



Planning

MAJOR PROJECT ASSESSMENT:

Residential Project Application

132-138 Killeaton Street, St Ives

Proposed by: Karimbla Properties (No.4) Pty Ltd

MP10_0057



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

February 2011

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	<i>State Environmental Planning Policy (Major Development) 2005</i>
Minister	Minister for Planning
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Karimbla Properties (No. 4) Pty Ltd
RTS	Response to Submissions

Cover Photograph: Killeaton St Montage (Source: EA)

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Published February 2011
NSW Department of Planning
www.planning.nsw.gov.au

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EXECUTIVE SUMMARY

This is a report on a Project Application seeking approval for a residential development at 132-138 Killeaton Street, St Ives. The site is within the Ku-ring-gai local government area. The Proponent is Karimbla Properties (No.4) Pty Ltd.

Environmental Assessment (EA) (as exhibited)

The Environmental Assessment (EA) as exhibited sought Project approval for the following:

- Excavation of a basement level with 367 car parking spaces;
- 5 x 5-storey buildings accommodating 298 residential apartments;
- Adaptive reuse of the existing monastery building on the site for communal facilities;
- Landscaping of the site and construction of infrastructure to service the development; and
- Staged strata subdivision of the development.

The Capital Investment Value (CIV) for the proposal is estimated at **\$107,087,620**.

Permissibility

The site is zoned R4 'High Density Residential' under the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 ('LEP 2010') and the proposed development is permissible.

Public Exhibition

The EA was exhibited for a period of 30 days between 1 September and 1 October 2010. The Department received 5 submissions from public authorities and agencies (including Ku-ring-gai Council) in addition to 53 public submissions. Key issues raised in the public submissions include: the bulk and scale; impacts on nearby residential properties; landscaping; impact on trees; impact on the existing natural environment; and traffic and parking impacts.

Preferred Project Report (PPR)

On 21 January 2011, the Proponent submitted a Preferred Project Report (PPR). The PPR re-arranged the building configuration at the southeast (rear) corner of the site resulting in two smaller buildings; reduced building height along the eastern (side) boundary from 5 storeys to 4 storeys; an additional level over part of the 2 central buildings resulting in part 5/part 6 storeys; additional lift cores provided to some buildings; an additional 176 m² of deep soil landscaped area including a 10 x 10 metre deep soil zone in the central courtyard; addressed concerns regarding the impact of the overland flow barrier wall upon trees on site; and provided 12 additional visitor parking spaces within the basement.

It is considered that the key impacts of the proposal identified by the Department and raised in submissions have been addressed by the PPR and Statement of Commitments subject to appropriate conditions of approval.

Conclusion

The Department has considered the proposal with regard to the objects of the Environmental Planning & Assessment Act 1979 and the principles of ESD, and has assessed the merits of the application, taking into account the issues raised in submissions.

On balance, the scheme is considered to respond well to the desired future character and environmental constraints of the site and surrounding area. The site has been recently zoned for high density residential development and is considered capable of accommodating the proposal without unacceptable impacts on adjoining properties or the locality.

The Department considers that the proposal is in the public interest as it would provide for increased housing close to public transport and other services, employment opportunities and public domain improvements and therefore would provide environmental, social and economic benefits to the area.

The application is being referred to the Planning Assessment Commission for determination as a reportable political donation has been disclosed.

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1. BACKGROUND

Karimbla Properties (No.4) Pty Ltd (the Proponent) seeks Project Application approval to construct a residential development at 132-138 Killeaton Street, St Ives.

1.1 Site Description

The site (refer to **Figures 1 and 2** below) is known as 132-138 Killeaton Street, St Ives and legally described as Lot 2 in DP 748682. The site is located on the southern side of Killeaton Street between Mona Vale and Yarrabung Roads in the upper northshore suburb of St Ives in the Ku-ring-gai LGA.

The site is L-shaped and has an area of 2.297 hectares and falls approximately 3 metres from the northern (Killeaton Street) boundary to the southern (rear) boundary.

The site formerly accommodated a complex which comprised a monastery, college and chapel. The site has been largely cleared, with only the monastery, a two storey brick building, and a small stable remaining.

An avenue of large mature trees is located along the existing driveway located adjacent the eastern (side) boundary. A group of mature Ironbark trees is located centrally on the front (Killeaton Street) boundary and are identified in LEP 2010 as having "Biodiversity Significance" (refer **Figure 1** below).

Killeaton Street is a two-lane, two-way local collector road with parking either side and forms a T-Junction with Mona Vale Road approximately 120 metres to the west.



Figure 1: Aerial photograph of the site (source: NSW LPMA)

1.2 Surrounding Development

The land to the north and east of the site is characterised by low-density, detached residential dwellings. To the south and west are the grounds and buildings comprising the Masada College senior school and associated synagogue and Corpus Christi church and primary school - both of which front Link Road to the south (refer **Figure 2** below).

The St Ives Village Shopping Centre is located approximately 650 metres to the southwest on the opposite side of Mona Vale Road and includes a Council library and Community Centre. Safe access across Mona Vale Road is available at the signalised intersection with Link Road. Adjacent to the shopping centre is the St Ives Village Green and the Pymble Golf Club.

Mona Vale Road is serviced by frequent bus services travelling north and south providing access to nearby regional centres including Chatswood.

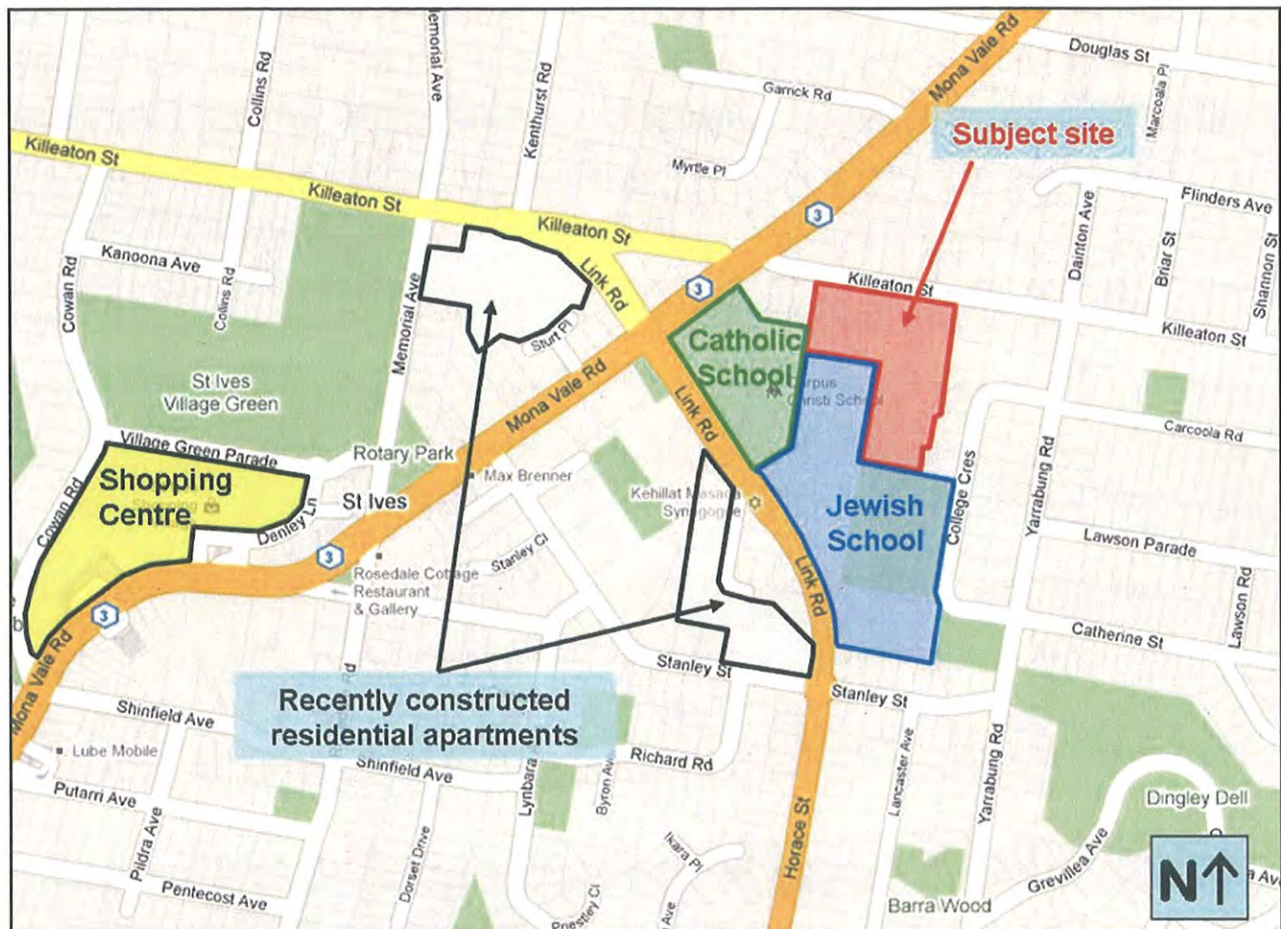


Figure 2: Site in local context (source: Google)

Figure 2 above demonstrates that the most sensitive adjacent boundary is to the east adjoining the residential dwellings in College Crescent and fronting Killeaton Street. All other boundaries of the site adjoin existing school uses or properties associated with those uses.

The Garigal National Park is located approximately 700 metres to the east of the site along Killeaton Street.

There are no identified heritage items on or within the vicinity of the site.

1.3 Consent History

Ku-ring-gai Council granted DA consent (DA 1253/06) for a residential development on the site on 17 October 2007. The approved scheme comprises 9 x 5 storey residential flat buildings accommodating 188 apartments, and adaptive reuse of the monastery for a further 3 apartments (total = 191 units), together with basement parking for 400 cars (352 resident & 48 visitor).

2. PROPOSED PROJECT

2.1. Project Description (EA as Exhibited)

The Environmental Assessment (EA) as exhibited sought project approval for the following:

- Excavation;
- Construction of 5 x 5-storey buildings accommodating 298 residential apartments with basement level parking for 367 cars (336 resident and 31 visitor);
- adaptive reuse of the existing monastery building on the site for recreational facilities to service the apartments;
- landscaping of the site and construction of infrastructure to service the development; and
- staged strata subdivision of the development.

2.2 Preferred Project Report (PPR)

Following the public exhibition of the EA, the Department advised the Proponent of a number of issues which required further consideration, and requested the submission of a PPR.

