

SUBMISSION TO DEPARTMENT OF PLANNING

APPLICATION

Application No MP10_0057
Location 132-138 Killeaton St, St Ives
Proponent Karimbla Properties (No.4) Pty Ltd
Council area Ku-ring-gai Council

PERSON MAKING SUBMISSION

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PROPERTY ADVERSELY AFFECTED BY THE PROJECT

Address 15 College Crescent, St Ives, which is owned by the person making this Submission a property and adjoins the eastern boundary of the site of the project,

STATEMENT ON WHETHER THE PROJECT IS SUPPORTED OR OBJECTED TO

The Application is objected to by the person making the Submission.

REASONS WHY THE PROJECT IS OBJECTED TO

The reasons why the project is objected to are set out in the following Submission.

REPORTABLE POLITICAL DONATION DECLARATION

The person making the Submission declares that he has not made any reportable political donations in the previous two years.

SUBMISSION

Executive Summary

1. This Submission is made by me as the owner of 15 College Crescent, St Ives, which is a single storey residential dwelling located directly adjacent to the eastern boundary of the proposed development site.
2. The proposed development involving the erection of 5 x 5-storey apartment buildings containing a total of 298 apartments the subject of Application MP10_0057 will have a material adverse affect on my property at 15 College Crescent due to:
 - (a) substantial loss of solar access and overshadowing caused by the proposed development;
 - (b) the impact of the proposed development on local breezes and airflow;
 - (c) substantial loss of privacy;
 - (d) noise generated from the proposed development;
 - (e) construction activities relates to the proposed development;
 - (f) the possible impact of the proposed development on the water table at my property; and
 - (g) the adverse affect on the re-development potential of my property and those of my neighbours in College Crescent.
3. The Applicant has taken no steps in the design of the proposed development to minimise adverse impacts that the proposed development has upon my property.
4. The Applicant's Environment Assessment Report does not adequately address the adverse impacts that the proposed development has on my property.
5. The Applicant's Environment Assessment Report has the potential to mislead the Minister and the Department.
6. The Minister and the Department should not consent to the proposed development in its current form and should require the Applicant to take adequate and proper measures to lessen the adverse impact of the proposed development upon my property at 15 College Crescent.

Introduction

7. I am the owner of 15 College Crescent, St Ives.
8. I refer to the Department of Planning's undated letter [Ref: MP10_0057] advising that Karimbla Properties (No. 4) Pty Limited ("**Applicant**") has submitted an Environmental Assessment ("**EA**") for a project at 132-138 Killeaton Street, St Ives ("**Development Site**").
9. As I understand from the Department's letter and the EA, the proposed development on the Development Site for which approval is sought involves the erection of 5 x 5 storey residential apartment blocks accommodating 298 apartments, of which 3 will be studio apartments, 27 will be one bedroom apartments, 235 will be 2 bedrooms and 33 will be three bedroom. The five residential apartment blocks will each have a height of 17.5 metres. It is also proposed as part of the proposed development to construct underground car-parking for 367 cars (336 resident spaces and 31 visitor spaces). The development is proposed to be carried out in 2 stages.
10. From the information contained in the EA:
 - (a) the Applicant is part of the Meriton Apartments group of companies;
 - (b) the registered proprietor of the Development Site is Dasmin Pty Limited ("**Dasmin**"), which acquired the Development Site in 2002;
 - (c) the Applicant is the grantee of a call option to purchase the Development Site under a Put and Call Option Agreement dated 16 April 2010 made between the Applicant and Dasmin.
11. My property adjoins the Development Site on its eastern boundary. **Attachment A** is a copy of the Site Plan prepared by the Applicant and included in the EA, with the approximate location of my property coloured in yellow and the approximate location of my house on the property coloured in green. As all the other houses on the western side of College Crescent, my house is a single storey house. A copy of the floor plan of my house at 15 College Crescent is at **Attachment B**.
12. It is very important to note (and it is a matter that the Applicant has failed to highlight in the EA) that the centre of the Development Site is the topographical high point of the local area and that the natural slope of the land is from the centre of the Development Site west to east, thus meaning that the Development Site is higher than my property at 15 College Crescent and the land slopes from the Development Site down to my property in College Crescent and continues further down to Yarrabung Road. This sloping of the land is

evidence by the fact that there is currently a retaining wall of about 1 metre in height on the boundary of my property and the Development Site. This means that a building having a height of 17.5 metres when measured from the centre of the Development Site will have a height well in excess of 17.5 metres (and probably about 20 metres in height) when that height is measured from ground level of the property at 15 College Crescent.

13. It is also important to note that the Applicant has not engaged in any consultation process in respect of the proposed development with me, or as far as I am aware, with any other of the owners of properties in College Crescent directly affected by the Application. I have left messages on the voicemail of Mr Walter Gordon, the Manager - Planning and Development of Meriton, asking to meet with him or his appropriate personnel in order to discuss the impact that the proposed development will have on my property, but my messages not been returned as at the date of this submission. It appears that Meriton do not want to have input, feed back or comment from their immediate neighbours on suggestions as to possible ways of lessening the adverse impact that the proposed development may have on those neighbours.
14. The Applicant's reluctance to engage in any form of consultative process is also evidenced by the Applicant's statement in Section 5.12 of the EA that the Applicant does not consider it necessary to hold public meetings and the like that would normally be associated with such larger scale developments that generally have high impact. Clearly this is a large scale development which will have high impacts on the immediately neighbouring properties such as my property at 15 College Crescent, yet the Applicant has not engaged in any form of consultative process.

Recent history of development applications for Development Site

15. At the time that I purchased 15 College Crescent in 2004, the Development Site had an existing development consent issued to Dasmin for a SEPP 5 development which included the erection of a 2 storey building near the western boundary of 15 College Crescent. That development consent was granted following a hearing in the Land & Environment Court which resulted in Dasmin having to modify its development proposal by reducing the height of the buildings in the development along the College Crescent boundary from 3 storeys to 2 storeys in order to less the adverse impact that buildings having a height of 3 storeys in the proposed Dasmin development would have on the houses in College Crescent, including my house at 15 College Crescent.
16. Since my purchase of 15 College Crescent the following applications have been made for the development of the Development Site:
 - (a) Following the rezoning of the Development Site to its current zoning permitting up to 5 storey development, in November 2006 Dasmin submitted to Ku-ring-gai Council development application DA 1253/06 for 13 x 5 storey residential

apartment blocks comprising 187 apartments of which 103 were 3 bedrooms, 70 were 2 bedrooms and 8 were 1 bedroom and underground car parking for 413 cars (366 resident spaces and 47 visitor spaces). On 20 December 2006 I made to Council a submission in relation to the development application pointing out the material adverse impact of that development proposal on my house at 15 College Crescent.

