

**SECTION 75W APPLICATION**

**MP 10\_0057**

**132-138 KILLEATON STREET, ST IVES**

**ADD PERGOLAS**

**MARCH 2012**

## CONTENTS

<b>1.0 INTRODUCTION.....</b>	<b>1</b>
<b>2.0 SITE AND SURROUNDINGS.....</b>	<b>2</b>
2.1 SITE DESCRIPTION .....	2
2.2 SURROUNDING DEVELOPMENT .....	3
<b>3.0 PROPOSED MODIFICATION.....</b>	<b>4</b>
3.1 EXISTING CONSENT .....	4
3.2 PROPOSED AMENDMENTS .....	4
3.3 AMENDMENT TO CONDITIONS .....	4
<b>4.0 PLANNING ASSESSMENT .....</b>	<b>5</b>
4.1 ENVIRONMENTAL PLANNING INSTRUMENTS .....	5
4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS.....	7
4.3 DEVELOPMENT CONTROL PLANS .....	7
4.4 LIKELY IMPACTS.....	7
<b>5.0 CONCLUSION .....</b>	<b>8</b>



## **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 add pergolas to selected units.

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.

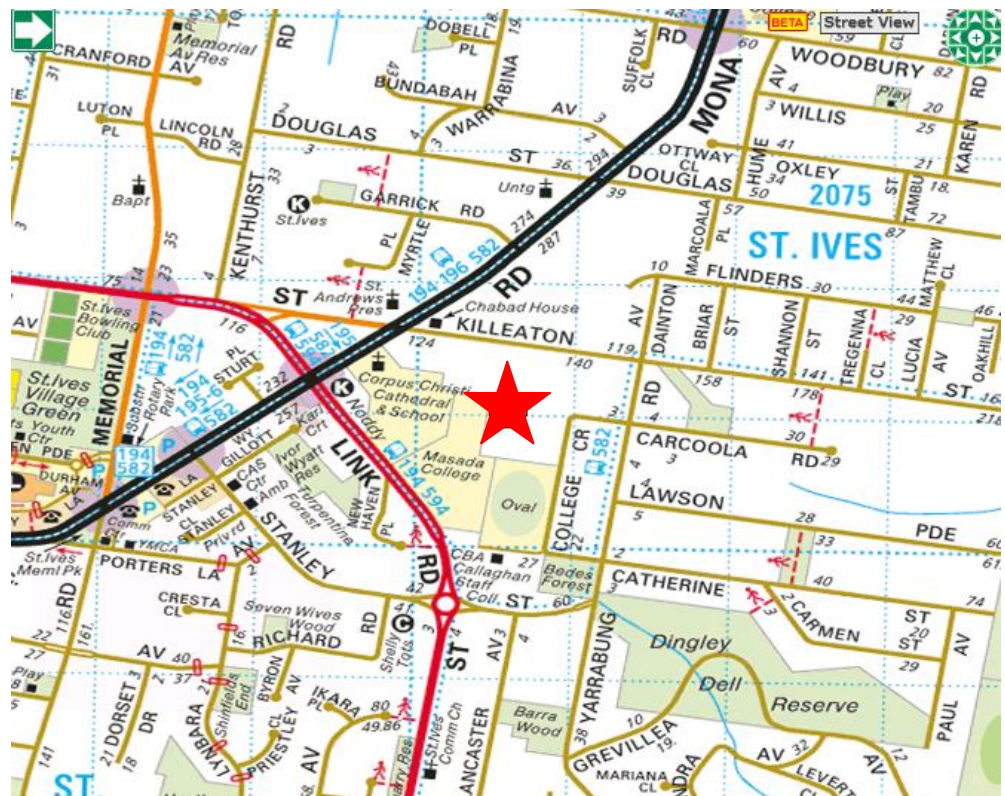


Figure 1: Location of subject site (shown marked with star)