Key issues raised included residential amenity and interface with adjacent properties, building height and bulk, landscaping, traffic and parking and accessibility. The Proponent was also asked to address issues relating to stormwater drainage.

On 14 December 2010, the Proponent submitted a response to submissions and on 21 January 2011, submitted a PPR. The PPR proposes a number of changes to the EA as detailed below, including a reduction in the height and bulk of buildings along the eastern (side) boundary to address interface issues and the redistribution of floor space across other buildings on the site. The total number of apartments remains unchanged (298).

Other PPR changes include an increase in visitor parking numbers (+12) and additional deep soil planting areas (+176m²). The PPR also included a more detailed analysis of the proposed stormwater management system and the potential impact on existing trees.

The key components of the project are described in **Table 1** below.

Table 1: Key Project Components - PPR

Component	Description
Site Area	22,970 m ²
Building summary:	
Building A	5 storeys, 57 apartments
Building B	part 5/part 6, 72 apartments
Building C	4 storeys, 28 apartments
Building D	part 5/part 6 storeys, 81 apartments
Building E	5 storeys, 36 apartments
Building F	4 storeys, 24 apartments
Monastery	Pool, Manager's office, lounge & gym
<i>(refer Figure 3 below for building layout)</i>	
Total GFA/FSR	29,919.1m ² / 1.3:1
Unit Mix	3 x studio (1%)
(Total = 298 units)	27 x 1-bedroom (9%)
	187 x 2-bedroom (63%)
	48 x 2-bedroom + study (16%)
	33 x 3-bedroom (11%)
Parking	374 car spaces (331 resident + 43 visitor)
Total Building Area/Site Cover	7,407.3m ² (32.2%)
Total Deep Soil Area	7,023m ² (30.5%)

Details of the proposal are shown in **Figures 3 to 5** below.

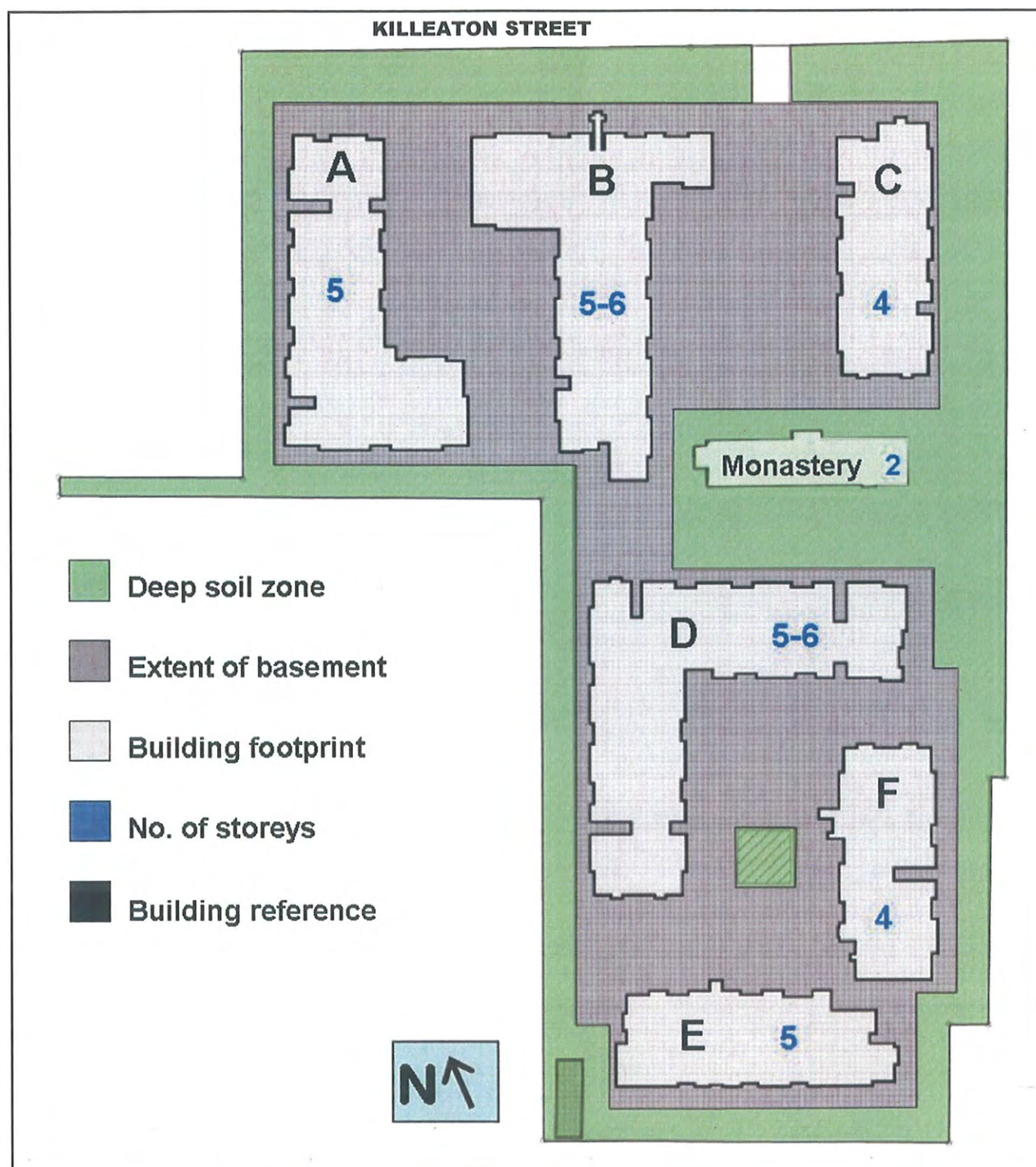


Figure 3: Project Layout (adapted from PPR)

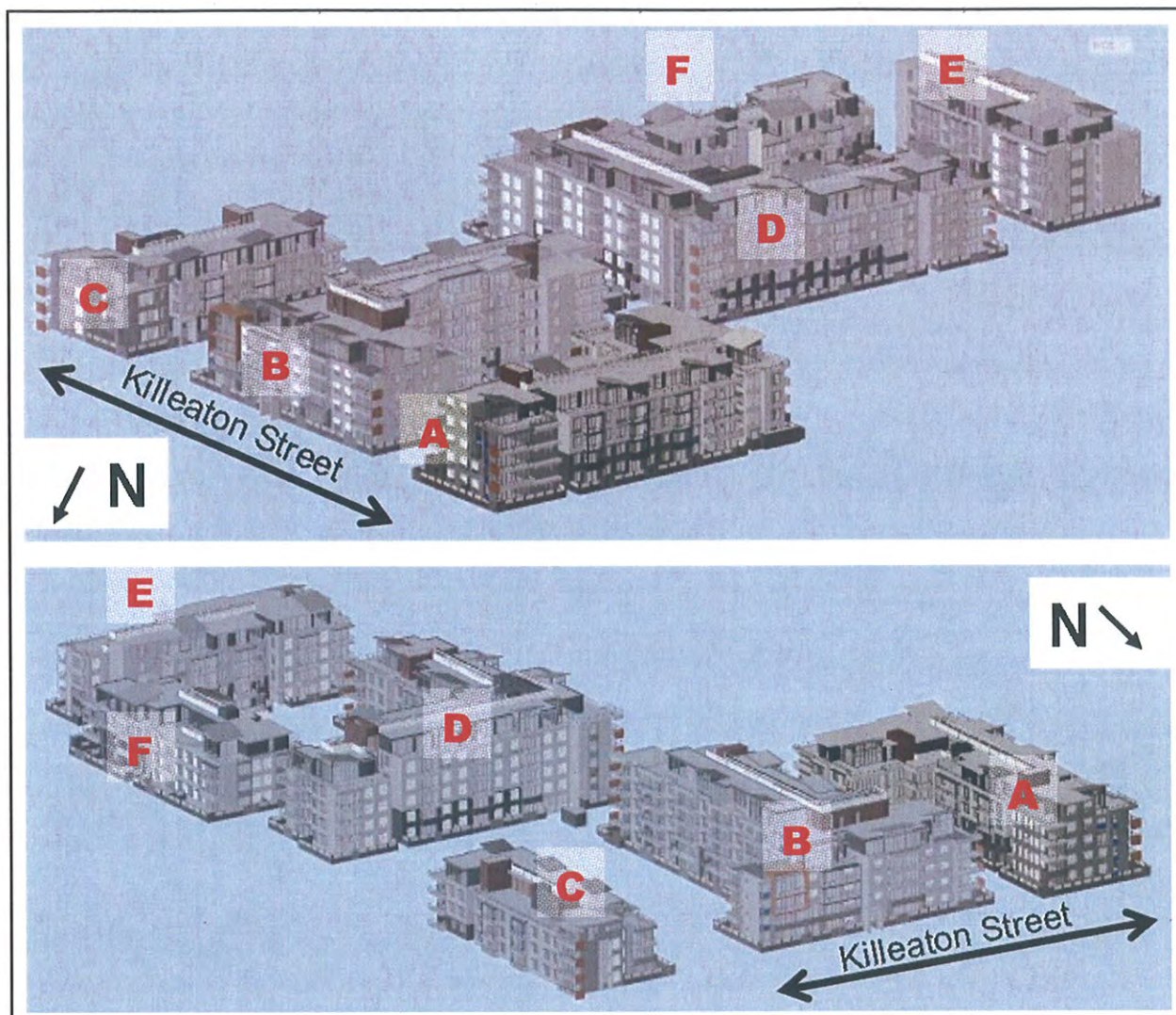


Figure 4: 3D perspectives of the proposed development (source: PPR)

