

MODIFICATION REQUEST:

***Lot 2 DP 748682
132-138 Killeaton Street, St Ives***

***MP10_0057 MOD 5 – Modification to
Approved Monastery Building***



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

February 2012

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TABLE OF CONTENTS

1.	BACKGROUND	1
1.1	The Site	1
1.2	Previous Approvals	1
1.3	Previous Modifications	2
2.	PROPOSED MODIFICATION	2
3.	STATUTORY CONTEXT	2
3.1	Continuing Operation of Part 3A to Modify Approvals	2
3.2	Modification of the Minister's Approval	3
3.3	Environmental Assessment Requirements	3
3.4	Delegated Authority	3
4.	CONSULTATION	3
4.1	Ku-ring-gai Council	3
4.2	Proponent's Response to Submissions	4
5.	ASSESSMENT	4
5.1	Amenity	4
5.2	Parking	8
5.3	Appearance	9
6.	CONCLUSION AND RECOMMENDATIONS	11
APPENDIX A	MODIFICATION REQUEST	12
APPENDIX B	SUBMISSIONS	13
APPENDIX C	RECOMMENDED MODIFYING INSTRUMENT	14

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 (refer **Figure 1** below).

Killeaton Street is a two-lane local 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 (MP10_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, subject to conditions of consent.

On 6 August 2011, the Director-General approved amended plans to satisfy Condition B1A of the approval. The plans (including an additional basement car parking level) provided car parking numbers in accordance with the requirements for visitor and residential parking in the *Ku-ring-gai Development Control Plan (Town Centres) 2010*.

1.3 Previous Modifications

On 17 October 2011, the Acting Director General approved a Modification Application (MP10_0057 MOD 1) which involved the use of the existing driveway along the eastern boundary during construction.

On 2 December 2011, the Deputy Director General approved a Modification Application (MP10_0057 MOD 2) for an amendment to Conditions C34 and C35 to allow for the installation of a pumping system to discharge water from the basement post construction.

On 1 December 2011, the Planning Assessment Commission (PAC) refused a Modification Application (MP10_0057 MOD 3) for an amendment to Condition B12 to allow a reduction in the number of visitor car parking spaces.

On 20 February 2012, the PAC approved a Modification Application (MP10_0057 MOD 4) for amendments to building RLs and rooftop areas.

Works in accordance with the approval are currently being carried out on the site.

2. PROPOSED MODIFICATION

The application originally sought to amend the approved plans for the Monastery building to:

- amend the layout of the ground floor to provide all of the communal facilities including a swimming pool, spa, gym, office area and amenities;
- provide 4 x 2 bedroom units on the first floor;
- provide reference to the updated Farm Shed and Monastery Interpretive Strategy and Conservation Works; and
- update the plan references, in particular for the stable plan.

In response to Council's submissions, the proponent amended the application to reduce the number of apartments on the first floor to two, comprising 1 x 3 bedroom and 1 x 4 bedroom apartments.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the modification of the project under section 75W of the Act.

3.2 Modification of the Minister's Approval

The modification of the Minister's Approval by way of section 75W of the Act is appropriate because the proposal is consistent with the original Approval.

3.3 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.

3.4 Delegated Authority

The Minister has delegated his functions to determine Part 3A applications to the Planning Assessment Commission (PAC) where an application has been made by persons other than by or on behalf of a public authority.

The application is being referred to the PAC for determination as Ku-ring-gai Council has lodged a submission objecting to the proposed modification.

4. CONSULTATION

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. No public submissions were received on the modification request.

4.1 Ku-ring-gai Council

Ku-ring-gai Council submitted an objection to the modification as originally made. A summary of the issues raised is as follows:

- the amenity of the proposed units is unacceptable as the units are undersized and three units fail to provide a balcony / private open space;
- car parking is not satisfactorily addressed; and
- the requirements of the Residential Flat Design Code (RFDC) are not satisfactorily addressed.

The proponent amended the application in response to the issues raised in Council's submission by reducing the number of apartments on the first floor to two.

Ku-ring-gai Council submitted a further objection to the modification as amended. A summary of the issues raised is as follows:

- the balcony of the four bedroom unit is undersized for a unit of this size;
- the balcony of the four bedroom unit has the potential to adversely impact upon the amenity and privacy of the residential units in Block F of the development; and

- car parking is not satisfactorily addressed.

