

SECTION 75W APPLICATION

MP 10_0057

132-138 KILLEATON STREET, ST IVES

**CHANGES TO INTERNAL LAYOUT OF
MONASTERY BUILDING**

NOVEMBER 2011

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1.0 INTRODUCTION

This Statement of Environmental Effects accompanies a Section 75W application by Meriton Apartments Pty Ltd to amend Major Project Approval MP 10_0057.

It is proposed to change internal layout of Monastery building to provide for communal recreational facilities on the ground floor level and 4 x 2-bedroom apartments on the first floor level.

This application provides an assessment of the proposed changes against the relevant issues and has been undertaken as part of the design process.

2.0 SITE AND SURROUNDINGS

2.1 SITE DESCRIPTION

The subject site, being 132-138 Killeaton Street, St Ives, is situated on the southern side of Killeaton Street between Mona Vale Road and Yarrabung Road. The general location of the site is shown in **Figure 1** and the extent of the site is shown in the aerial photograph at **Figure 2**.

The site's legal description is Lot 2, DP 748682. It has a 145.5 metre frontage to Killeaton Street; a 77.0 metre rear boundary; a 209.9 metre eastern boundary; and two western boundaries of 80.2 and 121.9 metres. The total site area is 22,970 sqm. The site is essentially flat.

Currently on the site is a former monastery building and a stables building. These buildings do not have any statutory heritage significance. The site also contains a number of trees.

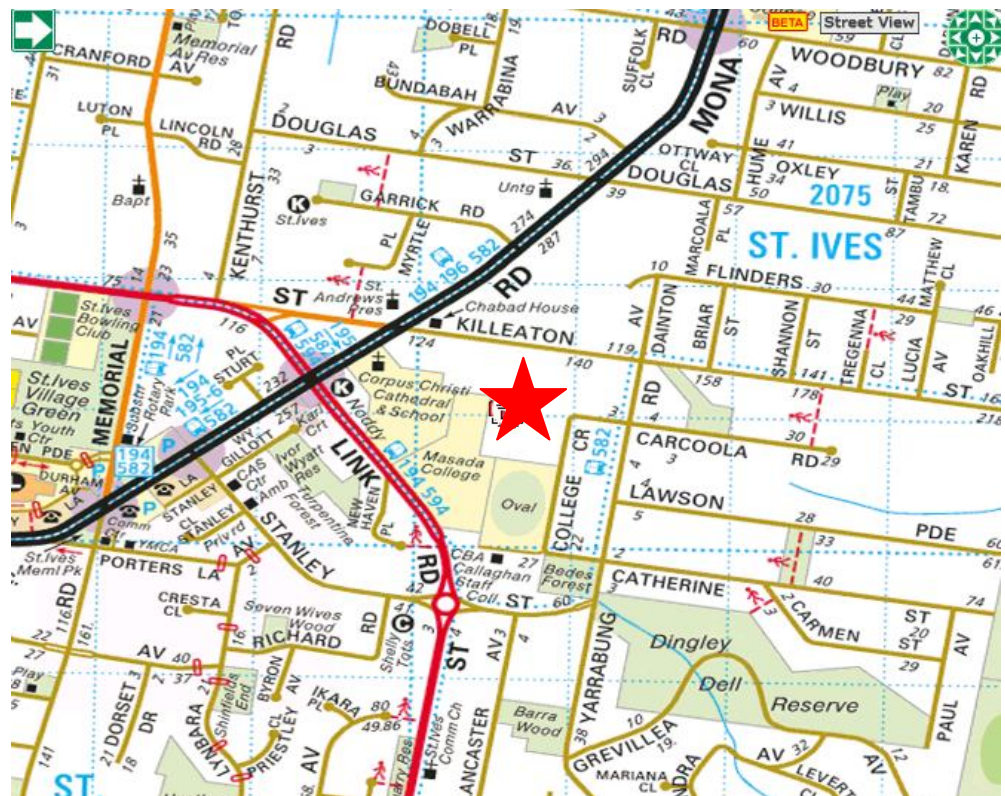


Figure 1: Location of subject site (shown marked with star)



Figure 2: Aerial view of site showing approximate boundary location

2.2 SURROUNDING DEVELOPMENT

The area surrounding the site is mixed with dwelling houses and educational facilities. The surrounding development can be seen in **Figure 2**.