- (b) In May 2007 Dasmin lodged an amendment to development application DA 1253/06 revising the development to 9 x 5 storey residential apartment blocks comprising 191 apartments of which 107 were 3 bedrooms, 73 were 2 bedrooms and 11 were 1 bedrooms and underground car parking for 419 cars (371 resident spaces and 48 visitor spaces). The amended application lessened the material adverse impact that the proposed development had on my house at 15 College Crescent by repositioning the proposed main building that impacted upon my property.

17. The current Application greatly increases the scale of the development proposed for the Development Site from 191 apartments in the 2007 amended application by Dasmin to 298 apartment proposed by the Applicant, an increase of 109 apartments (more than a 57% increase in the number of apartments). At the same time the number of buildings containing these apartments is reduced from 9 buildings to 5 buildings, thus significantly increasing the size, mass and scale of the buildings proposed to be built, to the detriment of the amenity of my house at 15 College Crescent, as well as the other College Crescent properties and greatly increasing the visual impact and impact upon the amenity of the area to the east of the Development Site.
18. It is clear that the Applicant is seeking to squeeze the proposed development within what is the maximum permitted under the current R4 zoning of the Development Site without having any regard to the adverse impact that this will have on the adjoining properties. Thus the Applicant has designed a development which will be at the maximum height permitted of 17.5 metres, which has the maximum permitted floor space ratio of 1.3, which has set backs of only 6 metres (for the underground car park) and 9 metres for the buildings from the boundary of the College Street properties and which makes no allowance in the design of the proposed building for progressive step-backs of floors in order to minimise the adverse impact on adjoining properties.
19. The adverse impact of the Applicant's proposed development on my property at 15 College Crescent is far worse than the adverse impacts on my property that the amended May 2007 Dasmin application had on my property.

20. The maximum height permitted under the current R4 zoning of the Development Site is 17.5 metres, ie 5 storeys, while the maximum permitted floor space ratio is 1.3:1. This however is not an absolute right and the design of the proposed development needs to take sufficient account of the surrounding conditions to determine what is actually appropriate at any part of the proposed development. In the context of the environment in which the Development Site is located, the full utilisation of the maximum height and maximum floor space ratios is not appropriate.
21. It is clear from the EA that there has not been sufficient regard to the interface of the Development Site with the adjoining properties in College Crescent, including my property at 15 College Crescent. The College Crescent properties, including my property, will be visibly dominated and overshadowed by the 5 storey development proposed. This is inappropriate and the interface between the currently existing single storey houses in College Crescent and the Development Site should be one of gradual transition from two storeys to three storeys. Five storeys is certain not appropriate on the eastern boundary of the Development Site. Similarly the presentation of the proposed development to Killeaton Street of five storeys is also inappropriate. To maintain a better relationship with the single residential development at street level, the maximum height to Killeaton Street should also be two storeys rising to three.

DIRECT IMPACT ON 15 COLLEGE CRESCENT

22. Under the proposed development, the most direct impact on my house at 15 College Crescent will be from the five storey residential apartment building referred to as "Building E" in the Application, (which I have marked in red on the Site Plan at Attachment B).
23. The proposed Building E contains a total of 68 apartments which according to the EA comprise:

Level	Studio	1 Bed	2 Bed	3 Bed	Total
Ground	1	1	10	3	15
Level 1	0	2	10	3	15
Level 2	0	2	10	3	15
Level 3	0	2	10	3	15
Level 4	0	0	5	3	8
TOTAL	1	7	45	15	68

Building E is proposed to be built to a height of 17.5 metres measured from the Development Site (but given the slope of the land more likely to be about 20 metres in height when measured from my property at 15 College Crescent) with the proposed underground car park being within 6 metres of the western boundary of 15 College Crescent and the actual Building E being metres from the western property boundary of 15 College Crescent.

24. Given that Building E extends well beyond my property both to the north and to the south, it would appear that Building E will extend for approximately 70 metres along the western boundaries of 11, 15 and 17 College Crescent. This is well in excess of the requirement in section 3C.8 Building Facades of the Ku-ring-gai Town Centre DCP that the "continuous length of a single building on any elevation must not exceed 36m". With the natural slope of the land this is the equivalent of building a 20 metre high, 70 metre long wall along and beyond either side of the western boundary of my property, thus completely destroying any westerly aspect that my house currently enjoys.
25. Again from the information contained in the EA, it would appear that there will be at the very least 15 apartments along the eastern side of Building E [three apartments on each of the 5 floors], which will directly overlook my property.

26. The EA does not contain a site section prepared by the Applicant which show the positioning of Building E to my property at 15 College Crescent, However the Applicant's drawing Site Section C-C [DA-47] is a site section showing the relative elevation of Building E and the property at 11 College Crescent, being my northern next door neighbour in College Crescent (there being no 13 College Crescent). The Applicant's Site Section C-C drawing does show the landfall from the Development Site to the College Crescent properties which are at a considerable lower level than the Development Site. It is clear from the Applicant's Side Section C-C drawing that the top of the roof of 11 College Crescent is at the same level as the top of the ground floor apartment in Building E. Therefore the remaining 4 levels of Building E are higher than the top of the roof of 11 College Crescent and have clear and uninterrupted lines of sight into each of the College Crescent properties. As my property at 15 College Crescent is at a level even lower than 11 College Crescent in comparison to the Development Site, the impact of Building E on my property at 15 College Crescent is even greater than that shown in the Applicant's Site Section C-C drawing.
27. **Attachment C** is an elevation cross-section which I have prepared based upon the Applicant's Site Plan, the Applicant's Section C-C drawing and the survey of my property to show the relative positions of Building E and my house at 15 College Crescent.
28. As can be seen from the elevation cross-section, given its sheer scale and proximity, Building E will have a significant direct detrimental impact upon my property.