The proponent provided additional information in response to Council's objection. Council advised that their objection to the proposal is maintained, in particular with regard to the balcony of the four bedroom unit which is insufficient to service a unit of this size.

4.2 Proponent's Response to Submissions

In response to Council's concerns, the proponent has provided the following response:

- both units have a balcony with a depth of more than 2 metres and satisfy the RFDC guidelines;
- the proposal is for the adaptive re-use of the building with the intention of retaining the external appearance of the former Monastery building, as such further modifications to the existing balcony should be avoided;
- the existing Monastery building satisfies the building separation guidelines of the RFDC, with the exception of the existing western balcony which is 7.5 metres from the windows of Block F to the west. Obscure glazing to the lower half of the west-facing windows of the existing first floor balcony to prevent overlooking is proposed if considered satisfactory; and
- the proposed units are each allocated two car parking spaces in accordance with the approved car parking rate of two spaces per 3 or more bedroom units.

5. ASSESSMENT

The department considers the key issues for the proposed modification are:

- amenity;
- parking; and
- appearance.

5.1 Amenity

The department considers that the proposed modifications to the use and layout of the Monastery building have the potential to impact upon the amenity of future residents, as follows:

- adequacy of the communal facilities; and
- amenity of the residential units in the Monastery building.

These issues are discussed separately below.

5.1.1 Communal Facilities

The proposal is for modifications to the layout of the approved communal facilities within the Monastery building to provide all of the communal facilities on the ground floor as demonstrated in **Figures 2, 3 and 4** below.

The department notes that the proposal retains the previously approved facilities, with the exception of three bathrooms, a sauna, a common lounge area, and two open gallery areas. It is also noted that the proposed manager's office, reception area and gym area are reduced in size. The department considers that the rationalisation of the proposed facilities to the ground floor provides usable community facilities which satisfy the needs of future residents, in conjunction with the approved common open space. The communal facilities are available for the use of all

residents, are considered to satisfactorily service the needs of the residents and are supported by the department.

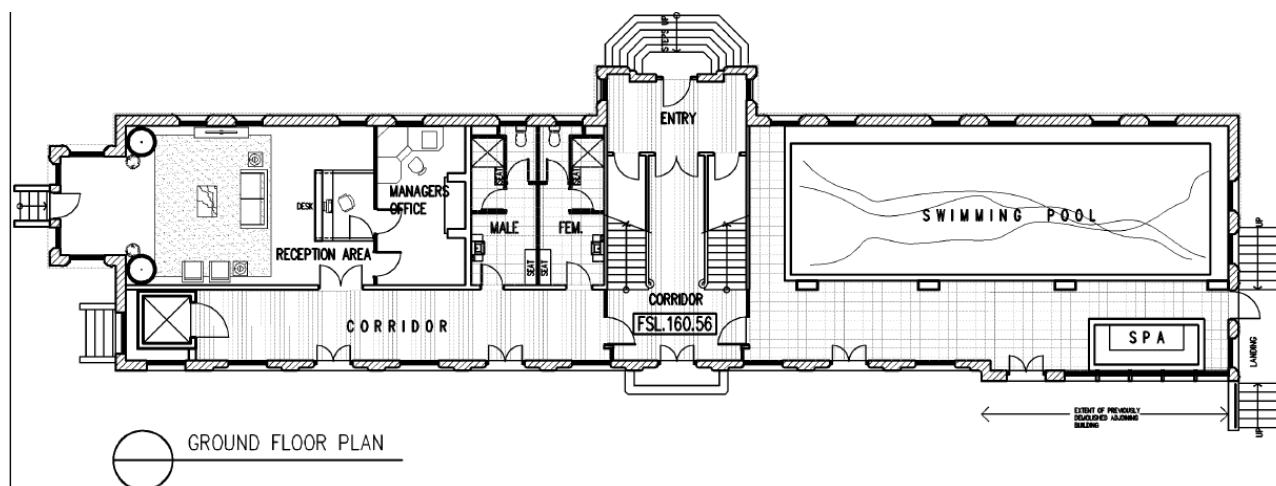


Figure 2: Approved ground floor plan of the Monastery building providing some of the community facilities.