Adjoining the south and part of the west of the site is Masada College. The College oval is located to the south and the College buildings are located to the west. Also adjoining to the west of the subject site is a detached dwelling house.

To the east of the subject site are properties occupied with detached dwelling houses. Those properties front onto either Killeaton Street or College Crescent.

Although much of the surrounding land is occupied by detached dwelling houses that characterise a low-density environment, the new Town Centres LEP (see later in this Statement) has rezoned land in the area for higher density development. There are other areas of land in the vicinity that have been subject to these higher zonings. Therefore, the character of the area will be undergoing change in coming years as the densities under the new Town Centres LEP are realised.

3.0 PROPOSED MODIFICATION

3.1 EXISTING CONSENT

On 2 May 2011, the Planning Assessment Commission granted development consent (MP10_0057) subject to conditions, to the following development on the subject site:

- *Demolition and excavation;*
- *Construction of 6 residential buildings of 4-6 storeys in height comprising 298 apartments;*
- *Adaptive reuse of monastery building for communal facilities including pool and gymnasium;*
- *Basement parking; and*
- *Landscaping works.*

A set of approved plans relevant to the application are contained at **Annexure 1**.

3.2 PROPOSED AMENDMENTS

It is proposed to change internal layout of Monastery building to provide for communal recreational facilities on the ground floor level and 4 x 2-bedroom apartments on the first floor level.

The proposed ground floor plan will provide a swimming pool and gym and associated amenities. A manager's office is also proposed at ground floor level.

The proposed first floor level will contain the 4 x 2-bedroom apartments.

The proposed amendments are generally proposed to the interior of the Monastery building.

The proposal will result in a new unit mix for the development, which is summarized as follows:

Studio	1
1 bed	30
2 bed	246
3 bed	24
Total	301 units

The proposed amendments result in the gross floor area of the Monastery building increasing from 525.2 sqm to 621.6 sqm (difference of 96.4 sqm).

A reduced set of architectural drawings showing the proposed amendments are an **Annexure 2**. It is noted that no additional works are proposed to the stables, but the plans have been included for reference correction in condition A1.

3.3 AMENDMENT TO CONDITIONS

The following conditions are to be amended as shown below.

3.3.1 Development Description

The development description in Schedule 1 is to be amended as follows:

Project Application for a residential development including:

- *Demolition and excavation;*
- *Construction of 6 residential buildings of 4-6 storeys in height comprising ~~298~~ 301 apartments;*
- *Adaptive reuse of monastery building for **residential apartments and communal facilities including pool and gymnasium;***
- *Basement parking; and*
- *Landscaping works.*

3.3.2 Condition A1

Condition A1, which references the approved plans, will require amendment to reference the submitted plans.

3.3.3 Proposed new condition

It is proposed to insert a new condition (Condition A1a) to reference the updated Farm Shed & Monastery Interpretive Strategy & Conservation Works that is included at **Annexure 5**.

4.0 PLANNING ASSESSMENT

This section undertakes an assessment of the proposal under the relevant issues raised by the proposed modifications.

4.1 ENVIRONMENTAL PLANNING INSTRUMENTS

4.1.1 Ku-ring-gai Planning Scheme Ordinance

On 28 June 2011 the Land and Environment Court declared that Ku-ring-gai Local Environmental Plan (Town Centres) 2010 is of no legal force or effect. All land that was covered by the Town Centres LEP now falls under the Ku-ring-gai Planning Scheme Ordinance.

Zoning

The site is zoned Residential 2(d3) under the Ku-ring-gai Planning Scheme Ordinance (KPSO). An extract of the zoning map is shown in **Figure 3** below.