Loss of solar access and overshadowing

29. Given the very large scale and orientation of Building E and its proximity to my western boundary, my house will suffer a considerable amount of overshadowing and loss of solar access due to Building E. That overshadowing will commence early in the afternoon and continue during the rest of the day, with the shadow of Building E progressively blocking out the sun to all my major living areas within the house:
- (a) firstly, to my western outdoor entertainment-barbeque area, the garden in front of the master bedroom [where my clothes line is located] and the windows to my kitchen, living room, spa room and master bedroom;
 - (b) secondly, to my courtyard and blocking the sun to my dining room, lounge room and foyer; and
 - (c) finally, putting the whole of my front yard on the eastern side into shade, meaning that the whole of my property will be engulfed in the shadow cast by Building E.

30. It is also likely that the shadow created by Building E will continue in the afternoon to extend to the other side of College Crescent and affect the properties on the other side of College Crescent opposite my house.
31. The detrimental solar access and overshadowing impact on my house will result in:
- (a) loss of natural light meaning greatly increased electricity costs due to lights having to be turned on much earlier than is currently the case and heating costs increasing in the winter months because the winter sun will no longer be warming the living areas through my large and extensive windows as it currently does; and
 - (b) completely depriving me of the ability to mitigate my energy costs for the house by installing solar panels on the roof, which will now be in the shade for the bulk of the afternoon, even the sections of the roof with a northerly orientation.
32. The EA shows a complete lack of analysis and understanding about the impact of Building E upon the amenity of my house at 15 College Crescent, and incorrectly states in the Potential Impacts section of the Executive Summary of the Environmental Assessment Report that there will have no adverse impact on surrounding properties. This is clearly an incorrect statement, with real potential to mislead the Minister and the Department.
33. Section 3.11 of the EA states that the buildings (including Building E) have been designed to maximise solar access to apartments and to minimise the overshadowing of other apartments within the site and on adjoining sites. While the design may well deal with solar access and overshadowing of other apartments in the development, there is no recognition at all in the design or the positioning of Building E of the loss of solar access and overshadowing that the design and positioning of Building E will cause to adjoining properties in College Crescent, and in particular to the very detrimental affect that the design has on my house at 15 College Crescent.
34. The EA fails to recognise that the minimum solar access requirements for the apartments in the proposed development are only achieved by having a 24 metre separation between Building D and Building E. No such separation is proposed in respect of the Applicant's proposed Building E and my existing house at 15 College Crescent, with Building E proposed to be built within 9 metres of my western boundary.
35. The Solar Access Analysis prepared by Heggies (at Annexure 11 to the EA) states that the overshadowing impact of surround buildings on the proposed development was modelled based on information provided by Meriton and Google earth pictures. Clearly no site visit or other visual inspection of the site and its surrounds was undertaken by Heggies and therefore the Solar Access Analysis fails to consider the topography of the development site, with the adjoining College Street properties, including 15 College

Crescent, being at a considerably lower level than the buildings on the development site, and therefore much more susceptible to overshadowing the 5 storey buildings being erected within 9 metres of the College Street properties.

36. Furthermore, the Heggies Solar Access Analysis only deals with the impact of overshadowing on the buildings within the Development Site and does not at all comment on the overshadowing of the proposed 5 storey buildings on the College Crescent properties. As the Heggies Solar Access Analysis fails to take into account the actual topography of the Development Site and the College Crescent properties, the Development Sun's Eye View figures in Appendix A of the Analysis are unreliable and do not correctly show the true extent of the overshadowing impact of Building E on my house at 15 College Crescent and the other College Crescent properties. The Heggies Solar Access Analysis is clearly a deficient report and provides no useful information for analysing the overshadowing of Building E on my house at 15 College Crescent and the other adjoining properties in College Crescent.
37. The shadow diagrams prepared by Meriton which are at Annexure 4 to the EA (Shadow Diagrams -1 [DA-70], Shadow Diagrams -2 [DA-71], Shadow Diagrams -3 [DA-72], Shadow Diagrams -4 [DA-73]), probably better reflect the impact on solar access and overshadowing that the proposed development will have on my house at 15 College Crescent, although it is still unclear whether even those diagrams take into account the natural relative topography of the Development Site and the College Street properties and therefore even those shadow diagrams probably understate the real impact that Building E will have on solar access and overshadowing on my house at 15 College Crescent. It is clear even from these Meriton Shadow Diagrams that by 3pm (and probably well before that time) on 21 June the whole of my house at 15 College Crescent will be overshadowed and have no solar access at all to the winter sun.
38. It is also clear from the Meriton Shadow diagrams, that in order to minimise the adverse impact on solar access and overshadowing, what is required is that Building E be repositioned at least 24 metres from my house. It is instructive that for the purpose of providing adequate solar access to the apartments in the development the Applicant has provided for a distance of about 24 metres between Building D and Building E. Therefore the Applicant is achieving an acceptable solar and overshadowing environment for the apartment in the development but at the expense of the amenity of my house at 15 College Crescent.
39. Clearly what is required in order to less the adverse impact on solar access and of overshadowing on 15 College Crescent is to re-position Building E so that it is at least the same distance from my house at 15 College Crescent as it is from Building D in the development and/or to adopt a design which provides for adequate step-back of each

successive floor on the eastern side of Building E so as to minimise the overshadowing caused by Building E on the College Street properties.

Impact on local airflow and breezes

40. In addition to its impact on solar access for my property, the erection of a 70 metre, 5 storey building along the whole length of the western boundary to my property will no doubt effect the cooling air flow and breezes that my house currently experiences in the summer months, thus further detrimentally affecting the amenity of my property.
41. The EA does not undertake any meaningful analysis of the effect that the erection of a 17.5metre high, 70 metre long, 5 storey building within 9 metres of the boundary to my property will have on wind and air movement patterns around my house at 15 College Crescent. The effect of such a large structure erected so close to my house is clearly going to be significant and the EA is deficient in that it does not address this important issue at all in any meaningful way.

