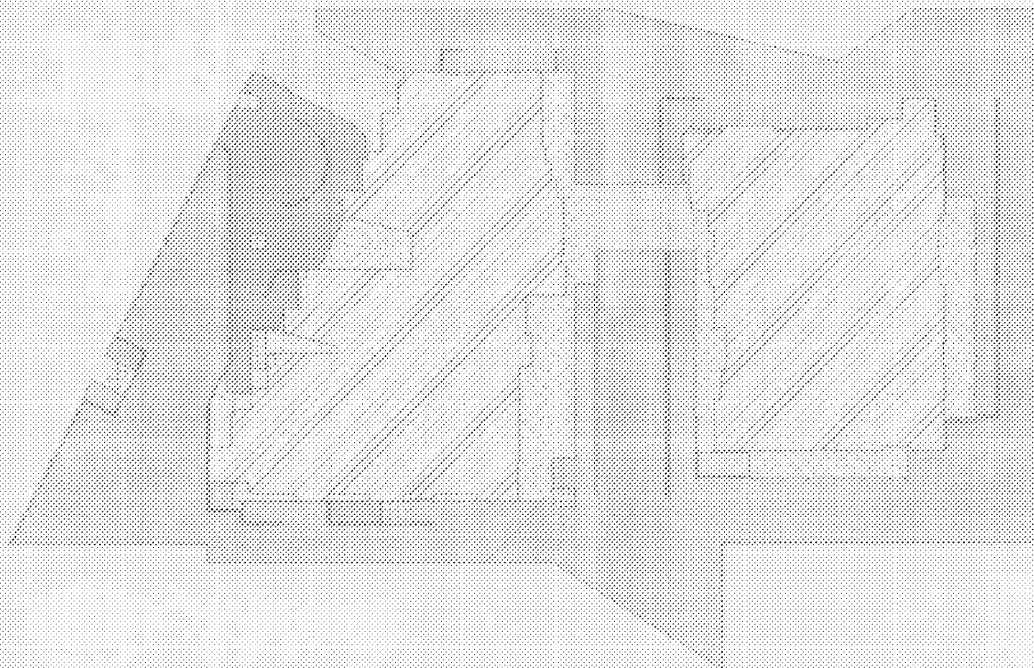
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PROJECT: 21001B
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PROJECT: 21001B
 SHEET: 5
 DATE: DA18

APPROVED BY
DATE

NO.	REVISION
1	ISSUED FOR TENDERS
2	ISSUED FOR TENDERS
3	ISSUED FOR TENDERS
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19	ISSUED FOR TENDERS
20	ISSUED FOR TENDERS



APPROVED BY
DATE

Project No: **21001B**
Drawing No: **TC01C**

Scale: 1:100

Project Name: **PROPOSED LOT A
8 STOREY RESIDENTIAL BUILDING, URBANFIELD
ROULETT ROAD, URBANFIELD**

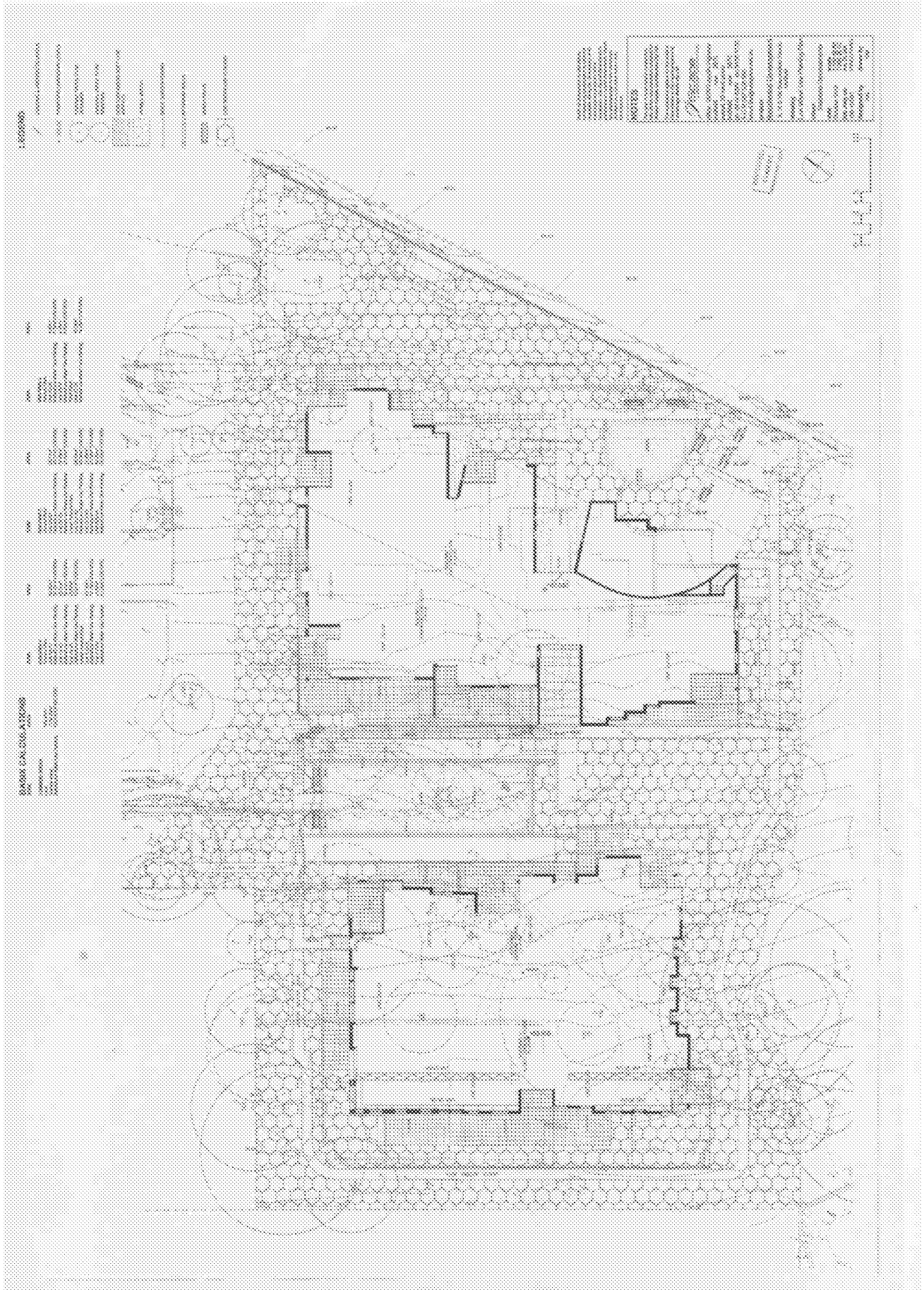
Client: **MR. J. J. J. J. J.**

Architect: **MR. J. J. J. J. J.**

Date: **10/05/2011**

Project Location: **Urbainfield, Roulett Road**

Scale: **1:100**



SCHEDULE OF PLANT MATERIAL

Table with columns: CODE, BOTANICAL NAME, QUANTITY, HEIGHT, COMMENTS, STAGES. Lists various plants like Allium, Anemone, and their quantities.

BASIC CALCULATIONS

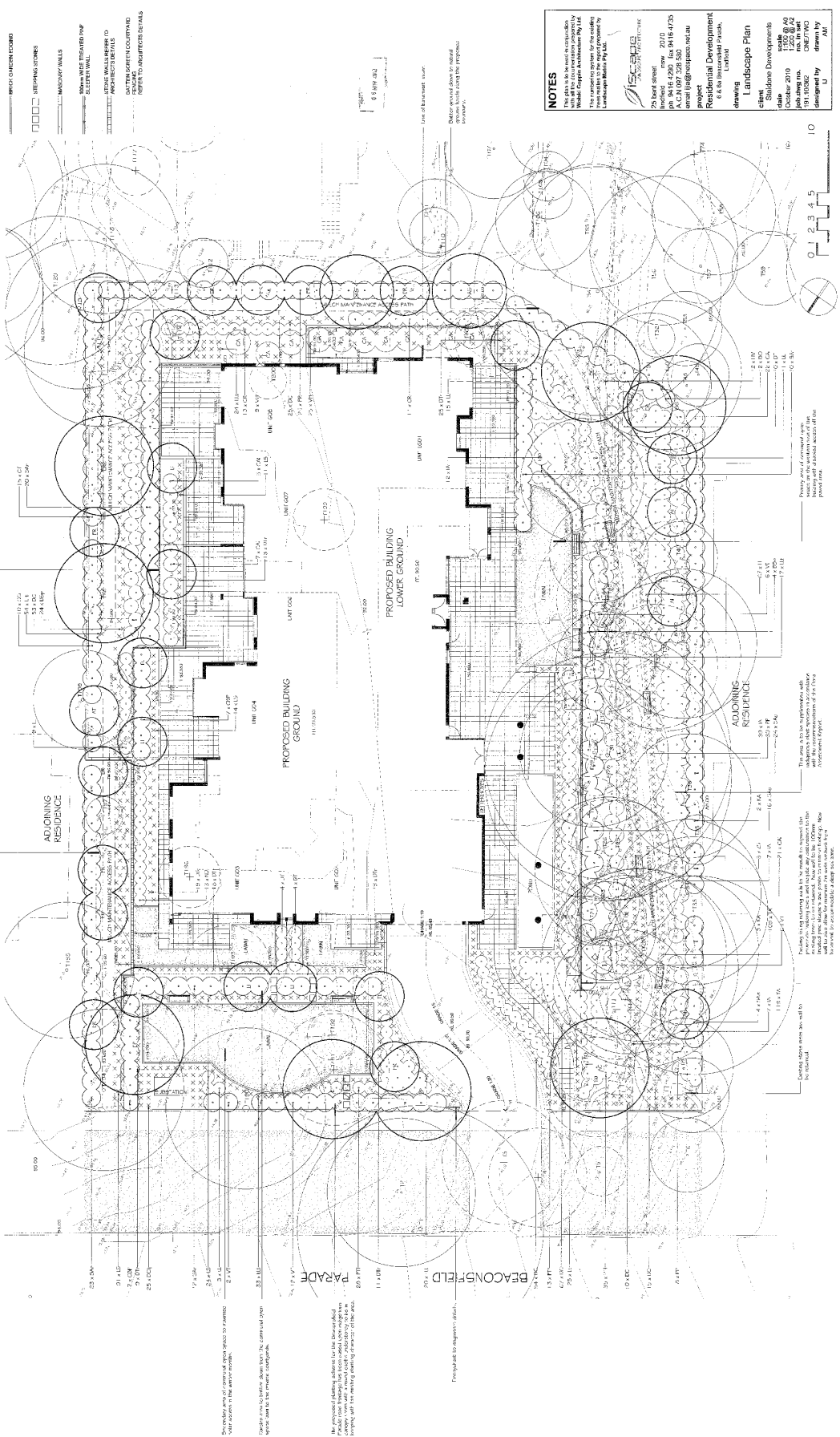
Table with columns: ZONE, COMMON NAME, QUANTITY, COMMENTS, STAGES. Lists zones like Common Areas and Private Areas with associated plant counts.

LEGEND

Legend defining symbols for existing and architect levels, paving stones, machinery walls, stone walls, and gateposts.

NOTES

Notes regarding site visit, landscape plan preparation, and project details for Residential Development at Beaconsfield.



**BASIC CALCULATIONS
AREA**

COMMON AREAS	1,526.37m ²
Common Areas (Perch) (1:100)	1,178.75m ²
Common Areas (Perch) (1:100) (0.07%)	117.87m ²
PRIVATE AREAS	2,220.00m ²
Private Areas (Perch) (1:100)	2,220.00m ²
Private Areas (Perch) (1:100) (0.07%)	222.00m ²
Private Areas (Perch) (1:100) (0.07%)	222.00m ²
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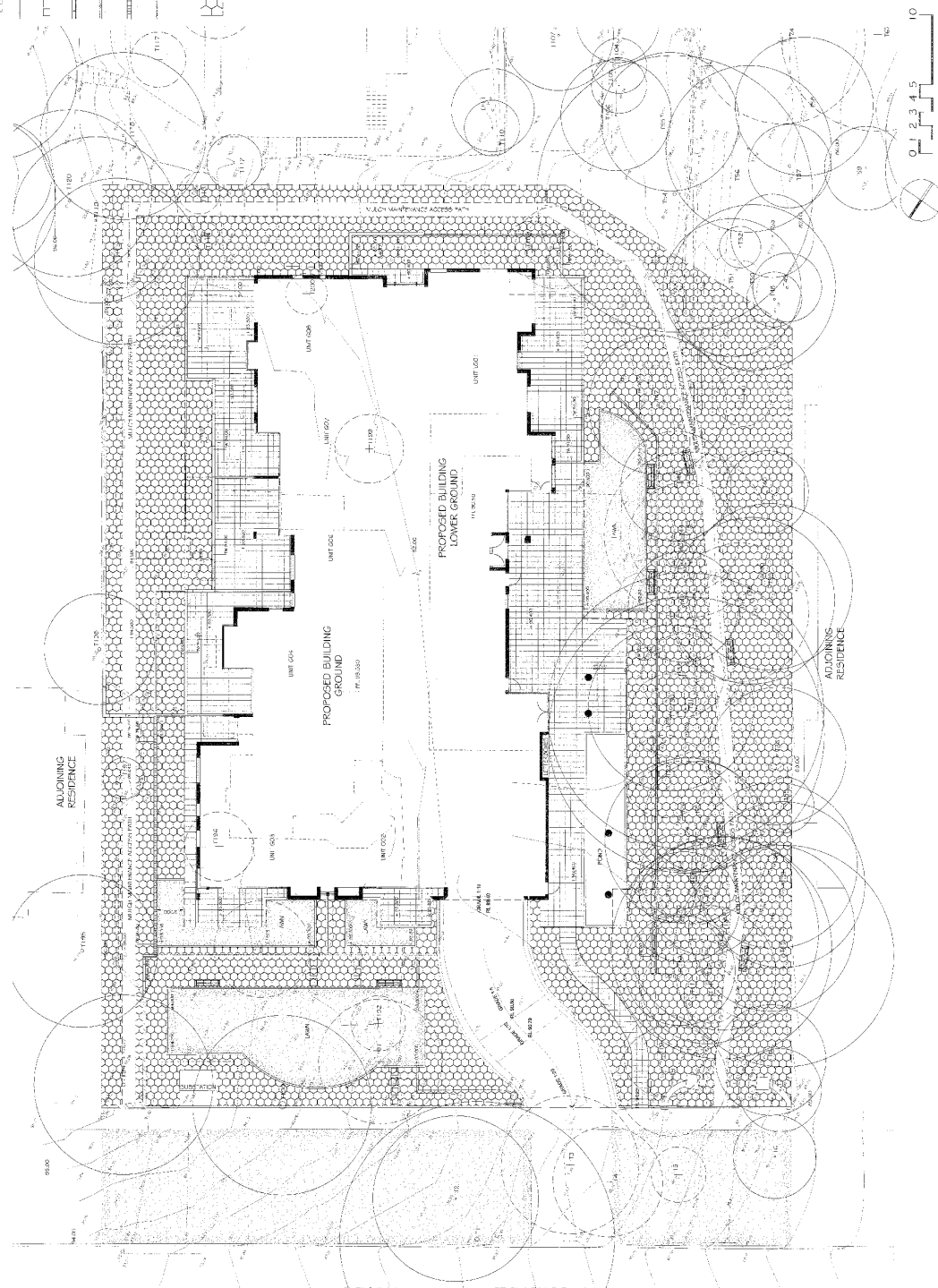
LEGEND

- LANDING & ARCHITECTURE LEVELS
- PROPOSED LANDSCAPE LEVELS
- APPROVED TREES TO REMAIN
- APPROVED TREES TO BE REMOVED
- APPROVED TREES TO BE REPLANTED
- APPROVED TREES TO BE REPLANTED (1:100)
- UNIT PARKING
- BRICK CLADDING
- STONING STORES
- STONING WALLS
- LOW WALL DETACHED ONE REEFER WALL
- STONE WALL REFER TO ARCHITECTURE DETAILS
- BATTERY SCREEN COLOUR AND REFER TO ARCHITECTURE DETAILS
- LOW WALL USE PLANTING

NOTES

1. The site is to be used for the purposes of a residential development in accordance with all the provisions of the relevant zoning and other planning controls.
2. The site is to be used for the purposes of a residential development in accordance with all the provisions of the relevant zoning and other planning controls.
3. The site is to be used for the purposes of a residential development in accordance with all the provisions of the relevant zoning and other planning controls.

25 Ball Street
Sydney NSW 2070
Phone: +61 (0)2 9252 3388
Fax: +61 (0)2 9252 3389
Email: info@embrace.net.au
Project: Residential Development
Drawing: 08 - Landscaping Details
Drawing Title: Low Water Use Planting Plan
Client: Embrace Developments
Scale: 1:500
Date: October 2010
Drawn by: [Name]
Checked by: [Name]
Designed by: [Name]
Drawn by: [Name]





THE SITE

Address # 20852 **Certificate # 2159578** **Issued 29-04-10**

Thermal Performance Specifications

These are the specifications which the contractor must follow in the construction of the building. The contractor must ensure that the building is constructed in accordance with the specifications and that the building is constructed in accordance with the specifications and that the building is constructed in accordance with the specifications.

Project Name ABSA 6 AND 6A BEACONSFIELD PARADE

Site Address 8-10 & 10a Beaconsfield Parade

Client WOLSKI COPPIN ARCHITECTS

Architect WOLSKI COPPIN ARCHITECTS

Project No 21595578

Date 11/11/2010

Scale As per plan

Author [Signature]

Checked [Signature]

Approved [Signature]

Project No 21595578

Date 11/11/2010

Scale As per plan

Author [Signature]

Checked [Signature]

Approved [Signature]

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6 9 Nov 2010

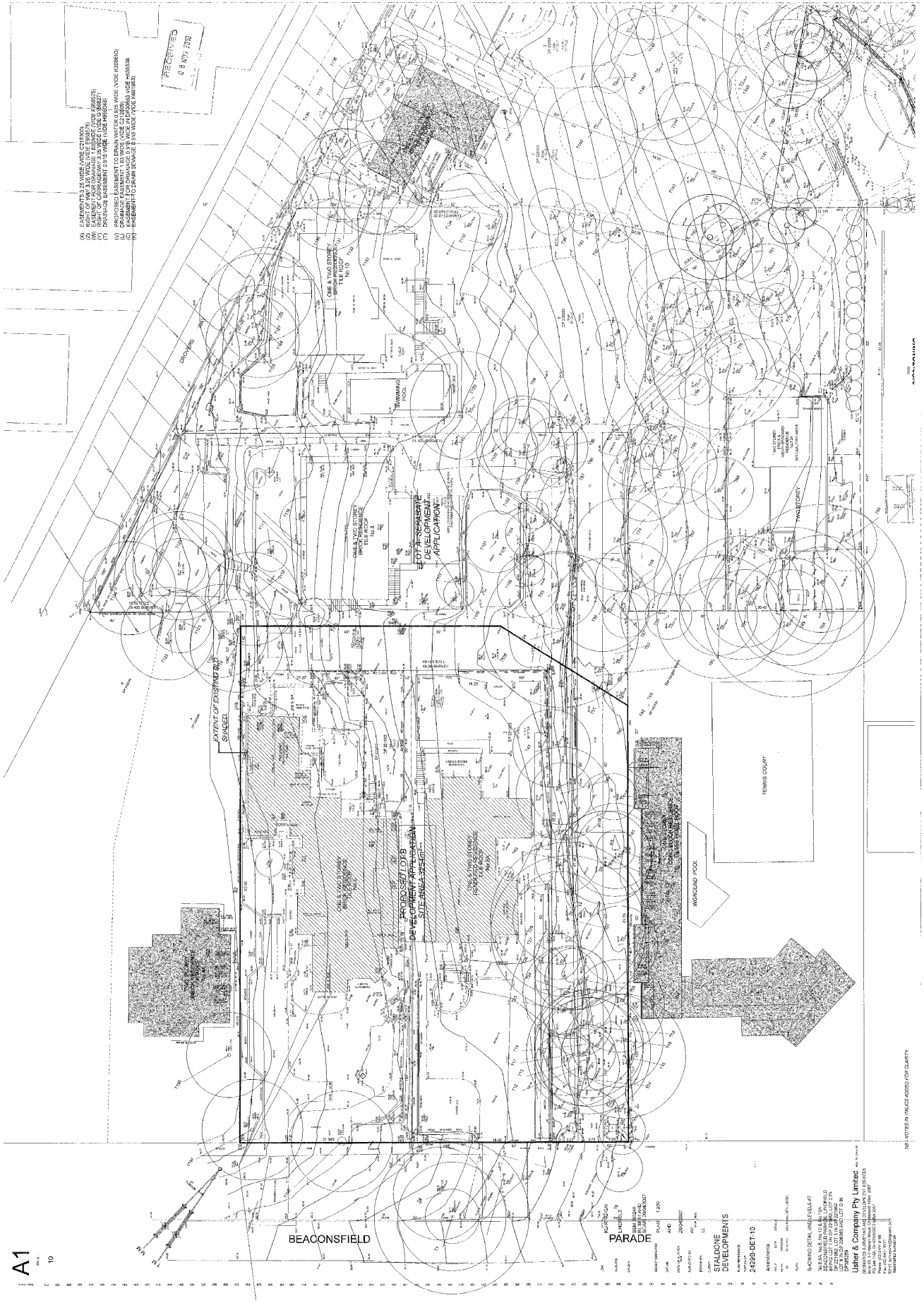
Drawing N.	Drawing Name	Rev	Description
DA01A	COVER		
DA02A	SURVEY PLAN		
DA03A	SITE ANALYSIS		
DA04B	BASEMENT LEVEL		
DA05B	LOWER GROUND		
DA06B	GROUND FLOOR		
DA07B	FIRST FLOOR		
DA08B	SECOND FLOOR		
DA09B	THIRD FLOOR		
DA10B	PENTHOUSE		
DA11B	WEST & EAST ELEVATION		
DA12B	NORTH & SOUTH ELEVATION		
DA13B	SECTIONS		
DA14B	ROOF PLAN		
DA15A	SECTIONS		