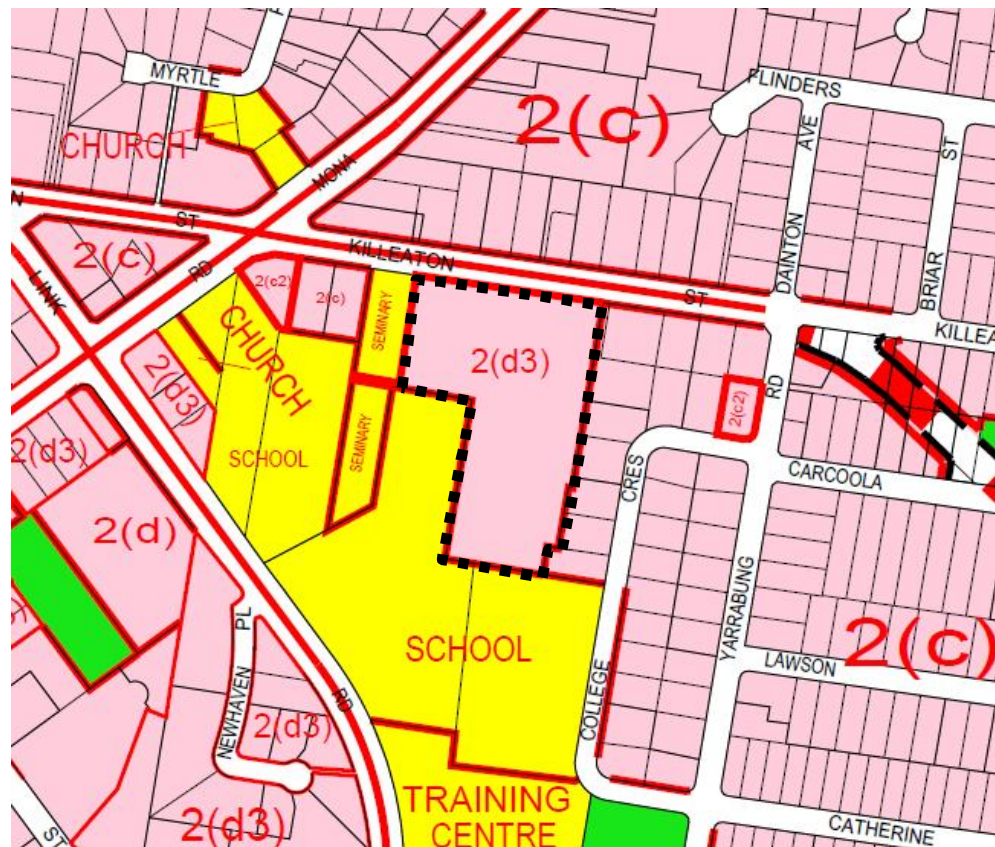


Figure 3: Zoning of the subject site (shown dotted outline)

Objectives

The proposed amendment is consistent with the relevant objectives. The proposed minor amendment will not contravene any objective of the KPSO.

Permissibility

The following uses are permitted in the Residential 2(d3) zone, with development consent:

"Demolition of a building or work (being demolition that is not exempt development). Development (other than exempt development) for the purpose of: attached dual occupancies; boarding houses; detached dual occupancies; drainage; dwelling-houses; educational establishments; family flats; home occupations; hospitals; open space; places of public worship; professional consulting rooms; residential flat buildings; roads; townhouses; utility installations (other than generating works or gas holders); villas. Subdivision of land. Any development other than that permitted by Column 2 or 3."

The proposed amendments to the approved residential flat development are permissible in the zone.

Heads of Consideration

The consent authority must consider the matters in Clause 25I(1) of the KPSO when considering an application within the Residential 2(d3) zone. The assessment is contained in the following table.

Consideration	Comment	Complies
(a) the desirability to provide a high proportion of deep soil landscape to the site area,	The proposed amendments will not have any effect on deep soil area.	✓
(b) the impact of any overshadowing, and any loss of privacy and loss of outlook, likely to be caused by the proposed development,	The proposed amendments will have no impact in terms of privacy, overshadowing or loss of outlook.	✓
(c) the desirability to achieve an appropriate separation between buildings and site boundaries and landscaped corridors along rear fence lines,	The proposed amendments will not have any bearing on the separation of buildings.	✓
(d) the environmental features that are characteristic of the zone in which the site is situated by requiring sufficient space on-site for effective landscaping,	The proposed amendments will have no impact on approved landscaping on the site.	✓

Consideration	Comment	Complies
(e) <i>the desirability of adequate landscaping so that the built form does not dominate the landscape,</i>	The proposed amendments will have no impact on approved landscaping on the site.	✓
(f) <i>how the principles of water cycle management can be applied to limit the impacts of runoff and stormwater flows off site.</i>	The proposed amendments will have no impact on stormwater runoff or infiltration.	✓

Site Specific Controls in KPSO

The table below addresses issues of compliance with the relevant provisions contained in KPSO.

