

SECTION 75W APPLICATION

MP 10_0057

132-138 KILLEATON STREET, ST IVES

**INCLUDE STAGED STRATA SUBDIVISION AS
PART OF THE APPROVAL**

JUNE 2012

CONTENTS

1.0 INTRODUCTION	1
2.0 SITE AND SURROUNDINGS	2
2.1 SITE DESCRIPTION	2
2.2 SURROUNDING DEVELOPMENT	3
3.0 PROPOSED MODIFICATION	4
3.1 EXISTING CONSENT.....	4
3.2 PROPOSED AMENDMENT	4
3.3 AMENDMENT TO CONDITIONS.....	5
4.0 PLANNING ASSESSMENT	6
4.1 ENVIRONMENTAL PLANNING INSTRUMENTS	6
4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS	8
4.3 DEVELOPMENT CONTROL PLANS.....	8
4.4 LIKELY IMPACTS	8
5.0 CONCLUSION	9



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.

Pursuant to Section 75W (1)(a) of the Environmental Planning and Assessment Act 1979, a 'modification of approval' is sought to include 'Staged Strata Subdivision' into the Project Approval, MP 10_0057. In accordance with the Strata Scheme (Freehold Development) Act, a Strata Development Contract (SDC) must be signed by the consent authority to permit staged strata subdivision. The original SDC accompanies the application and requires signing by the Department.

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.

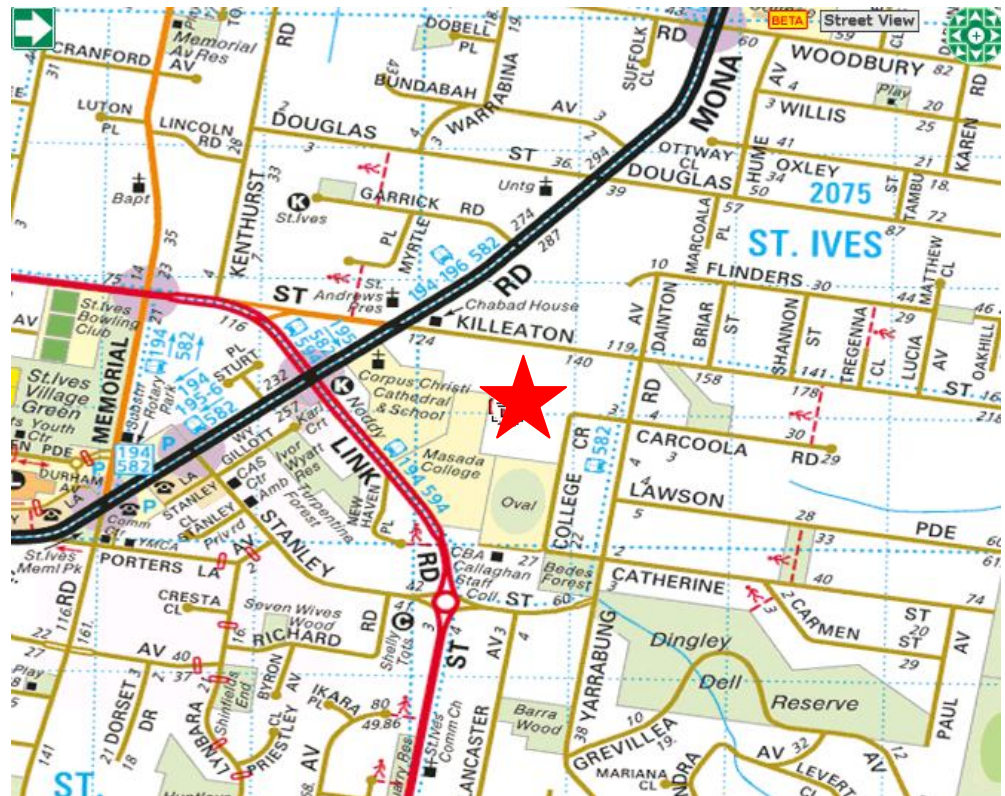


Figure 1: Location of subject site (shown marked with star)