REFER TO DETAIL DESCRIPTION ON DRAWINGS

DEVELOPMENT APPLICATION
FOR
PROPOSED LOT B
IN SUBDIVISION OF
LINDFIELD
AND 6A BEACONSFIELD PARADE
 (Including parts of 8,10 and 10a Beaconsfield Parade)

(AMENDED SUBMISSION OCTOBER 2010)

PROJECT	PROPOSED LOT B, 6a, BEACONSFIELD PARADE LINDFIELD (INCLUDING PARTS OF 8,10 & 10a BEACONSFIELD PARADE)	PROJECT NO	21012B
ARCHITECT	WOLSKI COPPIN ARCHITECTS LEVEL 3 115 MILITARY ROAD INDUSTRIAL PARK P. 9553 5557	FLAT DATE	4/17/2010
FOR	STALDONE DEVELOPMENTS	SCALE	
ARCHITECT	WOLSKI COPPIN ARCHITECTS LEVEL 3 115 MILITARY ROAD INDUSTRIAL PARK P. 9553 5557	EDITION	
PROJECT	PROPOSED LOT B, 6a, BEACONSFIELD PARADE LINDFIELD (INCLUDING PARTS OF 8,10 & 10a BEACONSFIELD PARADE)	DRAWING	COVER
PROJECT	PROPOSED LOT B, 6a, BEACONSFIELD PARADE LINDFIELD (INCLUDING PARTS OF 8,10 & 10a BEACONSFIELD PARADE)	DRAWING	DA01A

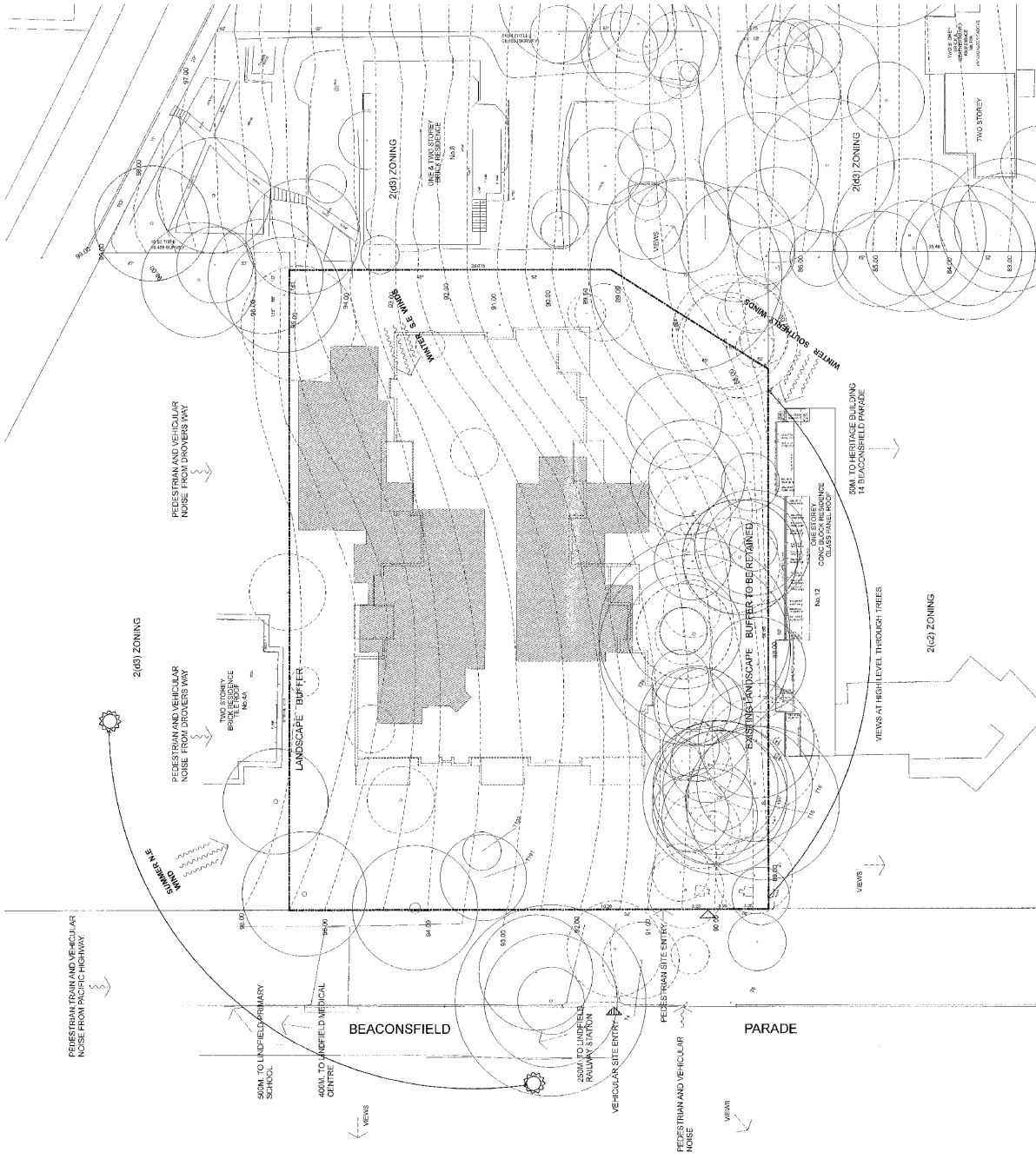


- (A) EXISTING LOT 8 ARE SHOWN
- (B) RIGHT OF WAY 3.0 M WIDE (SEE DRAWING)
- (C) RIGHT OF WAY 3.0 M WIDE (SEE DRAWING)
- (D) RIGHT OF WAY 3.0 M WIDE (SEE DRAWING)
- (E) EXISTING LOT 8 ARE SHOWN
- (F) EXISTING LOT 8 ARE SHOWN
- (G) EXISTING LOT 8 ARE SHOWN
- (H) EXISTING LOT 8 ARE SHOWN
- (I) EXISTING LOT 8 ARE SHOWN
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- (K) EXISTING LOT 8 ARE SHOWN
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- (V) EXISTING LOT 8 ARE SHOWN
- (W) EXISTING LOT 8 ARE SHOWN
- (X) EXISTING LOT 8 ARE SHOWN
- (Y) EXISTING LOT 8 ARE SHOWN
- (Z) EXISTING LOT 8 ARE SHOWN

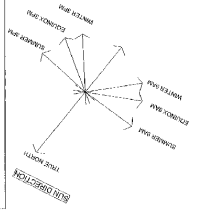
A1
10

2425 DEE-10
 ADDRESS: 2425 DEE-10
 CITY: STALDONE
 STATE: VIC
 POSTAL CODE: 3087
 PHONE: 03 9450 1234
 FAX: 03 9450 1235
 EMAIL: info@staldone.com.au
 WEBSITE: www.staldone.com.au
 STALDONE DEVELOPMENTS
 2425 DEE-10
 STALDONE VIC 3087
 AUSTRALIA
 COMPANY NO: 123456789
 ABN: 12345678901
 GST: 12345678901
 CONTACT: 03 9450 1234
 EMAIL: info@staldone.com.au
 WEBSITE: www.staldone.com.au

SEE NOTES IN PAGES ADDED FOR CLARITY



LEGEND	
	VEHICULAR SITE ENTRY
	PEDESTRIAN SITE ENTRY
	SITE BOUNDARIES
	NOISE
	PROXIMITY TO LOCAL FACILITIES
	VEWS
	EXISTING BUILDINGS TO BE DEMOLISHED
	PROPOSED BUILDINGS
	MAJOR TREES RETAINED
	TREES REMOVED
	REMAINING TREES

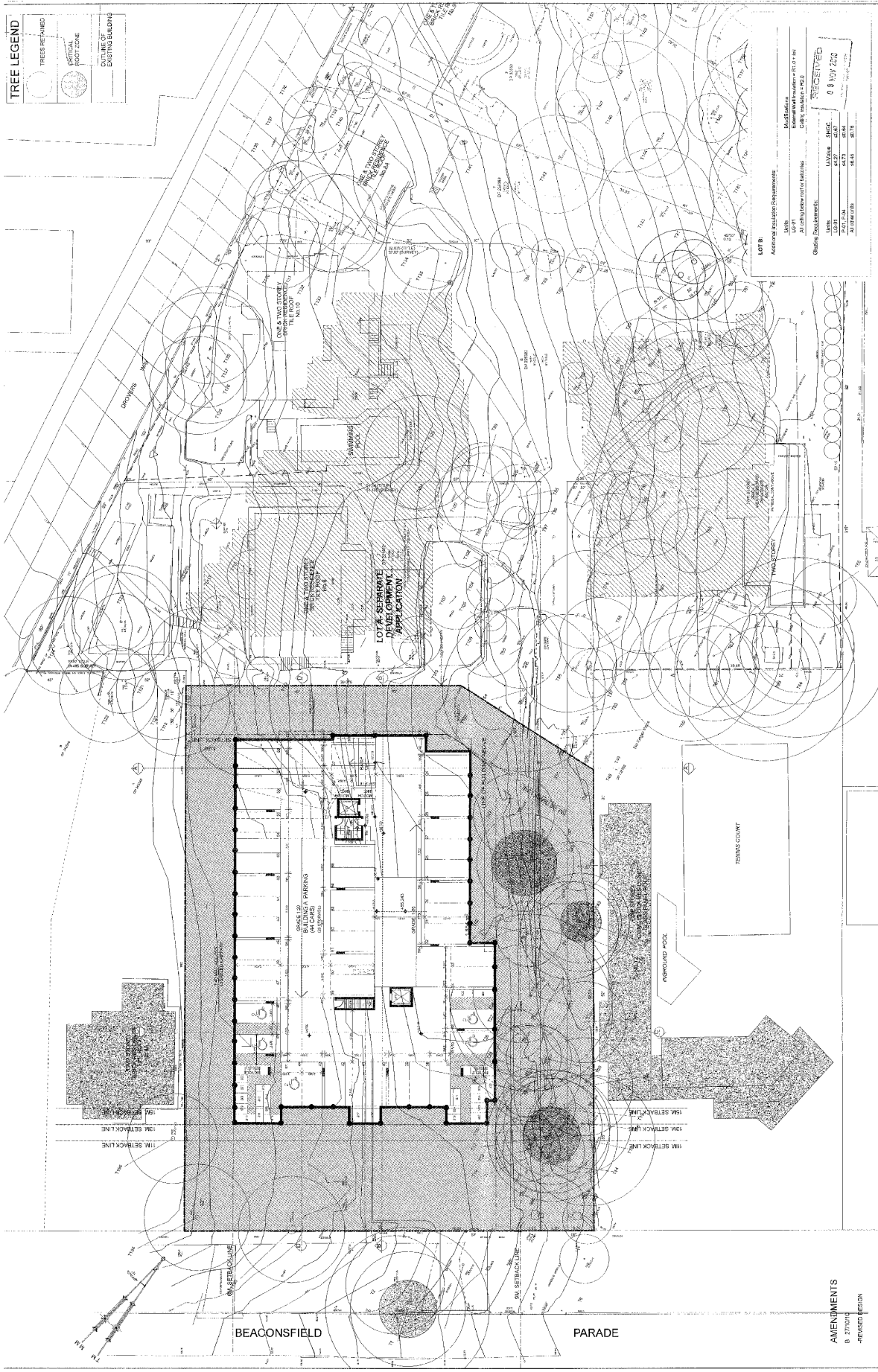


AMENDMENTS
 A. 27/09/08
 REVISED DESIGN

REQUIRED DRAWINGS ARE TO BE SUBMITTED TO SCALED DIMENSIONS. THE CONTRACTOR IS TO CHECK ALL DIMENSIONS AND PROPORTIONS OF WORK ON SITE.

PROJECT	PROPOSED LOT B, 8a BEACONSFIELD PARADE, LINDFIELD INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)	PROJECT NO	21012B
ARCHITECT	WOLSKI - COPPIN ARCHITECTURE LEVEL 3 115 MILITARY ROAD HEALING BAY 2309 T: 9533 8357 F: 9533 8357	DATE	4/11/2010
FOR	STALDONE DEVELOPMENTS	SCALE	1:200 @ A1
ARCHITECT	WOLSKI - COPPIN ARCHITECTURE	EDITION	01
ARCHITECT	WOLSKI - COPPIN ARCHITECTURE	DRAWING NO	DA03A
ARCHITECT	WOLSKI - COPPIN ARCHITECTURE	SITE ANALYSIS	

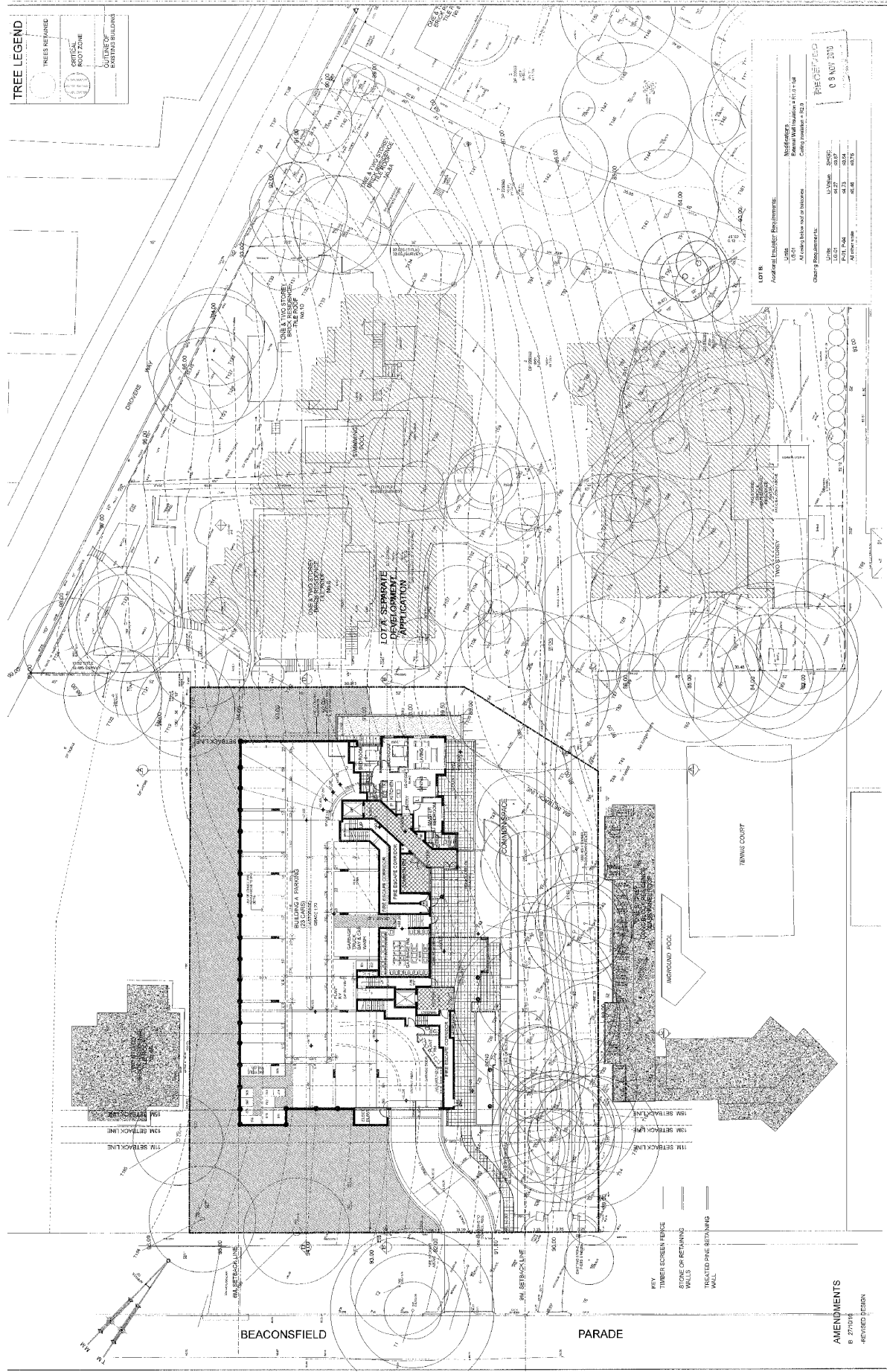
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<p>LOT B</p> <p>Approval jurisdiction: Queensland State of Queensland Planning Department City of Brisbane, 400 Queen Street, Brisbane QLD 4000 Drawing Date: 08/09/2010 Drawing No: 21012B</p>		<p>21012B</p>	
<p>PROJECT: STALDONE DEVELOPMENTS</p>	<p>PROJECT: PROPOSED LOT B 6, 8a, BEACONSFIELD PARADE, INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)</p>	<p>PROJ DATE: 4/11/2010</p>	<p>ISSUING NO: DA04B</p>
<p>ARCHITECT: WOLSKI COPPIN ARCHITECTURE LEVEL 3 115 MILBURN ROAD ST. LOUIS, MISSOURI 63103 T: 913.347.9989 F: 913.347.8557</p>	<p>FOR: STALDONE DEVELOPMENTS</p>	<p>SCALE: 1:200 @ A1</p>	<p>EDITION: 01</p>
<p>BASEMENT LEVEL</p>			

FIGURE DIMENSIONS ARE TO BE USED IN REFERENCE TO LOCUS DIMENSIONS AND CERTAIN COORDINATE DIMENSIONS PRIOR TO ANY COMMENCEMENT OF WORK ON SITE

AMENDMENTS
 B 27/10/10
 -REVISED DESIGN



TREE LEGEND

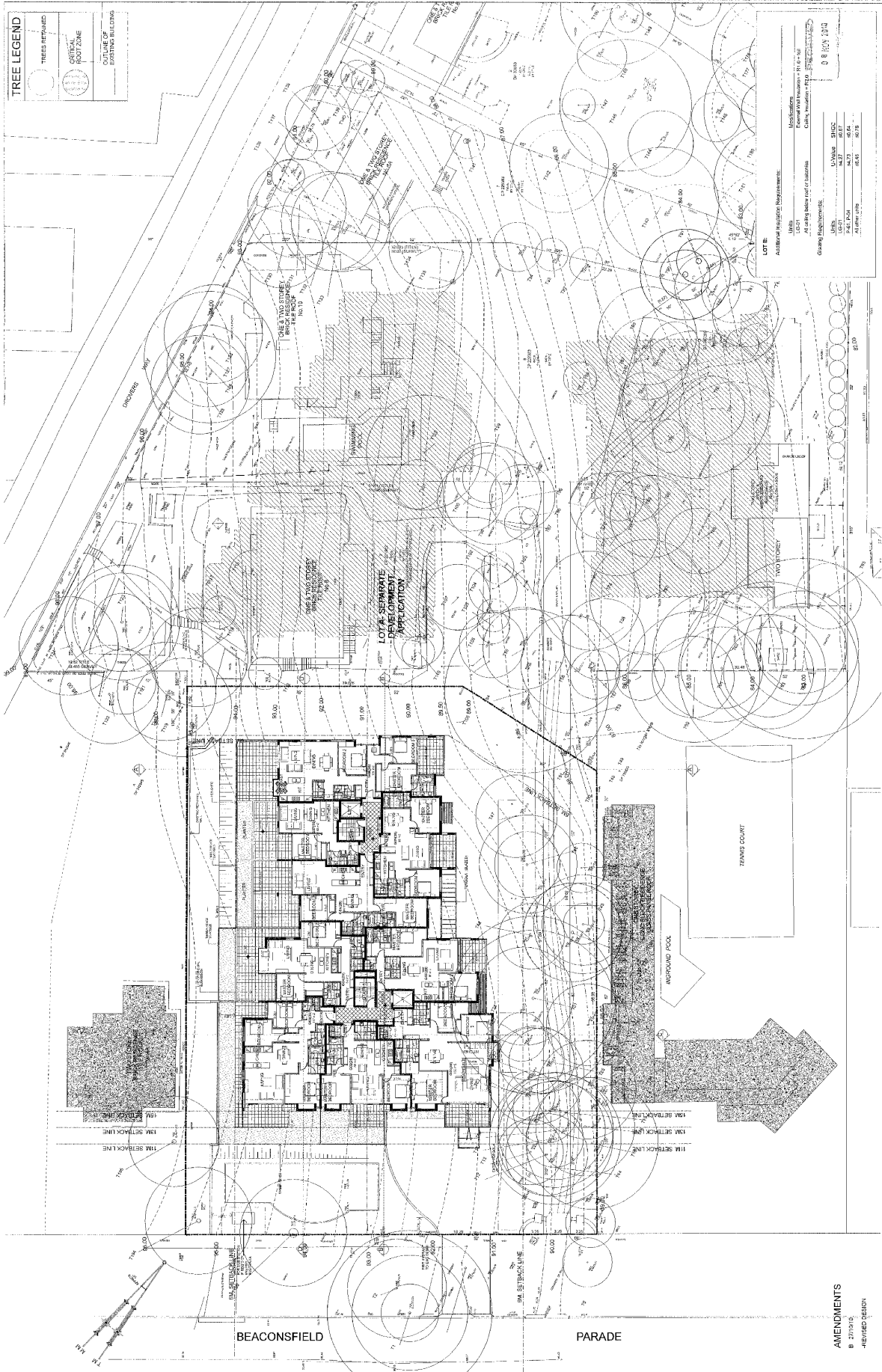
	TREES RETAINED
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LOT 16
 Additional Excluded Requirements:
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PROJECT	PROPOSED LOT B 6, 6a, BEACONSFIELD PARADE, LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)	PROJECT	21012B
	STALDONE DEVELOPMENTS	PLANT DATE	4/11/2010
ARCHITECT	WOLSKI - COPPIN ARCHITECTURE LEVEL 3/115 MARKET ROAD NORWICH, SA 5140 T: 9943 9417 F: 9943 8857	SCALE	1:200 @ A1
FOR		EDITION	
		DRAWING NO	DA05B
			LOWER GROUND