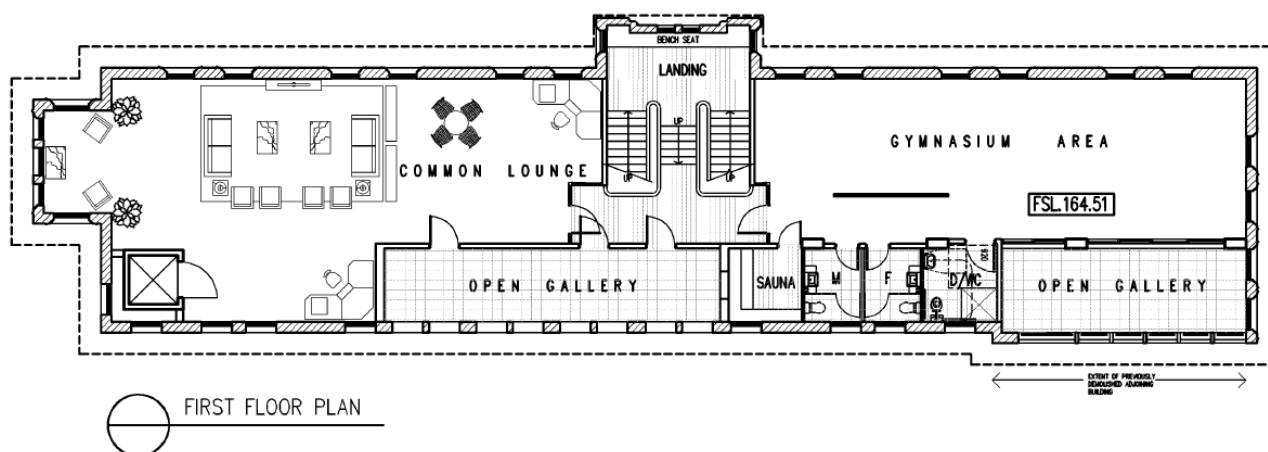


Figure 3: Approved first floor plan of the Monastery building providing some of the community facilities.

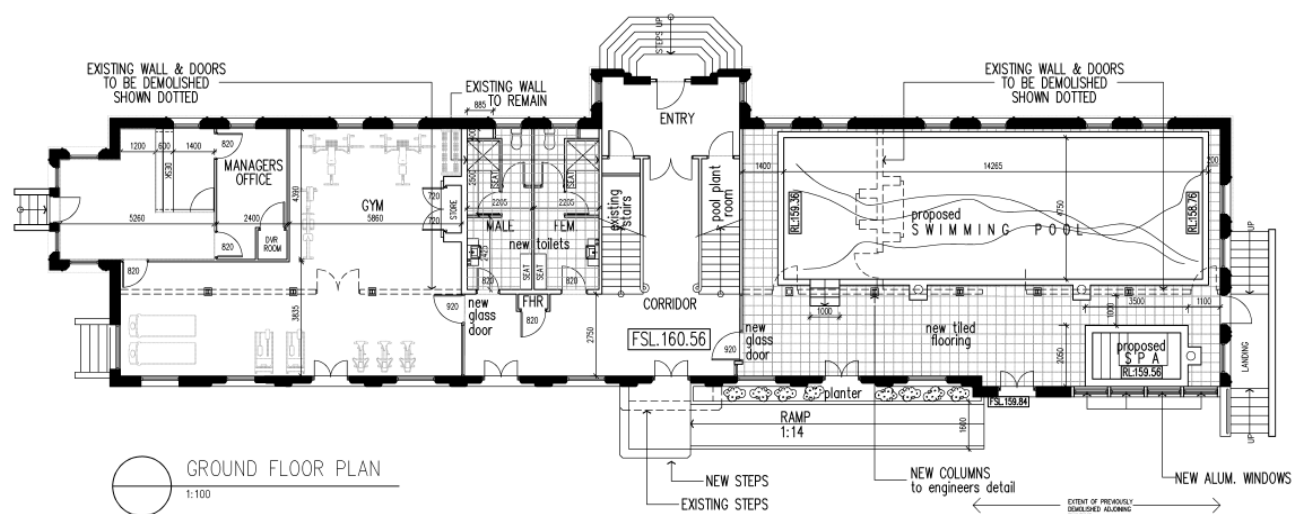


Figure 4: Proposed ground floor plan providing all of the community facilities on the ground floor. The proposal includes two residential units on the first floor (Figure 5).

5.1.2 Residential Units in the Monastery Building

The proposal is for the adaptive re-use of the existing Monastery building to provide 1 x 3 bedroom and 1 x 4 bedroom apartments on the first floor (**Figure 5** below). The proposed residential units are accessible by the central corridor on the ground floor of the building, which is shared with one of the four access points to the proposed ground floor communal facilities. As discussed in Section 5.2 below, the parking levels are accessed via Block C located to the north of the Monastery Building (**Figure 6**).