Loss of Privacy

42. Given the height and configuration of Building E, and the natural slope of the land down from the Development Site to my property and the fact that there are no established trees at all along my boundary with the Development Site, people living from the first floor upward in Building E (ie at least 12 apartments) will have direct line of sight into my outdoor entertainment area, rear garden, master bedroom, spa, kitchen and living room, and (particularly in the north eastern corner of Building E) also having direct line of sight into my northern garden, court yard, dining room, lounge room and foyer. The statements in the EA to the effect that screen planting and retention of trees will ensure that overshadowing and overlooking is minimised certain is incorrect insofar as it relates to my property at 15 College Crescent.
43. As can be clearly seen from the photograph at Figure 2 in the EA, unlike some of the properties which adjoin the eastern boundary of the Development Site, the 15 College Crescent boundary does not presently have any existing trees along the boundary. The landscape plans included in the EA do not contain any proposal by the Applicant for the planting of large and effective screening trees in order to mitigate at least some of the loss of privacy that I will experience from the erection of the 70 metre long, 17.5 metre high 5-storey building along my western boundary.

Noise

44. Leaving aside the impact of noise during construction of the development (with which I will deal with later), the amenity of my house will be effected by the noise coming from having in very close proximity to my house at least 15 residences, all creating the inevitable noise

of day to day life and the operation of the car-park (which is proposed to be located within 6 metres of the boundary of my property at 15 College Crescent).

45. While the EA does at Annexure 13 contain an acoustic quality report, that report only deals with noise intrusion into the actual apartments in the proposed development and does not at all analyse the noise impact that the development will have on the adjoining properties in College Crescent.
46. Nowhere in the EA is there any analysis at all as to the noise levels that will emanate from the car-park beneath Building E from cars entering and exiting the car-park at all hours day and night, with its opening and closing of security gates and car doors. Nor is there any analysis in the EA of the noise from the ventilation systems in the underground car-park, the air conditioning condenser units which are located in the basement and on the rooftops, the waste management system or from the other plant and equipment that will be located in Building E and in the car-park underneath it. Again the EA is clearly deficient in its failure to properly deal with this issue at all.

Construction Activity

47. The construction of the proposed development which is to take place in 2 stages (and therefore over a considerable number of years) will impact detrimentally impact upon the amenity of my house. Stage 1 involves the erection of Building D and Building E, being the closest buildings to my property at 15 College Crescent.
48. Not only will there be the inevitable noise continually coming from the site during the on-going staged development, but the erection of the underground car-park associated with Building D and Building E will mean that there will be major deep excavation taking place in very close proximity to my house, with major issues relating to soil movement, subsidence and damage as well as the effect on the local ground-water.
49. While the EA contains a Preliminary Construction Management Plan prepared by Meriton, that document is completely inadequate and provides no details at all as to how noise and vibration is to be managed during the construction phase of the development and how the amenity of the adjoining College Street properties is proposed to be maintained during the construction phase.
50. The EA contains conflicting information about the hours during which construction activities are proposed to be undertaken by the Applicant. While the Preliminary Construction Management Plan prepared by Meriton states construction work is proposed to be undertaken between 7am and 6pm Monday to Friday and from 8am to 1pm on Saturdays, the Applicant's Statement of Commitment states that the hours of work will be between 7am-6pm Monday to Friday and 7am-3pm Saturdays. With workers arriving no doubt an hour or so earlier and leaving up to an hour or so later the residents of the

adjoining College Crescent properties will have very little respite from the intrusive construction activity noise that will emanate from the development site for more than 2 to 3 years while Stages 1 and 2 are completed.

51. Section 4.1 of the Geotechnical Investigation Report prepared for Meriton by Jeffery and Katauskas Pty Ltd which forms part of the EA clearly identifies that a major geotechnical issue to be taken into consideration in the design and construction for this particular development is the need to maintain the stability of adjoining land and buildings during and after the proposed basement excavation is completed. Jeffery & Katauskas Pty Ltd state that:
- (a) the excavations and retention systems will need to be carefully planned and constructed so as not to have adverse effects on the adjoining buildings and structures;
 - (b) vibration effects (associated with general excavation but more critically with rock excavation) on adjoining structures must be considered; and
 - (c) the basement walls and floor slab will have to be designed to cater for groundwater pressures and seepage, since the groundwater levels are at levels higher than the proposed basement floor levels.
52. There is nothing in the Meriton Construction Management Plan or the EA which deals with any of these very important issues identified by Jeffery and Katauskas Pty Ltd which have major and significant implication for my house at 15 College Crescent and the other adjoining College Street houses.
53. The EA is clearly deficient in that it does not deal with the proposed excavation and construction activities in any meaningful way.

Impact on water table

54. As identified in the Jeffery and Katauskas Geotechnical Report and as I am aware from my gardening activities at my house at 15 College Crescent, the water-table on the Development Site and the adjoining College Crescent properties is at a higher level than normal.
55. No analysis has been made in the EA as to the impact of the proposed development on the water table in the adjoining area. In particular given the high level of the water table, there is a distinct possibility that the major excavation to be undertaken within 6 metres of my western boundary may have a dramatic adverse impact on my property. However no real investigation or consideration appears to have been given at all to this important issue by the Applicant and the EA is completely silent as to how the Applicant proposes to deal with this significant issue.

56. This is of particular concern as there are large sections of reactive clay with high potential for shrink/swell with changes in moisture content both on the Development Site (as noted by Jeffery and Katauskas in Section 4.1.7 of their report in the EA) and also on my property (as I have witnessed from personal experience when constructing retaining walls and digging in the garden), and any interference with the existing water tables will have significant adverse effects on my house at 15 College Crescent, with the distinct possibility of cracks appearing in the existing brickwork and the structural integrity of the house being compromised.