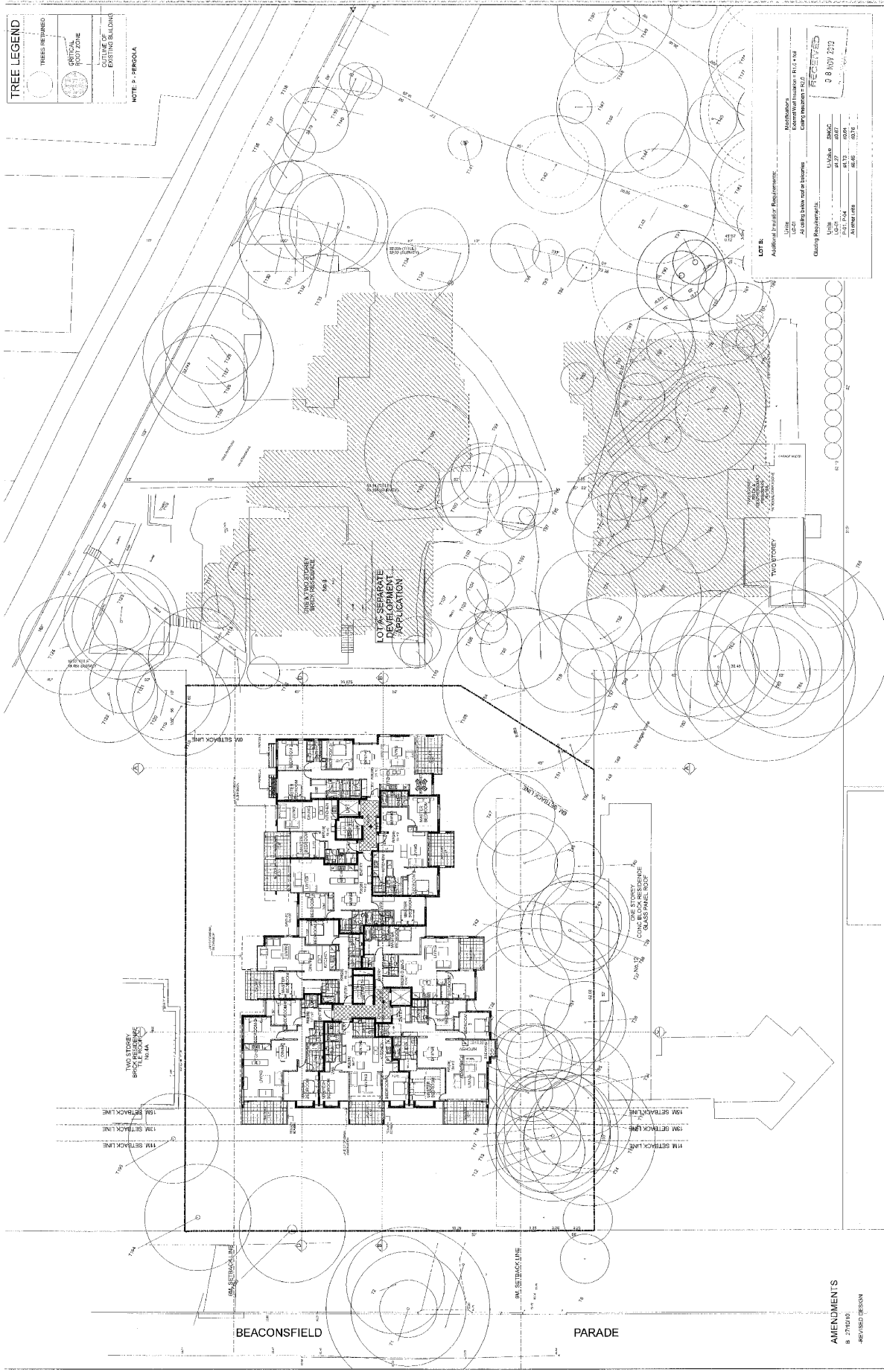
FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO UNFIGURED DIMENSIONS AND CERTIFIED DIMENSIONS PRIOR TO ANY COMMENCEMENT OF WORK ON SITE

AMENDMENTS
 B 27/10/08
 REVISSED DESIGN



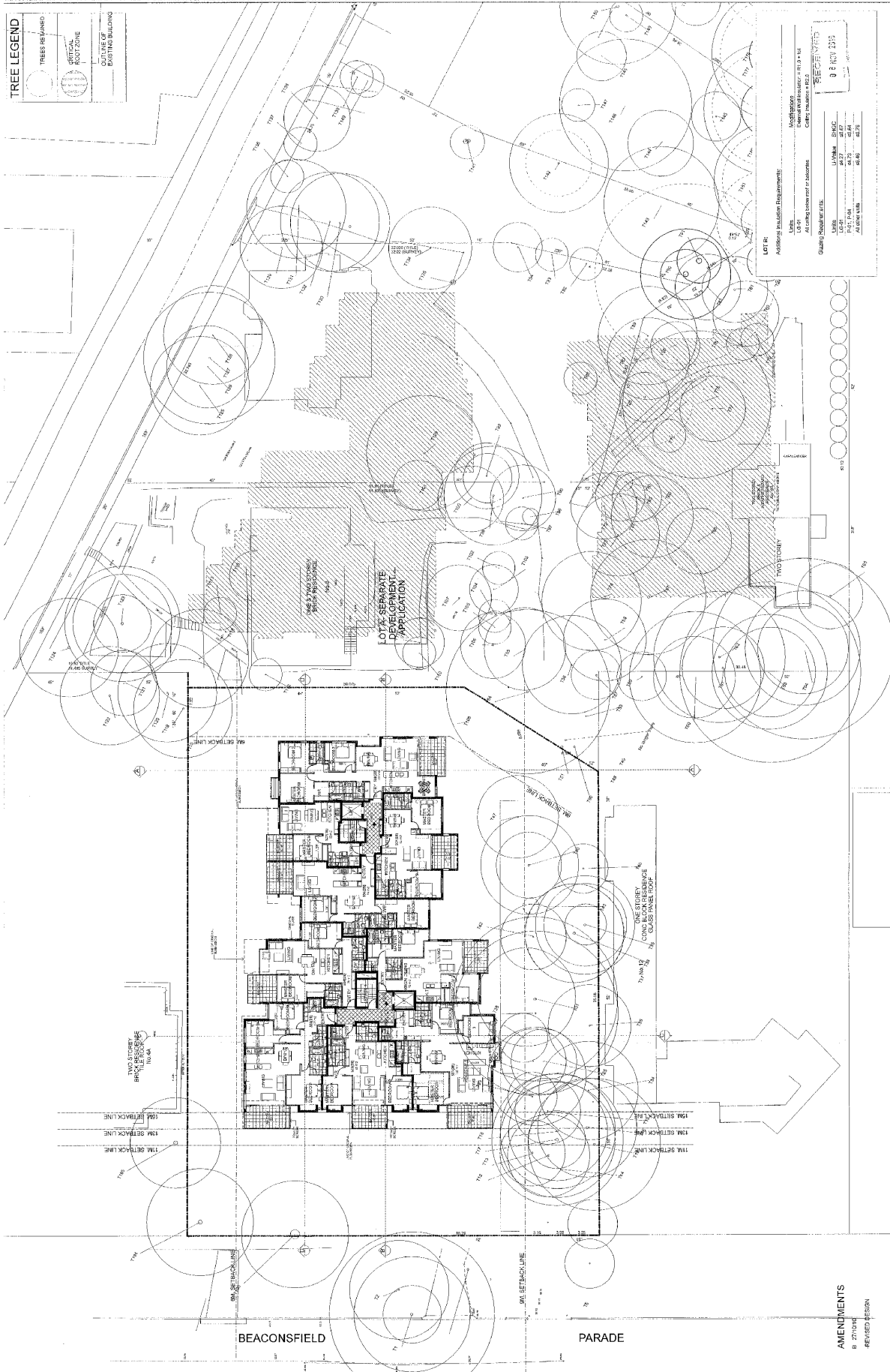
<p>TREE LEGEND</p> <p>TREES RETAINED</p> <p>CRITICAL ROOT ZONE</p> <p>OUTLINE OF EXISTING BUILDING</p>	<p>LOVA, SERRATE DEVELOPMENT APPLICATION</p>	<p>WOLSKI COPPIN ARCHITECTURE LEVEL 3 15 MILITARY ROAD MELBOURNE VIC 3047 T: 9553 8477 F: 9553 8557</p>	<p>STALDONE DEVELOPMENTS</p>	<p>PROPOSED LOT B 6, 6a, BEACONSFIELD PARADE, LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)</p>	<p>PROJECT</p>	<p>21012B</p>
					<p>PLANT DATE</p>	<p>4/11/2010</p>
<p>AMENDMENTS</p> <p>B 27/10/09 REVISED DESIGN</p>		<p>ARCHITECT</p>		<p>FOR</p>		<p>GROUND FLOOR</p>

FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS AND VERIFY DIMENSIONS PRIOR TO ANY COMMENCEMENT OF WORK ON SITE



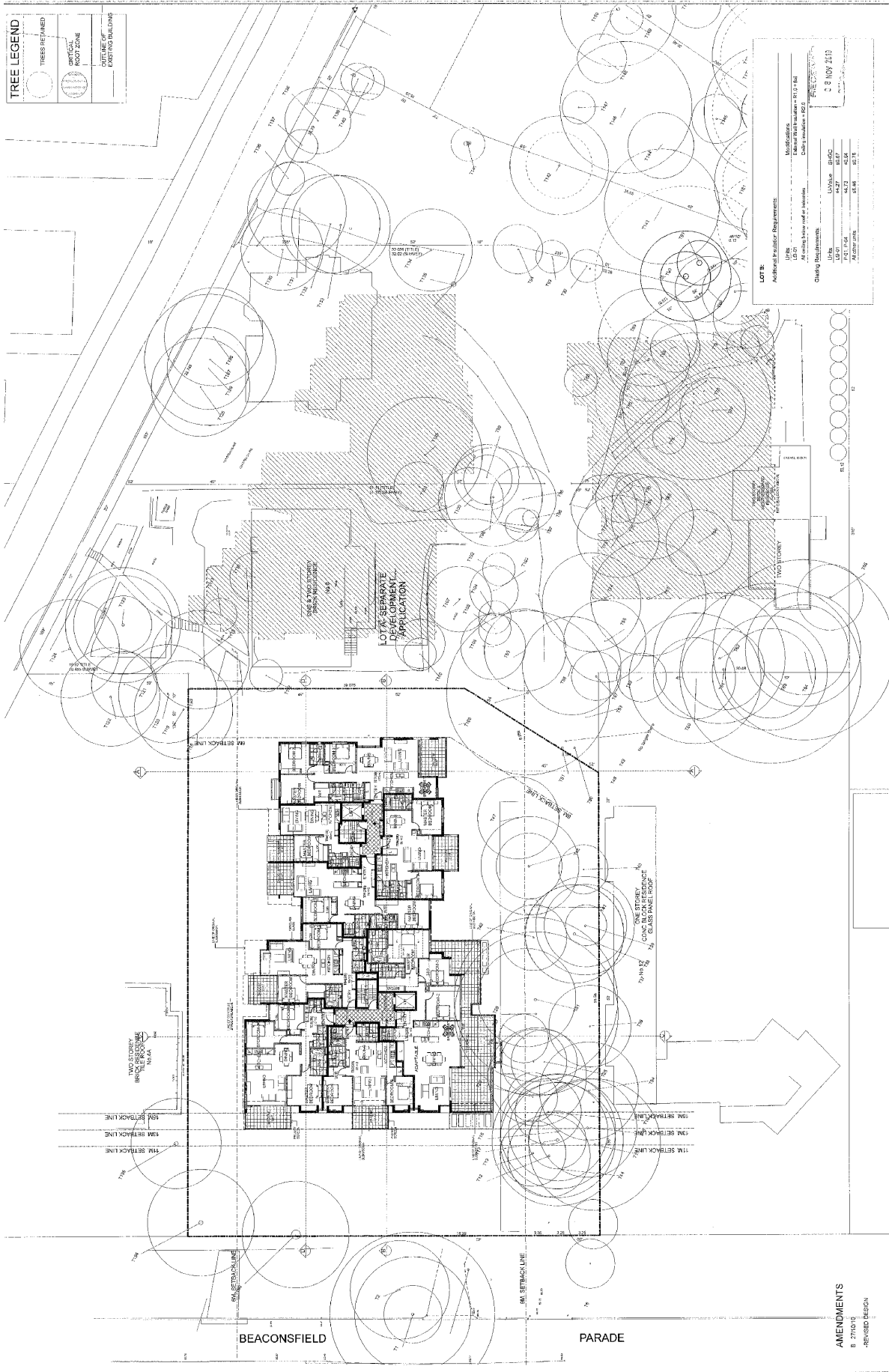
<p>TREE LEGEND</p> <p>TREES TO BE RETAINED</p> <p>CRITICAL ROOT ZONE</p> <p>OUTLINE OF EXISTING BUILDING</p> <p>NOTE: 1 - HINGOLA</p>	<p>LOT 8: Additional Inhabitable Development:</p> <p>USE: AS SHOWN IN THE DEVELOPMENT APPLICATION</p> <p>CHANGING REQUIREMENTS:</p> <p>DATE: 14/07/2010</p> <p>SCALE: 1:200 @ A1</p> <p>PROJECT NO: 08/09/2273</p>	<p>PROJECT: PROPOSED LOT 8a, BEACONSFIELD PARADE, LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)</p>	<p>PROJECT: 21012B</p>
		<p>ARCHITECT: WOLSKI COPPIN ARCHITECTURE</p> <p>NO: 3/15 HINDARY ROAD, LINDFIELD NSW 1585</p> <p>T: 9953 8477</p> <p>F: 9953 8557</p>	<p>PLANNING NO: DA07B</p>
<p>AMENDMENTS</p> <p>8/27/10/10</p> <p>REVISED DESIGN</p>		<p>DRAWING: FIRST FLOOR</p>	<p>EDITION: 1</p>

FIGURE DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO LOCAL DIMENSIONS AND CURB CUT DIMENSIONS PRIOR TO ANY COMMENCEMENT OF WORK ON SITE

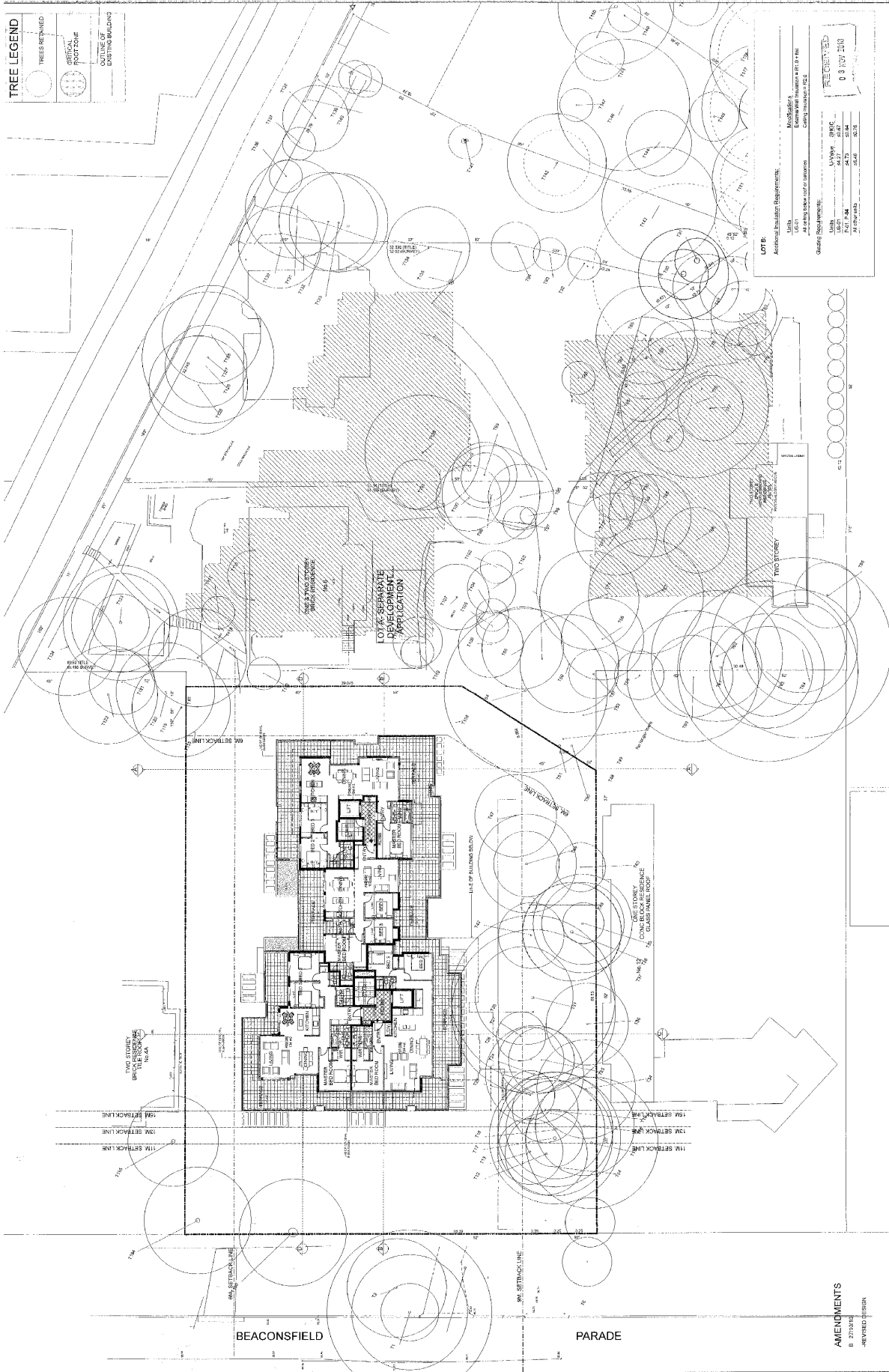


<p>TREE LEGEND</p> <p>TREES TO BE PLANTED</p> <p>CRITICAL ROOT ZONE</p> <p>OUTLINE OF EXISTING BUILDING</p>	<p>LOT 1</p> <p>Address: [illegible]</p> <p>Lot Area: [illegible]</p> <p>Lot Dimensions: [illegible]</p> <p>Lot Easements: [illegible]</p>		<p>PROJECT</p> <p>PROPOSED LOT B 6, 8a, BEACONSFIELD PARADE, LINDFIELD INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE</p>	<p>PROJECT</p> <p>STALDONE DEVELOPMENTS</p>	<p>ARCHITECT</p> <p>WOJSKI COPPIN ARCHITECTURE</p> <p>LEVEL 3 115 ADELAIDE ROAD MELB. VIC 3047 PH: 9933 8287 F: 9933 8557</p>	<p>FOR</p> <p>FOR</p>	<p>PROJECT</p> <p>STALDONE DEVELOPMENTS</p>	<p>PROJECT</p> <p>PROPOSED LOT B 6, 8a, BEACONSFIELD PARADE, LINDFIELD INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE</p>	<p>PROJECT</p> <p>21012B</p>
	<p>AMENDMENTS</p> <p>B 27/01/10</p> <p>REVISED DESIGN</p>	<p>PLANNING</p> <p>11200 @ A1</p>	<p>DATE</p> <p>4/11/2010</p>	<p>SCALE</p> <p>1:200</p>	<p>EDITION</p> <p>SECOND FLOOR</p>	<p>DRAWING NO</p> <p>DA08B</p>	<p>DATE</p> <p>08 NOV 2010</p>	<p>PROJECT</p> <p>21012B</p>	<p>PROJECT</p> <p>21012B</p>

FINISHED DIMENSIONS ARE TO BE SHOWN IN PREFERENCE TO SCALED DIMENSIONS
 THE CONTRACTOR IS TO CHECK ALL DIMENSIONS PRIOR TO ANY COMMENCEMENT OF WORK ON SITE