In response to concerns raised by Ku-ring-gai Council, the proponent has offered to provide obscure glazing to the lower half of the west-facing windows of the balcony of the four bedroom unit. The department considers this measure to be sufficient in reducing the potential impact of overlooking the adjacent Block F and protecting the privacy and amenity of the unit within the Monastery building. This is reflected in Condition C3 'External Materials and Finishes (existing monastery building)' of the attached Recommended Modifying Instrument.

The Council also raised concern that the existing balcony on the western side of the building is undersized and does not provide sufficient residential amenity for this four bedroom unit (**Figure 5**). The dimensions of the existing balcony are 4.05 metres (width) x 2.06 metres (depth) with an area of 8.343m². The department considers the adaptive re-use of the existing balcony to be an appropriate method of private open space for this unit as it satisfies the intent of the Residential Flat Design Code with respect to balconies as the design maintains the external appearance of the building and it provides usable private open space accessible from the main living areas. The proposed units also have access to the community facilities on the ground floor and the common open space area that adjoins the Monastery building. These measures are considered to complement the private open space provided by the balcony areas of the proposed units and are supported by the department.

The proposed residential units reflect the intent of the Residential Flat Design Code and will provide dwellings with usable balconies, solar access and privacy.

The department supports the proposed adaptive re-use of the first floor of the Monastery building which is considered to be an appropriate use that provides residential units with acceptable residential amenity.