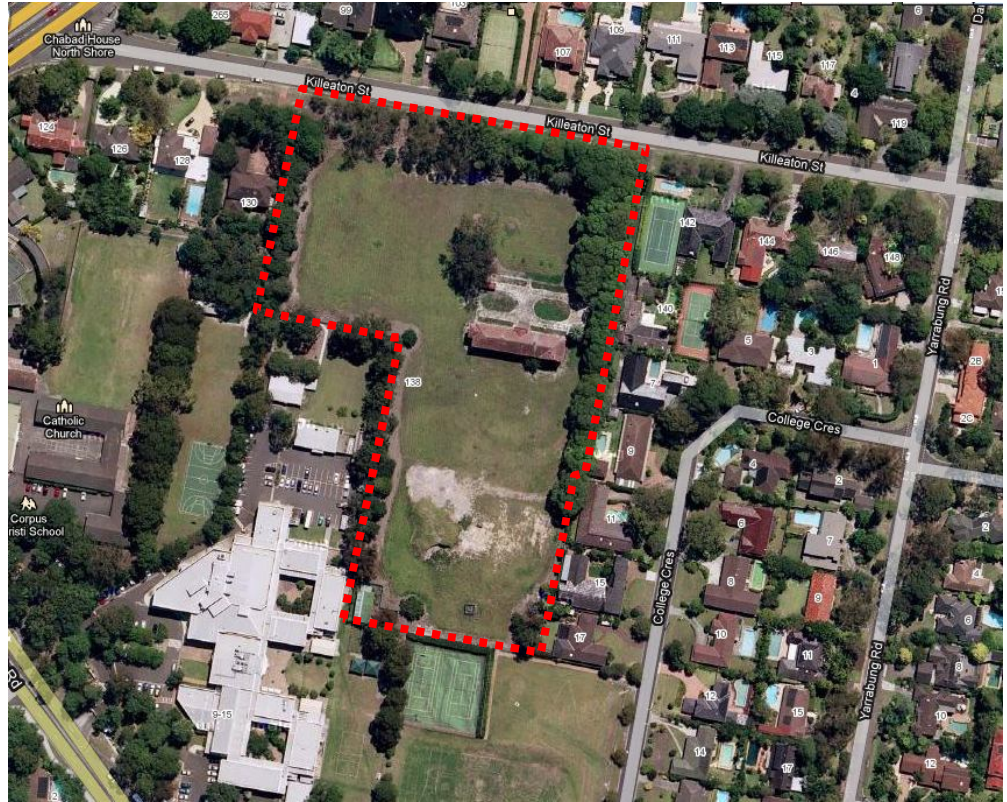


Figure 2: Aerial view of site showing approximate boundary location

## 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.*

#### 3.2 PROPOSED AMENDMENTS

It is proposed to add pergolas to selected units. The pergolas are proposed as follows:

Block A: Units - 441, 442, 447, 448, 449, 450.

Block B: Units - 458, 563, 564, 565, 566.

Block D: Units – 436.

The pergolas are proposed to be the same as the others approved for the development. The proposed pergolas are shown on the accompanying drawings.

#### 3.3 AMENDMENT TO CONDITIONS

The following conditions are to be amended as shown below.

##### 3.3.1 Condition A1

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



## 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.

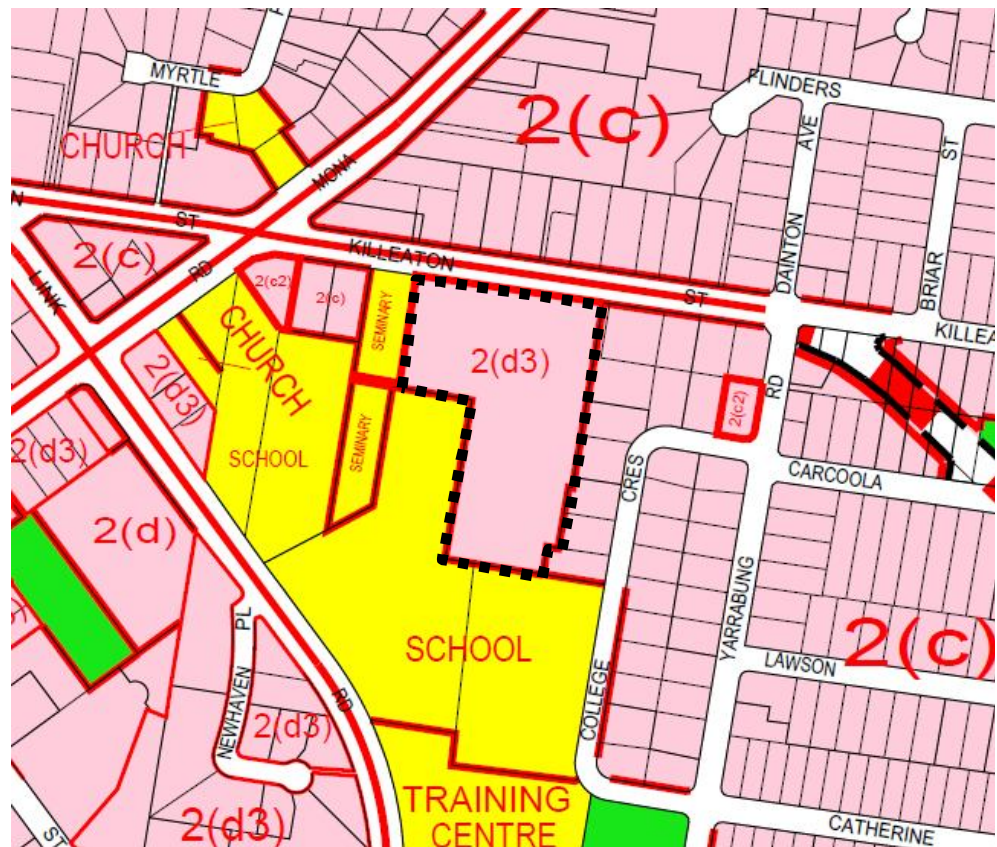


Figure 3: Zoning of the subject site (shown dotted outline)

**Objectives**

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

## 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.

There are no clauses of the DCP that are particularly relevant in the assessment of the proposed amendments.

## 4.4 LIKELY IMPACTS

The proposed pergolas will not have any adverse visual impacts when viewed from the public domain or adjoining properties. In this regard, it is noted that the pergolas are to be constructed of lightweight materials that will allow for visual transparency.

The proposed amendments do not give rise to any other potential adverse impacts.

## **5.0 CONCLUSION**

It is proposed to add pergolas to selected units.

The proposal satisfies assessment of all relevant issues including all relevant provisions contained in Ku-ring-gai Planning Scheme Ordinance 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.