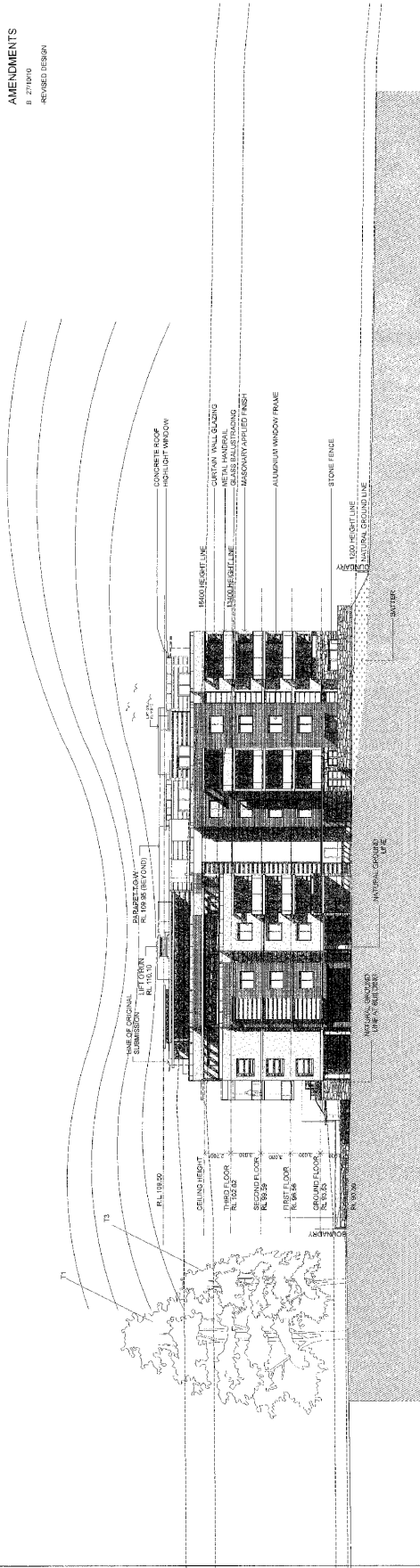
AMENDMENTS B 2710/10 -REVISED DESIGN	FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS. THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS PRIOR TO ANY COMMENCEMENT OF WORK ON SITE.	ARCHITECT WOLSKI COPPIN ARCHITECTURE LEVEL 3 115 MILITARY ROAD MELBOURNE VIC 3007 P: 9953 8477 F: 9953 8557	FOR STALDONE DEVELOPMENTS	PROJECT PROPOSED LOT B 6, 6a, BEAconsFIELD PARADE, LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEAconsFIELD PARADE)	PROJECT DATE 4/11/2010	PROJECT NO 21012B
		DRAWING THIRD FLOOR	DRAWING NO DA09B	SCALE 1:200 @ A1	EDITION NO	



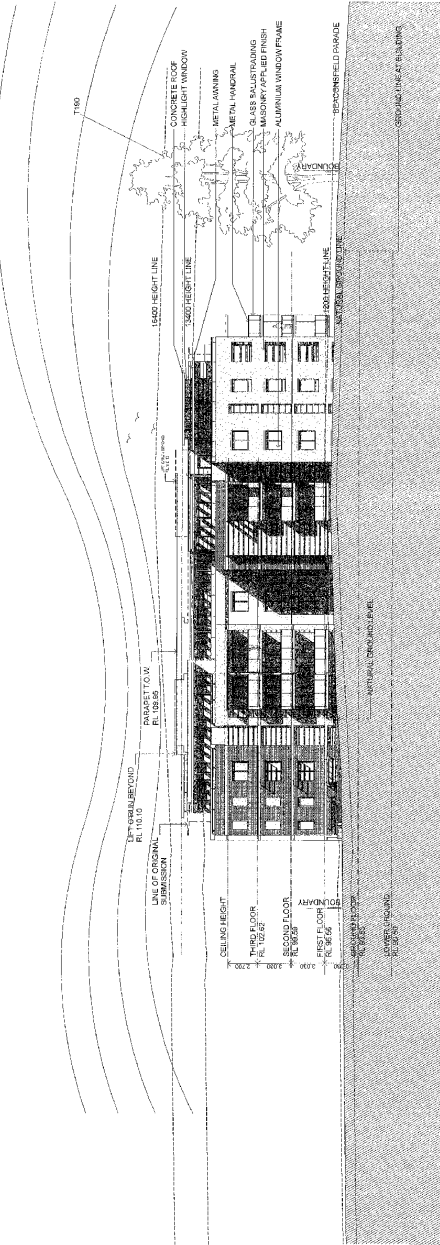
LOT 6:
 Administrative Requirements:
 1. All applications must be accompanied by a copy of the following:
 a. A copy of the site plan showing the proposed development.
 b. A copy of the site plan showing the proposed development.
 c. A copy of the site plan showing the proposed development.
 d. A copy of the site plan showing the proposed development.
 e. A copy of the site plan showing the proposed development.
 f. A copy of the site plan showing the proposed development.
 g. A copy of the site plan showing the proposed development.
 h. A copy of the site plan showing the proposed development.
 i. A copy of the site plan showing the proposed development.
 j. A copy of the site plan showing the proposed development.
 k. A copy of the site plan showing the proposed development.
 l. A copy of the site plan showing the proposed development.
 m. A copy of the site plan showing the proposed development.
 n. A copy of the site plan showing the proposed development.
 o. A copy of the site plan showing the proposed development.
 p. A copy of the site plan showing the proposed development.
 q. A copy of the site plan showing the proposed development.
 r. A copy of the site plan showing the proposed development.
 s. A copy of the site plan showing the proposed development.
 t. A copy of the site plan showing the proposed development.
 u. A copy of the site plan showing the proposed development.
 v. A copy of the site plan showing the proposed development.
 w. A copy of the site plan showing the proposed development.
 x. A copy of the site plan showing the proposed development.
 y. A copy of the site plan showing the proposed development.
 z. A copy of the site plan showing the proposed development.

<p>FIGURED DIMENSIONS ARE TO BE SHOWN TO THE CENTERLINE OF THE CURB OR TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE PARADE.</p> <p>THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND VERIFY FIGURED DIMENSIONS PRIOR TO ANY COMMENCEMENT OF WORK ON SITE.</p>		<p>AMENDMENTS B 27/10/10 REVISED DESIGN</p>	<p>BEACONSFIELD PARADE</p>	<p>WOLSKI COPPIN ARCHITECTURE LEVEL 3 115 ANKENY ROAD MELBOURNE VIC 3048 TEL: 9933 9477 F: 9933 8557</p>	<p>STALDONE DEVELOPMENTS</p>	<p>PROJECT DRAWING</p>	<p>PROPOSED LOT B 6, 6a, BEACONSFIELD PARADE, LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)</p> <p>PENTHOUSE</p>	<p>PROJECT DRAWING</p>	<p>21012B DA10B</p>
<p>DATE: 4/11/2010</p>	<p>SCALE: 1:200 @ A1</p>	<p>EDITION: 1</p>	<p>PROJECT NO: 4/11/2010</p>	<p>DRAWING NO: 1200 @ A1</p>	<p>PROJECT: PROPOSED LOT B 6, 6a, BEACONSFIELD PARADE, LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)</p>	<p>DRAWING NO: 1200 @ A1</p>	<p>PROJECT: PROPOSED LOT B 6, 6a, BEACONSFIELD PARADE, LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)</p>	<p>PROJECT: PROPOSED LOT B 6, 6a, BEACONSFIELD PARADE, LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)</p>	<p>PROJECT: PROPOSED LOT B 6, 6a, BEACONSFIELD PARADE, LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)</p>

AMENDMENTS
B 27/19/10
REVISED DESIGN



WEST ELEVATION (trees not shown for clarity)



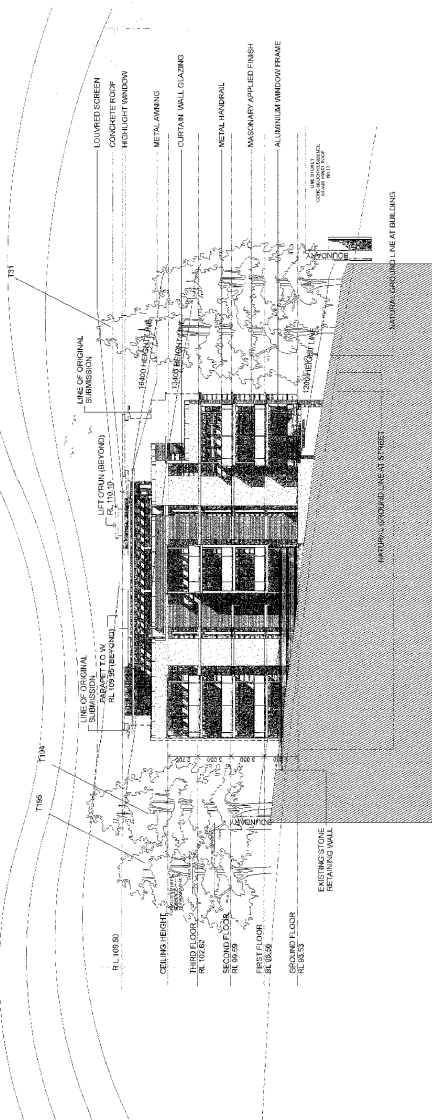
EAST ELEVATION

PROPOSED
B 8 ROT 2010

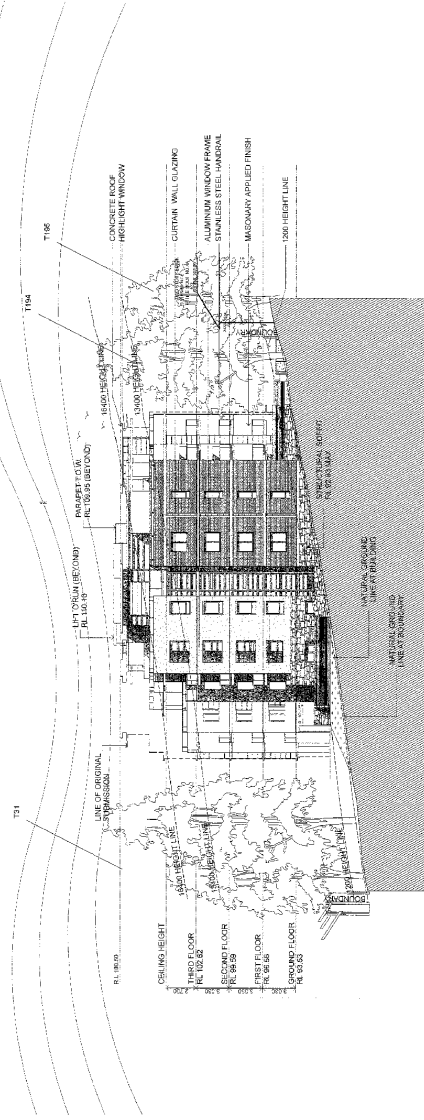
REQUIRED DIMENSIONS ARE TO BE IN MILLIMETERS UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR IS TO CHECK ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY UPON COMMENCEMENT OF WORK ON SITE.	ARCHITECT WOLSKI, COPPIN ARCHITECTURE LEVEL 3/115 MILITARY ROAD NEUTRAL BAY 2069 P 9233 8557	FOR STALDONE DEVELOPMENTS	PROJECT PROPOSED LOT B 6 & 8a BEACONSFIELD PARADE, LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)	PLOT DATE 4/11/2010	PROJECT NO 21012B
	EDITION 1:200 @ A1	DRAWING NO DA11B	SCALE 1:200 @ A1	EDITION 1:200 @ A1	DRAWING NO DA11B

AMENDMENTS
B 27/010
REVISED DESIGN

REVISED
08 NOV 2010



NORTH ELEVATION (BEACONSFIELD PARADE)



SOUTH ELEVATION

FIGURED DIMENSIONS ARE TO BE TAKEN UNLESS OTHERWISE NOTED.
THE CONTRACTOR IS TO CHECK THIS DRAWING AGAINST THE AS-BUILT CONDITIONS OF THE EXISTING STRUCTURE PRIOR TO ANY COMMENCEMENT OF WORK ON SITE.

ARCHITECT
WOLSKI COPPIN
A R C H I T E C T U R E
LEVEL 3 115 MILITARY ROAD
NEWPORT WEST AUSTRALIA
TEL: (08) 9455 6200
F: (08) 9455 6227

FOR

STALDONE
DEVELOPMENTS

PROJECT

PROPOSED LOT B 6, 6a BEACONSFIELD PARADE LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)

DRAWING NO
DA12B

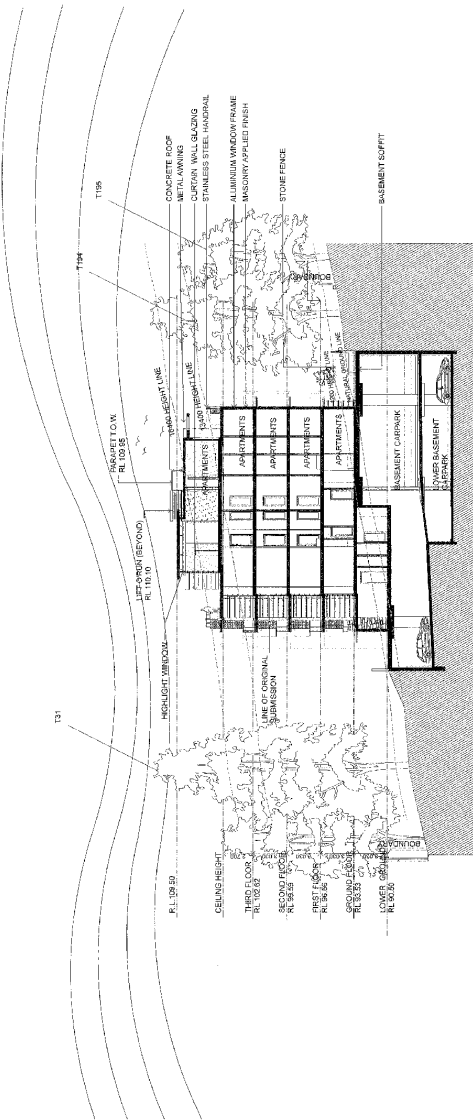
PROJECT
21012B

EDITION

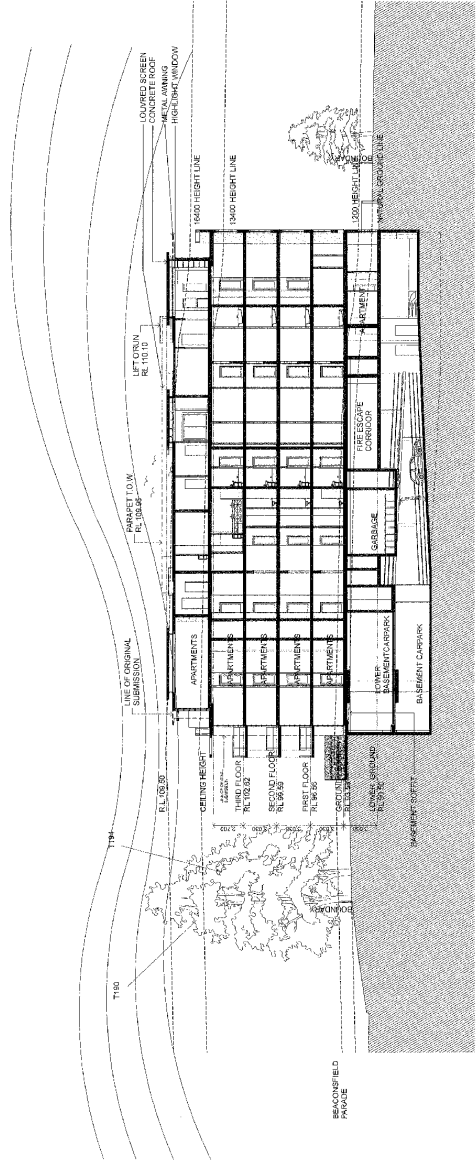
SCALE
1:200 @ A1

DATE
4/11/2010

AMENDMENTS
9/27/10
REVISED DESIGN



SECTION AA



SECTION BB

SCALE
0.9 INCH = 1'-0"

<p>PROPOSED LOT B 6, 6a, BEACONSFIELD PARADE, LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)</p>	<p>PROJECT</p>	<p>21012B</p>
	<p>PLT DATE 4/11/2010</p>	<p>SCALE 1:200 @ A1</p>
<p>STALDONE DEVELOPMENTS</p>	<p>FOR</p>	<p>SECTIONS</p>
<p>WOLSKI, COPPIN ARCHITECTURE LEVEL 3 115 MILITARY ROAD NEURAL BAY 2089 F 7923 8657</p>	<p>ARCHITECT</p>	<p>SECTION BB</p>
<p>BEFORE DIMENSIONS ARE TO BE USED IN CONSTRUCTION THE CONTRACTOR IS TO CHECK AND VERIFY FIGURED DIMENSIONS AND VERTICAL DIMENSIONS OF WORK ON SITE</p>		



TREE LEGEND

	TREES RETAINED
	CRITICAL ROOT ZONE
	OUTLINE OF EXISTING BUILDING

RECEIVED
6 8 NOV 2010

DATE: 4/11/2010
PROJECT: 21012B
SCALE: 1:200 @ A1
EDITION: DA14B

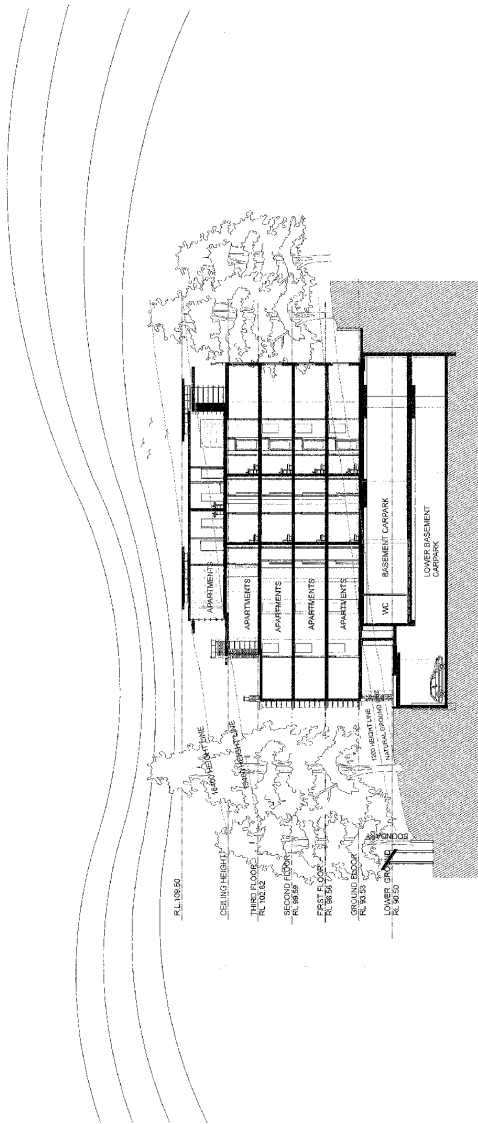
<p>AMENDMENTS</p> <p>B 27/10/10 -REVISED DESIGN</p>	<p>FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS</p> <p>THE CONTRACTOR IS TO CHECK THE DIMENSIONS OF THE WORK PRIOR TO ANY COMMENCEMENT OF WORK ON SITE</p>	<p>ARCHITECT</p> <p>WOLSKI, COPPIN ARCHITECTURE LEVEL 3 115 MERRAY ROAD MELBOURNE VIC 3047 P: 9933 8477 F: 9933 8537</p>	<p>FOR</p>	<p>STALDONE DEVELOPMENTS</p>	<p>PROJECT DRAWING</p>	<p>PROPOSED LOT B 6, 6a, BEACONSFIELD PARADE, LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)</p>	<p>FLUTTER DATE</p> <p>4/11/2010</p>	<p>PROJECT NO</p> <p>21012B</p>
							<p>SCALE</p> <p>1:200 @ A1</p>	<p>EDITION</p> <p>DA14B</p>

21012B

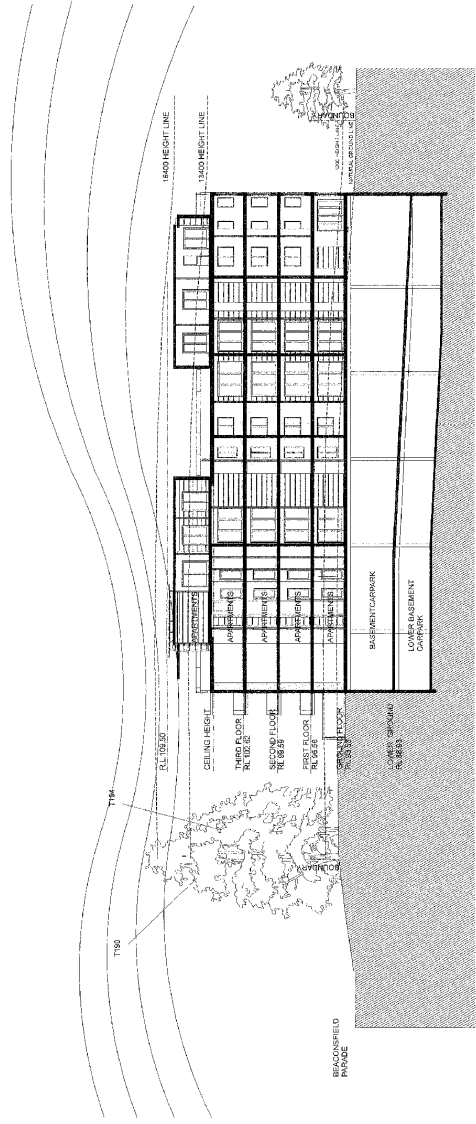
DA14B

AMENDMENTS
 A ZONING DESIGN-ADDITIONAL
 SECTIONS

REVISED
 6 9 NOV 2010



SECTION CC



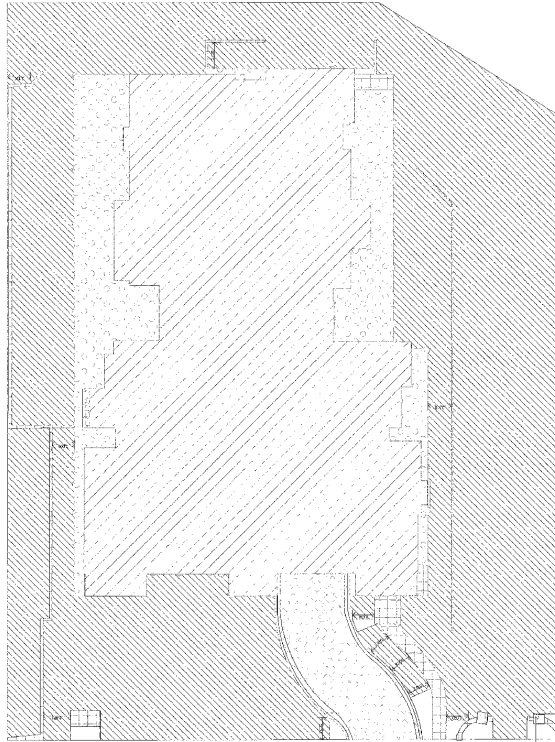
SECTION DD

FIGURED DIMENSIONS ARE TO SCALE DIMENSIONS THE CONTRACTOR IS TO CHECK AND VERIFY FIGURED DIMENSIONS AND VERIFY DIMENSIONS OF WORK ON SITE	ARCHITECT WOLSKI - COPPIN ARCHITECTURE LEVEL 3/15 MILITARY ROAD NEWBAY NSW 2089 P: 9253 8537 F: 9253 8537	FOR STALDONE DEVELOPMENTS	PROJECT PROPOSED LOT B 6, 6a, BEACONSFIELD PARADE, LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)	PLOT DATE 4/11/2010	PROJECT 21012B
	EDITION 1:200 @ A1	DRAWING NO DA15A	SCALE 1:200 @ A1	DRAWING NO 1:200 @ A1	EDITION 1:200 @ A1