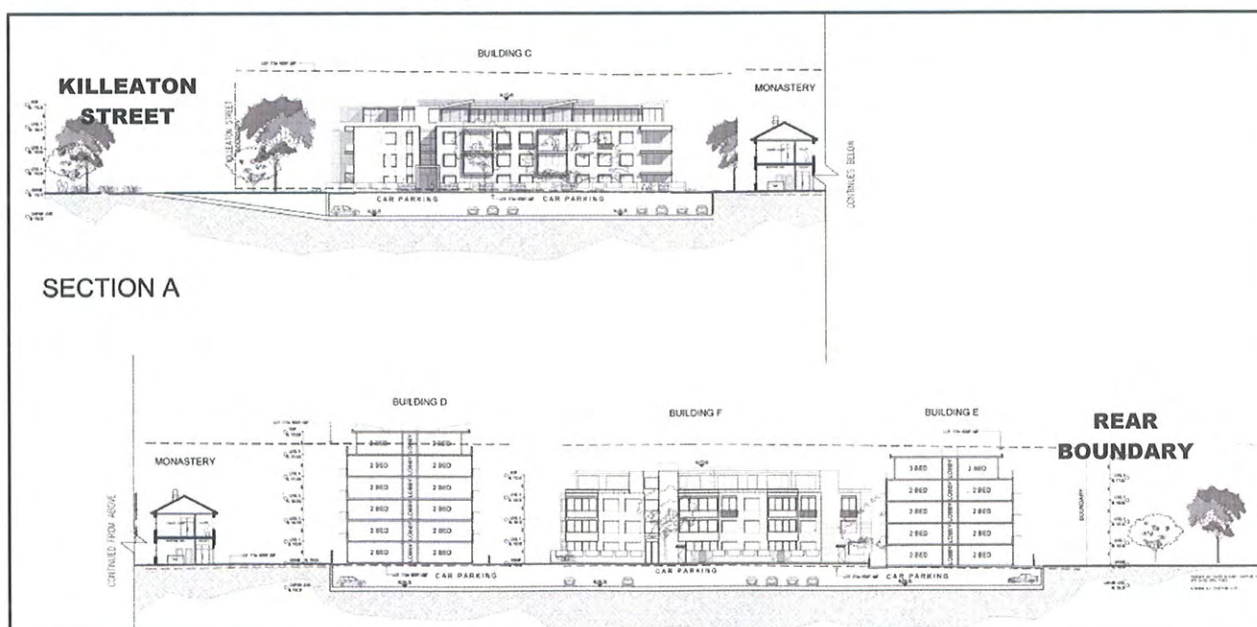


Figure 5: Long Section of site detailing siting and layout of builtform (source: PPR)

2.2. Project Need and Justification

NSW State Plan 2010

The State Plan aims to increase housing supply in the Sydney Metropolitan Region and, at the same time, seeks to improve the quality and accessibility of urban environments. The State Plan also aims to locate more jobs 'closer to home'.

The State Plan also aims to increase investment and employment opportunities in NSW, and promote sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport.

The site of the proposal is located close to the St Ives Town Centre and public transport routes along Mona Vale Road in an area that has recently been zoned for higher residential densities. The site is in close proximity to local retail services, recreational facilities and public open space, schools and hospitals, consistent with the aims of the State Plan.

The proposal represents a significant investment which will contribute to increased availability and diversity of housing in the local area, and will also generate construction-phase employment opportunities.

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 is a strategic document that guides the development of the Sydney Metropolitan area towards 2036. The Metropolitan Plan aims to support the continued economic growth and competitiveness of Sydney, and consolidate its standing as a 'global city'. In terms of housing, the Plan sets a target of 770,000 additional dwellings for Sydney by 2036, with at least 70% of new housing located within established urban areas.

The site is located in the 'North' Subregion within the broader context of the Metropolitan Area and the Plan mandates a target of 29,000 additional dwellings for the North Subregion by 2036. St Ives is an existing local 'Town Centre' under the Plan, and 80% of new dwellings are to be located within 800 metres walking distance of centres under the Metropolitan Plan 2036. The proposal will make a substantial contribution to these targets by locating 298 dwellings within approximately 650 metres walk of the St Ives Town Centre.

The proposal will also make a significant contribution to the achievement of the Metropolitan Plan's objectives in relation to providing housing to suit future demand, and contribute to the achievement of the Plan's environmental targets, by providing adaptable apartments, locating additional dwellings in an established centre with good access to public transport, and achieving BASIX targets for the proposed buildings.

Draft North Subregional Strategy

The proposal is consistent with the key directions and targets of the draft Inner North Subregional Strategy. Housing targets in the Subregion and North Sydney have been updated by the Metropolitan Plan as detailed above.

The Subregional Strategy identifies detached dwellings as the dominant form of housing in the North Subregion, and identifies a future demand for a greater mix of housing types within the Subregion. The Strategy also reinforces the need to locate higher densities of housing around established centres.

The proposal comprises a substantial residential redevelopment on a large and under-utilised site within 650 metres of the St Ives Town Centre. The proposed development will make a significant

contribution to the North Subregion housing targets and locate the additional housing with good access to local shops, facilities and public transport.

Local Planning Provisions

The Ku-ring-gai Local Environmental Plan (Town Centres) 2010 ('LEP 2010') was gazetted on 25 May 2010.

The LEP aims to establish a hierarchy of 6 Town Centres in Ku-ring-gai, including St Ives. The site is located within the St Ives Town Centre and is zoned 'R4 - High Density Residential.'

Importantly, the relevant aims of the LEP include that development "provide a variety of housing choice within and adjacent to the centres." Further, the stated objectives of the R4 – High Density Residential zone are to;

- *provide for the housing needs of the community within a high density residential environment.*
- *provide a variety of housing types within a high density residential environment.*
- *enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal comprises a substantial residential redevelopment within 650 metres of the St Ives Town Centre and provides for a mix and diversity of residential units within a high density site context. The development is located with good access to facilities and services and close to public transport.

3. STATUTORY CONTEXT

3.1. Major Project

The proposal is a major project under Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act) as it is development for the purpose of residential, retail or commercial projects with a Capital Investment Value of more than \$100 million', under Clause 13 of Schedule 1 of State Environmental Planning Policy (Major Development) 2005. Therefore the Minister for Planning is the approval authority.

On 5 December 2008, the Minister for Planning delegated responsibility for the determination of project applications under Part 3A of the Act to the Planning Assessment Commission (the PAC) where a reportable political donation has been made, as is the case with this proposal.

3.2. Permissibility

The site is zoned 'R4 - High Density Residential' under LEP 2010. The proposed development is permissible with consent within the zone.

3.3. Environmental Planning Instruments

The Minister's consideration and determination of an application under Part 3A must be informed by the relevant provisions of the applicable SEPP's and EPI's. The following SEPPs and EPIs apply to the subject site:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- SEPP (Building Sustainability Index: BASIX) 2004
- Ku-ring-gai Local Environmental Plan (Town Centres) 2010

The Department's consideration of relevant SEPPs and EPIs is provided in **Appendix A**.

3.4. Objects of the Act

Decisions made under the Environmental Planning & Assessment Act 1979 must have regard to the objects of the Act. The objects of the Act, as set out in Section 5, 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,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment."*

The proposed development is considered to promote the social and economic welfare of the community and a better environment by increasing the availability and diversity of housing in the area, on a site with good access to local shops, services and facilities, and, public transport. The proposal is within walking distance of the St Ives Town Centre located on Mona Vale Road.

The proposed development represents an orderly and economic use of land by providing for the redevelopment of a large and underutilised site in a manner which is generally consistent with local planning controls and state and regional strategies. The PPR includes provision for public domain improvements including a new pedestrian footpath from the site to Mona Vale Road.

The Department has consulted with the public, including local resident groups, and other agencies, including the local Council in relation to the application.

3.5. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the Protection of the Environment Administration Act 1991. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

These principles are discussed in detail below:

Precautionary Principle – The EA is supported by technical and environmental reports which conclude that the potential impacts of the proposal can be appropriately mitigated or managed. No irreversible or serious environmental impacts have been identified. The site does not have a high level of environmental sensitivity, except for a small group of Sydney Turpentine Ironbark (STIF) trees located centrally on the Killeaton street frontage. There is no adverse impact on these trees. The EA and PPR have assessed potential impacts on the environment and demonstrate that appropriate mitigation measures would be implemented to prevent detrimental impacts, including flood mitigation works, new plantings and tree protection measures. In addition, mitigation measures are outlined in the Proponent's Statement of Commitments and the Department's recommended conditions of approval. No significant climate change risks have been identified as a result of the proposal.

Inter-Generational Principle – The proposed redevelopment for residential use incorporates BASIX measures and environmental management practices to be employed during demolition, excavation, construction and ongoing operational phases of the development which will ensure that the environment is protected for future generations.

Biodiversity Principle – There is no identified threat of serious or irreversible environmental damage as a result of this proposal. The proposal will not impact upon biological diversity or ecological diversity, and will in fact improve the setting of the site by increasing the quantity of local native significant trees on the site.

Valuation Principle – The valuation principle is more appropriately applied to strategic planning decisions and not at the scale of an application for an individual project of the size proposed. The principle is not considered to be relevant to this particular application.

The Department is satisfied that the proposal is consistent with the principles of ESD.

3.6. Statement of Compliance

In accordance with Section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under Section 75H(3) of the EP&A Act, the Director-General is required to make the Environmental Assessment (EA) publicly available for at least 30 days. The Department publicly exhibited the EA from 1 September 2010 until 1 October 2010 (30 days) on the Department's website, at the Department's Information Centre and at the offices of Ku-ring-gai Council. The Department also advertised the public exhibition in the *Sydney Morning Herald*, the *Daily Telegraph* and the *North Shore Times* on 1 September 2010, and notified surrounding landholders and relevant State and local government authorities in writing.

The Department received 58 submissions in response to the exhibition comprising 5 submissions from public authorities and agencies (including Ku-ring-gai Council) and 53 submissions from the general public and special interest groups (St Ives Progress Association Inc).

A summary of the issues raised in submissions is provided below.

4.2. Public Authority Submissions

Five submissions were received from public authorities and agencies as detailed below.

None of the state agencies raised objection to the proposal, and made recommendations as detailed below.

Roads and Traffic Authority

The RTA and Sydney Regional Development Advisory Committee (**SDRAC**) do not object to the Project Application and have requested that standard conditions of approval be imposed, including the requirement for swept path analysis for the longest vehicle servicing the site, compliance with relevant Australian Standards for access and car parking and the preparation of a Construction Traffic Management Plan. Appropriate conditions of approval have been recommended.

NSW Transport

NSW Transport did not object to the application, and recommended, in addition to standard conditions, that a sustainable travel plan should be prepared and that bicycle parking should be more conveniently distributed throughout the basement. Appropriate conditions of approval have been recommended.

NSW Office of Water

NOW did not object to the application, but requests that standard licensing, approval and dewatering requirements are imposed. Appropriate conditions of approval have been recommended.

Sydney Water

Sydney Water did not object to the project, but advised that the existing wastewater system in Killeaton Street would need to be enlarged to service the development. An appropriate advisory note has been added to the Instrument of Approval.

Ku-Ring-Gai Council

The Council objects to the proposal and submitted a detailed submission in respect of the EA. The Council provided draft conditions of approval and also submitted objections to the PPR prepared by Council's engineering and landscaping staff.