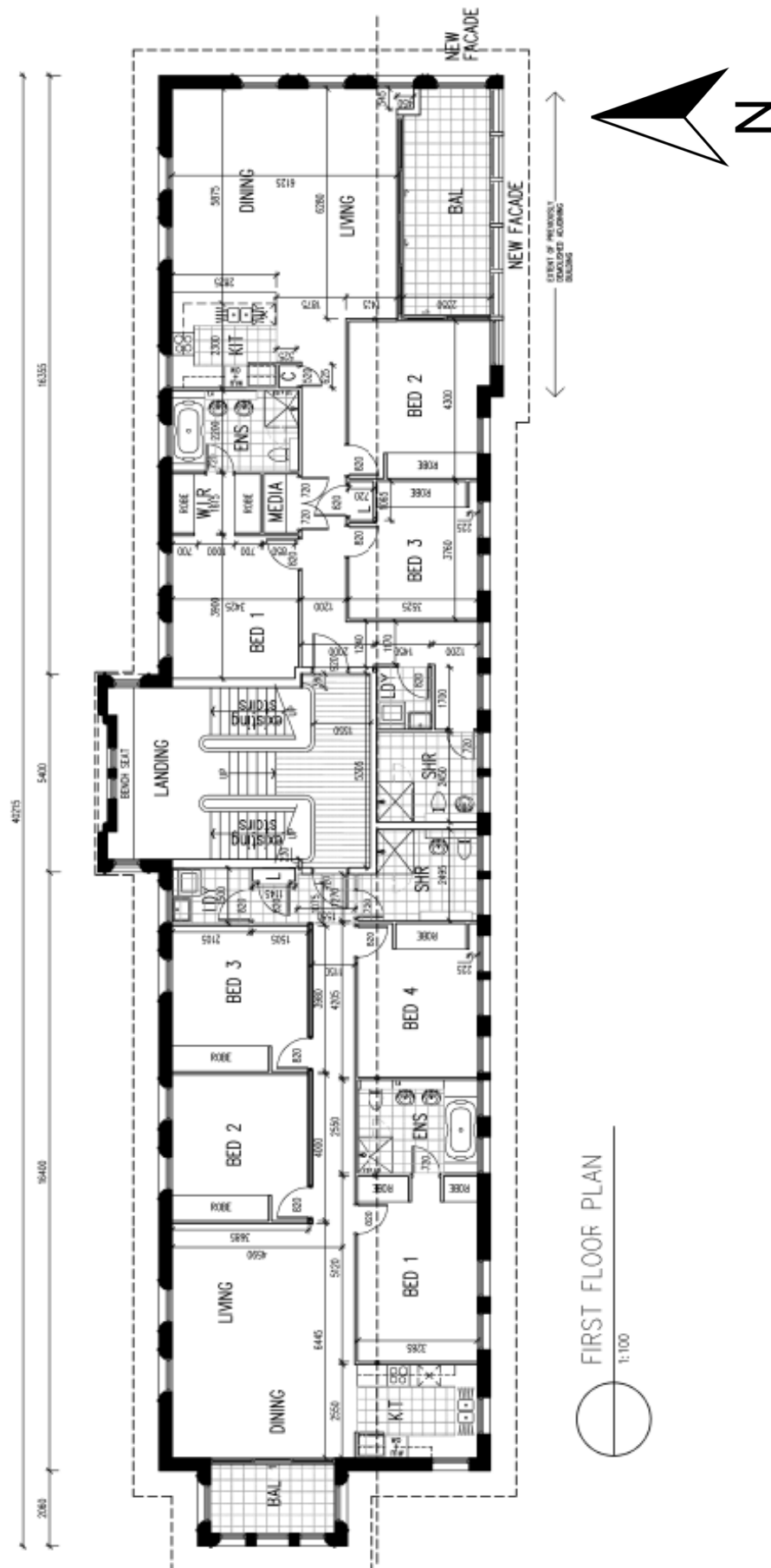


Figure 5: Proposed first floor plan. The proposal is for 1 x 3 bedroom unit and 1 x 4 bedroom unit.

5.2 Parking

The proposal includes the allocation of an additional four car parking spaces for the use of the proposed residential units in the Monastery building. The submitted plans demonstrate a total of 400 spaces, comprising 325 residential spaces and 75 visitor spaces. The proposed parking satisfies the required parking provision of 291 to 387 spaces in accordance with the *Ku-ring-gai Development Control Plan (DCP) (Town Centres) 2010* (applicable at the time of the assessment of the original application), as required by Condition B1A *Other Design Modifications* in the Project Approval (MP10_0057). The proposed development maintains the previously approved parking surplus and provides accessible parking which is capable of satisfying the parking demand for residents and visitors to the site and is supported by the department.

The proposed parking spaces allocated for the Monastery residential units are located near the lift to Block C and the future residents are required to access the Monastery building by walking from Block C (**Figure 6**). The department considers the proposed parking to be suitably located for the use of residents and satisfies the parking demand of the proposed residential units.