AMENDMENTS
 C 27/10/10
 #REVISED DESIGN

RECORDED
 B 5 10/07 2333

50% DEEP SOIL AREA AND 85% SITE COVERAGE COMPLIANCE	
SITE AREA	254 m ²
SITE COVERAGE (MAX 50%)	113.3 m ²
PAVING AREA	117.0 m ²
PAVING FOOTPRINT	278.5 m ²
DRIVEWAY	117.0 m ²
PAVING SURFACE AREA	117.0 m ²
POND, SWIMMING AND SUBSTATION	162.5 m ²
50% LANDSCAPING (30% WIDE)	27.5 m ²
DEEP SOIL PLANTING (MINI 50%)	162.7 m ²



EXISTING STONE METERS WALL

NUMBER IN BRACKETS ARE TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS THE CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND VOLUMES OF WORK ON SITE	ARCHITECT	WOLSKI, COPPIN ARCHITECTS LEVEL 3 115 MILITARY ROAD NEUTRAL BAY 2089 F: 0923 5557	FOR	STALDONE DEVELOPMENTS	PROJECT	PROPOSED LOT B 6, 8a, BEACONSFIELD PARADE, LINDFIELD (INCLUDING PARTS OF 8, 10 & 10a BEACONSFIELD PARADE)	PLOT DATE 4/11/2010	PROJECT 21012B
					DRAWING	35% SITE COVERAGE & DEEP SOIL PLANTING ANALYSIS	SCALE 1:200@A1	DRAWING NO TCO01C

APPENDIX NO: 7 - ATTACHMENT A - LIST OF SUBMITTERS TO THE ORIGINAL AND AMENDED PLANS

ITEM NO: GB.2

	Owner	Address1	Address2
DA0986/08	Dr J Klar, Ms M Klar, Mr D Klar, Ms N Klar & Mr D Klar	15A Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Mr J A & Mrs V Buchanan	4/9 Drovers Way	LINDFIELD NSW 2070
DA0986/08	Miss Iona Gurney	14 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Miss Isla Gurney	14 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Ms P W Lee	17/254 Pacific Highway	LINDFIELD NSW 2070
DA0986/08	Mr G Gurney & Ms N Dougall	14 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Ms P Doyle	2/3 Gladstone Parade	LINDFIELD NSW 2070
DA0986/08	Dr G J & Mrs Chan	16 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Mr J H & Mrs M L Coleman	12 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Mr D & Mrs C Saxelby	18 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Mr M & Mrs C Mealey	45 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Mr R & Mrs C M Hale, Andrew Hale, Felicity Hale, Benjamin Hale & Amy Hale	11 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	S G & D J Brogan Directors Distan Pty Limited	21 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Mr H Landstra	6/3 Gladstone Parade	LINDFIELD NSW 2070
DA0986/08	Mrs M D Kluger	3/9 Drovers Way	LINDFIELD NSW 2070
DA0986/08	Mr D C & Mrs D M Miller	19 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Mr G Quint The National Trust of Australia (NSW)	GPO Box 518	SYDNEY NSW 2001
DA0986/08	C Strachan	c/- Luschwitz Real Estate 999 Pacific Highway	PYMBLE NSW 2073
DA0986/08	Ms J Nicol	2 Albert Drive	KILLARA NSW 2071
DA0986/08	Ms R Dallas	27 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Ms F Hughes	fjh@ozemail.com.au	
DA0986/08	Ms R Smith & Mr B Barnes	rachelandben@optusnet.com.au	
DA0986/08	Mrs D Cozijn	2/9 Drovers Way	LINDFIELD NSW 2070
DA0986/08	Mr J & Mrs A Willis	19a Gladstone Parade	LINDFIELD NSW 2070
DA0986/08	Mrs F J Taylor	15 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Ms S Wray	susanwray@dodo.com.au	
DA0986/08	Ms N Campbell	8 Borambil Place	LONGUEVILLE NSW 2066
DA0986/08	Mrs S Cheng	3/276 Pacific highway	LINDFIELD NSW 2070
DA0986/08	Ms C Berlioz	christianeberlioz@hotmail.com	
DA0986/08	Ms E Haggett	2/276 Pacific Highway	LINDFIELD NSW 2070
DA0986/08	Mr B and Mrs R Doak	39 Eton Road	LINDFIELD NSW 2070
DA0986/08	Mr N and Mrs R Willetts	113 Bent Street	LINDFIELD NSW 2070
DA0986/08	Mr D Burnett	Don.Burnett@msssecurity.com.au	
DA0986/08	R Maryanka	15A Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	A Maryanka	15A Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Mr K & Mrs D Fairgray	"The Grosvenor" Unit 204/2A Grosvenor Road	LINDFIELD NSW 2070
DA0986/08	Mr C K Foong & Ms S W Lee	54 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Mr T & Mrs H Lowy	4 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Mrs E Luther	5 Hungerford Lodge Rosslyn Park Weybridge	SURREY KT13 9QZ UNITED KINGDOM
DA0986/08	Ms A Ludowici	45 Boundary Street	ROSEVILLE NSW 2069
DA0986/08	Dr N Iacono	2/25 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Ms S Cameron	67 Amyherst Street	CAMMERAY NSW 2062

APPENDIX NO: 7 - ATTACHMENT A - LIST OF SUBMITTERS TO THE ORIGINAL AND AMENDED PLANS

ITEM NO: GB.2

DA0986/08	Mr J Brogan	349/12-19 Memorial Avenue	ST IVES NSW 2075
DA0986/08	Mr G Turner	PO Box 252	ROSEVILLE NSW 2069
DA0986/08	Mr B & Mrs B Strachan	19A Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Mr M & Mrs A Riordan	1 Averil Place	LINDFIELD NSW 2070
DA0986/08	Mr D Roffe & Ms E Roffe	9 Frances Street	LINDFIELD NSW 2070
DA0986/08	R Luderus	hluderus@gmail.com	
DA0986/08	Ms M Thomson	15/3 Gladstone Parade	LINDFIELD NSW 2070
DA0986/08	K Nash Director KN Planning Pty Limited on behalf of the "Friends of Beaconsfield and Drovers Way"	131 Darling Street	BALMAIN NSW 2041
DA0986/08	Mr R Green	3 Averil Place	LINDFIELD NSW 2070
DA0986/08	Mr E & Mrs J Kerr	18 Larool Avenue	LINDFIELD NSW 2070
DA0986/08	Friends of Beaconsfield and Drovers Way	c/- 12 Beaconsfield Parade	LINDFIELD NSW 2070
DA0986/08	Mrs R M Morton	1/276 Pacific Highway	LINDFIELD NSW 2070
DA0987/08	Mrs G Jackson	114 Shirley Road	ROSEVILLE NSW 2069
DA0987/08	Hamak Pty Limited	Care of: Mr M Trussell PO Box 277	HUNTERS HILL NSW 2110
DA0987/08	Lynette Taylor Holdings Pty Limited	8/274-278 Pacific Highway	LINDFIELD NSW 2070
DA0987/08	Mr K & Mrs C Nguyen-Do	A2 Drovers Way	LINDFIELD NSW 2070
DA0987/08	Mr R H & Mrs H J Carter	14 Bent Street	LINDFIELD NSW 2070
DA0987/08	Dr J Klar, Ms M Klar, Mr D Klar, Ms N Klar & Mr D Klar	15A Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr R Green	3 Averil Place	LINDFIELD NSW 2070
DA0987/08	Mr B Chapman	16 Frances Street	LINDFIELD NSW 2070
DA0987/08	Mr S G Brogan & Ms D J Brogan Directors Distan Pty Ltd	21 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mrs R R Dallas	27 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mrs C Roberts	30 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr R P Haggett	2/274-278 Pacific Highway	LINDFIELD NSW 2070
DA0987/08	Mr G & Mrs M Bryant	26 Gladstone Parade	LINDFIELD NSW 2070
DA0987/08	Mr C M & Mrs F J Taylor	15 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr T & Mrs H Lowy	4 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr M & Mrs L Saunders	lia.saunders@willoughby.nsw.gov.au	
DA0987/08	Mr J & Mrs A Willis	19a Gladstone Parade	LINDFIELD NSW 2070
DA0987/08	Mr K E A Young	47 Grosvenor Road	LINDFIELD NSW 2070
DA0987/08	Mr M F & Mrs R M Morton	1/276 Pacific Highway	LINDFIELD NSW 2070
DA0987/08	Mrs L Adam	110 Grosvenor Road	LINDFIELD NSW 2070
DA0987/08	Mrs D J Cozijn	PO Box 453	LINDFIELD NSW 2070
DA0987/08	Mr A & Mrs E Warry	94 Grosvenor Road	LINDFIELD NSW 2070
DA0987/08	Mr S & Mrs P Doak	10 Westbourne Road	LINDFIELD NSW 2070
DA0987/08	Ms K Chee	6/250 Pacific Highway	LINDFIELD NSW 2070
DA0987/08	Mrs P De Sauty	6A Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	C Cunningham	smartpig@bigpond.com	
DA0987/08	Mrs E Luther (Owner of 4A Beaconsfield Pde)	5 Hungerford Lodge, Rosslyn Park	WEYBRIDGE SURREY KT13 9QZ UK
DA0987/08	Mrs J A Trew	76 Westbourne Road	LINDFIELD NSW 2070
DA0987/08	P & P Hood	30 Westbourne Road	LINDFIELD NSW 2070

APPENDIX NO: 7 - ATTACHMENT A - LIST OF SUBMITTERS TO THE ORIGINAL AND AMENDED PLANS

ITEM NO: GB.2

DA0987/08	W L Buchanan	PO Box 271	LINDFIELD NSW 2070
DA0987/08	G Barnett	PO Box 205	LINDFIELD NSW 2070
DA0987/08	Mr J A & Mrs V Buchanan	4/9 Drovers Way	LINDFIELD NSW 2070
DA0987/08	Mr T Hargreaves	12 Ortona Road	LINDFIELD NSW 2070
DA0987/08	Mr G & Mrs D Glenny	10A Norwood Avenue	LINDFIELD NSW 2070
DA0987/08	Mrs C M Hale, Andrew Hale, Amy Hale, Felicity Hale & Benjamin Hale	11 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mrs W Ford	11/266 Pacific Highway	LINDFIELD NSW 2070
DA0987/08	Mr M & Mrs A Riordan	1 Averil Place	LINDFIELD NSW 2070
DA0987/08	Mr K C Hendy	5 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr D M & Mrs L A Hinchin	9B Gladstone Parade	LINDFIELD NSW 2070
DA0987/08	Dr and Mrs Chan	16 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Ms M Thomson	15/3 Gladstone Parade	LINDFIELD NSW 2070
DA0987/08	Mr V Ventura	1/308 Pacific H'way	LINDFIELD NSW 2070
DA0987/08	Mr & Mrs G Friend	3/4 Drover Way	LINDFIELD NSW 2070
DA0987/08	Mrs K Cowley	1 Kenilworth Rd	LINDFIELD NSW 2070
DA0987/08	Mr R & Mrs M Blanks	22 Frances Street	LINDFIELD NSW 2070
DA0987/08	Mr D Roffe & Ms E Roffe	9 Frances Street	LINDFIELD NSW 2070
DA0987/08	Mr G & Mrs S Monsted	38 Thomas Avenue	ROSEVILLE NSW 2069
DA0987/08	Mrs S Wray	9 Norwood Avenue	LINDFIELD NSW 2070
DA0987/08	Ms E Meyer	10 Frances Street	LINDFIELD NSW 2070
DA0987/08	Ms K Rockwell	Kathy.Rockwell@ReedBusines.com.au	
DA0987/08	Mr D C & Mrs D M Miller	19 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Ms S A Dandy	4A Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mrs E Little	3/254 Pacific Highway	LINDFIELD NSW 2070
DA0987/08	Mrs B P Whitten	19B Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr A Whitten	37 Eton Road	LINDFIELD NSW 2070
DA0987/08	Mr J & Mrs M Coleman	12 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr B & Mrs B Strachan	19A Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Distan P/L Attn : S G Brogan & D J Brogan	21 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr D K & Mrs C M Saxelby	18 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr G Gurney & Ms N Dougall	14 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mrs C Bentley	2 Drovers Way	LINDFIELD NSW 2070
DA0987/08	Mr K K & Mrs M Poon	86 Grosvenor Street	NORTH WAHROONGA NSW 2076
DA0987/08	S Burden & S Miyazaki	6 Drovers Way	LINDFIELD NSW 2070
DA0987/08	Mr S Wille	12 Frances Street	LINDFIELD NSW 2070
DA0987/08	M Brisbane	12 Frances Street	LINDFIELD NSW 2070
DA0987/08	Mr R Hale	11 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr M Cross	Lindfield Pharmacy 316 Pacific Highway	LINDFIELD NSW 2070
DA0987/08	Mr T Rylie	33 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	X Feng & P Pond	3 Coronet Court	NORTH ROCKS NSW 2151
DA0987/08	D & S Burnett	25A Gladstone Parade	LINDFIELD NSW 2070
DA0987/08	Ms J Mcleod	2/275 Pacific Highway	LINDFIELD NSW 2070
DA0987/08	S E & D Clarke	9/250 Pacific Highway	LINDFIELD NSW 2070
DA0987/08	Miss Iona Gurney	14 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Miss Isla Gurney	14 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr P Wall	wall@wall.net	
DA0987/08	D J & G W Wheatley	woodgreen@ozemail.com.au	

APPENDIX NO: 7 - ATTACHMENT A - LIST OF SUBMITTERS TO THE ORIGINAL AND AMENDED PLANS

ITEM NO: GB.2

DA0987/08	Ms L F Chu	8A Drovers Way	LINDFIELD NSW 2070
DA0987/08	Ms L Sheridan Sheridan Planning Group	sheridan_lynne@hotmail.com	
DA0987/08	Mrs A L Matheson	59 McIntosh Street	GORDON NSW 2072
DA0987/08	Mrs C Chan-Lee	61 Grosvenor Road	LINDFIELD NSW 2070
DA0987/08	Dr N Iacono	2/25 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr R & Mrs J Brennan-Horley	5 Carter Street	GORDON NSW 2072
DA0987/08	Mr B O'Farrell MP State Member for Ku-ring-gai on behalf of Mr S Brogan owner of 21 Beaconsfield Parade, Lindfield	27 Redleaf Avenue	WAHROONGA NSW 2076
DA0987/08	Mr N F Little	10A Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr T J & Mrs J M Studdert	43 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mrs D Hendy	18 Newark Crescent	LINDFIELD NSW 2070
DA0987/08	National Trust of Australia (NSW) Attention: Mr G Quint	GPO Box 518	SYDNEY NSW 2001
DA0987/08	Mr D and Mrs H Pratt	86 Grosvenor Street	WAHROONGA NSW 2076
DA0987/08	Mrs S Cheng	3/276 Pacific Highway	LINDFIELD NSW 2070
DA0987/08	Dr M Forer	16 Norwood Avenue	LINDFIELD NSW 2070
DA0987/08	Ms M Hmelnitsky	131 Bent Street	LINDFIELD NSW 2070
DA0987/08	Mrs P Lord	Pippa@leanast.com.au	
DA0987/08	Mrs K Morony	41 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Ms S Cameron	67 Amherst Street	CAMMERAY NSW 2062
DA0987/08	Mr J Brogan	349/12-19 Memorial Avenue	ST IVES NSW 2075
DA0987/08	Mr and Mrs B McIntyre	28 Balfour Street	LINDFIELD NSW 2070
DA0987/08	Mr and Mrs M Mealey	45 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mrs M D Kluger	3/9 Drovers Way	LINDFIELD NSW 2070
DA0987/08	Mr G & Mrs M Russo	1 Frances Street	LINDFIELD NSW 2070
DA0987/08	Ms G Fernengel	10/3 Gladstone Parade	LINDFIELD NSW 2070
DA0987/08	K Nash Director KN Planning Pty Limited on behalf of the "Friends of Beaconsfield and Drovers Way"	131 Darling Street	BALMAIN NSW 2041
DA0987/08	Ms K Rockwell	65 Cliff Avenue	NORTHBRIDGE NSW 2063
DA0987/08	Mr J & Mrs M Coleman on behalf of Friends of Beaconsfield & Drovers Way Lindfield	friendsofbeaconsfield@gmail.com	
DA0987/08	Ms W L Buchanan	5 Averil Place	LINDFIELD NSW 2070
DA0987/08	Ms E Atkin	45 Fiddens Wharf Road	KILLARA NSW 2071
DA0987/08	Mr S & Mrs B Colwell	7/266 Pacific Highway	LINDFIELD NSW 2070
DA0987/08	C Strachan	c/- Luschwitz Real Estate 999 Pacific Highway	PYMBLE NSW 2073
DA0987/08	Ms R Dallas	27 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Ms J Nicol	2 Albert Drive	KILLARA NSW 2071
DA0987/08	Ms F Hughes	fjh@ozemail.com.au	
DA0987/08	Ms R Smith & Mr B Barnes	rachelandben@optusnet.com.au	
DA0987/08	Mrs D Cozijn	2/9 Drovers Way	LINDFIELD NSW 2070
DA0987/08	Ms S Wray	susanwray@dodo.com.au	
DA0987/08	Ms N Campbell	8 Borambil Place	LONGUEVILLE NSW 2066

APPENDIX NO: 7 - ATTACHMENT A - LIST OF SUBMITTERS TO THE ORIGINAL AND AMENDED PLANS

ITEM NO: GB.2

DA0987/08	Ms C Berlioz	christianeberlioz@hotmail.com	
DA0987/08	Ms E Haggett	2/276 Pacific Highway	LINDFIELD NSW 2070
DA0987/08	Mr B and Mrs R Doak	39 Eton Road	LINDFIELD NSW 2070
DA0987/08	Mr D Burnett	don.burnett@mssecurity.com.au	
DA0987/08	Mr N and Mrs R Willetts	113 Bent Street	LINDFIELD NSW 2070
DA0987/08	R Maryanka	15a Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	A Maryanka	15A Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr K & Mrs D Fairgray	The Grosvenor Unit 204/2A Grosvenor Road	LINDFIELD NSW 2070
DA0987/08	Mr C K Foong & Ms S W Lee	54 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Mr C Iacono & Mrs I Iacono	1/25 Beaconsfield Parade	LINDFIELD NSW 2070
DA0987/08	Ms Ludowici	45 Boundary Street	ROSEVILLE NSW 2069
DA0987/08	Ms S Cameron	67 Amyherst Street	CAMMERAY NSW 2062
DA0987/08	Mr J Brogan	349/12-19 Memorial Avenue	ST IVES NSW 2075
DA0987/08	Mr G Turner	PO Box 252	ROSEVILLE NSW 2069
DA0987/08	R Lunderus	hlunderus@gmail.com	
DA0987/08	Mr E & Mrs J Kerr	18 Larool Avenue	LINDFIELD NSW 2070
DA0987/08	Mr M F & Mrs R M Morton	1/276 Pacific Highway	LINDFIELD NSW 2070
DA0987/08	Mr B O'Farrell MP State Member for Ku-ring-gai	27 Redleaf Avenue	WAHROONGA NSW 2076
DA0988/08	Mrs P A De Sauty	6A Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mrs G Jackson	114 Shirley Road	ROSEVILLE NSW 2069
DA0988/08	Mr R Green	3 Averil Place	LINDFIELD NSW 2070
DA0988/08	Dr J Klar, Ms M Klar, Mr D Klar, Ms N Klar & Mr D Klar	15A Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mr R J Carter	14 Bent Street	LINDFIELD NSW 2070
DA0988/08	Mr S G & Ms D J Brogan Directors Distan P/L	21 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mrs C Roberts	30 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mrs R R Dallas	27 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mr T & Mrs H Lowy	4 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mr G & Mrs M Bryant	26 Gladstone Parade	LINDFIELD NSW 2070
DA0988/08	Mr C M & Mrs F J Taylor	15 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mr M & Mrs L Saunders	lia.saunders@willoughby.nsw.gov.au	
DA0988/08	Mr J & Mrs A Willis	19a Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mr B Chapman	16 Frances Street	LINDFIELD NSW 2070
DA0988/08	Mr M F & Mrs R M Morton	1/276 Pacific Highway	LINDFIELD NSW 2070
DA0988/08	Mrs L Adam	110 Grosvenor Road	LINDFIELD NSW 2070
DA0988/08	Ms J Sweeney	63/650 Pacific Highway	KILLARA NSW 2071
DA0988/08	Mr S & Mrs P Doak	10 Westbourne Road	LINDFIELD NSW 2070
DA0988/08	Mr A & Mrs E Warry	94 Grosvenor Road	LINDFIELD NSW 2070
DA0988/08	Ms K Chee	6/250 Pacific Highway	LINDFIELD NSW 2070
DA0988/08	Mrs E Luther (Owner of 4A Beaconsfield Pde)	5 Hungerford Lodge, Rosslyn Park	WEYBRIDGE SURREY KT13 9QZ UK
DA0988/08	Mrs J A Trew	76 Westbourne Road	LINDFIELD NSW 2070
DA0988/08	P & P Hood	30 Westbourne Road	LINDFIELD NSW 2070
DA0988/08	G Barnett	PO Box 205	LINDFIELD NSW 2070
DA0988/08	C Cunningham	smartpig@bigpond.com	
DA0988/08	Mrs C Bentley	2 Drovers Way	LINDFIELD NSW 2070