Council's submission to the EA

The Council's submission to the EA can be categorised as follows:

- compatibility of the proposal with the surrounding built and natural context;
- the design of the basement car park and the number of proposed visitor parking spaces;

- non-compliance with LEP height controls and extent of above-ground basement area;
- the amount and quality of deep soil and significant trees proposed;
- residential amenity for both the proposed apartments and neighbouring properties;
- construction management issues;
- stormwater and drainage issues; and
- non-compliance with Council's waste management requirements.

Council's primary concern relates to the non-compliance with the Council's detailed development controls and guidelines for the site, especially deep soil landscaped area and visitor carparking. The Council's deep soil requirement is 50% of the site area while the PPR proposes 30.5%. The Council's DCP would require the provision of 74 visitor spaces. The PPR proposes 43 visitor spaces.

The Council also raised the non-compliances with the building height requirements which relates primarily to the basement carpark being included as a storey where the basement podium protrudes more than 1.0 metre above ground level. Under these circumstances, the proposal is technically 6 storeys in some areas. The maximum allowable height is 5 storeys.

Other concerns identified related to building separation distances and building facade length DCP non-compliances.

The Proponent has reduced the heights of buildings in the vicinity of the eastern (side) boundary by 1 storey to a maximum of 4 storeys and separated the previous Building E into 2 smaller buildings known as E and F. Overall these changes have resulted in a significant reduction in bulk and scale and impact upon the residential properties to the east.

The area of deep soil landscaping has been increased to 30.5% which is still less than Council's DCP requirement but is considered satisfactory as the deep soil zones provided are appropriately located adjacent to external boundaries, around the Monastery Building and in the centre of the main courtyard (refer **Figure 3** above). The Council is also seeking to maintain view corridors through the site and reinforce the importance of the monastery building.

The Council raised concerns regarding SEPP 65 non-compliances and the substandard amenity outcomes of many of the proposed apartments. The PPR has made amendments to building and dwelling layouts, included additional lift cores and improved cross-ventilation and solar access outcomes. The PPR complies with the Residential Flat Design Code requirements for high density development.

The issue of the surface flow drainage design has been raised as a concern. In particular, the Council is concerned that the installation of the overland flow barrier wall on the eastern (side) boundary may impact existing trees as a result of required excavation and fill. The proposed design involves the construction of a concrete wall to divert flows to Killeaton Street that cannot be accommodated by the normal in-ground drainage system and OSD tanks in the event of a major storm or if the existing inter-allotment drainage system is blocked. The barrier wall is of variable height along the boundary to a maximum of 2 metres and constructed entirely within the boundaries of the site.

The Proponent has advised that this design will ensure that stormwater runoff from the site will not flow through adjoining properties to the east. The Proponent has also stated that the site is not subject to flooding.

The PPR provided additional information regarding the drainage design and included Aborist's advice that the trees will not be adversely affected. Appropriate conditions of approval are recommended to ensure these critical aspects of the proposal are addressed by the development.

Council's submission to the PPR

The PPR was referred to Council for comment and the Department received a response relating to landscaping and engineering issues as follows:

- Stormwater Management
- Drainage design and impacts on trees
- Basement layout and visitor car parking provision
- Waste management
- Contamination and geotechnical issues
- Deep soil landscaped area

The Council have also provided draft conditions of approval.

The recommended conditions of approval can appropriately address Council's concerns regarding stormwater management, access and car parking, waste management, contamination and geotechnical issues.

The Department has considered the matters relating to deep soil area, visitor carparking and drainage design and the impact on adjacent trees in **Sections 5.2, 5.3 and 5.4** below.

In summary, the proposal satisfies the deep soil guidelines prescribed in the SEPP 65 Residential Flat Design Code, the shortfall in visitor carparking against Council's DCP requirement is considered acceptable, and, in accordance with the recommendations contained in the revised Arborist's assessment, the design and location of the overland flow barrier wall on the eastern (side) boundary can be constructed to ensure the health of the trees.

4.3. Public Submissions

Public submissions to the EA

Fifty-three (53) submissions were received from the public, including a submission from the St Ives Progress Association Inc (refer **Appendix D**).

All 53 public submissions raised concerns regarding the proposal. The key issues raised in public submissions are listed in **Table 2**.

Table 2: Summary of Issues Raised in Public Submissions

Issue	Proportion of submissions (%)
Traffic & Parking (visitor parking, on-street parking, capacity of local streets to deal with increase, cumulative impact, upgrades required, pedestrian amenity)	94
Height, bulk and/or density	62
Adequacy and accessibility of public transport & local infrastructure	57
Compatibility with local character/ visual impact/ design quality	55
Impact on neighbours (privacy, solar access, noise, structural, stormwater management and drainage etc.)	53
Amount & quality of landscaping/ deep soil/ impact on existing trees	51
Construction impacts & need for dilapidation surveys of nearby properties	30
Impact on nearby schools, religious institutions	30
Impact on wildlife	17
Residential amenity of future occupants	15
Local safety and security	15

The Department has considered the issues raised in submissions in its assessment of the project. It is considered that the issues raised in the submissions have either been addressed satisfactorily in the PPR (as detailed below) or can be addressed by the imposition of conditions of approval.

Public submissions to the PPR

One late submission was received on 7 February 2011 in respect of the PPR. The main issue raised relates to traffic and parking impacts and the response made in the PPR. The submission has requested that traffic calming devices be installed in Killeaton Street and that traffic signals be installed at the intersection of Mona Vale Road and Killeaton Street which is a T-Junction. Neither the Council nor the RTA had raised these matters as a concern. The submission also raises concerns regarding parking provision (resident and visitor).

4.4. Proponent's Response to Submissions

The Proponent has provided a response to the issues raised in submissions and a PPR (refer **Appendix E**) which includes the following key changes to the EA:

- Redesign of former Building E, an L-shaped building at the southeast (rear) corner of the site, into two smaller buildings known as 'E' and 'F', with a slight northward relocation of Building F;
- Building height in vicinity of the eastern (side) boundary reduced to four storeys with the deletion of 1 storey (8 apartments) from Building C and 1 storey (7 apartments) from (the newly created) Building F (former Building E);
- Increased building footprint and addition of 4 apartments to the south wing of Building B, and new part-level of 8 apartments added above the south wing (resulting in a part 5/part 6 storey building);
- Reduced building footprint and deletion of 4 apartments from the north wing of Building D, with a new part-level of 8 apartments added above the west wing (resulting in a part 5/part 6 storey building);
- Additional lift cores added to Buildings A, B, D and E to achieve compliance with the Residential Development Flat Code requirement of a maximum of 8 dwellings per core;
- Additional 176m² of deep soil landscaped area including a 10 x 10 metre deep soil zone in the central courtyard and subsequent changes to the landscape design; and
- The addition of 12 parking spaces within the basement to provide 331 resident spaces and 43 visitor spaces.

The changes in height and building layout and siting address the concerns relating to bulk, scale and impacts upon residential properties to the east (refer **Section 5.1** below).

The deep soil area on site has been increased by 176m². The deep soil zones provided will contribute to providing the development with an appropriate setting and screening to reduce impacts of bulk, scale and potential overlooking (refer **Section 5.2** below). The PPR provides a deep soil component of 30.5% which exceeds the SEPP 65/RFDC requirement of 25%.

The Proponent has increased visitor parking spaces from 31 to 43, which remains deficient with Council's requirement of 74 spaces, however, the Proponent has provided an assessment justifying the variation for provision of 1 space per 7 dwellings which is considered satisfactory (refer **Section 5.3** below).

The PPR has provided more detail relating to the proposed drainage design and potential impact on trees, and states that the overland flow barrier wall will be able to accommodate major storm events and not adversely affect adjacent trees (refer **Section 5.4** below).

The Department is satisfied that the issues have been addressed and can be managed by conditions of approval as required.

5. ASSESSMENT

The Department considers the key environmental issues for the project to be:

- Bulk, Scale and Residential Amenity Impacts
- Deep Soil Landscaping
- Visitor Parking
- Drainage design and impacts on trees

5.1. Bulk, Scale and Residential Impacts

Interface with College Crescent properties

The proposed development has been designed having regard to the controls established in the recently gazetted Town Centres LEP 2010 which zones the site "R4 – High Density Residential". The adjacent land to the west and in part to the south is also zoned R4.

The original EA scheme for the development was generally compliant with the building height and density controls set out in LEP 2010, whereas the PPR seeks to vary the LEP height limit (by one storey) over part of Buildings B and D.

The key controls prescribe a maximum FSR of 1.3:1 (proposed 1.3:1) and building height of 17.5 metres/5 storeys (proposed 5/6 storeys).

While it is noted that the properties to the east of the site currently comprise single detached dwellings on large allotments, this land has been zoned "R3–Medium Density Residential" under LEP 2010, and the applicable development standards are an FSR of 0.8:1 and a height of 11.5 metres (3 storeys).

The residents in College Crescent adjoining the site have raised concerns regarding the height and scale of the proposal adjacent the eastern boundary of the site. The concerns raised were primarily in relation to bulk and dominance, visual privacy and solar access. Ku-ring-gai Council also raised the sensitivity of this boundary interface as a matter of concern.

Departmental officers inspected the College Crescent properties and met with a resident group during the exhibition of the EA. It was noted that the ground level of these properties is approximately one metre below the existing ground level of the subject site, thus potentially exacerbating the bulk and scale of the proposal. The irregular boundary also means some adjacent dwellings are more sensitive to height, bulk and scale impacts than others (refer **Figure 1**). The relatively unrelieved façade of east-facing apartments in Building E (and to a lesser extent Building C) present the potential for visual and acoustic privacy impacts on the College Crescent properties.

It is considered that in order to mitigate any adverse impacts on adjoining properties and to improve the interface, then the following two key issues need to be addressed:

- Reduced building height along the boundary; and
- Building separation and form.

Reduced Building Height

The Department raised these matters as a key issue in the PPR request and the Proponent has responded by making significant changes by reducing the height of the Buildings C and E adjacent the eastern (side) boundary by 1 storey and separating Building E into 2 smaller buildings known as E and F. The floorspace removed from Buildings C and E has been redistributed to Buildings B and D as an additional part 6th storey (refer **Figures 6 and 7** below). The redistributed floorspace has been located centrally on site, and has minimal amenity and streetscape impact (refer **Figures 8 and 9**).

In terms of visual privacy, the deletion of an entire level of apartments from the buildings along the eastern boundary will have a significant beneficial impact. A condition of approval requiring that east-facing balcony balustrades of the upper levels of the building be constructed of opaque material is also recommended in this regard.