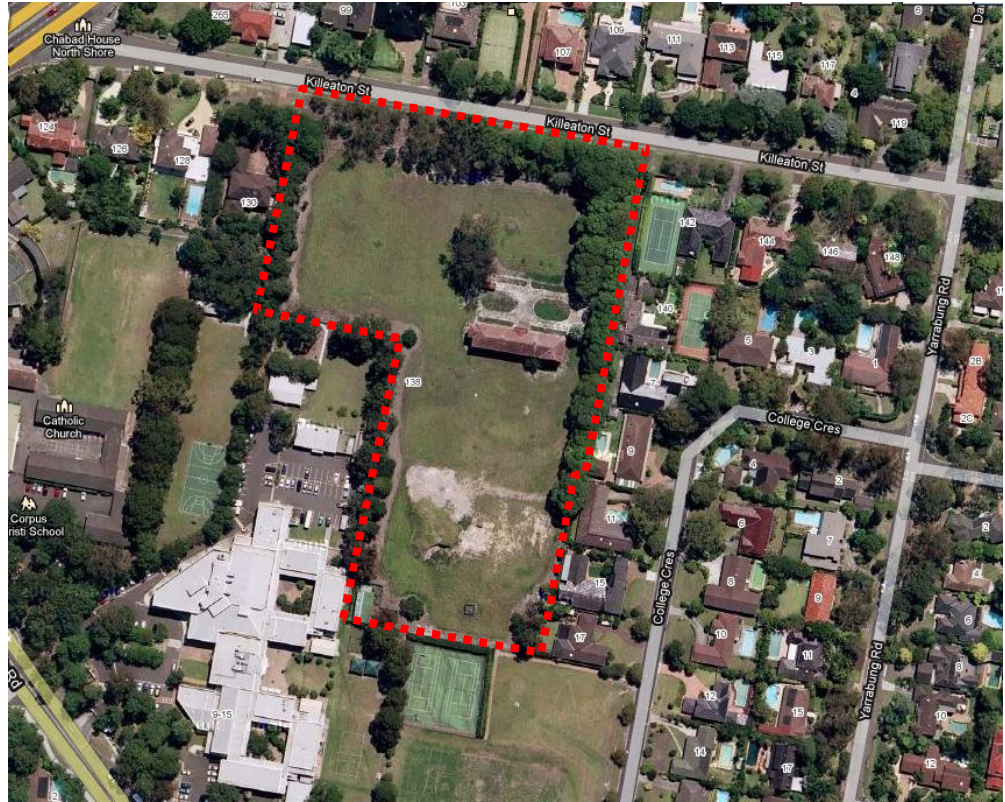


Figure 2: Aerial view of site showing approximate boundary location

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 AMENDMENT

Pursuant to Section 75W (1)(a) of the Environmental Planning and Assessment Act 1979, a 'modification of approval' is sought to include 'Staged Strata Subdivision' into the Project Approval, MP 10_0057. In accordance with the Strata Scheme (Freehold Development) Act, a Strata Development Contract (SDC) must be signed by the consent authority to permit staged strata subdivision. The original SDC accompanies the application and requires signing by the Department.

It is proposed to staged strata subdivide the development into 300 lots. The lots are allocated into the following stages of the proposed strata scheme:

- Stage 1: Buildings D, E, F and the Monastery.
- Stage 2: Buildings A, B and C (incorporated into proposed Development Lot 141).

The proposed strata subdivision is shown on the plans that accompany the Application.

The purpose of the modification is to facilitate the subdivision of the buildings into individual apartments. It is necessary to stage the strata subdivision to enable individual units in completed buildings to be sold. Being a development that contains many individual buildings, it is not financially feasible to wait for the full number of buildings having to be completed before a final strata approval is issued, as it could take some time before the entire development is complete. Completed buildings cannot remain vacant while other buildings are yet to commence construction or waiting for approval.

For this reason alone, staged strata subdivision was incorporated into the Strata Scheme (Freehold Development) Act. The modification will therefore enable the strata subdivision of buildings as they are completed over a period of extended time.

3.3 AMENDMENT TO CONDITIONS

Project Approval description

It is proposed to include the words 'staged strata subdivision' into the description of the approved MP.

Condition A1

Condition A1 is to be amended by referencing the subdivision plans, as follows:

Strata Subdivision				
Drawing No.	Revision	Name of Plan	Drawn By	Date
Sheets 1-4	-	Strata Plan Administration Sheet	Surveyor Wayne Diver Tuck	02/09/2011
Sheets 1-48	-	Strata Plan	Surveyor Wayne Diver Tuck	-

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 amendment to the approved residential flat development is 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 amendment 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 amendment will have no impact in terms of privacy, overshadowing or loss of outlook.	✓
(c) <i>the desirability to achieve an appropriate separation between buildings and site boundaries and landscaped corridors along rear fence lines,</i>	The proposed amendment 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 amendment 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 amendment 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 amendment will have no impact on stormwater runoff or infiltration.	✓

Site Specific Controls in KPSO

The proposal does is not inconsistent with any of the provisions under Clause 25J of the KPSO.

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 subdivision.

4.4 LIKELY IMPACTS

The environmental impacts of the development have already been taken into consideration in the assessment of the original Development Application for construction of the development.

The strata subdivision will have no adverse impact on the availability of services, vehicular access, use of common facilities, and open space. The subdivision will have no change to unit configurations or any other built form element on the site and, further, it will not change the use of any part of the site.

The proposal will have no adverse impacts.

5.0 CONCLUSION

The proposal seeks to include staged strata subdivision into the MP approval.

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.