APPENDIX NO: 7 - ATTACHMENT A - LIST OF SUBMITTERS TO THE ORIGINAL AND AMENDED PLANS

ITEM NO: GB.2

DA0988/08	Mr J A Buchanan & Mrs V Buchanan	4/9 Drovers Way	LINDFIELD NSW 2070
DA0988/08	Mr G & Mrs D Glenny	10A Norwood Avenue	LINDFIELD NSW 2070
DA0988/08	Mr T Hargreaves	12 Ortona Road	LINDFIELD NSW 2070
DA0988/08	Mrs C M Hale, Andrew Hale, Amy Hale, Felicity Hale & Benjamin Hale	11 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mr M & Mrs M Riordan	1 Averil Place	LINDFIELD NSW 2070
DA0988/08	Mr D M & Mrs L A Hinchin	9B Gladstone Parade	LINDFIELD NSW 2070
DA0988/08	Dr and Mrs Chan	16 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Ms M Thomson	15/3 Gladstone Parade	LINDFIELD NSW 2070
DA0988/08	Mr V Ventura	1/308 Pacific H'way	LINDFIELD NSW 2070
DA0988/08	Mr & Mrs Friend	3/4 Drovers Way	LINDFIELD NSW 2070
DA0988/08	Mrs K Cowley	1 Kenilworth Rd	LINDFIELD NSW 2070
DA0988/08	Mr R & Mrs M Blanks	22 Frances Street	LINDFIELD NSW 2070
DA0988/08	Mrs B P Whitten	19B Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Ms K Rockwell	Kathy.Rockwell@ReedBusiness.com.au	
DA0988/08	Mr D C & Mrs D M Miller	19 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Ms S A Dandy	4A Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mrs W Ford	11/266 Pacific Highway	LINDFIELD NSW 2070
DA0988/08	Mr A Whitten	37 Eton Road	LINDFIELD NSW 2070
DA0988/08	Mr D Roffe & Ms E Roffe	9 Frances Street	LINDFIELD NSW 2070
DA0988/08	Mr G & Mrs S Monsted	38 Thomas Avenue	ROSEVILLE NSW 2069
DA0988/08	Mrs S Wray	9 Norwood Avenue	LINDFIELD NSW 2070
DA0988/08	Mr M Cross Lindfield Pharmacy	316 Pacific Highway	LINDFIELD NSW 2070
DA0988/08	Dr N Iacono	2/25 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mr G Gurney & Ms N Dougall	14 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mr D & Mrs S Burnett	25A Gladstone Parade	LINDFIELD NSW 2070
DA0988/08	D J & G W Wheatley	40A Shirley Road	ROSEVILLE NSW 2069
DA0988/08	Ms E Meyer	10 Frances Street	LINDFIELD NSW 2070
DA0988/08	W P Pond & X F Lu	3 Coronet Court	NORTH ROCKS NSW 2151
DA0988/08	Dr & Mrs Chan	16 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mr T Ryrie	33 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Ms L Sheridan Sheridan Planning Group	sheridan_lynne@hotmail.com	
DA0988/08	Mrs A L Matheson	59 McIntosh Street	GORDON NSW 2072
DA0988/08	Mrs C Chan-Lee	61 Grosvenor Road	LINDFIELD NSW 2070
DA0988/08	Mr A B & Mrs B L Strachan	19A Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mr J P & Mrs E M Rickward	17 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mr S E & Mrs D Clarke	9/250 Pacific Highway	LINDFIELD NSW 2070
DA0988/08	Miss I Gurney	14 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Miss I Gurney	14 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mr J H & Mrs M L Coleman	12 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mr R & Mrs J Brennan-Horley	5 Carter Street	GORDON NSW 2072
DA0988/08	Mrs J L Mcleod	2/254 Pacific Highway	LINDFIELD NSW 2070
DA0988/08	Mr D & Mrs C Saxelby	18 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mr K K & Mrs M Poon	86 Grosvenor Street	LINDFIELD NSW 2070
DA0988/08	Ms M Brisbane	12 Frances Street	LINDFIELD NSW 2070
DA0988/08	Mr S Wille	12 Frances Street	LINDFIELD NSW 2070
DA0988/08	Mr T J & Mrs J M Studdert	43 Beaconsfield Parade	LINDFIELD NSW 2070

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ITEM NO: GB.2

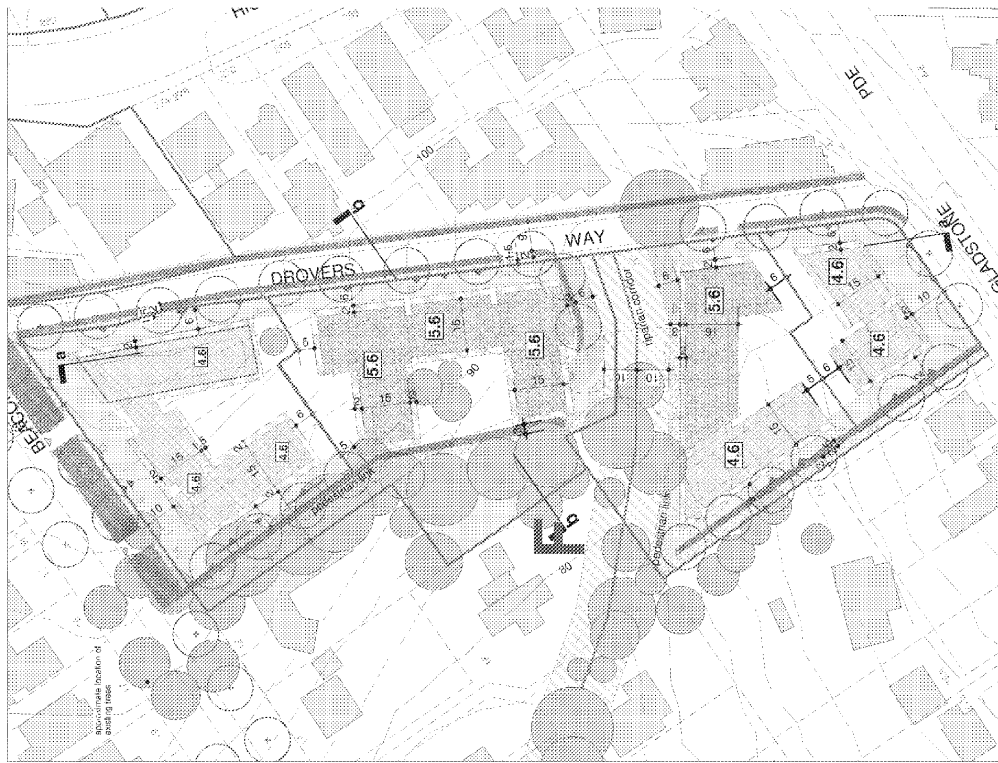
DA0988/08	Mrs D Hendy	18 Newark Crescent	LINDFIELD NSW 2070
DA0988/08	National Trust of Australia (NSW) Attention : Mr G Quint	GPO Box 518	SYDNEY NSW 2001
DA0988/08	Mr N and Mrs R Willetts	113 Bent Street	LINDFIELD NSW 2070
DA0988/08	Mrs S Cheng	3/276 Pacific Highway	LINDFIELD NSW 2070
DA0988/08	K Nash Director KN Planning Pty Limited on behalf of the "Friends of Beaconsfield and Drovers Way"	131 Darling Street	BALMAIN NSW 2041
DA0988/08	C Strachan	c/- Luschwitz Real Estate 999 Pacific Highway	PYMBLE NSW 2073
DA0988/08	Ms R Dallas	27 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Ms J Nicol	2 Albert Drive	KILLARA NSW 2071
DA0988/08	Ms F Hughes	fjh@ozemail.com.au	
DA0988/08	Ms R Smith & Mr B Barnes	rachelandben@optusnet.com.au	
DA0988/08	Mrs D Cozijn	2/9 Drovers Way	LINDFIELD NSW 2070
DA0988/08	Mr R Lopez	robert@centralcoastbears.com.au	
DA0988/08	Ms S Wray	susanwray@dodo.com.au	
DA0988/08	Ms N Campbell	8 Borambil Place	LONGUEVILLE NSW 2066
DA0988/08	Ms C Berlioz	christianeberlioz@hotmail.com	
DA0988/08	Ms E Haggett	2/276 Pacific Highway	LINDFIELD NSW 2070
DA0988/08	Mr B and Mrs R Doak	39 Eton Road	LINDFIELD NSW 2070
DA0988/08	Mr D Burnett	don.burnett@msssecurity.com.au	
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DA0988/08	Ms S Cameron	67 Amyherst Street	CAMMERAY NSW 2062
DA0988/08	Mr J Brogan	349/12-19 Memorial Avenue	ST IVES NSW 2075
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DA0988/08	Mr R Hale	11 Beaconsfield Parade	ROSEVILLE NSW 2069
DA0988/08	R Lunderus	hlunderus@gmail.com	
DA0988/08	Mr E & Mrs J Kerr	18 Larool Avenue	LINDFIELD NSW 2070
DA0988/08	Mr M & Mrs C Mealey	45 Beaconsfield Parade	LINDFIELD NSW 2070
DA0988/08	Mrs M D Kluger	3/9 Drovers Way	LINDFIELD NSW 2070
DA0988/08	Mr Barry O'Farrell MP State Member for Ku-ring-gai	27 Redleaf Avenue	WAHROONGA NSW 2076

L4.8

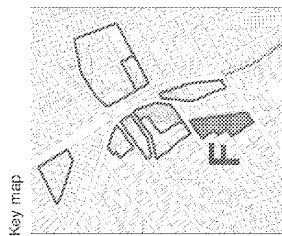
SITE SPECIFIC BUILT FORM CONTROLS

- Desired Future Character**
- Provide high quality built form in a landscape setting that responds to the steep topography of the area.
 - Protect significant trees that have ecological and landscape character value, including existing stand of native canopy trees along the battle-axe access way off Beaconsfield Parade.
 - Provide new open space with the retention of a number of large mature trees.
 - Increase the permeability of the area with new pedestrian connections linking Beaconsfield Parade, Drovers Way and Gladstone Parade.
 - Maintain and enhance the riparian zone where applicable to improve water quality.
 - Restore and revegetate the riparian corridor with local indigenous plants.
- Building Uses and Street Frontages**
- Residential apartment buildings that address the main streets and pedestrian paths.
- Site Amalgamations**
- Refer to Precinct F Plan for preferred lot amalgamations.
- Public Domain Dedication**
- Refer to Precinct F Plan for locations of proposed land dedication.
 - Generally the public domain dedication area is to be provided within the setback zone.
- Building Heights**
- The maximum residential building height is 5 storeys with the top floor generally occupying 60% of the gross floor area of the level below as shown on Precinct F Plan.
 - 6 storey height is proposed along part of Drovers Way to achieve new public spaces and connections.
- Building Depth and Separation**
- Building depth requirements are defined window-to-window as indicated in the Precinct F Plan.
 - Refer to Section 5.1.2 for building separation controls.

L4.8.6 PRECINCT F BUILT FORM CONTROLS



PRECINCT F PLAN



- Public Domain**
- new streets or new public connection
 - existing parks/potential open spaces
 - deep soil zone within domain/riparian management
 - priority public domain strategy/public benefit assets
 - proposed community use site building
 - footpath - type 01; type 02
- Private Domain**
- landscape setback zone
 - retail commercial / commercial only
 - residential shop top articulation zone
 - residential R4 / articulation zone
 - residential - R4 to 6 storey / articulation zone
 - heritage existing/proposed
 - proposed character item - potential adaptive reuse
 - number of storeys
 - carpark entry/service cock
 - pedestrian entry - all ground level dwellings
 - pedestrian entry - all upper level dwellings
 - direction of traffic
 - North Shore Line
 - precincts / lot amalgamations
 - existing buildings retain/demolish
 - existing church/school
 - trees existing / proposed
 - public domain pedestrian & street free zone beyond key sites

L4.8

SITE SPECIFIC BUILT FORM CONTROLS

Page L4.8

L4.8.6 PRECINCT F BUILT FORM CONTROLS



Precinct F view looking from west

- Protection of significant trees that have ecological and landscape character value;
- Limitation of the extent of private courtyards and ensuring the riparian corridor is publicly accessible open space and provides habitat corridor;
- Restoration and revegetation of the riparian corridor with local indigenous plants;
- Allowance of a pierced vehicle crossing over the riparian zone if required, consistent with the Riparian Policy.

Vehicle Access

- Refer to Precinct F Plan for future vehicle access points.

Note: Refer to Section 5.13.2 for detailed controls.

Building Articulation

- Three articulation zone depths are nominated:
 - Primary articulation zone - 2m to accommodate primary balconies and the like.
 - Secondary articulation zone - 1 to 1.5m for secondary balconies and articulation of building form.
 - General articulation zone - 0.5m for structural detail on other built faces.

Note: Refer to Section 5.2.1 for detailed building facade controls for articulation.

Building Setbacks

- Refer to Precinct F Plan for building setback requirements.
- Residential apartment developments are to be set back 10m to 12m from the front boundaries to Beaconsfield Parade and Gladstone Parade. A maximum of 40% of the building facade is to be set back at least 10m from the front boundaries, and a minimum of 60% of the building facade to be set back at least 12m from the front boundaries.

- All buildings are to be set back 10m on either side of the existing pipe or channel alignment.

Deep Soil Zones

- A minimum site area of 40% deep soil zone is required for residential development sites less than 1800m² and 50% for residential development sites more than 1800m².
- All calculations are pre-public domain dedication of site area.
- Refer to Section 5.5.1 for further deep soil landscaping requirements.

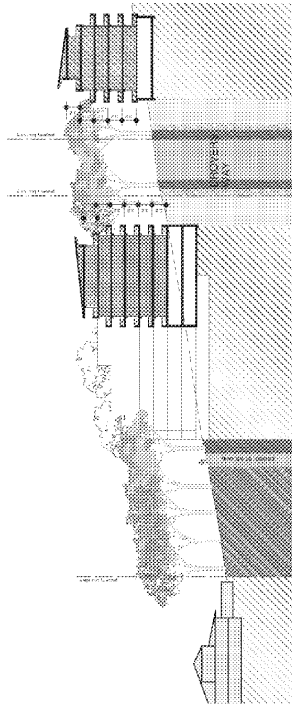
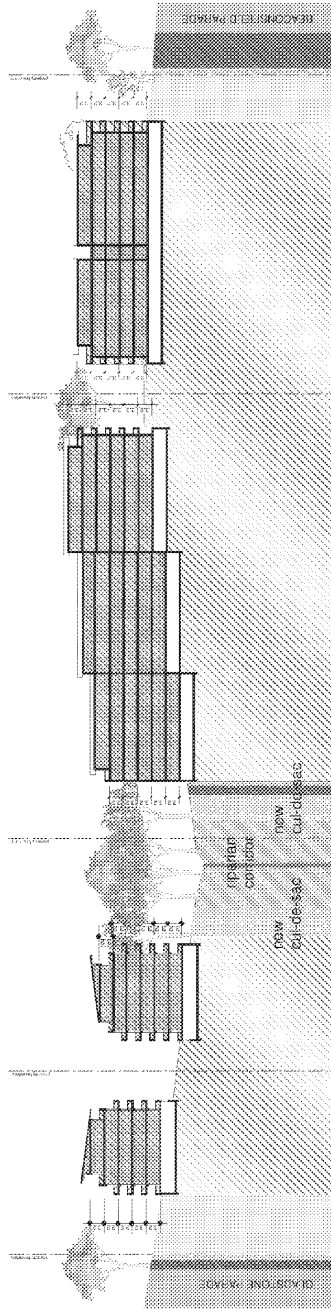
Riparian Zone

- Create a 20m wide predominantly landscape zone following the existing pipe and channel alignment. In conjunction with these requirements, the following controls also apply:
 - Removal of existing pipe and creation of new bed, bank and piping following the current alignment. See diagrams overpage for relevant guidelines;

L4.8

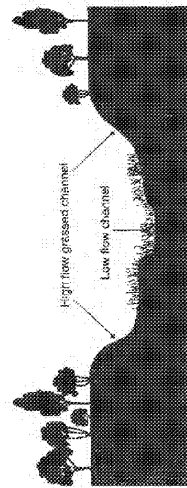
SITE SPECIFIC BUILT FORM CONTROLS

L4.8.6 PRECINCT F BUILT FORM CONTROLS

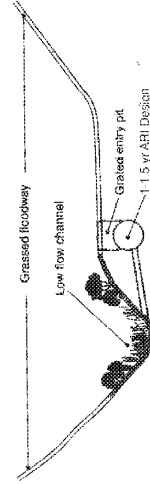


OPTION A MOST DESIRABLE OUTCOME
Open Channel

OPTION B MODERATELY DESIRABLE OUTCOME
Partially Open, Partially Piped



Provision of a natural low-flow channel within a hydraulically efficient urban waterway



Cross section of a grassed floodway combined with a re-established natural low flow channel

- Public Domain**
- new streets or new public connection
- existing streets or public connection
- existing parks/potential open spaces
- deep soil zone public domain/interior management
- footpath - type 0 / type 02
- Private Domain**
- landscape setback zone
- retail commercial / commercial only
- residential - shop top articulation zone
- residential / articulation zone
- residential - R4/ articulation zone
- basement car parking
- existing buildings retain/demolish
- existing church/school
- North Shore Line



Office
of Water

The General Manager
Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

RECEIVED

29 DEC 2010

KU-RING-GAI
COUNCIL

Contact: Greg Daley
Phone: 02 9895 6154
Fax: 02 9895 7501
Email: greg.daley@water.nsw.gov.au

Our ref: 10 ERM2009/0370
Our file: 9051612
Your ref: DA0987/08

Attention: Rebecca Eveleigh

22 December 2010

Dear Ms Eveleigh

**Re: Integrated Development Referral – General Terms of Approval
DA0987/08 - Demolition then Construction of 2 Residential Flat buildings -
8, 10 & 10A Beaconsfield Parade LINDFIELD**

I refer to your recent letter regarding an Integrated Development Application (DA) proposal for the subject property. Attached, please find the NSW Office of Water's General Terms of Approval (GTA) for 'works' requiring a Controlled Activity Approval under the *Water Management Act 2000* (WMA), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A(3) of the *Environmental Planning and Assessment Act, 1979* (EPAA) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.

If the proposed development is approved by Council, the NSW Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The NSW Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional 'works' on waterfront land (ie in or within 40 metres from top of highest bank of a watercourse, foreshore, or lake). Once notified, the NSW Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed 'works' are part of Council's proposed consent conditions and the 'works' do not appear in the original documentation.
- The NSW Office of Water should be notified if Council receives an application to modify the consent conditions. **Failure to notify may render the consent invalid.**
- The NSW Office of Water requests notification of any legal challenge to the consent.

Under Section 91A(6) of the EPAA, Council must provide the NSW Office of Water with a copy of any determination/s including refusals.

As a controlled activity (ie the 'works') cannot commence before the applicant applies for and obtains a Controlled Activity Approval, the NSW Office of Water recommends that the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council".

www.water.nsw.gov.au | NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water
Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia
t + 61 2 9895 6211 | e information@water.nsw.gov.au | ABN 47 661 556 763

The attached GTA are not the Controlled Activity Approval. The applicant must apply (to the NSW Office of Water) for a Controlled Activity Approval **after consent** has been issued by Council **and before** the commencement of any 'works' on waterfront land.

Finalisation of a Controlled Activity Approval can take up to 8 weeks from the date the NSW Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (ie bond, if applicable) and proof of Council's development consent.