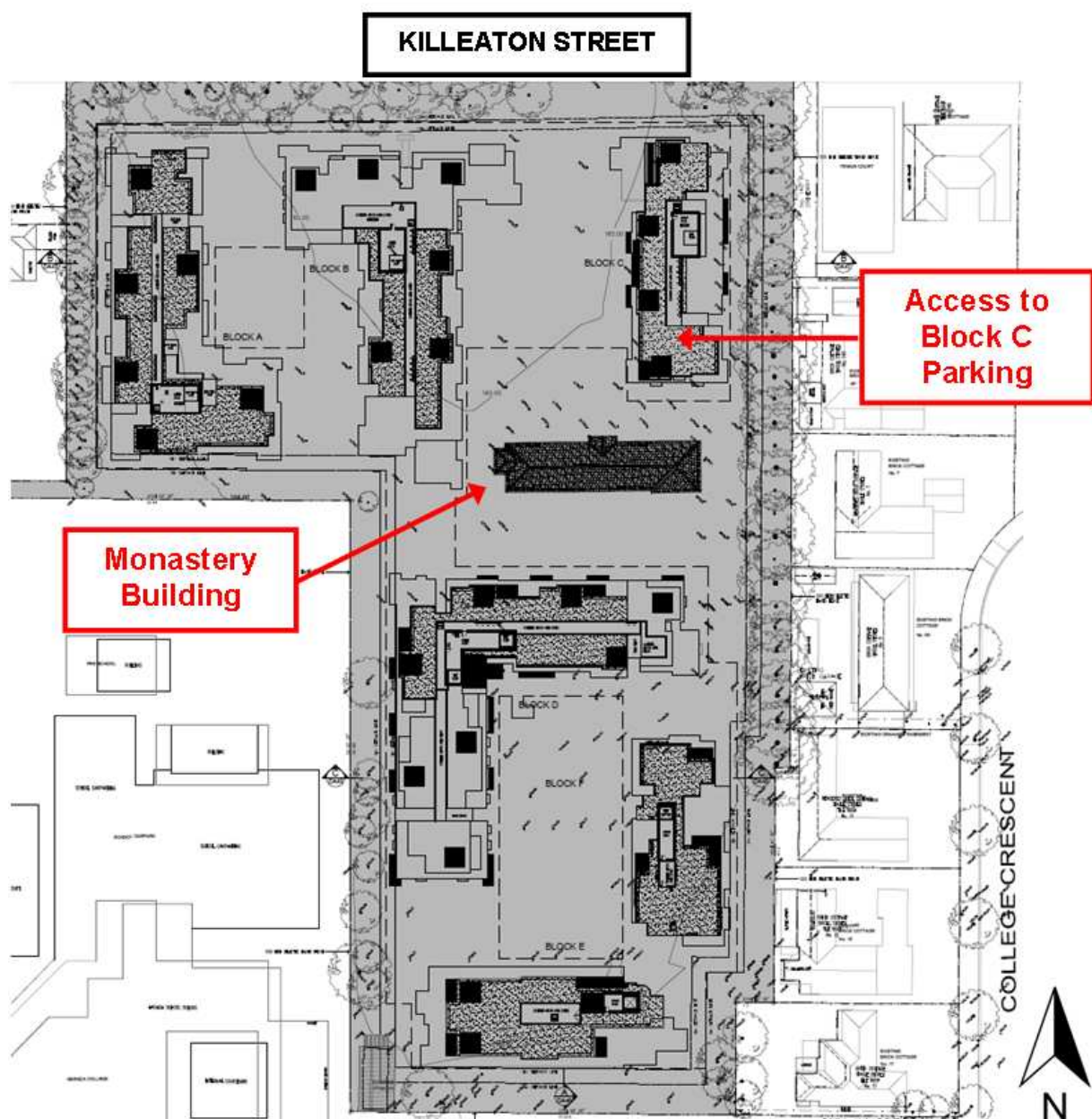


Figure 6: Site Plan demonstrating the location of the existing Monastery building and the lift access to the parking levels via Block C.

5.3 Appearance

The proposed modifications result in minimal alteration to the external appearance of the existing Monastery building as previously approved. It is noted that the site is not listed as an item of environmental heritage in the *Ku-ring-gai Planning Scheme Ordinance*, and there are no other heritage listings associated with the site. Part of the southern elevation features full-length windows which differ to the design of the remainder of the building, however it is noted that this design was approved in the Project Approval (MP10_0057) and is proposed to be retained (**Figure 8**). This portion of the external façade was previously demolished in conjunction with a wing of the original building. As discussed in Section 5.1.2 above, the proponent has offered to provide obscure glazing to the lower half of the existing balcony windows on the first floor of the western elevation to prevent overlooking the adjacent residential unit (**Figure 9**).

The department notes that the existing Monastery building is located toward the centre of the site and will have limited visibility from the public domain as it is substantially screened by the approved residential buildings fronting Killeaton Street (**Figure 6** above).

The department considers the presentation of the proposed monastery building to be appropriate, considering the existing external appearance of the Monastery building is generally being retained and reflects the previously approved design and the building is in keeping with the streetscape and the neighbouring residential dwellings.