In terms of the desired future character for this area, the changes will now result in a gradual stepping of built form to the east from the part 5/part 6 storeys of Buildings B and D, to the 4 storeys of Buildings C and F, and then to the 3 storeys allowable under the R3 zoning further to the east, and is considered an appropriate outcome in the context of LEP 2010.

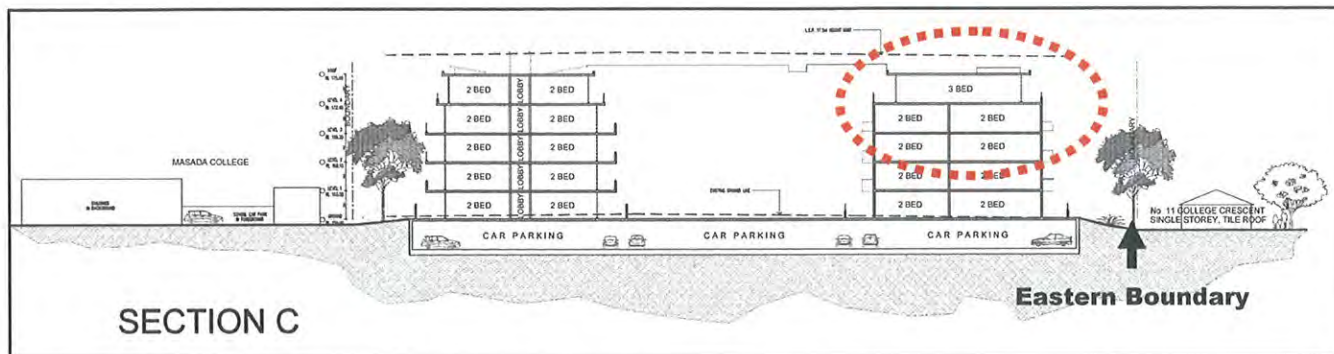


Figure 6: EA Cross-section showing relationship to adjacent properties (source: EA)

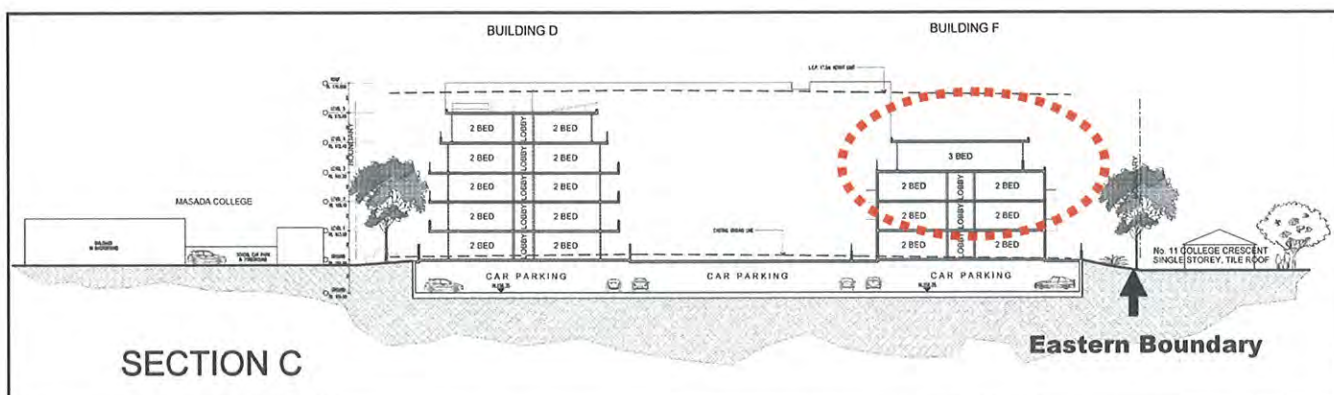


Figure 7: PPR Cross-section showing improved relationship with adjacent properties (source: PPR)

Building Separation

The separation between the revised Buildings E and F is not compliant with the Residential Flat Design Code (RFDC) which recommends 12 metres separation between habitable rooms and/or balconies in buildings up to four storeys in height. The PPR proposes separation distances of 5 metres to 6 metres between some habitable rooms in Buildings E and F, however, this outcome is considered acceptable as no windows are directly opposite each other, and no areas of private open space/balconies directly face each other between the 2 buildings.

It is noted that former Building E was separated and repositioned northward, in order to reduce the physical bulk of the buildings in response to the Department's concerns. It is also noted that the proposed development complies with the permissible FSR (density control) for the site. The division of Building E into two parts (in addition to the height reduction) will break up the visual bulk and scale in the vicinity of the eastern (side) boundary, reduce the visual and physical impact and improve solar access.

The separation between balconies/courtyards at the eastern end of Building D and habitable rooms (living rooms) at the northern end of Building F at ground level are 9.5 metres apart, and present a variation to the 12 metre separation requirement for a short section of Building F.

However, this variation is acceptable as the ground floor courtyards are generously proportioned and allow for screening, and the actual distance between habitable rooms exceeds 12 metres.

Redistribution of floor space to Buildings B and D

The PPR proposes the redistribution of floorspace removed from Buildings C and E to Buildings B and D in the form of an additional (6th) part floor level (refer **Figures 8 and 9**).

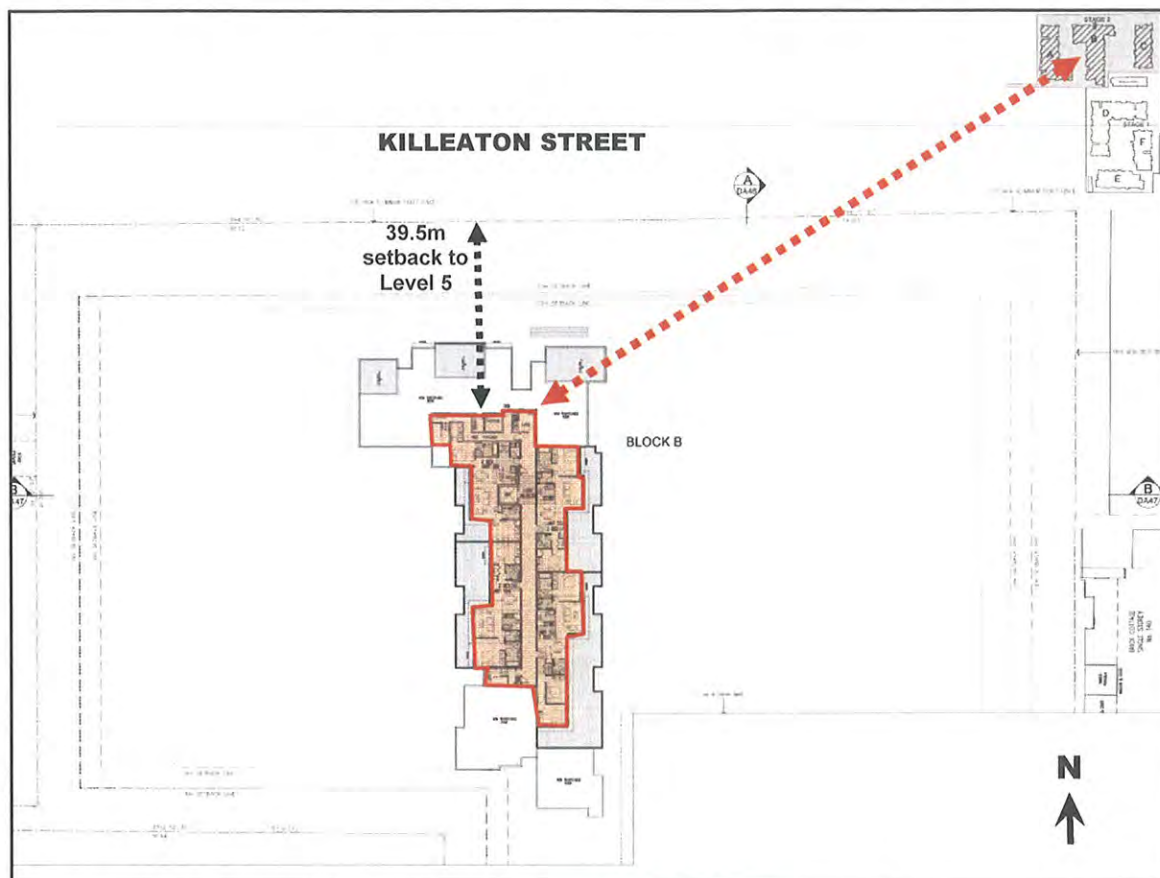


Figure 8: Building B/Level 5 plan detailing extent of non – complying part floor (source: PPR)

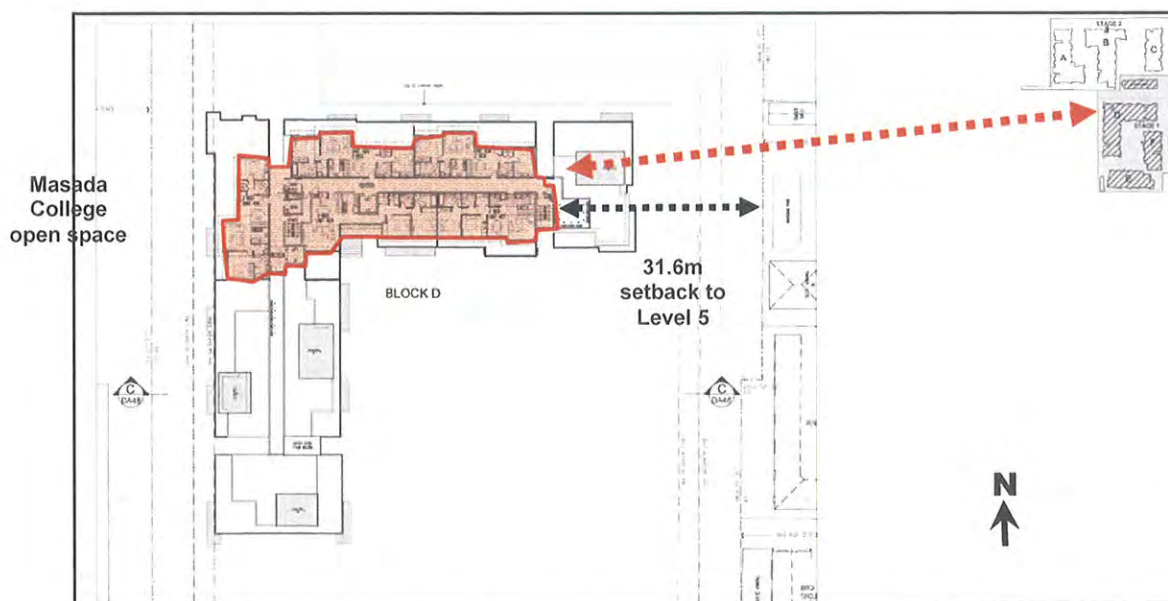


Figure 9: Building D/Level 5 plan detailing extent of non – complying part floor (source: PPR)

As detailed in the figures above, Buildings B and D will be part 5/part 6 storey in height; an increase in height from the exhibited EA. The proposed additional part storeys would be restricted to the central part of the site and set in from the side boundaries and setback from Killeaton Street (39.5 metres). The separation of the part 6th floor to the eastern (side) boundary is 31.6 metres.