Application forms for the Controlled Activity Approval are available from the undersigned or from the NSW Office of Water's website
<http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>

The NSW Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely



Greg Daley
Licensing Officer
NSW Office of Water - Licensing South



**Office
of Water**

General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference	10 ERM2009/0370	File No:	9051612
Site Address	8, 10 & 10A Beaconsfield Parade LINDFIELD		
DA Number	DA0987/08		
LGA	Ku-ring-gai Council		
Number	Condition		
Plans, standards and guidelines			
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA0987/08 and provided by Council:</p> <ul style="list-style-type: none"> (i) Structural design and specifications (ii) Works Schedule <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>		
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank of the river identified.</p>		
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none"> (i) Rehabilitation Plan – for waterfront land (ii) Stormwater Plan (iii) Outlet Structure Plan (iv) Soil and Water Management Plan (v) Amendments to Plans - Site plan, map and/or surveys – at least one of the plans must indicate the location of waterfront land, and any work aspects of the proposal that is not on the owners land but is on waterfront land (vi) Amendments to Plans - Erosion and Sediment Control Plan – this plan must also apply to any work aspects of the proposal that is not on the owners land but is on waterfront land (vi) Amendments to Plans - Landscape Plan – all flora species to be planted and sustained on waterfront land, including aspects of the proposal that is not on the owners land but is on waterfront land, is to be local native species, consequently the hybrid species and the non-local native species listed are not to be planted on waterfront land 		
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing, all plans must be prepared in accordance with the NSW Office of Water guidelines located at www.water.nsw.gov.au/Water-licensing/Approvals/Controlled-activities/Controlled-activities/default.aspx</p>		

www.water.nsw.gov.au | NSW Office of Water is a separate office within the **Department of Environment, Climate Change and Water**
Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia
t + 61 2 9895 6211 | e information@water.nsw.gov.au | ABN 47 661 556 763

Our Reference	10 ERM2009/0370	File No:	9051612
Site Address	8, 10 & 10A Beaconsfield Parade LINDFIELD		
DA Number	DA0987/08		
LGA	Ku-ring-gai Council		
Number	Condition		
	(i) Vegetation Management Plans (ii) Riparian Corridors (iii) In-stream works (iv) Outlet structures		
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.		
Rehabilitation and maintenance			
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.		
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.		
Reporting requirements			
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.		
Security deposits			
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.		
Accessways			
10	The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.		
11	N/A		
Bridge, causeway, culverts, and crossing			
12	The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.		
13	N/A		
Disposal			
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks, are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
Drainage and Stormwater			

Our Reference	10 ERM2009/0370	File No:	9051612
Site Address	8, 10 & 10A Beaconsfield Parade LINDFIELD		
DA Number	DA0987/08		
LGA	Ku-ring-gai Council		
Number	Condition		
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.		
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.		
Erosion control			
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.		
Excavation			
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
19	The consent holder must ensure that any excavation does not result in (i) diversion of any river, (ii) bed or bank instability, or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.		
Maintaining river			
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work, and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.		
21 - 27	N/A		
END OF CONDITIONS			

**OBJECTION UNDER
SEPP NO 1
DEVELOPMENT
STANDARDS**

**AMENDED DEVELOPMENT
APPLICATION DA 0988/08**

RESIDENTIAL FLAT BUILDING

**Proposed Lot B
Nos 6 & 6A Beaconsfield Pde
Lindfield**

**Prepared for:
STALDONE DEVELOPMENTS**

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November 2010

OBJ10-21C

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Attachment 1 – Interpretation of Clause 25I(9) of KPSO

1. OBJECTION

An objection under Clause 6 of State Environmental Planning Policy No. 1 – Development Standards is made to strict compliance 60% limit on floor area of the fifth storey under Clause 25I(7) and the 25% building footprint limit of the sixth storey area under Clause 25K(a) of Part 3A of Ku-ring-gai PSO.

The objection to the above standards is submitted in response to Council's interpretation of Clause 25I(9) which deems that the Lower Ground car parking level constitutes a storey by being contiguous, having the same ceiling height, with a habitable segment of the Lower Ground level, which typically occurs on sloping sites with gradient $\geq 15\%$.

Based on Council's interpretation of Clause 25I(9), the building is six storeys high despite having a five storey height above ground level. The interpretation triggers so-called 'technical' non-compliance with the 60% fifth storey GFA and the topmost storey 25% building footprint standards.

While I do not agree with Council's interpretation of Clause 25I (9), the objection is lodged as a precaution to avoid any legal doubt as to the validity of the assessment process and determination of the application. An alternative interpretation of Clause 28I(9) is provided in Attachment 1.

The objection demonstrates that strict compliance with the standards is both unreasonable and unnecessary under the circumstances and will tend to hinder the attainment of objects specified in Section 5(a)(i) and 5(a)(ii) of the Environmental Planning and Assessment Act 1979.

The objection refers to DA Drawings DA 01A to DA 03A, DA 04B to DA 14B and DA 15A dated October 2010, prepared by Wolski Coppin Architecture.

2. APPLICATION OF THE POLICY

The aim of the policy is to provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the EPA Act 1979.

The broad principles of application of SEPP No. 1 are given in Guidelines for the use of the State Environmental Planning Policy No. 1 issued by the Department of Planning. The circular advises that:

In deciding whether to consent to a development application, the Council should test whether the proposed development is consistent with the State, regional or local planning objectives for the locality, and in particular, the underlying objective of the standard. If the development is not only consistent with the underlying purpose of the standard, but also with the broader planning

objectives of the locality, strict compliance with the standard would be necessary and unreasonable.

Interpretation of scope and application of the policy has been subject to numerous decisions by the Land and Environment Court, summarised as follows:

- (a) The standard is a flexible instrument to be contrasted with a rule and is not either imperative or self-executing (*Warringah Shire Council v. KVM Investments, 1981*) (45 LGRA 425).
- (b) The policy does not limit the extent of the departure from the standard which may be numerically major, provided it can be demonstrated that it meets the tests contemplated by the Guidelines. It is neither desirable nor prudent to define the limits of the dispersing power based upon an objection that compliance is unnecessary in the circumstances of a case.

Compliance with a development standard may be unnecessary if it is demonstrated that the underlying objects or purpose of a development standard is satisfied by the particular development proposal (*Gooley v. Sutherland, Land and Environment Court No. 10582 of 1982*).

The various tests and criteria adopted by the Court to establish the validity of an objection under the policy may be summarised as follows:

(1) Identify the underlying purpose of the standard

It is necessary to discern the underlying purpose of the standard and to ascertain whether such purpose is met by the development.

(2) Demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Compliance may be unnecessary if it is demonstrated that the underlying purpose of the standard is satisfied by the particular development proposal. Compliance may be unreasonable where compliance with the development standard would defeat the underlying purpose of the development standard.

The development standards are not ends in themselves but means of achieving environmental or planning objectives. Generally, compliance with a development standard is accepted as means of achieving the relevant objectives. However, if a development demonstrates 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). *Preston CJ in Webbe v Pittwater Council, 2007*.

(3) Is the granting of consent to the development application consistent with the aims of the policy set out in Clause 3?

Could it be established that compliance with development standards would tend to hinder the attainment of objectives specified in Section 5(a)(i)(ii) of the Environmental Planning and Assessment Act 1979.

(4) Consideration of Clause 8(a) and 8(b) of SEPP 1

The consent authority should take into consideration the concurrence provisions set out in these clauses, namely:

- (a) *Whether non-compliance with the development standard raises any matter for significance for state or regional environmental planning, and*
- (b) *The public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

(5) The circumstances of the case

The principle adopted by the Court is that the circumstances of the case could be interpreted as broadly as possible. These may include merit considerations under S79C (1) of the Environmental Planning and Assessment Act, current consent by Council to adjacent development or previous use of SEPP No. 1 to uphold objections to the previous standards.

There may be some overlapping of considerations whether there should be a dispensation from the requirements of the development standard and whether on merit, based on consideration of matters under Section 79C (1) of the Environmental Planning and Assessment Act, consent could be granted for the proposed development.

3. DEVELOPMENT STANDARDS

3.1 Limit on floor area of top storey (cl. 25I(7))

The clause stipulates that:

In Zone No. 2(d3), where the maximum number of storeys permitted is attained, then the floor area of the top storey of a residential flat building of three storeys or more is not to exceed 60% of the total floor area of the storey immediately below it.

According to Council's interpretation of Clause 25I(9), the building has a maximum height of six storeys, which is permissible pursuant to Clause 25K but which triggers application of cl.25I(7) to the two uppermost storeys.

Council officers advised that *"The 'top storey' represents 'the storey directly above which there is no other storey', or the uppermost storey of each portion of a building that steps up the slope of the site. The 'top floor' of each section of the building is limited to 60% of that area of the floor immediately below which represents 100%. The total floor area of the storey immediately below the 'top storey' is 100% of what the top floor could have been, if it wasn't subject to Clause 25I(7)."*

The gross floor area of the sixth storey of the proposed 503m² building constitutes 59.9% of the floor area of the fifth storey, while the gross floor area of the fifth storey

839m² constitutes 92% of the gross floor area of the fourth storey below. ('Technical' Compliance Diagram TCO08).

3.2 Maximum number of storeys and ceiling height (cl. 25I(8))

The clause stipulates that **subject to subclause 25I(5) and Clause 25K**, buildings within the 2d(3) zone are to have a maximum of four storeys and a maximum perimeter ceiling height of 13.4m above ground level measured to the ceiling of the fourth storey.

Maximum number of storeys does not include the top storey with floor area reduced to 60% subject to Clause 25I(7) or an attic, where applicable. Maximum perimeter ceiling height does not include top storey with floor area reduced to 60% subject to Clause 25I(7) or attic, where applicable. However, the maximum number of storeys may be exceeded by up to one storey and the perimeter ceiling height may be exceeded by up to 3m (i.e.16.4m) measured to the ceiling of the fifth storey, subject to compliance with Clause 25K, which is addressed further in this objection.

The building has a maximum height of six storeys and a fifth storey perimeter ceiling height range of 11m to 15.1m and complies with the absolute height standards expressed in metres above ground level. However, it exceeds the 25% footprint limit of the sixth storey.

3.3 Steep slope sites (cl. 25K)

The clause is reproduced below:

Consent may be granted to a building on a site with a site slope greater than 15% that would:

- (a) exceed the number of storeys controls in clause 25I(8) by only one storey for up to 25% of the building footprint, or*
- (b) exceed the height controls in clause 25I(8), but only by up to 3 metres for up to 25% of the building footprint, or*
- (c) take advantage of the concessions conferred by both paragraphs (a) and (b), but only for up to the same 25% of the building footprint.*

The site slope within the building footprint is 1 in 6.5 or (15.3%), calculated in accordance with the definition of 'site slope' being the proportion of the vertical difference between the highest and lowest ground levels at the outer edge of the building footprint to the horizontal distance between those two levels.

Consequently, the development can exceed the maximum height of five storeys stipulated by Clause 25I(8) by one storey or the maximum perimeter ceiling height of 13.4m by up to 3m (16.4m) by up to 25% of the building footprint or simultaneously exceed those height controls for the same 25% of the building footprint.

In accordance with Council's advice the maximum perimeter ceiling height of 16.4m (13.4m + 3m) is measured at the ceiling of the fifth floor and confined to the same 25% of the building footprint where the sixth storey is situated.

The maximum perimeter ceiling height of the fifth storey ranges from 11m to 15.1m and is well below the maximum permissible perimeter ceiling height of 16.4m. However, the 'sixth' storey has footprint area of 586m² which constitutes 51.8% of the building footprint and results in 'technical' non-compliance with Clause 25K(a). Technical Compliance Diagram TCO09.

4. PURPOSE OF THE STANDARDS

4.1 Limit on floor area of top storey (cl. 25I(7))

Clause 25I does not provide any indication as to the purpose of the standard. However, objectives and controls in Section 4.3 – *Setbacks* of DCP 55 relevant to this standard are quoted below:

O-6 Top floor design that minimises visual bulk, promotes articulation and prevents any increased overshadowing.

C-9 The top storey of a residential flat building of three storeys or more is to:

- i. Be set back from the outer face of the floors below on all sides;*
- ii. Not result in any overshadowing of adjoining properties; and*
- iii. Be designed in the form of setback floor space, attics and dormers, lofts and clerestories in order to minimise the appearance of the top floor as viewed from the street.*

It is reasonable to conclude that the underlying purpose of the standard is to minimise the bulk of the topmost storeys to achieve integration of the residential flat buildings with the existing urban environment and to minimise impacts on the amenity of surrounding residences in terms of overshadowing, overlooking and obstruction of views.

4.2 Maximum number of storeys and ceiling height (cl. 25I(8))

Clause 25I(8) does not provide any indication as to the purpose of the height standards. However, Subclause 25I(1) specifies the heads of consideration to be taken into account by the consent authority before granting consent for multi-unit housing development. These are quoted, in part, below:

- (b) the impact of any overshadowing, and any loss of privacy and loss of outlook, likely to be caused by the proposed development,*
- (c) the desirability to achieve an appropriate separation between buildings and site boundaries and landscaped corridors along rear fence lines,*

- (d) *the environmental features that are characteristic of the zone in which the site is situated by requiring sufficient space on-site for effective landscaping.*
- (e) *the desirability of adequate landscaping so that the built form does not dominate the landscape.*

Some of the aims and objectives of LEP 194 as set out in Clause 25C, relevant to the standard, are quoted below:

- (1) *The aims of this Part are as follows:*
 - (a) *to encourage the protection and enhancement of the environmental and heritage qualities of Ku-ring-gai.*
 - (b) *to encourage orderly development of land and resources in Ku-ring-gai.*
 - (c) *to encourage environmental, economic, social and physical well-being so that Ku-ring-gai continues to be an enjoyable place to live in harmony with the environment.*
- (2) *The objectives of this part are as follows:*
 - (a) *to provide increased housing choice.*
 - (b) *to encourage the protection of the natural environment of Ku-ring-gai, including biodiversity, the general tree canopy, natural watercourses, natural soil profiles, groundwater and topography and to reduce the mitigate adverse impacts of development on natural areas.*
 - (c) *to achieve high quality urban design and architectural design.*
 - (d) *to achieve development of Ku-ring-gai with regard to the principles of ecologically sustainable development.*
 - ...
 - (g) *to achieve a high level of residential amenity in building design for the occupants of buildings through sun access, acoustic control, privacy protection, natural ventilation, passive security design, outdoor living, landscape design, indoor amenity and storage provision.*

It is reasonable to conclude that the underlying purpose of height controls is to control the scale of development and, in combination with other non-discretionary standards, to ensure that development is consistent with the desired urban character and has acceptable impact on the existing residences in terms of overshadowing, natural ventilation and visual privacy.

4.3 Steep slope sites (cl. 25K)

The clause does not provide any rationale for the standard, however, it is reasonable to assume that the purpose of the standard is to provide a degree of flexibility in design or residential flat buildings on steeply sloping sites, to compensate for the physical constraints that would prevent optimal disposition of the building bulk and achievement of residential densities inherent in the non-discretionary standards of Part 3A of KPSO.

5. COMPLIANCE UNREASONABLE AND UNNECESSARY

It is submitted that strict compliance with the development standards of Clause 25I(7) – *Limit on floor area of top storey* and Clause 25K(a) – *Steep slope sites* is unreasonable and unnecessary in the circumstances for the following reasons:

- 5.1 The 'technical' non-compliance with the standards is triggered by Council's interpretation of Clause 25I(9) which includes the Lower Ground Floor basement car park level in calculation of the number of storeys due to its 'attachment' to a habitable segment of the floor.
- 5.2 The Lower Ground Floor parking component of the building is located below natural ground level with the exception of a small western segment which protrudes up to 1.2m above the natural ground level and is screened by the residential component of this 'storey'.
- 5.3 The building presents a predominantly four storey scale above natural ground level when viewed from north, south and east with the topmost storey set back from the main perimeter, constituting 59.9% of the storey below. The height of the building is consistent with controls of Clause 25K which stipulates a fifth storey maximum perimeter ceiling height of 16.4m (Technical Compliance Diagrams TCO08 and TCO09).
- 5.4 If the car park component of the Lower Ground Floor, which is predominantly situated below the natural ground level, is excluded from the storeys count, the development would fully comply on merit with the top storeys standards of Clauses 25I(7) and 25K. The sixth storey component would have area 53.7m² (4.8%) of the building footprint and would comply on merit with the 25% building footprint standard of 25K(a). The GFA of the sixth storey of 503m² would constitute 59% of the storey below, while the GFA of the unencumbered segment of the fifth storey of 74m² would constitute 41% of the unencumbered segment of the fourth storey. (Merit Compliance Diagrams TC002B and TC004B.)
- 5.5 The perimeter ceiling heights of the fifth storey of the building are well below the maximum perimeter ceiling height of 16.4m above ground level permissible under Clause 25K(b). The development compares favourably with the six storey residential flat building at 5-7 Gladstone Parade, Lindfield (DA 0419/08) approved by the Ku-ring-gai Planning Panel on 25 February 2009

without recourse to objection under SEPP No. 1. The following table summarises the **fifth storey** perimeter ceiling height (PCH) range measured at the up-slope and down-slope elevations of these buildings. Note that the number of storeys are based on Council's interpretation of Clause 25I(9).

Elevation	DA 0988/08 6 & 6A Beaconsfield Pde (PCH Range)	DA 0419/08 5-7 Gladstone St (PCH Range)	PCH Controls Clause 25K(b)
Up-Slope	11m – 12.6m East Elevation	11.6 – 12m South Elevation	16.4m
Down-Slope	14.6 –15.1m West Elevation	14.4 –15.4m North Elevation	16.4m

5.6 The non-compliance can, in part, be attributed to the constraints of the steeply sloping site. However, despite the technical non-compliance, the development meets the underlying objectives of the standards governing bulk and form of the uppermost storeys (above the 4th storey), namely;

- (a) The amenity impacts on the adjoining residences in terms of overshadowing, overlooking and view-sharing fully comply with the relevant controls specified in DCP 55.
- (b) The form and scale of the development are consistent with the desired future character of the 2(d3) zone envisaged in DCP 55 as the perimeter ceiling heights of the proposed building are considerably lower than the maximum permissible perimeter ceiling height anticipated by the height controls in Clause 28I(8) and Clause 25K.
- (c) The top storeys, set back from the main perimeter of the buildings, contribute to modulation of the building mass and reduce the apparent building scale when viewed from the street or the surrounding properties.
- (d) The amended design has been prepared in close consultation with Council's officers and the Urban Design Consultants who endorsed it in terms of bulk, scale, articulation, siting, internal amenity, impacts on the surrounding residences and on the desired future character of Lindfield Town Centre.

5.7 The development fully complies with all other non-discretionary development standards of Part 3A of Ku-ring-gai PSO governing site coverage, deep soil landscaping and zone interface setbacks and is fully consistent with aims and objectives of Part3A as it:

- (a) Constitutes orderly development of land and resources of Ku-ring-gai within the Railway/Pacific Highway corridor.

- (b) Contributes to environmental, economic and physical wellbeing of residents of Ku-ring-gai.
- (c) Increases housing choice.
- (d) Achieves high quality urban and architectural design.
- (e) Achieves high level of residential amenity for the occupants.
- (f) Promotes ecological sustainability by reducing the volume of excavation for parking levels.

5.8 Due to the steep slope of the site, strict compliance with the storey controls would dictate a split-level building configuration with consequent inefficient internal design, awkward circulation and additional lifts. It would unreasonably affect the development potential of the site, inherent in the building envelope as determined by the building footprint and height controls, without commensurate amenity or streetscape benefits.

5.9 Council's interpretation of Clause 25I(9) results in the Lower Ground car park level being counted as a storey which triggers technical non-compliance and the need for this objection, can be nominally addressed and the objection avoided, by lowering the topmost car park level by 3m. However, such option would create a useless void at the rear of the lowest habitable level and while the building bulk above ground would remain the same, the additional excavation would increase construction time, costs and environmental impacts.

6. CONSISTENCY WITH THE OBJECTIVES OF THE EPA ACT 1979

In spite of the technical non-compliance with the fifth floor GFA and sixth floor footprint standards set out in Clauses 25I(7) and 25K(a), the proposed development is fully consistent with the objectives of SEPP 1, as well as the objectives set out in Section 5a(i)(ii) of the Environmental Planning and Assessment Act 1979:

- 6.1 The site has been identified as suitable for high density multi-unit development and zoned accordingly to meet the objectives of State Environmental Planning Policy No. 53 – *Metropolitan Residential Development*, which seek to increase the residential density and housing choice within metropolitan areas close to transport modes and services.
- 6.2 The zoning and development standards for the site and other sites fronting Drivers Way were subject to an extensive review by the Ku-ring-gai Planning Panel during preparation of the recently gazetted Town Centres LEP 2010. The TC LEP 2010 was prepared within the context of the Draft North Sub-Regional strategy, which sets a 20 year target of 10,000 additional dwellings for Ku-ring-gai LGA. Suitability of the site for high density residential

development was reconfirmed by its zoning as R4 – High Density Residential in the Town Centres LEP 2010 with FSR 1.3:1 and overall height of 17.5m.

- 6.3 Technical non-compliance with the standards does not raise any matter of significance for state or regional environmental planning. **On the contrary**, it will allow for development at optimal density of 1.3:1 envisaged for this site by the 2(d3) and R4 – High Density Residential zone, and will contribute to achievement of the dwelling target for Ku-ring-gai LGA identified in the Draft North Sub-Regional Strategy.
- 6.4 Flexible application of the top floors areas and sixth floor area standards is in the circumstances fully consistent with the objects specified in Section 5(a)(i)(ii) of the Environmental Planning and Assessment Act 1979, namely:
- (i) *The proper management development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, town and villages for the purposes of promoting the social and economic welfares of the community and a better environment.*
 - (ii) *The promotion and coordination of the orderly and economic use and development of land.*

Gregor Zylber MPIA, CPP, TCP (Ord 4)

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Option 3- proposed R4 zone reduced (at the same location)

Option 3 proposes to reduce the area of the proposed R4 zone (by excluding properties 3 Russell Avenue and 10 Middle Harbour Road) with a view to minimising its potential interface impacts.

This option would require deferral of No. 3 Russell Avenue and No. 10 Middle Harbour Road from the draft LEP and re-exhibition of the amendments in 2009.



Other issues raised in the submissions regarding this precinct are addressed in the summary of issues (refer to Attachment 6 - Copy of submissions summary issues and recommendations table).

Summary and Recommendations

While the exhibited draft LEP zoning for this precinct is acceptable, alternative planning options have been provided in response to the large number of submissions relating to the impacts on interface properties.

It is recommended the Planning Panel proceed with Option 2 as this option on balance is the preferred approach. The following properties are required to be deferred from the draft LEP to allow preparation of revised LEP provisions to be exhibited in 2009:

- no.s 5, 7, 9 Russell Avenue for rezoning to R4; and
- no.s 4, 6, 8, 10 Middle Harbour Road for rezoning to R3.