Impact on development potential of College Crescent properties

57. While in Section 5.2 of the EA the Applicant acknowledges that much of the surrounding land is occupied by detached dwellings [all the College Crescent boundary dwellings are single storey] that characterise a low-density environment, the Applicant seeks to emphasise that the new planning controls for the area allow for higher density development. Incorrectly, the EA goes on to state that the new planning controls will allow for development of 4-storeys in height for the adjoining land to the east (ie the College Crescent properties). In fact, under the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 the College Street the adjoining land to the east (including the College Crescent properties) is zoned R3- Medium Residential, allowing for a maximum building height of 11.5 metres (ie 3-storeys in height) provided that minimum lot size requirements of 1200 square metres are met (which none of the existing College Crescent properties meet).
58. The Applicant seeks to dismiss the material adverse impact on the College Crescent properties with unsustainable implication that as the character of the area will invariably be undergoing change in coming years as the densities under the new Town Centres LEP are realised, the immediate significant and adverse impact of the proposed development on the existing houses in College Crescent can somehow be ignored. Clearly this is not a proper or justifiable implication.
59. Furthermore, even if it were a proper implication (which it is not), the Applicant fails in the EA to assess in any way at all the adverse impact that the Applicant's proposed development will have on my ability and the ability of the other College Crescent property owners to in fact carry out a 3-storey redevelopment on the College Crescent properties.
60. Just as the proposed development will have a material adverse effect on the existing single storey residence erected on 15 College Crescent, with major issues of solar access, overshadowing and privacy caused by the position and close proximity of Building E, the future development potential of 15 College Crescent and its adjoining College Crescent properties will be similarly adversely affected by the proposed site and scale of Building E.

61. Given the closeness of Building E to the western boundary of the College Street properties, size and scale of Building E and the loss of solar access, overshadowing and loss of privacy that it causes to the College Street properties, if the proposed development is approved by the Minister it will very difficult indeed to obtain any future development approval for a 3 -storey development on the College Crescent properties.
62. Therefore, an approval of the Applicant's proposed development in its current form at this stage will probably mean that a further medium density development of the College Crescent properties is unlikely to be approved in the future and that the College Crescent properties will not be able to be developed to the full potential envisaged by the Town Centres LEP.
63. This problem could of course be easily overcome by the Applicant repositioning Building E, reducing its scale, providing in the design for progressive step-back of the floors of Building E and moving it further than 9 metres from the eastern boundary of the Development Site.

Summary

64. It does not seem that the Applicant has given any consideration whatsoever to detrimental impact that Building E will have on my property at 15 College Crescent and no measures appear to have been considered in the design of Building E to deal with any of those detrimental impacts. A residential building of the design, size, scale and orientation of the proposed Building E in such close proximity to my property is totally inappropriate.
65. Except for the 2 front bedrooms, each of the other rooms in my house will be affected by the proposed development:
- The Living Room will have 15 apartments looking into it, will have noise issues and will lose all its afternoon sun;
 - The Kitchen will have 15 apartments looking into it, will have noise issues and will lose all its afternoon sun;
 - The Spa room (which is a mini indoor swimming pool) will have 15 apartments looking into it, will lose all its afternoon sun;
 - The master bedroom will have 15 apartments looking into it, will have noise issues and will lose all its afternoon sun;
 - The Dining Room will have privacy issues because of overlooking from Building E and will lose its afternoon sun ;

- The Lounge Room will have privacy issues because of overlooking from Building E and will lose its afternoon sun;
 - The foyer will have privacy issues because of overlooking from Building E and will lose its afternoon sun.
66. In addition, the outdoor entertainment area, and the rear yard will lose all its privacy and afternoon sun, and the private central courtyard will no longer be private and will lose its afternoon sun.
67. The effect of the loss of privacy, overshadowing and noise will mean that instead of being able to continue to enjoy the open-air outdoor lifestyle that is one of the main features of 15 College Crescent, windows and doors will need to be shut, curtains will be drawn and less time will be spent in the garden and the courtyard. This will mean that the current energy efficiency of 15 College Crescent will be considerably reduced, with increased use of air conditioning and less use of nature ventilation being the inevitable consequence.
68. Section 5.4 of the EA dealing with Environmental and Residential Amenity fails to recognise this at all. Certainly in respect of my house at 15 College Crescent, and the other College Crescent properties there are no generous side and rear setbacks which provide for comfortable separation of Building E from the adjoining properties. There is nothing in the siting of Building E which in any way ensures that privacy, overlooking and overshadowing impacts are minimised. Clearly these statements by the Applicant are incorrect and have the potential to mislead the Minister and the Department.
69. Given its substantial detrimental impact upon the amenity of my house, the proposed development will no doubt also significantly reduce the value of my property. The windfall that the Applicant will gain from the development will be partly at my considerable expense.
70. Furthermore, the proposed development in its current form will severely impact upon the redevelopment potential of my property and the other College Crescent properties, thus meaning that aims of the Town Centres LEP will not be able to be realised and it will lead to a continuation of the planning absurdity of having huge 5-storey apartment buildings immediately adjoining single storey dwellings.
71. The Minister and the Department should be aware that following a hearing in the Land and Environment Court in relation to the initial development application lodged by Dasmin for the Development Site, the Land and Environment Court determined that Dasmin's proposal to erect a 3 storey building along my western boundary was completely inappropriate and Dasmin was required to modify its proposal by only permitting 2 storey buildings along the College Crescent boundary in order to lessen the impact upon the

existing houses in College Street. The impact of the now proposed development upon my house is much greater than that which the Land and Environment Court previously had determined to be completely inappropriate.

72. Clearly the proposed development needs to be greatly modified in order to lessen its substantial detrimental impacts upon my property, as well as the other existing properties on the western side of College Crescent. At the very least the bulk and scale of Building E will need to be reduced and it will need to be:

- (a) re-positioned to be at least 24 metres from my western boundary; and/or
- (b) reduced in height to a 2 storey building at those parts which adjoin the College Street properties. (as previously ordered by the Land and Environment Court); and/or
- (c) re-designed to incorporate a progressive step-back of floors in order to minimise the impact on solar access, overshadowing and loss of privacy.