The additional part levels are considered acceptable, notwithstanding the variation to compliance with the LEP 2010 height control of 5 storeys, particularly as the additional apartments are set well in from the main building façades below, and the nearest site boundaries, and would not be visually prominent from the public domain or neighbouring properties.

The redistribution of floor space and additional building bulk proposed in the PPR is considered acceptable and does not result in any SEPP 65 solar access or cross-ventilation non-compliances. The additional part level on Building D does not contribute to the minor separation non-compliances detailed above.

Internal Residential Amenity (SEPP 65)

The PPR included a detailed SEPP 65 report including a revised solar access assessment of the revised building envelopes which indicates that 62.4% of apartments will receive at least 3 hours solar access between 9:00am and 3:00pm at the winter solstice, and 82.9% will receive at least 2 hours solar access at this time. The SEPP 65 requirement for a high density residential context is 70%, and the proposal therefore complies.

The reconfiguration of building envelopes and layouts in the PPR results in 64.8% of apartments having cross-ventilation which meets the SEPP 65 requirement of 60%.

A detailed consideration of the SEPP 65/RFDC requirements is provided in **Appendix A**.

In summary, the amended proposal detailed in the PPR is considered acceptable for the site and local urban context, and is considered to have merit in terms of significantly reducing impacts on the residential properties to the east.

5.2. Deep Soil Landscaping

The PPR satisfies SEPP 65/RFDC requirements for open space (50%) and deep soil landscaping (25%), but does not satisfy Council's DCP requirement that 50% of the site be deep soil landscaping.

The PPR proposes 30.5% of the site area to be deep soil landscaping, predominantly around the perimeter of the site, with other areas located around the Monastery and in the central courtyard (refer Figure 3 above).

The perimeter of the site is considered to be an appropriate area for the majority of the deep soil landscaping as it provides an opportunity to plant significant trees as screening to adjacent sites. However, in requesting a PPR, the Department recommended that further deep soil be incorporated into the central areas of the site, particularly in the main central communal courtyard, in order to allow more significant trees to establish within the site. The Proponent responded to this request by providing an additional 176m² of deep soil area on site, including an area of 100m² in the rear central courtyard by reducing the volume of the basement.

The PPR has also reduced the width and extent of some footpaths in order to maximise permeable deep soil and opportunities for planting around the site perimeter.

5.3. Visitor Parking

The public and Council submissions raised concern regarding the shortfall in visitor carparking. The PPR has increased visitor parking spaces from 31 to 43 (at a rate of 1 space per 7 apartments), which remains deficient with Council's requirement of 74 spaces (a rate of 1 space per 4 apartments).

The public have stated that the parking provision is too low as nearby on-street parking is already at a premium due to usage by users of nearby schools and churches, as well as existing residents. Council argues that the development fails to comply with the recently adopted Town Centres DCP visitor parking rates and the rates recommended in the RTA "Guidelines for traffic-generating developments". These guidelines would require the provision of 60 visitor spaces, (at a rate of 1 space per 5 apartments).

The Proponent has provided a traffic study which analyses visitor parking demand at a number of high-density residential apartment developments in comparable locations (such as Artarmon, Bankstown, Chatswood, Miranda and Sutherland). The study found that peak-time (Sunday afternoon) demand for visitor spaces was, on average, 1 space per 11.92 apartments, although it was acknowledged that demand would increase in extraordinary occasions a few times during the year, such as Christmas.

The study concluded that the PPR provision of 1 space per 7 apartments was 'realistic' in this regard, and states that it would be unreasonable to require the construction and maintenance of further basement spaces to accommodate further visitor parking. The study noted that SEPP 65 encourages reduced visitor parking, and the PPR provision of 43 spaces is considered to have merit and is supported.

There is no evidence that St Ives experiences extraordinary visitor parking demand or carparking overspill into local streets that would warrant a higher rate of visitor parking.

The Department is satisfied that the proposed visitor parking provision is adequate to meet the anticipated demand and will not result in any adverse impact on local residential streets from congestion or overspill.

5.4. Drainage Design and Impact on Trees

The proposed method of managing stormwater on site and adjacent the eastern (side) boundary in particular, was raised as a significant concern by Council and property owners to the east.

Of particular concern was the capacity of existing drains and easements between the subject site and the properties to the east to manage stormwater flows. The proposed development intends to overcome this concern by constructing an overland flow barrier wall on the inside of the eastern (side) boundary to carry any stormwater flows from extreme events or if existing inter-allotment drainage lines are blocked directly overland to Council's system in Killeaton Street. The Proponent has indicated that this results in an improved situation to that existing and subject to the submission of further design and construction details, will have a minimal impact on adjacent properties. The Proponent has also provided a revised Arborist's assessment which recommended that some sections of the barrier be relocated to ensure the health of the trees, and the PPR has included these changes.

Appropriate conditions have been recommended to ensure that the design, location and construction of the overland flow barrier wall will not impact on the health of nearby trees, and that any fill required to direct stormwater flows similarly do not impact on trees.

The Department is satisfied that the Proponent's drainage design is satisfactory and a suitable solution for the site.

5.5. Other Matters

Section 94 Contributions

The *Ku-ring-gai (Town and Local Centres) Contributions Plan 2010* is the applicable contributions plan which came into force on 19 December 2010, superseding the previous 2008 Plan. The Council have provided a calculation for the proposal totalling **\$7,171,229.16 (\$24,065 per dwelling)**. This calculation was based on an amount per capita for the projected population of the proposal. The contribution provides for local parks, sporting, recreational and social facilities; local roads; and drainage facilities within the St Ives Town Centre area as defined by the Plan.

The Proponent has also provided a calculation, which is based on the dwelling types as outlined in the 2010 Plan. The total contribution is **\$6,906,109.43 (\$23,175 per dwelling)**. Although this calculation is also based on the 2010 Plan for the same contribution works (eg parks, roads etc) it yields a lesser figure with a difference of **\$265,119.73** than the contribution calculated by Council.

The Department has reviewed the Plan and confirmed that the calculation of **\$6,906,109.43** is in accordance with the Plan (Part A: Summary Schedule of Contribution Rates) and is appropriate in this instance.

Section 94E Direction

The Proponent has also made a submission that the 2008 Plan should be applied as it is the contributions plan prescribed in the current Section 94E Direction and therefore a total contribution of **\$3,665,201.00** is payable. It is noted that the calculation under the 2008 Plan is **\$12,299 per dwelling** and therefore below the cap of \$20,000 per dwelling.

On 16 September 2010, the Minister made a Section 94E Direction that identifies that land contained in Schedule 2 of the Direction is excluded from the \$20,000 cap. Specifically, Clause 8(a) of the Schedule states that land identified within the *Ku-ring-gai Town Centres Development Contributions Plan 2008* is excluded from the cap.

The calculation under the 2010 Plan results in a contribution per unit of **\$23,175 per dwelling**, which exceeds the \$20,000 per dwelling cap. It is the Department's intention that the 94E Direction be amended to refer to the current 2010 Contributions Plan.

However, notwithstanding the current wording of the Direction, it clearly relates to the land specified by the Town Centres LEP in terms of the exclusion from the cap. As the site is located within the Town Centre area under the LEP, it is excluded from the cap and the full contribution above the cap is payable.

Sydney Turpentine Ironbark Forest (STIF)

The site contains a stand of trees located centrally on the Killeaton Street frontage which is identified in the LEP 2010 as contributing to the remnant Sydney Turpentine Ironbark Forest (STIF). The proposal seeks to remove 7 of the trees which contribute to this cluster, but this loss has been offset by the planting of 46 locally-occurring STIF canopy trees.

The PPR includes a revised landscaping design which includes increased deep soil planting (discussed below), reduced 'hard' landscaping and a greater amount of native planting.

Council's Ecologist was satisfied that the proposed landscaping design was appropriate and that impacts on the existing STIF community are acceptable, subject to the imposition of conditions relating to species selection of new planting. As noted above, the Council have provided the Department with draft landscaping conditions.

6. RECOMMENDATION

The Department has assessed the Environmental Assessment Report and Preferred Project Report and considered the submissions in response to the proposal. The key issues raised in submissions relate to building bulk and scale, impacts on neighbouring properties, traffic and parking issues and site landscaping.

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed via the Environmental Assessment Report, Statement of Commitments, Preferred Project Report and the recommended conditions, and can be suitably mitigated or managed to ensure a satisfactory level of environmental performance and residential amenity.

The proposal is largely consistent with recently gazetted zoning and planning controls for the St Ives Town Centre, and where minor variations are proposed (in this case, relating to the height of Buildings B and D), these variations have no adverse impacts and are the result of a design outcome which significantly reduces height, bulk and scale, and amenity impacts on residential properties to the east of the site.

In addition, deep soil landscaping and visitor parking has been increased in the Preferred Project Report in direct response to the issues raised during exhibition and by the Department.

The Department considers that the proposal is in the public interest as it would provide increased housing opportunities and diversity in close proximity to public transport and other services, public domain improvements and employment opportunities. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region.

It is recommended that the Planning Assessment Commission:

- (a) **consider** the findings and recommendations of this Report;
- (b) **approve the Project Application** under Section 75J *Environmental Planning and Assessment Act, 1979* and sign the Determination (**Tag B**).



