



MODIFICATION REQUEST:

Lot 2 DP 748682

132-138 Killeaton Street, St Ives

**MP 10_0057 MOD 1 – Modification to
Construction Ingress and Egress**

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

September 2011

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1. BACKGROUND

1.1 The Site

The site is located at Lot 2 DP 748682, 132-138 Killeaton Street, St Ives, situated on the southern side of Killeaton Street between Mona Vale and Yarrabung Roads in the Ku-ring-gai Local Government Area.

The site is L-shaped and has an area of 2.297 hectares that 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 Ku-ring-gai 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: Site Locality

1.2 Previous Approvals

On 2 May 2011, the Planning Assessment Commission approved a Project Application (MP 10_0057) for the construction of a residential development including demolition and excavation; construction of 6 residential buildings of 4-6 storeys in height comprising 298 apartments; adaptive – reuse of the monastery building for communal facilities including pool and gymnasium; basement parking; and landscaping works.

This approval was subject to a number of conditions including Conditions B5 and D1:

B5 Construction Traffic & Pedestrian Management Plan

The Proponent must submit to Council a Construction Traffic Management Plan (CTMP) and Council must approve the Plan prior to the commencement of any works on site.

The plan is to consist of a report with Traffic Control Plans attached.

The report is to contain commitments which must be followed by the demolition and excavation contractor, builder, owner and subcontractors. The CTMP applies to all persons associated with demolition, excavation and construction of the development.

*The report is to contain construction vehicle routes for approach and departure to and from all directions. **No vehicles larger than a small rigid truck are to travel in Killeaton Street east of the site entrance and exit.***

The report is to contain a site plan showing entry and exit points. Swept paths are to be shown on the site plan showing access and egress for an 11 metre long heavy rigid vehicle.

The Traffic Control Plans are to be prepared by a qualified person (red card holder). One must be provided for each of the following stages of the works:

- demolition;*
- excavation;*
- concrete pour;*
- construction of vehicular crossing and new footpath; and*
- traffic control for vehicles reversing into or out of the site.*

Traffic controllers must be in place at the site entry and exit points to control heavy vehicle movements in order to maintain the safety of pedestrians and other road users.

When a satisfactory CTMP is received, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved CTMP as well as any conditions in the letter issued by Council. Council's Rangers will be patrolling the site regularly and fines will be issued for any non-compliance with this condition.

D1 Construction Entrance and Exit

To preserve Tree's 79 – 109, being the row of Brushbox trees along the eastern side boundary, (as detailed on the plans contained in Appendices F and G of the Aboricultural Assessment Report prepared by Tree and Landscape Consultants dated 8 July 2010), the existing driveway entrance located at the north - eastern end of the site shall be blocked off and not used during the construction period.

An alternate construction entrance/exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

2. PROPOSED MODIFICATION

As originally submitted, the application sought to amend conditions B5 and D1 to allow for:

- an amendment to the Construction Traffic Management Plan (CTMP) to delete the requirement that no vehicles larger than a small rigid truck are to travel in Killeaton Street east of the site entrance and exit (amend Condition B5); and
- the use of an existing driveway along the eastern boundary during construction (amend Condition D1).

On 23 September 2011, in response to Council's concerns, the Proponent amended the application by:

- withdrawing the proposed modification of Condition B5; and
- agreeing to Council's recommended wording of Condition D1 which allowed for limited construction access along the eastern boundary.

Further details of the proposed modifications are provided in **Appendix A** and comments received from Council and the Proponent to the wording of Condition D1 are provided in **Appendix B**.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Under Section 75W (2) of the EP&A Act, the Minister's approval for a modification is not required if the project, as modified, will be consistent with the existing approval under this Part. In this instance, it was concluded that the proposed modification required a formal application to modify the approval.

3.2 Environmental Assessment Requirements

Section 75W (3) of the EP&A Act provides that the Director-General may notify the Proponent of environmental assessment requirements (DGRs) with respect to the proposed modification that the Proponent must comply with before the matter will be considered by the Minister.