OTHER GENERAL COMMENTS ABOUT THE PROPOSED DEVELOPMENT

Context

73. The proposed development fails in any way to respond to or contribute to the context in which it is set. The social heritage of the Development Site is one of living in harmony with the surrounding low-rise development and the environment. The proposed development does not fit into that context and does nothing to maintain the social heritage of the Development Site and the surrounding environment. It is incorrect for the Applicant to assert (as it does in the SEPP 65 Design Principles Statement) that the immediate area surrounding the Development Site is undergoing a transition from cottages to apartments. The proposed development will be the first high rise development to the east of Links Road, with the area still being one predominately single dwellings, schools, churches and synagogues. Accordingly in this context an interface between single storey dwellings and 5 storey apartment blocks is completely inappropriate and environmentally insensitive. The height of the buildings in the proposed development should be reduced so that it fits more seamlessly with the existing urban landscape into which it is being built.

Scale

74. The proposed development is not of appropriate scale in terms of bulk and height that suits the scale of the street and the surrounding buildings. The surrounding houses are all mainly single or two storey family houses and the schools on the western side of the development are all low-rise structures. The proposed development, is totally out of scale with its surroundings. Rising above the highest of the trees and being at the high point of the local area, the 5 buildings on the development will clearly be visible from all the surrounding streets and for a considerable distance beyond.
75. The visual impact of the proposed development from College Crescent will be one of 3 single storey [11, 15 and 17 College Crescent] overshadowed by a huge 70 metre long, 17.5 metre high, 5-storey structure which will clearly dominate the skyline, and complete dwarf and overshadowing the single storey dwellings in College Crescent, without any trees to screen the proposed development.
76. While there may be a set back of 15 to 18 metres for the Killeaton St buildings as the Applicant's SEPP 65 Design Principles Statement asserts, there is only a 6 metre set back for the car-park and a 9 metre set back for Building E from the boundary of the College Crescent properties. The Applicant's statement in SEPP 65 Design Principles Statement that the massing of the buildings are well mannered in their setback to neighbours, which will be redeveloped under the same height controls except for the

school, is clearly incorrect insofar as it relates to the College Crescent properties (which cannot under the current zoning be redeveloped under the same height controls, as the Development Site has a permitted maximum building height of 17.5 metres, while the zoning of the College Crescent properties only permits a maximum building height of 11.5 metres. Furthermore, there have been no developments to the east of Links Road which match the proposed development. The Applicant's proposed development will be the first on the eastern side of Links Road, which is an area predominately of single dwellings.

77. Again in this respect the Applicant's EA is deficient and has the real potential to mislead the Minister and the Department with its incorrect assertions.

Build form

78. The Applicant in the SEPP 65 Design Principles Statement fails to address the building forms when viewed from College Crescent, which will be one of a 70 metres long, 17.5 metre high monolithic building completely dominating and overbearing the three single storey dwellings at 11, 15 and 17 College Crescent. The set back for Building E along the eastern boundary of the Development Site is completely inadequate given the scale and build form of Building E and its significant adverse impact on the College Crescent properties.
79. The build form will dominate the landscape when viewed from the College Crescent properties and Killeaton Street and the Applicant has failed in the EA to properly consider:
- (a) the impact of overshadowing, and the loss of privacy and loss of outlook likely to be caused by the proposed development;
 - (b) the desirability to achieve an appropriate separation between buildings and site boundaries and landscaped corridors along fence lines; and
 - (c) the desirability of adequate landscaping so that the built form does not dominate the landscape.

Density

80. The proposed development comprising an additional 298 residences, housing approximately 1,000 additional people is the equivalent of developing an extremely large subdivision. The number of residences proposed by the development is equivalent in number to the existing residences in the area bounded by Dainton Avenue, Flinders Avenue, Lucia Avenue and Killeaton Street, including the houses in Briar Street, Shannon Street and Tregenna Close.
81. Although the allowable floor space ratio is 1.3:1, it may not be fully achievable on all sites due to urban design and site constraint considerations. This is certainly the case with the

Development Site and its interface with the College Crescent properties. The substantial impact of such a large and dense development upon the local natural and built environment should not be underestimated and has not been adequately dealt with by the Applicant in the EA. It is evident that the EA proposes buildings which are too large for the Development Site given their impact on adjoining properties.

Traffic

82. As there will be 367 car spaces being located on the Development Site the traffic assessment report of Transport and Traffic Planning Associates included in the EA fails to adequately deal with the impact of car movement in and out of the proposed development during the course of each day. Given the nature of the area and the inadequacy and infrequency of public transport, the project of 140 vtpm during the morning and afternoon peak periods is probably an underestimation and fails to take into account the additional movements per day from the Development Site, with people going to work, taking kids to school, going shopping (even to nearby St Ives Shopping Centre), going socialising, picking up kids from school, coming home from work, going out to dinner, going to the movies etc.
83. All additional traffic movements from the Site will need to either:
- (a) enter Mona Vale Road at Killeaton Street (if travelling west);
 - (b) travel along Killeaton Street and Acron Road (past St Ives Park Primary School) to enter Mona Vale Road at Woodbury Road (affecting Brigidine College) or Ayres Roads (affecting Sydney Grammar Preparatory School), if travelling east; or
 - (c) travel down Yarrabung Road and Stanley Street to enter Horace Street if travelling south to Chatswood or the city.
84. The additional traffic movements in and out of the development is proposed to be through the one entry/exit point on Killeaton Street, with adverse affects upon the houses in Killeaton Street which are directly opposite to driveway.
85. Killeaton Street and the other streets being used by the additional traffic, including Yarrabung and Acron Roads do not have any footpaths and therefore the additional traffic will pose a greatly increased danger to pedestrian, especially children on their way to schools at Masada, Corpus Christi, St Ives Park, Brigidine College and Sydney Grammar Preparatory School.
86. The public transport options within the vicinity of the Development Site are infrequent and as with the existing residents who already live in the area are unlikely to be utilised to any great extent, in an area where traditionally the car has been the only reliable means of

transport. Certainly the public transport options currently available are very unlikely to have any significant affect on car usage in and out of the proposed development - a maximum of 2 buses per hour to the City, Gordon or Hornsby during peak hours will not encourage residents to leave their cars behind.