Michael Woodland
Director
Metropolitan & Regional Projects South


3/3/11

Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

APPENDIX A STATUTORY ASSESSMENT

Environmental Planning & Assessment Act and Regulations

Section 75I(2) of the Act/ Clause 8B of Regulations

Section 75I(2) of the Environmental Planning and Assessment Act 1979 and clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director General's Report is to address a number of requirements. These matters and the Department's response are set out below:

Section 75I(2) criteria	Response
Copy of Proponent's Environmental Assessment and any Preferred Project Report	The Proponent's EA and PPR are located at Appendices C and E to this report.
Any advice provided by public authorities on the project	Advice provided by public authorities on the project is included in Section 4 and Appendix D of this report.
Copy of any report of a panel constituted under Section 75G in respect of the project	No statutory panel was required or convened in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially governs the carrying out of the project;	Each SEPP that substantially governs the carrying out of the project is identified below, including an assessment of proposal against the relevant provisions of the SEPP.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development against relevant Environmental Planning Instruments is provided below.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate	The Director General's assessment of the Project Application is this report in its entirety.
A statement relating to compliance with the Director General's Environmental Assessment Requirements under this Division with respect to the project.	It is considered that the proposal adequately complies with the DGRs and the Statement of Compliance appears in Section 3.6 of this report.
Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the key environmental impacts of the proposal is discussed in Section 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in Sections 5 and 6 of this report.
The suitability of the site for the project	The site is a large, relatively unconstrained and underutilised piece of land which forms part of an identified and established Town Centre, has good access to transport, and is considered to be well suited to the proposed residential buildings.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in Section 4 of this report, with a copy of the submissions located at Appendix D. The Proponent's response to submissions appears in Appendix E .

State Environmental Planning Policy (Major Development) 2005

The proposal is a major project under Part 3A of the EP&A Act because it is development for the purpose of residential, commercial and retail development under clause 13 of Schedule 1 of

State Environmental Planning Policy (Major Development) 2005, with a CIV over \$100 million. Therefore the Minister for Planning is the approval authority.

State Environmental Planning Policy (Infrastructure) (ISEPP)

The proposal includes parking for more than 200 motor vehicles and is therefore a traffic - generating development. Clause 104 of the above mentioned ISEPP requires the Department refer the subject application to the RTA as part of the consultation process. Refer to **Section 4.2** of this report for RTA's comments and the Departments response. The Department will also notify the RTA of its determination of the subject proposal

State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings (SEPP 65) and Residential Flat Design Code (RFDC)

SEPP 65 seeks to improve the design quality of residential flat development through the application of 10 design quality principles. The EA includes a Design Verification Statement from the Proponent's architect which confirms the development has been designed having regard to these principles.

An assessment of the PPR against these principles is provided below.

For precincts undergoing transition, SEPP 65 requires a sound contextual response to the desired future character as set out in planning policies (in this case, the Ku-ring-gai Town Centres LEP and DCP).

Design Quality Principles	Department's Assessment
Principle 1: Context	The proposal involves a 6 x 5 storey residential apartment buildings, with 2 being part 6 storeys. Although the proposed development will be taller and more dense than the existing surrounding buildings, it is consistent with the desired future character for the St Ives Town Centre as recently zoned by LEP 2010, and it is noted that adjacent properties have also been rezoned for higher density to facilitate Council's vision for the area. The development provides an acceptable response to the natural context of the site and surrounding area by maintaining existing significant trees and providing increased native planting on the site.
Principle 2: Scale	As discussed in relation to the context principle above, the proposed development is consistent with the desired future character for the St Ives centre in terms of scale. It is also noted that the scale of the proposed buildings on the eastern (side) boundary of the site have been reduced in height, bulk and scale to provide a more appropriate interface with smaller-scale development adjacent, and provide a better transition between the subject site and the scale of potential future redevelopment to the east.
Principle 3: Built Form	The proposed built form is consistent with the recently adopted local planning provisions for the St Ives Town Centre except where 2 areas of part 6 storeys occur for Buildings B and D. The proposed buildings serve to create an appropriate and consistent street alignment whilst maintaining significant vegetation. The siting of the proposed buildings generally allows for adequate separation and views and vistas to the retained monastery building to be maintained. As detailed above, the proposed built form has been modified by the applicant to reduce impacts on neighbouring properties.

	The proposed 'stepping of building height down to the eastern (side) boundary provides an effective transition between the proposed development and the existing and future character of the surrounding area.
Principle 4: Density	For precincts undergoing transition, SEPP 65 requires that density be consistent with stated desired future densities. The site has recently been rezoned (under the 2010 Town Centres LEP) for "high density residential" development, with a permissible FSR of 1.3:1. The proposal is consistent and compliant with these controls. The site is large and underutilised, and has good access to local shops, facilities, and public transport. The site is capable of sustaining the proposed 298 apartments without significant environmental impact and with acceptable levels of amenity for future occupants and neighbours.
Principle 5: Resource, Energy and Water Efficiency	The proposed development incorporates BASIX requirements and other sustainability measures into its design, including: • apartments designed to maximise solar access and cross-ventilation, but allowing for passive 'climate control' by way of external louvers where appropriate; • roof water harvesting for grey water use and on-site detention; • the retention of significant trees and deep soil zones designed to accommodate further large tree planting, including additional deep soil added in the PPR.
Principle 6: Landscape	The application seeks to remove 7 STIF trees within a protected vegetation cluster, but this loss has been offset by the planting of 46 locally-occurring STIF canopy trees. The proposal retains a densely vegetated streetscape in keeping with the character of the surrounding area. Council's ecologist was satisfied that the proposed scheme of landscaping is appropriate and that impacts on the existing STIF community are acceptable. The PPR proposes 30.5% of the site area to be deep soil landscaping, around the perimeter of the site and within internal communal courtyard spaces. The perimeter of the site is considered to be an appropriate area for the majority of the deep soil landscaping as it provides an opportunity to plant significant trees as screening to adjacent sites. The application seeks to retain the row of trees adjacent to the eastern boundary as a visual and physical buffer for the properties to the east. Further screen planting to other boundaries of the site are also proposed. A significant hard and soft landscaped areas are provided as communal courtyards, and the Proponent has increased deep soil landscaping to the southern courtyard area by reducing the volume of the basement car park.
Principle 7: Amenity	The proposal satisfactorily addresses the provisions of the Residential Flat Design Code in terms of residential amenity, including solar access and cross-ventilation, and visual and acoustic privacy for the future occupants of the site as detailed below. The PPR has made significant revisions to the originally proposed scheme to reduce impacts on the amenity of adjoining properties in relation to solar access, views, privacy and noise.
Principle 8: Safety and Security	The Proponent has considered Crime Prevention Through Environmental Design (CPTED) Principles in the design of the project. The proposal provides increased activation and passive surveillance of the street private open space areas on the site.

	Residential entry and lobby areas are to be card-key secured and well lit. The provision of a new pedestrian link and new footpath to Mona Vale Road (set out in the Proponent's Statement of Commitments) will make a positive contribution accessibility and pedestrian safety in the locality.
Principle 9: Social Dimensions and Housing Affordability	The proposal provides a mix of apartment types which would encourage diversity in the future occupation of the development in terms of social mix. Affordable housing is not proposed as part of this development however the provision of studio, 1 bedroom, varied 2 bedroom and 3 bedroom apartments will provide more affordable housing options. 30 of the 298 apartments are adaptable dwellings allowing for 'housing for life' and flexibility of occupancy.
Principle 10: Aesthetics	The proposed scheme includes a contemporary mix of materials and colours, similar to other recent developments in the area. The façade of the building is well - articulated to provide a varied pattern of solid and void and create visual interest. The form and skyline of the Killeaton Street elevation presents a well resolved design and interest. There are no areas of expansive blank walling visible in the public domain.

Residential Flat Design Code (RFDC)

The Residential Flat Design Code (RFDC) is closely linked to the principles of SEPP 65. The Code sets out a number of "rules of thumb" which detail prescriptive standards for residential flat development being considered in accordance with SEPP 65 that would ensure the development complies with the intent of the Code.

A detailed assessment has been undertaken of the project. The proposed development is largely consistent with the rules of thumb set out in the RFDC, with relatively minor, but acceptable, variations as discussed below:

• **Building Height**

The Code provides guidelines for determining an appropriate building height: to ensure the development responds to the desired scale and character of the street and local area and to allow reasonable daylight access to all developments and the public domain. The Code recommends height controls be tested against existing FSR controls. Heights should also be tested against the number of storeys and minimum ceiling heights required for the desired building use.

Building height has been discussed in **Section 5.1** above. The PPR-revised height of the proposed buildings is considered acceptable due to the improved interface with neighbouring, lower-density properties and acceptable levels of internal solar access.

Proposed floor-to-ceiling heights comply with the recommendations of the RFDC.

• **Building Separation**

The Code provides the following building separation requirements in order to maximise visual privacy between residential flat buildings and adjoining residences:

Buildings up to 4 storeys

- 12 metres is required between habitable rooms and balconies,
- 9 metres between habitable rooms/balconies and non-habitable rooms and
- 6 metres between non-habitable rooms.

Buildings between 5 to 8 storeys

- 18 metres is required between habitable rooms and balconies,

- 13 metres between habitable rooms/balconies and non-habitable rooms and
- 9 metres between non-habitable rooms.

The proposed buildings achieve compliant separation with adjacent residential development.

However, internally, the separation between Buildings D and E, and Buildings D and F fail to achieve the Code's recommended separation. Specifically, non-compliant setbacks include:

- **E & F:** 5 metres between the bedrooms at the north-eastern corner of Building E and the bedrooms at the south-western corner of Building F, at **ground level**;
- **E & F:** 6 metres between the bedrooms at the north-eastern corner of Building E and the bedrooms at the south-western corner of Building F, at **levels Ground - 4**; and
- **D & F:** 9.5 metres between balconies/ courtyards at the eastern end of Building D and habitable rooms (living rooms) at the northern end of Building F at **ground level**.

The separation between ground levels of Building D and F is considered acceptable as the ground floor courtyards are generously proportioned and allow for screening, and the actual distance between habitable rooms exceeds 12 metres.

The separation between Buildings E and F is considered acceptable as no windows are directly opposed and no areas of private open space directly face each other between the two buildings.

It is noted that Building F was split off from Building E and repositioned northward, as part of the PPR redesign to reduce bulk, scale and height, in response to the Department's concerns and those raised by neighbours. It is also noted that the proposed development complies with the permissible FSR (density control) for the site.

On balance, the merits of the proposed design in terms of reducing impacts on neighbouring properties and breaking up the bulk of the Building E as originally proposed in the EA are considered to outweigh the need to separate the two buildings to satisfy the RFDC.

• **Floor Space Ratio (FSR)**

The Code aims to ensure development is in keeping with the optimum capacity for the site and the local area. The proposed floor space ratio of the development is 1.3:1, which complies with the permissible FSR for the site under the recently adopted Ku-ring-gai LEP (Town Centres) 2010. The floor space ratio controls for the site have been increased within the Town Centres LEP to encourage higher densities of residential development on appropriate sites within the St Ives centre. In this regard it is considered that the floor area/density of the proposal is consistent with the desired future character of the locality.