In this instance, following an assessment of the modification request, it was not considered necessary to notify the Proponent of environmental assessment requirements pursuant to Section 75W (3) with respect to the proposed modification, as sufficient information was provided to the Department to consider the application.

3.3 Delegated Authority

The Minister for Planning and Infrastructure is the approval authority for the proposal. However, the Director General may determine the application on the Minister's behalf under delegation

4. CONSULTATION AND SUBMISSIONS

In accordance with Section 75X (2) (f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The modification request was made available on the Department's website and referred to Ku-ring-gai Council for comment. Due to the nature of the proposed modification, the modification request was not exhibited by any other means. No public submissions were received on the modification request.

Ku-ring-gai Council provided an original submission providing the following comment:

- further clarification to be provided in relation to the proposed CTMP submitted in support of the proposed modification to Condition B5; and

- does not support the proposed amendment to Condition D1 to permit the use of the existing entrance and driveway during construction due to unacceptable impacts on trees along the edge of the driveway that are to be preserved.

On 1 September 2011, the Proponent submitted additional information to address Council's comments, including the submission of a revised CTMP. Following a review of this information, Council raised concerns with the revised CTMP, however supported the modification to use the existing entrance driveway along the eastern boundary, subject to the condition being amended to limit the use of the driveway with the following requirements:

- the driveway is only to be used for construction of the buildings at the rear of the Monastery;
- following completion of the basement car park in the front section of the site, the proposed temporary driveway shall be reinstated for all vehicle movements on and off the site;
- following the reinstatement of the temporary driveway access, the use of the existing driveway shall cease for the remainder of the construction works;
- heavy excavator vehicles are not permitted to access the site via the existing driveway at any time during the construction works;
- the protection measures stated by the arborist in the report dated 26/08/11 shall be undertaken and left intact for the duration of the construction works; and
- the arborist shall carry out weekly inspections of the driveway to ensure the tree and root protection measures are intact and functioning well.

The Proponent has reviewed Council's submission and has:

- withdrawn the proposed modification to Condition B5; and
- agreed to Council's recommended wording of Condition D1 (noting that construction has already commenced).

5. ASSESSMENT

The Department considers the key issue for the proposed modification to be the use of the existing driveway entrance and the impact that construction traffic will have on the existing trees located along the eastern side boundary.

The Proponent proposes to amend Condition D1 in order to utilise the existing entrance driveway off Killeaton Street along the eastern boundary. Following a review of amended documentation submitted in support of the proposal, Council supports the modification to Condition D1, subject to limited usage of the driveway and appropriate tree protection measures.

The Proponent has agreed to Council's suggested amendments to Condition D1, however notes that it cannot comply with Council's recommended timeframe to submit the CTMP prior to the commencement of construction, as it has already commenced works on the site.

The Department recommends that the condition be amended as proposed by Council, with the requirement that the CTMP being prepared and forwarded to Council within 7 days of the date of determination as the Proponent has already commenced works on the site.

6. CONCLUSION AND RECOMMENDATIONS

The proposed modifications are considered to be minor and relate only to the construction process for the project. The modification achieves the same objectives as assessed in the original approved project and does not alter the overall nature, need or justification of the approved project.

It is therefore recommended that the modifications be approved subject to the amended conditions.

It is recommended that the A / Director General:

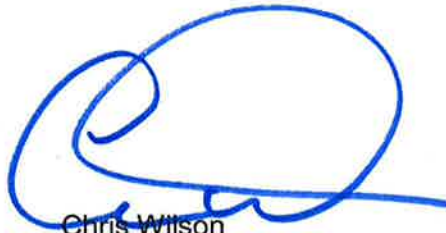
- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modification request under delegated authority, subject to conditions; and
- (c) **sign** the attached Instrument of Modification for MP 10_0057 MOD 1.

Endorsed by



28/9/2011

Michael Woodland
Director
Metropolitan & Regional Projects South



S. 10.11

Chris Wilson
Executive Director
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06/10/11

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Deputy Director-General
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