Parking

87. Under the Ku-ring-gai Council Town Centres DCP, the proposed development generates a requirement for 120 visitor car parking spaces. The Applicant is only proposing to provide 31 visitor car parking spaces, a quarter of what is required by the DCP. Notwithstanding what is contained in the traffic assessment report of Transport and Traffic Planning Associates included in the EA, the EA does not adequately deal at all with this particular non-compliance.
88. Any reasonable inspection of the current parking situation in Killeaton Street and College Crescent during school hours of the 2 pre-schools and the high school and the hours of worship in the Catholic Church and the two synagogues which adjoin the Development Site would indicate that street parking in the vicinity of the Development Site is scarce and difficult to find. The proposition in the EA that the additional 90 visitor car parking spaces could adequately be located in Killeaton Street and College Crescent is not sustainable.
89. The EA is clearly inadequate in the way that it addresses the issue of the non-conformance with the DCP in relation to visitor car parking spaces.

Impact on adjoining schools

90. The erection of the 5 storey Building D and Building A along the northern and eastern boundary of Masada's pre-school will have real overshadowing impact upon the children playground at the pre-school. In addition, the child safety aspects of having a 5 storey residential building overlooking a school's playground with young children cannot be overlooked.
91. Similarly, in today's climate of terrorism and intolerance, security at the Masada College and its synagogue and the synagogue in Killeaton Street will be adversely affected by the construction of 5 storey buildings overlooking the school and the synagogues. The Federal and New South Wales governments have recently provided hundreds of thousands of dollars to the Jewish community to upgrade security. The security presence at Masada and the adjoining synagogues is currently very high (and likely to remain so in the foreseeable future). The erection of at least 3 five storey buildings directly overlooking Masada will no doubt substantially increase the security problems currently faced by the school.

CONCLUSION

92. As can be seen from these Submissions, the proposed development will:
- (a) has a real, substantial and detrimental impact upon my house at 15 College Crescent;
 - (b) will have a real, substantial and detrimental impact upon the development potential of my property at 15 College Crescent;
 - (c) will have a significant impact upon the surrounding area.
93. From the information currently available by the Applicant in the EA, it would appear that the Applicant has failed to take any measure whatsoever to ensure that such adverse impacts upon my property at 15 College Crescent are in any way minimised and appropriately dealt with and that the EA is deficient, inadequate and possibly misleading in certain important respects.
94. As a person directly and detrimentally affected by the proposal, I request that the Minister and the Department give full and proper consideration to my concerns about the proposed development and take appropriate measures to ensure that action is taken by the Applicant to lessen the adverse impact of the proposed development upon my property at 15 College Crescent by not approving the Application unless the Applicant:
- (a) re-positions Building E and provides adequate separation between Building E and my existing house, so that the loss of solar access and the overshadowing of my property and the loss of privacy by my property is considerable lessened;
 - (b) reduces the bulk, scale and density of the buildings in the proposed development and limits the building height on the College Street boundary to 2 storeys, rising to 3 storeys towards the west;
 - (c) re-designs the buildings in the proposed development so that the built form better fits with the surrounding context of the proposed development;
 - (d) re-designs Building E so that there is a progressive step-back for each floor in the building;
 - (e) adequately investigates the impact the proposed development will have on the local breezes and air movement, particularly as it affects my property and the other adjoining properties in College Crescent;

- (f) adequately investigates the impact of the proposed development on the local water table, particularly as it affects my property and the other adjoining properties in College Crescent;
- (g) adequately investigates the impact of noise from the proposed development on my property and the other adjoining properties in College Crescent;
- (h) adequately deals with the issues identified by Jeffery and Katauskas Pty Ltd of maintenance of stability of existing adjoining structures, vibration effects, ground water pressures and differential shrink/swell movements due to the high levels of reactive clay on the Development Site;
- (i) complies with the requirements of the Ku-ring-gai Town Centres DCP in respect of visitor car spaces;
- (j) such other measures as the Minister, the Department or Ku-ring-gai Council may consider to be appropriate.

Reportable Political Donation Declaration

95. For the purposes of section 147(3) of the *Environmental Planning and Assessment Act 1979*, I declare that I have not made any reportable political donations in the previous two years.

