

## MINUTES OF KU-RING-GAI PLANNING PANEL HELD ON WEDNESDAY, 23 MARCH 2011

Present: Janet Thomson(Chairperson)  
Vince Berkhout  
Lindsay Fletcher

Staff Present: Director Development & Regulation (Michael Miocic)  
Manager Development Assessment Services (Corrie Swanepoel)  
Team Leader - Development Assessment - Central (Richard Kinninmont)  
Executive Assessment Officer (Robyn Pearson)  
Executive Assessment Officer (Rebecca Eveleigh)  
Heritage Advisor (Paul Dignam)  
Senior Governance Officer (Geoff O'Rourke)

*The Meeting commenced at 5.00pm*

### 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

#### PP01 **Minutes of Ku-ring-gai Planning Panel**

File: CY00370

Meeting held 24 November 2010  
Minutes numbered PP21 to PP24

#### **Resolved:**

(Moved: Vince Berkhout/Chairperson, Janet Thomson)

That Minutes numbered PP21 to PP24 circulated to Panel members were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS****PP02 29 Church Street, Pymble - Alterations and Additions to a Heritage Item**

File: DA0849/10

*Vide: GB.1*

**The following members of the public addressed the Panel:**

**G Khannah  
C Kemp  
R Shea**

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).

**Resolved:**

(Moved: Lindsay Fletcher/Vince Berkhout)

That the matter be deferred to enable discussion between the applicants, the applicants' advisors and Council officers to address the concerns raised.

**CARRIED UNANIMOUSLY**

**PP03 6, 6A, 8, 10 & 10A Beaconsfield Parade, Lindfield**

File: DA0986/08

*Vide: GB.2*

**The following members of the public addressed the Panel:**

**S Donnellan  
S Kenny  
D Wolski  
P Canvill  
G Zylbr  
S Schinagel**

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.

**Resolved:**

(Moved: Chairperson, Janet Thomson/Vince Berkhout)

**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 TCO06A 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 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 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 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:

- 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.

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 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*.
- 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 25I(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:

- 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.

**CARRIED UNANIMOUSLY**

*The Meeting closed at 5.50pm*

The Minutes of the Ku-ring-gai Planning Panel held on 23 March 2011 (Pages 1 - 17) were confirmed as a full and accurate record of proceedings on 6 April 2011.