Clause	Control	Proposal	Complies					
25J(2)	<p>If the site is $\geq 400\text{m}$ from the station, car parking is to be provided at the following rates.</p> <table><tr><td>Minimum 1 space / 1 & 2 bedder</td></tr><tr><td>Plus</td></tr><tr><td>Minimum 2 spaces / 3+ bedder</td></tr><tr><td>Plus</td></tr><tr><td>Minimum 1 visitor space / 4 dwellings</td></tr></table>	Minimum 1 space / 1 & 2 bedder	Plus	Minimum 2 spaces / 3+ bedder	Plus	Minimum 1 visitor space / 4 dwellings	<p>The proposed amendments require that an additional 4 car parking spaces are provided.</p> <p>Existing condition B12 of the consent ensures that the required 4 additional parking spaces are provided in the basement of the building. The condition states as follows:</p> <p><i>Parking must be provided in accordance with the requirements for visitor and residential parking in the Ku-ring-gai Development Control Plan (Town Centres) 2010. Visitor parking shall include a minimum of 2 spaces designated for persons with a disability. The design and construction of the parking area and parking spaces must be in accordance with AS2890.1 and AS2890.6.</i></p>	✓
Minimum 1 space / 1 & 2 bedder								
Plus								
Minimum 2 spaces / 3+ bedder								
Plus								
Minimum 1 visitor space / 4 dwellings								

4.1.2 State Environmental Planning Policy No 65 – Quality of Residential Flat Buildings

The proposed amendments remain compliant with SEPP 65 as detailed below.

Objectives

This Policy applies to residential flat building developments of three or more storeys comprising four or more self-contained dwellings. The Policy aims to improve the design quality of residential flat developments in New South Wales as:

- To contribute to the sustainable development of New South Wales;
- To achieve a better built form and aesthetic of buildings, of the streetscape and the public spaces they define;
- To better satisfy the needs of all members of the community including those with disabilities;
- To maximise amenity, safety and security of the occupants and the community;
- To conserve the environment and to reduce greenhouse gas emissions.

Application

Clause 30(2) of the Policy stipulates as follows:

- “(2) In determining a development application for consent to carry out residential flat development, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):*
- (a) the advice (if any) obtained in accordance with subclause (1), and*
 - (b) the design quality of the residential flat development when evaluated in accordance with the design quality principles, and*
 - (c) the publication Residential Flat Design Code (a publication of the Department of Planning, September 2002).”*

Annexure 4 contains the Design Verification Statement for the development, as required by Section 50 of the Environmental Planning and Assessment Regulation, 2000.

Residential Flat Design Code

Annexure 4 contains a table that outlines the compliance of the proposed amendments against the relevant guidelines contained in the SEPP 65 Residential Flat Design code. The assessment in that table demonstrates that the proposed amendments ensure that the development maintains compliance with the policy and is consistent with its aims and objectives.

4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft environmental planning instruments relating to the proposed modifications.

4.3 DEVELOPMENT CONTROL PLANS

4.3.1 Development Control Plan 55 - Railway/Pacific Highway Corridor and St Ives Centre

This DCP provides the more detailed provisions supporting the objectives and controls contained in the Ku-ring-gai Planning Scheme Ordinance as amended by Local Environmental Plan 194.

An assessment of the proposed amendments against the relevant provisions of the DCP is contained in the following table.

Clause	Comment	Complies
C4 Floor Space Ratio Maximum <i>Residential Flat building 1.3:1</i>	To comply with the maximum FSR, the subject site has a maximum gross floor area of 29,861 sqm. The proposed works to the Monastery building will result in a total gross floor area of 29,496.4 sqm for the entire development.	✓
C-1 70% of apartments shall receive a minimum of 3 hours direct sunlight on 21 June to living room windows or adjacent balconies between 9.00am and 3.00pm on June 21 (Note: shadows cast by trees and fences excluded from this calculation).	75% (3 of 4) of the proposed units in the Monastery building will receive the required solar access. The only unit that will not achieve the required solar access is that unit on the south southwestern corner of the building.	✓
C-5 Not more than 15% of the total units proposed shall be single-aspect with a western orientation.	None of the proposed units are single aspect with a western orientation	✓
C-1 Windows shall be offset from those of neighbouring buildings to minimise the opportunity for direct overlooking. C-2 The minimum separation between windows and balconies of a building and any neighbouring building either on site or adjoining sites. Stores 1 to 4 i. 12 metres between two habitable room ii. 9 metres between a habitable room and a non-habitable room iii. 6 metres between two non-habitable rooms	The Monastery building has a: <ul style="list-style-type: none">• 12 metre separation from the building to the north;• 18 metre separation from the building to the south;• 18 metre separation from the site boundary to the east; and• 8-11 metre separation from the building to the west. The western edge of the balcony is 8 metres from the windows of the adjacent building to the west. Given that the built form has been approved on the site, the issue of potential overlooking needs to be resolved. Should it be regarded as necessary, the lower half of the west-facing windows of the proposed balcony can be fitted with obscure glazing to prevent overlooking.	Partial