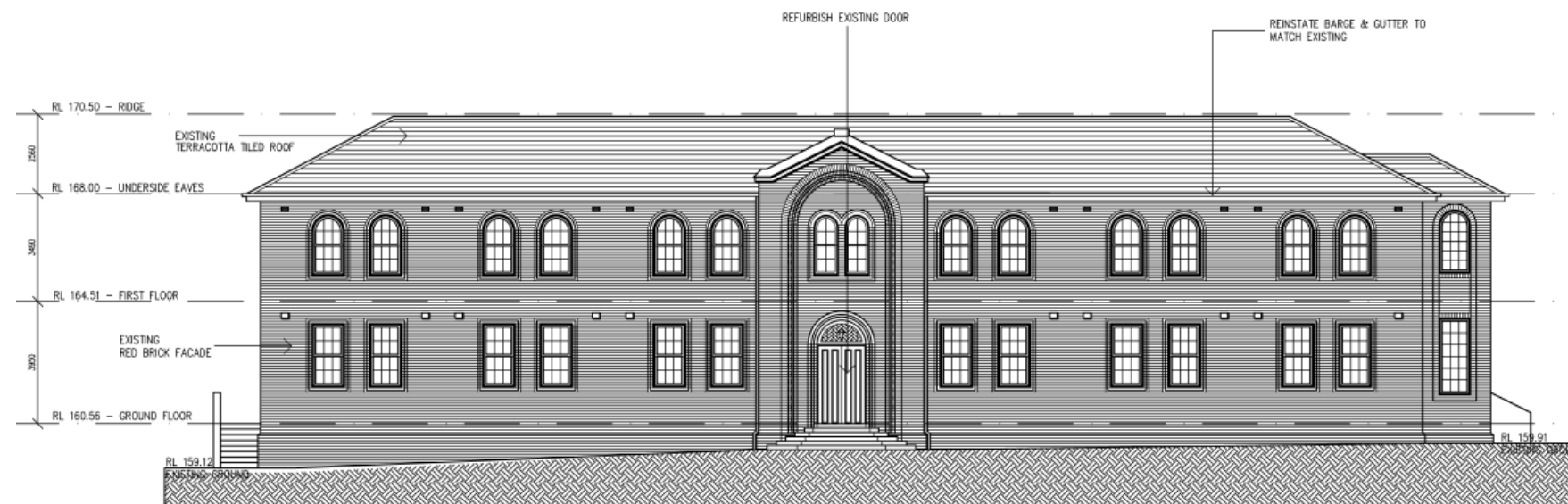


Figure 7: Proposed northern elevation of the Monastery building.

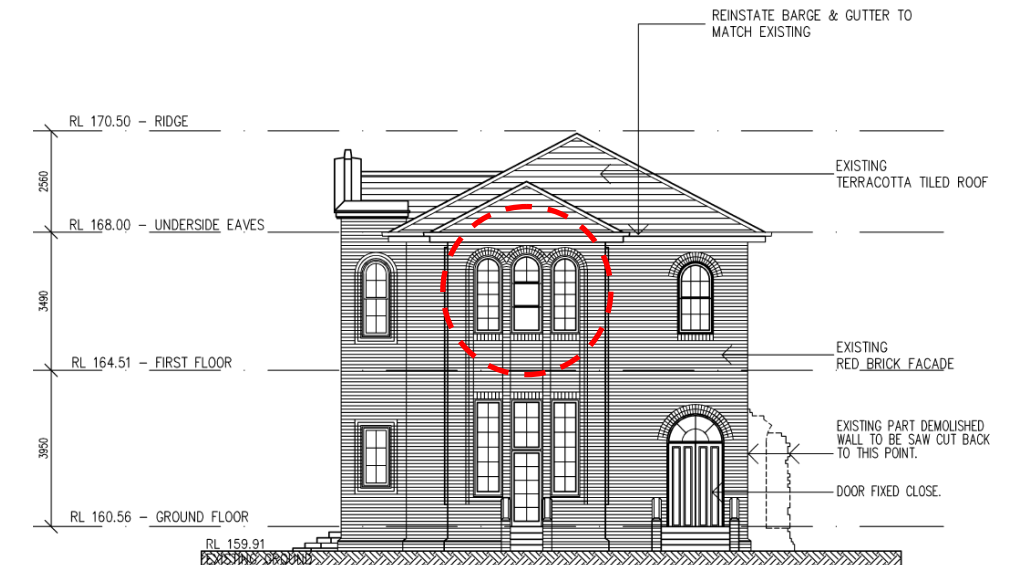


Figure 9: Proposed western elevation of the Monastery building. As indicated in red, this elevation shows the western facing windows of the existing balcony. As per Condition C3, the lower half of these balcony windows are to be obscure glazing to prevent overlooking.