B. Beaconsfield Parade, Gladstone Parade and Drivers Way Precinct, Lindfield (formerly known as "Precinct F")

Background / Draft LEP 2008

This precinct (formerly known as "Precinct F") is a residential area characterised by single dwellings and has street frontages to Beaconsfield Parade, Drivers Way and Gladstone Parade, with predominantly residential flat buildings to the east and single dwellings to the west. This precinct is traversed by a drainage corridor identified as riparian zone (Category 3) consistent with Council's *Riparian Policy 2004*. It is currently zoned high density Residential 2(a3) under the *Ku-ring-gai Planning Scheme Ordinance* allowing residential flat developments of generally 5 storeys with a maximum FSR of 1.3:1. The steep sloping sites clause of LEP 194 currently applies to the site.

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The exhibited draft LEP proposed to down zone the majority of this precinct responding to the interface impacts on the neighbouring properties as justified in the Council's submission to the Department of Planning in relation to section 117 inconsistencies. Specifically, the draft LEP proposed to rezone the precinct to R3 - *Medium density residential* with the exception of Nos. 5, 5A, 7 Gladstone Parade to be rezoned to R4 - *High density residential*. It is noted that the Development Application (DA) on Nos. 5, 5A, 7 Gladstone Parade has been approved for a residential flat development of 5-6 storeys since the exhibition of the draft LEP. Two additional similar DAs for redevelopment of 5 lots of land including Nos. 6, 6a, 8, 10 and 10a Beaconsfield Parade were being assessed at the time of writing this report and are likely to be determined in the short term. In this respect, regardless of this planning process applications will, by virtue of customary transitional provisions, be determined on the basis of pre-existing planning controls.

Summary of submissions

A number of submissions were received, notably from the land owners and developers within "Precinct F", which do not support the proposed down zoning. Some of these submissions also objected to the riparian zone within this precinct.

A major submission (refer Attachment 90) objecting to the down zoning proposal was received from parties who have financial interest in a number of properties within "Precinct F". This submission provided extensive analysis of the proposed down zoning and its implications for "Precinct F" with alternative planning options and building envelopes included. The main concerns raised in this submission include:

- reduced economic viability and housing choice;
- down zoning will transfer interface impacts to other properties;
- inconsistency with state planning policies and ministerial directions;
- flawed public consultation; and
- negative economic impacts.

The submission concluded that *"the current densities of 1.3.1 and heights up to 6 storeys can be accommodated in Precinct F with height transition and distribution of building bulk to ensure harmonious transition of the low density areas at the western interface, provide adequate setbacks and minimise impacts on the amenity of the adjoining dwelling houses to the west and on the ecological value of the Precinct."*

In summary, the submission recommended that the proposed down zoning be abandoned and that "Precinct F" should:

- retain its current 2(d3) zoning until Council's comprehensive LEP is prepared in 2011. The Planning Panel could recommend to Council that the six allotments of land (including no.s 12, 14 Beaconsfield Parade and no.s 11, 15, 17 Gladstone Parade) which are located down slope from the "Precinct F", be up-zoned to R3 as part of the 2011 LEP; or
- be rezoned to R4 in accordance with Option 1 or 2 (see next section for detailed discussion on the options)

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A further objection relating to the down zoning proposal was received on behalf of the land owners of no.s 9a Gladstone Parade, 2a, 4, 6, 8, 8a Drovers Way and 6, 8, 10, 10a Beaconsfield Parade. Key issues raised in that submission are as follows:

- the change in zoning is highly unfair and inequitable to the land owners;
- no.s 5-7 Gladstone are proposed to be down zoned despite the high potential impact on the interface properties;
- it is more appropriate to rezone the land to the three interface properties (and No. 11 Gladstone Parade) to R3;
- the land is closer to the railway station and shops than other high density land proposed under the draft LEP;
- two recent DAS lodged before the draft LEP was exhibited have schemes which are generally compliant with the relevant controls;
- the proposed down zoning is contrary to section 117 Directions;
- the perceived interface issues are not significant in this circumstance (detailed analysis provided);
- little if any ecologically significant areas exist on the site, and
- the riparian zone has no ecological value

This submission requested that the existing development potential be retained by zoning the land R4 with building heights reduced at the interface boundary and building height increases elsewhere to maintain dwelling yield. It also suggested that the land down-slope be zoned R3. Furthermore, it was requested that the biodiversity value and riparian zone designations on the subject land be removed from the draft LEP.

On the other hand, many supportive submissions were received mainly from the adjoining and nearby residents, in relation to the down zoning proposal. Concerns relating to the interface, amenity, traffic and environmental impacts are evident in these submissions. Many of these submissions requested the down zoning of No.s 5, 5a and 7 Gladstone Parade (proposed R4 zone under the exhibited draft LEP). Some submissions prefer that the whole precinct be down zoned to R2 - Low density residential.

A number of submissions also raised heritage issue in the precinct. These mainly related to the establishment of a heritage conservation area (HCA) over the precinct and a call for the heritage listing of 10A Beaconsfield Parade. The listing of 10A Beaconsfield Parade was considered to be warranted on the basis that the property is of high cultural significance, being an example of the work of a significant architect, and due to relationship with John Utzon.

Analysis and Discussion

a) Interface planning

"Precinct F" is one of the few locations where the existing 2(d3) zoning directly abuts the Planning Panel boundary with a low density residential area to the west. Interface impacts seem to be critical in this precinct with the steep slope exacerbating the bulk and scale impacts. However on the northern segment of this precinct near Beaconsfield Parade, it presents a significant opportunity to provide an adequate buffer with greater building setback from the western boundary where it adjoins the single dwelling house area. The retention of existing significant vegetation along this part of

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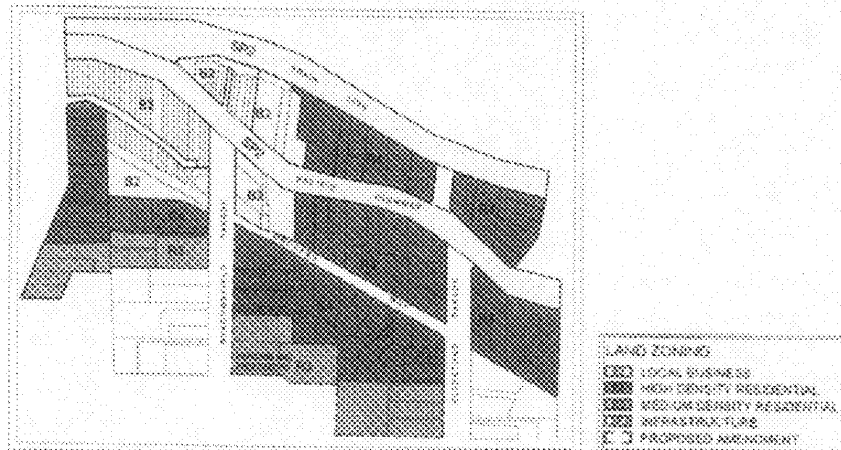
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the interface boundary will greatly assist in providing a visual buffer between properties. The interface impacts are in fact more evident on the southern segment near Gladstone Parade due to inadequate buffer and screening.

Should the Planning Panel discontinue the down zoning of this precinct as recommended in this report, further rezoning for the area down slope from the "Precinct F" should be considered by Council as part of the 2011 Comprehensive LEP process to resolve the interface issues.

b) Alternative planning options

Analysis of the three alternative planning options contained in one of the submissions has been undertaken. All three options prescribed R4 zoning at a maximum FSR of 1.3:1 for the whole precinct. Option 3 therein recommended a new R3 zone with a 0.8:1 FSR for the seven properties within the interface zone (outside the Planning Panel boundaries) as illustrated below.



Three building height options are proposed as follows (see Attached 90 for full scale versions of diagrams):

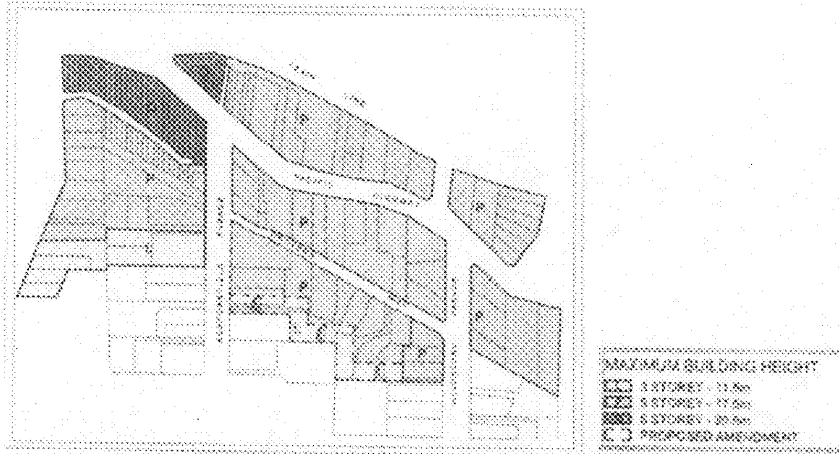
- Option 1 as illustrated below proposes a maximum height of 5 storeys. For the area to the north of No.s 5, 5a, 7 Gladstone Parade, a lower height of 3 storeys is proposed within the 20m zone from the western boundary, where it adjoins the single dwelling house area.

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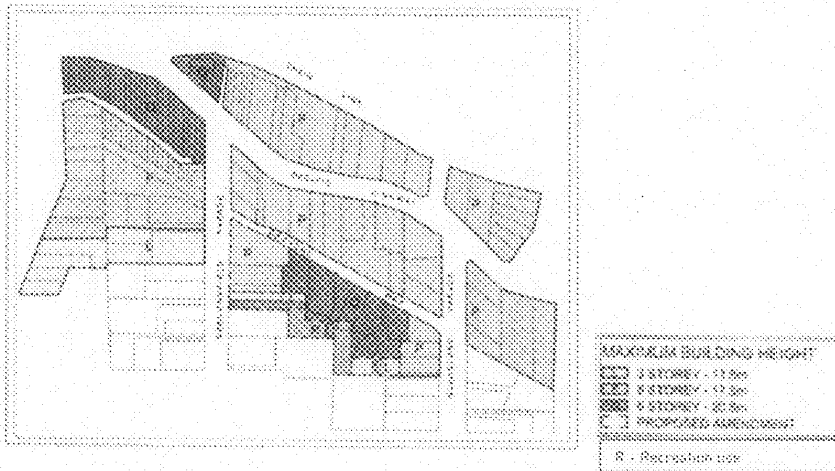
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- Option 2 as illustrated below proposes a 5-storey height limit to the northern and southern segments of this precinct with a maximum of 6 storeys to the middle section. For the area to the north of No.s 5, 5a, 7 Gladstone Parade, no building is generally proposed within the 20m zone from the western boundary, except for a small section of the 20m zone where a three storey height limit will apply.



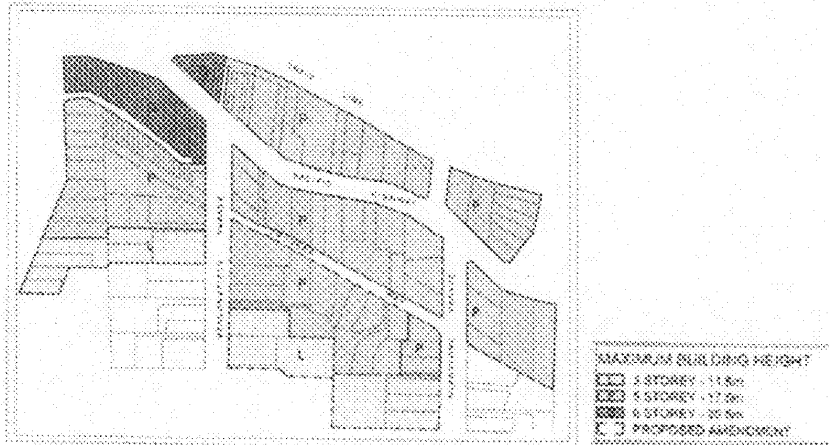
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- Option 3 as illustrated below proposes a maximum height of 5 storeys for the whole precinct with a 3-storey height limit for the properties down-slope from the precinct.



Options 1 and 3 are consistent with the current 2(d3) zoning for this precinct and can be supported providing the following criteria can be met:

- interface issues are resolved along the western boundary adjoining the single dwellings;
- minimal negative impact to the existing significant vegetation community with biodiversity significance;
- the riparian zone is protected and restored; and
- massing is appropriate to the context of surrounding buildings, view corridors, streetscape, etc.

Option 2 proposes a height limit of 6 storeys to a significant area of the precinct (in the middle section of Drovers Way). While the 6-storey height may be compatible with the east side of Drovers Way which supports residential flat buildings (some up to 6 storeys high) at a considerably higher ground compared to "Precinct F", it would not provide a much needed height transition from the Pacific Highway to the low density residential area to the west, especially in a steeply sloping areas where the bulk and scale impacts of the future development would be exacerbated. Furthermore, the approval of one DA to 5 storeys and impending determination of two further DAs with 5 storeys along Drovers Way, in combination covering three quarters of the precinct, support a maximum height of 5 storeys in this precinct.

c) Building envelope and height

In addition to the planning options as discussed above, two building envelope proposals were also submitted for this precinct as described below:

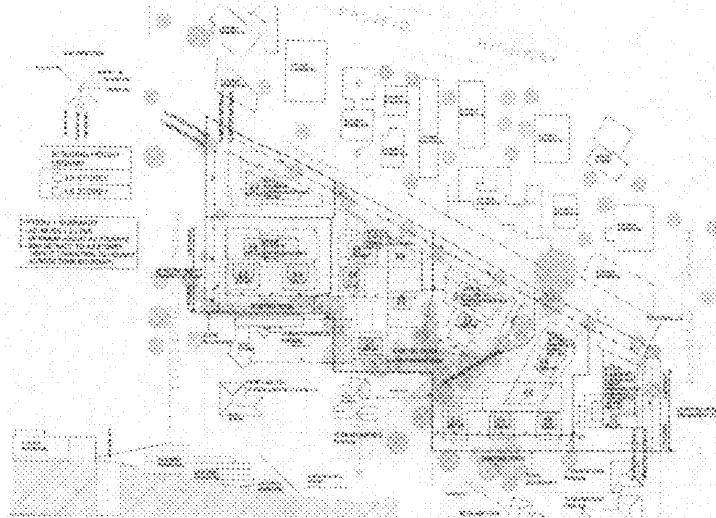
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- The Option 1 building envelope proposal (as illustrated below) demonstrates how planning options 1 and 3 (above) can be achieved on site with a maximum height of 5 storeys. The lower height of 3 storeys along the western boundary is strongly supported, however the proposed building setback at 6-7m from the boundary (in the middle section) is less than desirable.



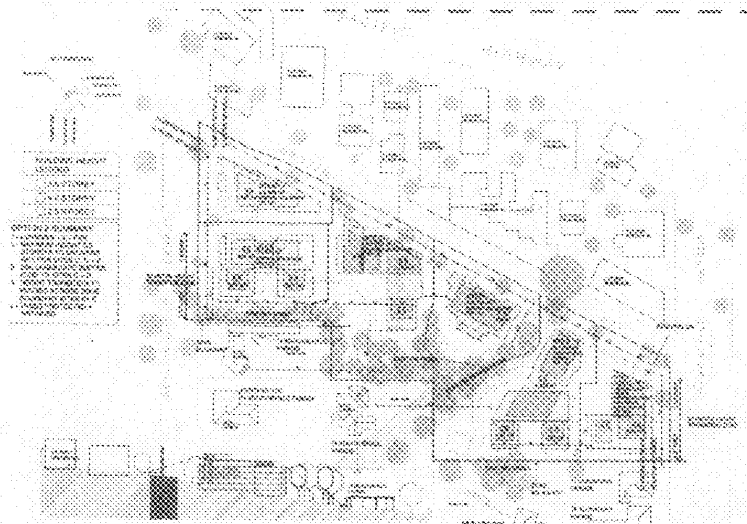
- The Option 2 building envelope proposal (as illustrated below) demonstrates an increase of height to 6 storeys in the middle section of this precinct as recommended in planning option 2 (above). It shows that a significant landscaped area acting a buffer can be provided between the future development and the adjoining properties by concentrating the 6-storey buildings along the Drovers Way.

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It is noted that the proposed building configurations with "wings" running down the slope as illustrated in both diagrams above are considered a sympathetic design with the surrounds. It can assist in providing an acceptable interface to the adjoining houses.

In addition, the following considerations have been taken into account to minimise the interface impacts of "Precinct F":

- Proposed development on sloping site clause (Clause 6.5) in the written instrument needs a review to improve the interface in "Precinct F" where 6-storey height is currently permitted at the lower part of the precinct adjacent to the single dwelling(s). It is proposed to delete this clause to prohibit additional height on steeply sloping sites (with a slope greater than 15%) as this clause is contrary to the principle to provide lower height adjacent to the single dwelling area.
- More detailed provisions pertaining to setbacks, landscaping and building design can be incorporated into the draft Town Centres DCP which is currently under preparation. This is to ensure that future residential flat development is appropriately sited and designed as to minimise impacts on the interface properties. For example, within R4 zone a minimum of 7m building setback should be provided from the boundary where it adjoins the single dwelling area. An additional provision requiring a building setback of at least 12m from the single dwelling boundary on a steeply sloping site could be included in the draft DCP.

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di) Biodiversity issue and riparian zone

Additional field checking has resulted in minor changes to the biodiversity mapping in this area. However, the changes do not affect the zoning of the precinct.

In regard to the Riparian zone, it is noted that the piped section of the riparian corridor area was excluded from the map, and the mapped riparian zone starts only at the extant headwall. The concept plans included in the submission demonstrate that the riparian zone can be retained and enhanced in the redevelopment of the site. Comments from residents support the riparian zone and describe its use, even in its currently degraded state as fauna habitat. The riparian zone should be retained in this location. It is noted that the enhancement of the riparian zone is more likely under an R4 zone than an R3 zone.

e) Heritage Issues

The Paul Davies Pty Ltd report only examined areas which had previously been identified as potential heritage conservation areas. The area in question was investigated as part of the Godden Mackay Logan Heritage Study in 2000. It was not recommended for inclusion in a draft HCA at that stage. The reason being that the majority of the housing in the area was considered only being neutral items.

In regard to 10A Beaconsfield Parade, the property has never been identified in any of studies by Council as a potential heritage item. The house is only considered to be a modest example of Sydney Anchor's work and it has a second storey addition that is not sympathetic to the original design. There are a number of other examples of the architect's work in Ku-ring-gai of greater heritage value.

An application for an Interim Heritage Order over this property was made by residents in late 2008 in response to the proposed redevelopment of the site. The Ku-ring-gai Planning Panel were advised via a letter dated 16 January 2009, that the planning Minister had decided not to make an Interim Heritage Order over the property. It was viewed that the property did not sufficient heritage value to be considered of State Significance. However, it may have some local significance, which Council should further investigate. It was acknowledged that the plaques signed by Jorn Utzon and Eric Anderson are of heritage value and should be conserved. The Department of Planning's Heritage Branch and Council will continue to explore ways to conserve the plaques.

It is noted that the property has recently been placed on the National Trust Register. However, this has no statutory force and in itself does not justify a formal heritage listing of the property.

Other issues raised in the submissions regarding "Precinct F" are addressed in the summary of issues [refer to Attachment 6 - Copy of submissions summary issues and recommendations table].

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Summary and Recommendations

The proposed R3 rezoning is no longer considered an appropriate planning solution for "Precinct F" given the number of DAs that are either currently being assessed by Council or recently approved within the precinct. Currently DA's under the 2(d3) zone are covered by the savings provision in the draft LEP. Therefore it is an appropriate response to rezone "Precinct F" to R4 to reflect the current permissible height and density under 2(d3) zoning, acknowledging the legitimate expectation of owners and developers within the precinct. This R4 rezoning proposal is consistent with the NSS and the metropolitan strategy as this precinct is in close proximity to the centre of Lindfield at approximately 200-500m from the station.

It has been demonstrated that high density residential flat development (R4 zoning) is suitable for this precinct as it can achieve satisfactory scale transition and setbacks and acceptable impacts on residential amenity of the interface properties, streetscape and ecological integrity of "Precinct F", whilst maintaining the existing development potential (under the 2(d3) zoning). However, further rezoning may be warranted for the interface properties down slope from the precinct, though this is a matter for Council, not the Planning Panel.

In summary, the following LEP amendments are recommended for 14 allotments of land within "Precinct F" (including Nos. 4, 4a, 6, 6a, 8, 10, 10a Beaconsfield Parade, 2, 2a, 4, 6, 8, 8a Drovers Way and 9a Gladstone Parade):

- amend zoning to *R4 - High density residential*,
- amend the building height to a maximum of 17.5m (5 storeys), and
- amend FSR to a maximum of 1:3

It is also recommended to delete the clause 6.5 of the exhibited draft LEP "proposed development on sloping site clause" in the written instrument to prohibit additional height on steeply sloping site (with a slope greater than 15%). This issue is dealt with in detail earlier in this report.

Further, it is recommended that the provisions in the Town Centres DCP 2009 for R4 zone provide for:

- a minimum of 9m building setback from the boundary where it adjoins the single dwelling zone; and
- on steeply sloping sites, a building setback of at least 12m from the single dwelling boundary.

It is acknowledged that the approved development on Nos. 5, 5a and 7 Gladstone Parade will have an adverse impact on its adjoining properties. It is therefore recommended that, as part of the 2011 Comprehensive LEP process, Council undertakes further investigations for the interface impacts on the adjacent single dwelling area (outside the Planning Panel's boundary) to determine appropriate rezoning for this area.