• **Deep Soil Zones and Planting on Structures**

The Code requires that 25% of the open space area of the overall site should be a deep soil zone.

The proposal provides 30.5% of the site area as deep soil planting area. It is also noted that deep soil planting area has been increased in the PPR, with an additional 176m² provided.

The Code sets minimum standards for planting on structures, including minimum soil depths, volumes and areas. The proposed landscaped areas on top of the basement car park generally comply with the minimum requirements.

• **Open Space (Communal and Private)**

The Code recommends 25-30% of the site area is provided as communal open space for the development.

The proposal involves the creation of a substantial amount of communal open space 30% of the site area and the provision of 3371m² of accessible open space on the site in addition to the facilities being provided in the Monastery building is acceptable.

- **Orientation/ Solar Access**

The Code encourages proposals to optimise solar access both within the development and to adjacent development, contribute to the desired streetscape character, support landscaping and open space, protect amenity and improve the energy efficiency of buildings.

The Code recommends that living rooms and private open space areas for at least 70% of apartments in a development receive a minimum of 3 hours direct sunlight between 9:00am and 3:00pm in midwinter. The Code also allows this to be reduced to a minimum of 2 hours in 'dense urban areas'.

The subject site has been recently rezoned to "*R4 – High Density Residential*" with an allowable FSR of 1.3 : 1, and is considered to be a dense urban context.

The Proponent has submitted plans and a detailed solar access report with the PPR which demonstrate that the revised proposal allows for at least 2 hours midwinter solar access for **82.9%** of the residential apartments, and at least 3 hours solar access for **62.4%** of apartments.

In light of the Town Centres LEP controls which envisage a high-density character for the site and a medium to high density for surrounding sites, the proposed internal solar access provision is considered acceptable.

The proposed development will maintain at least 3 hours of solar access on the winter solstice to the adjacent residential properties. Solar access to the College Crescent properties (to the east) will be improved by the PPR amendments (reduced height and building separation).

The Code also recommends that the number of single aspect units with a southerly aspect (SW-SE) should be limited to no more than 10% of the total units proposed. The revised proposal includes approximately **14%**.

Solar Access issues are addressed in **Section 5.1** of this report.

- **Parking**

The RFDC recommends that appropriate parking levels should be determined in relation to the development's proximity to public transport, shopping and recreational facilities, the density of development and the local area and the sites ability to accommodate car parking. Visitor parking should be limited and preference should be given to underground parking.

Given the site's accessibility to public transport, the proposed level of on-site car parking is considered appropriate. Parking provisions are discussed in detail in **Section 5.3** of this report.

- **Pedestrian Access**

The Code requires at least 20% of apartments have barrier free access. All above-ground apartments are accessible by lift through the residential lobbies and basement car parking areas. Communal open space is accessible via a level travel path at ground floor.

Corridors and circulation spaces comply with Australian Standards and the Disability Discrimination Act, allowing a wheelchair to pass or turn.

- **Apartment Layout**

The Code recommends single - aspect apartments be limited in depth to 8 metres from a window and that a kitchen should be no more than 8 metres from a window.

Apartments have depths of generally 6.4 to 10.6 metres (approx), and where apartments are greater than 8 metres in depth, the area of non-compliance typically contains 'back of house' (bathroom/ laundry areas).

All living areas and bedrooms adjoin windows and balconies which receive adequate light and ventilation. It is considered that the non-compliance is minor and units will be provided with an acceptable level of residential amenity through the provision of full height glazing.

- **Apartment Mix**

The Code advises that a mix of apartment types provides housing choice and supports equitable housing access. The proposal includes a range of apartment types (1 bedroom, 2 bedroom and 3 bedroom apartments). The Department does not raise concerns with the mix of apartments on the basis that the mix will offer apartments to a variety of potential occupants, in line with the desired future character of the area. It is noted that a variety of sizes and configurations of 2-bedroom apartments is proposed and that 10% of the proposed apartments will be adaptable as discussed below.

- **Flexibility**

The Code encourages housing designs which meet the broadest range of occupants needs possible and encourage adaptive re-use by providing apartment layouts which accommodate the changing use of rooms and promote accessibility and adaptability.

The apartment layouts have been designed to be flexible. 10% of apartments are designed as adaptable dwellings, capable of being converted to an accessible apartment.

- **Internal Circulation**

The Code recommends that the number of units accessed from a single core should be limited to 8. The EA as submitted did not comply with this requirement, with up to 18 apartments accessed from a single lift core.

The PPR incorporates additional lift cores into each building and the division of Building E into two smaller buildings, and the proposed development now complies with the Code in this regard.

- **Natural Ventilation**

The Code recommends building layouts support natural ventilation typically ranging from 10-18 metres in depth and recommends that 60% of units should be naturally cross ventilated and 25% of kitchens (75 kitchens) should have access to natural ventilation.

The PPR complies with this requirement - natural cross-ventilation is provided to 193 of the proposed 298 apartments - **64.8%** of the total, and kitchens

Conclusion

Overall, the proposed development is generally consistent with the objectives of the Code and recommended 'Rules of Thumb'. It is considered that the proposal will provide a high level of residential amenity within apartments and quality environment with the residents provided with communal areas and public open space for their enjoyment.

State Environmental Planning Policy (BASIX)

The application is accompanied by a BASIX Certificate as required by the BASIX SEPP (Certificate # 94811747 - Issued: 08/02/11)

State Environmental Planning Policy 55 – Contaminated Land

A Preliminary Environmental Site Assessment was undertaken by Environmental Investigation Services in respect of the proposed development. The report concludes that the risk of significant, widespread soil contamination at the site is 'relatively low', and advises that the site is capable of being made suitable for the proposed use, subject to:

- A 'Stage 2' site assessment being undertaken;
- Additional investigation of arsenic found in some soil samples;
- Preparation of an appropriate remedial action plan ('RAP'); and
- A validation assessment to confirm that contaminated soil has been removed.

Based on these recommendations, it is considered that the site can be made suitable for the proposed development, subject to appropriate conditions of consent being imposed.

Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Ku-ring-gai Development Control Plan (Town Centres) 2010

The provisions of *Ku-ring-gai Local Environmental Plan (Town Centres) 2010* apply to the site. The LEP contains controls for various identified centres within the Ku-ring-gai local government area, including a set of provisions which are specific to St. Ives and encourage higher densities of residential development in appropriate locations within the centre.

The *Ku-ring-gai Development Control Plan (Town Centres) 2010* accompanies the LEP and contains detailed controls for residential flat buildings, parking, biodiversity and water management, as well as general development controls.

Compliance of the proposal with these local controls is outlined below.

	Permissible	Proposed	Compliance
Ku-ring-gai Local Environmental Plan (Town Centres) 2001			
Permissibility: R4 'High Density Residential' zone	Residential Flat Buildings	6 x Residential Flat Buildings + ancillary reuse of monastery	Yes
Building height	Must not exceed 17.5 metres	Up to 19.9 metres (Buildings B & D only)	Yes/No
Floor Space Ratio	Maximum 1.3:1	1.3:1	Yes
Minimum lot size	At least 1200m ²	22,970m ²	Yes
Minimum street frontage	At least 30 metres	145 metres	Yes
Biodiversity	Development on identified sites must protect, maintain, or improve biodiversity	Subject site identified as sensitive (STIF)	Yes, based on Council's advice
Ku-ring-gai Development Control Plan (Town Centres) 2010 – Residential Flat Building controls (Part 3C)			
Building Facades	No building elevation to exceed 36m in length	Between 20 and 64m (reduced in PPR)	No

Building separation	12m between habitable rooms/ balconies, otherwise 9m to 4 th storey 18m between habitable rooms/ balconies; 13m to non-habitable room; otherwise 9m above 5 th storey	5-6m (ground to 4 th floor, Buildings E-F) and 9.5m (ground floor, Buildings D-F)	No (between Buildings E-F and D-F) Others comply.
Building setbacks	10m from street boundary 2m 'articulation zone', 40% unbuilt-upon 6m from side/ rear up to 4 th storey, 9m above	15m street setbacks 5m zone, <40% built 6m to side/rear G-4, 9m above	Yes Yes Yes
Site coverage	Must not exceed 35%	Approximately 32%	Yes
Deep soil landscaping	Minimum 50% of site	30.5%	No
Maximum storeys	5	4 (Buildings C and F) 5 (Buildings A & E) 5/6 (Buildings B & D)	Yes Yes Yes/No
Top storeys	GFA no more than 60% of floor below, floorplate set-in from all sides of building	All buildings designed to comply with this requirement	Yes
Private open space	Minimum 25m ² for ground floor apartments; Minimum 10m ² for 1 bedroom apartments; Minimum 12m ² for 2 bedroom apartments; Minimum 15m ² for 3 or more bedroom apartments	25m ² provided for ground floor Balconies vary from 8m ² minimum to >30m ² for penthouse-level terraces	Yes No
Communal open space	At least 10% of site area; One area of at least 80m ²	~2550 m ² (11% of site area) plus internal facilities in monastery 2x ~700m ² courtyards	Yes Yes
Natural ventilation	Minimum 60% apartments cross-ventilated	64.8% cross-ventilated	Yes
Solar access	At least 70% of apartments receive 3 hours sun or better to living rooms/ open space between 9am-3pm on winter solstice; At least 50% of communal open space to receive 3 hours sun or better between 9am-3pm on winter solstice; Max 10% of apartments with single aspect facing south or south-west At least 3 hours of sun retained for open space of adjoining residential properties between 9am-3pm on winter solstice	62.4% receive 3 hours solar access on the winter solstice Information not provided, but unlikely based on shadow diagrams Approx. 14% Morning sun to east and afternoon sun to west achieves compliance	No (complies with RDFC) No No (complies with RFDC) Yes
Internal common circulation	Corridors to service maximum 8 apartments	Amended in PPR to comply	Yes

Car parking provision	Minimum 286 resident spaces, maximum 388	331 resident spaces	Yes
	At least 74 visitor spaces (at 1 space per 4 apartments)	43 visitor spaces (1 per 7 apartments)	No
Bicycle parking	1 bicycle space per 5 apartments for residents and 1 bicycle space per 10 apartments for visitors	Numerically compliant (60 resident + 30 visitor spaces provided), but allocation requires redesign	Yes
Adaptable housing	At least 30 (1 in every ten) apartments to be adaptable	30 adaptable apartments proposed – 6 each for Buildings A, B, C, D and F	Yes
Basement level	Not to project more than 1 metre above ground level Maintains	PPR amended to project no more than 1 metre above ground	Yes