Dated: 29 September 2010



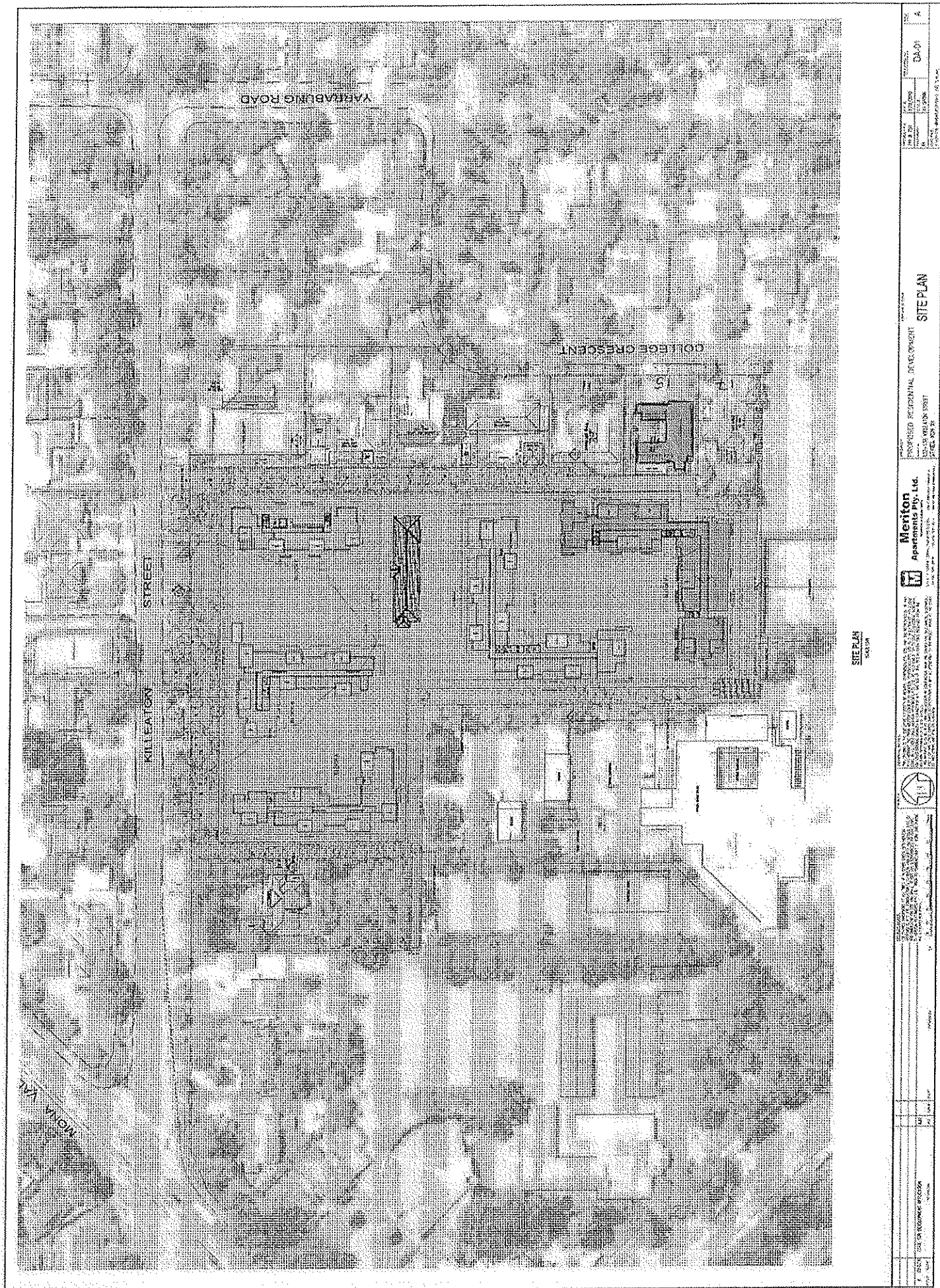
Alex Ostermayer

Business: 8281 4615

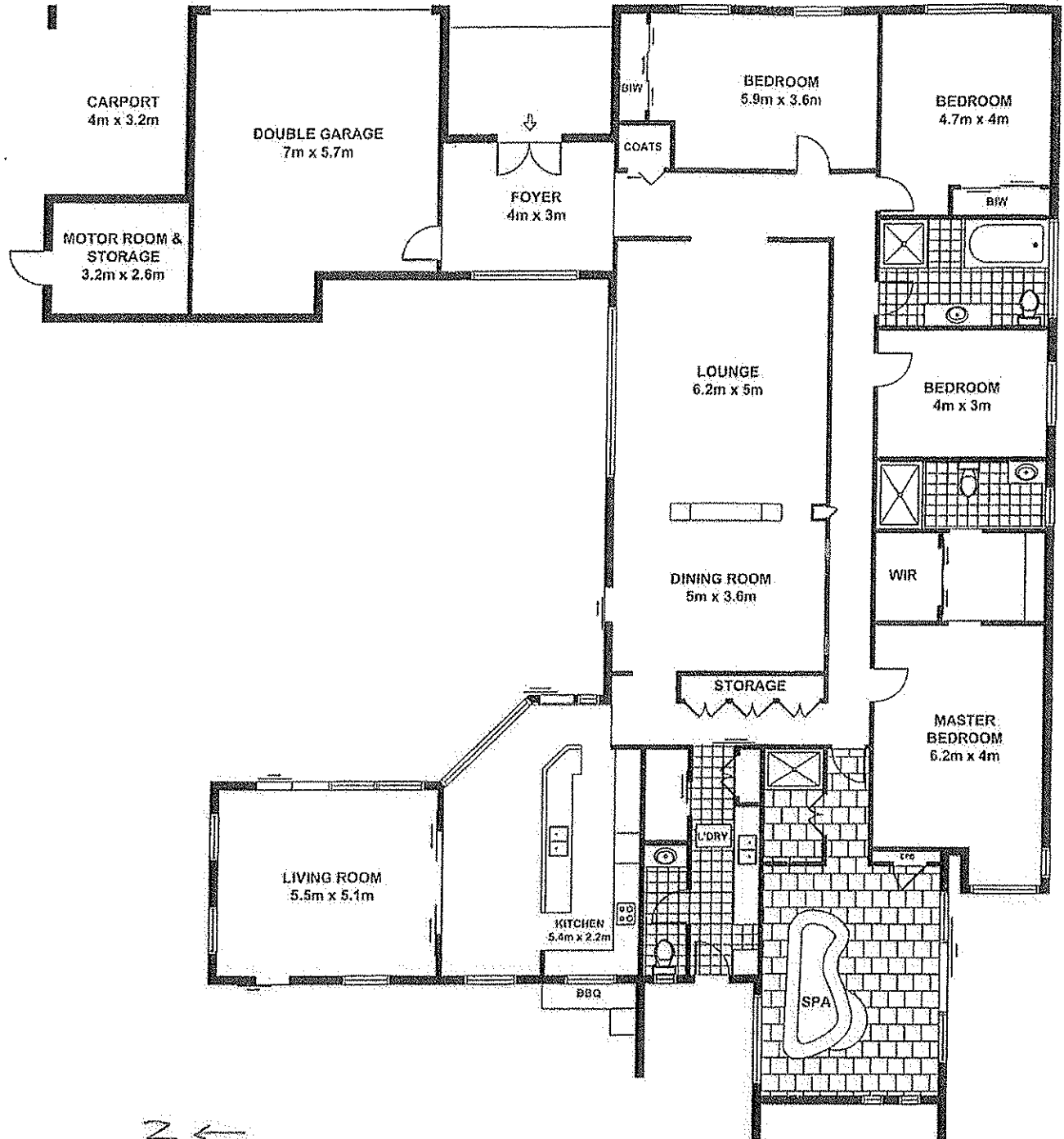
Mobile : 0419 228 962

Facsimile: 8281 4567

ATTACHMENT A



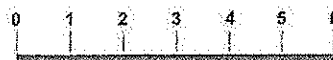
ATTACHMENT B



2 ←

FLOOR PLAN

DEVELOPMENT SITE BOUNDARY



SCALE (metres)

PLANS SHOWN ARE ONLY INDICATIVE OF LAYOUT, DIMENSIONS ARE APPROXIMATE.

13