Clause	Comment	Complies
C-1 Habitable rooms shall have a minimum floor to ceiling height of 2.7m.	The proposed apartments have a floor to ceiling height in excess of 3 metres.	✓
C-2 Non-habitable rooms shall have a minimum floor to ceiling height of 2.4m.	The proposed apartments have a floor to ceiling height in excess of 3 metres.	✓
C-3 One and two bedroom units shall have a minimum plan dimension of 3m (excluding wardrobe space) in all bedrooms.	Most bedrooms have internal dimensions of 3 metres.	Partial
C-4 Units with three or more bedrooms shall have at least two bedrooms with a minimum plan dimension of 3m (excluding wardrobe space).	Not applicable. All units have 2 bedrooms.	N/A
C-5 All single common corridors shall: i. serve a maximum of 8 dwellings; ii. be at least 1.5m wide (to allow ease of movement of furniture); and iii. be at least 1.8m wide at lift lobbies.	The corridor on the top floor provides access to 4 units.	✓
C-6 Storage space shall be provided for each unit at the following minimum volumes: i. 6m ³ for studio and one-bedroom units; ii. 8m ³ for two-bedroom units; and iii. 10m ³ for units with three or more bedrooms, with at least 50% of the storage space for each dwelling provided within the unit.	The proposal requires an additional 32 cubic metres of storage. Each apartment has space for internal storage. The remainder of the required storage will be located in the basement of the building.	✓
C-2 All units that are not at ground level are to include outdoor living space (such as a balcony, deck or terrace) with a minimum area of: ▪ 10 m ² for each 1 bedroom unit; ▪ 12 m ² for each 2 bedroom unit; ▪ 15 m ² for each unit with 3 or more bedrooms; of which at least one space shall be at not less than 10m ² in area.	<p>The proposal has been designed to provide for an adaptive reuse of the existing Monastery building. It is not practical or appropriate to attach balconies to the building to provide for outdoor open private open space.</p> <p>The western end of the building has a projecting bay, which is practical for use as a balcony for the unit. This has been adapted for use as a balcony.</p> <p>The Monastery building is surrounded by communal open space, which can serve the recreational requirements of the residents of the 3 units that do not have a balcony.</p> <p>Given the above and, in particular, the adaptive reuse of the building, a variation to the normal requirements is considered acceptable in this instance.</p>	No

Clause	Comment	Complies
C-4 <i>The primary outdoor living space shall have a minimum dimension of 2.4m.</i>	The proposed balcony has a depth of 2.0 metres. However, for the reasons discussed above, the proposal should be regarded as acceptable in this instance.	No

4.4 LIKELY IMPACTS

The proposed amendments seek to make for a better adaptive reuse of the Monastery building. The existing approved plans provide superfluous communal facilities, which in our experience rarely get used. The proposed adaptation of the first floor level for apartments is an improvement for the building.

The proposal seeks relatively minor variation to some of the provisions of SEPP 65 Residential Flat Design Code and the Council's DCP. However, given the adaptive reuse of the building, strict compliance is not always appropriate in this particular instance.

The proposal will not have any adverse impacts on the surrounding building and adjoining sites.

5.0 CONCLUSION

The proposal seeks to change internal layout of Monastery building to provide for communal recreational facilities on the ground floor level and 4 x 2-bedroom apartments on the first floor level.

The proposal satisfies assessment of all relevant issues including all relevant provisions contained in Ku-ring-gai Planning Scheme Ordinance, SEPP 65 and Ku-ring-gai DCP 55.

It is therefore submitted that the Minister grant approval to the Section 75W application and amend the development consent in the manner requested.

ANNEXURE 1

Approved architectural plans

ANNEXURE 2

Proposed modified architectural plans

ANNEXURE 3

BASIX Certificate

ANNEXURE 4

SEPP 65 documentation

ANNEXURE 5

Heritage reports