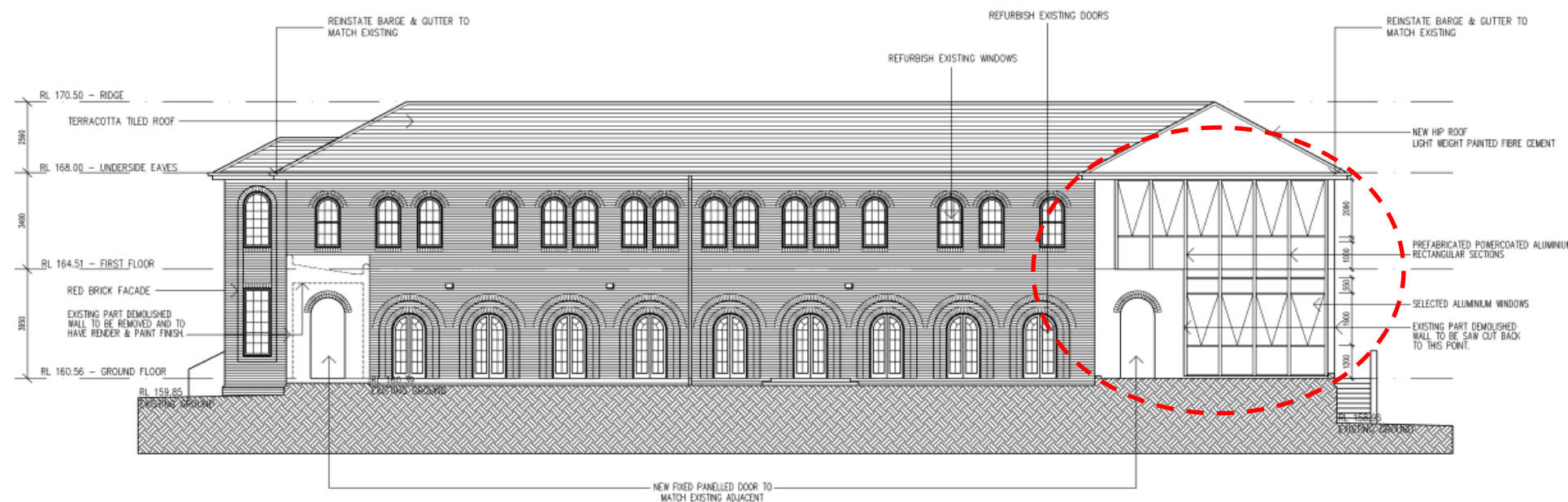


Figure 8: Proposed southern elevation of the Monastery building. As indicated in red, this elevation shows the full-length windows on both levels which replace the portion of the building which adjoined a previously demolished part of the building.

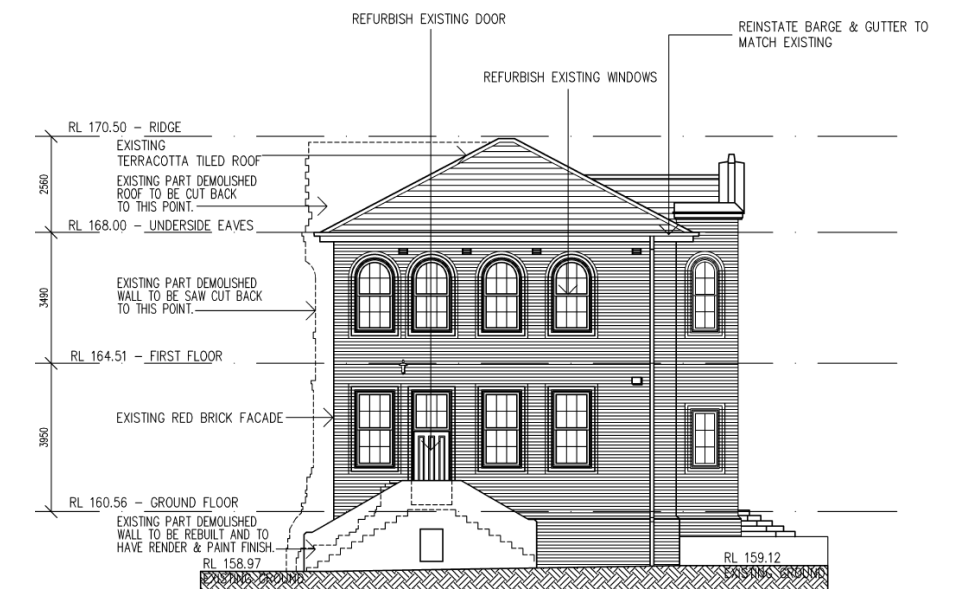


Figure 10: Proposed eastern elevation of the Monastery building.

6. CONCLUSION AND RECOMMENDATIONS

The proposal seeks modifications to the Monastery building within the approved residential development including amendments to the layout of the ground floor to provide all of the communal facilities, providing two residential units on the first floor and updating references to the submitted plans and documents. The proposed modifications result in a residential development which is substantially the same as previously approved and maintains the site's suitability for this development.

The department has assessed the application on its merits and the proposed modification is considered reasonable and will not result in any significant impacts to the development as approved.

It is recommended that the Planning Assessment Commission:

- (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 MP10_0057 MOD 5.

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APPENDIX A MODIFICATION REQUEST

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5015

APPENDIX B SUBMISSIONS

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5015

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
