

MODIFICATION REQUEST:

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

***MP10_0057 MOD 4 – Modification to Amend
RLs and Rooftop Areas***



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

February 2012

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Published February 2012
NSW Department of Planning & Infrastructure
www.planning.nsw.gov.au

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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 (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 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.

1.4 Other Modifications Currently Proposed

On 10 November 2011, the proponent submitted MP10_0057 (MOD 5) to the department seeking to change the use of the upper level of the Monastery building from community facilities to two residential apartments and to modify the layout of the community facilities on the ground floor. This application is under assessment.

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

2. PROPOSED MODIFICATION

The application originally sought to amend condition A1 to reflect changes to the plans to:

- provide rooftop plant rooms for each block 2.5 metres in height;
- rationalise the number of skylights and redesign the remaining skillion-style skylights to provide raised skylights;
- provide pergolas to eleven top floor apartments, comprising two to Block C and three each to Blocks D, E and F;
- increase the height of Block B by 770mm to accommodate a "transfer slab" at Level 3 to support the structural integrity of the building; and
- correct the RL for Block E, Level 1 from RL163.40 to RL162.40.

In response to Council's submission, the proponent amended the application so that the proposed increase in height of Block B was reduced to 100mm only and retain the 27 approved skylights.

The location of the proposed modifications including the pergolas and rooftop plant rooms are as follows:

KILLEATON STREET

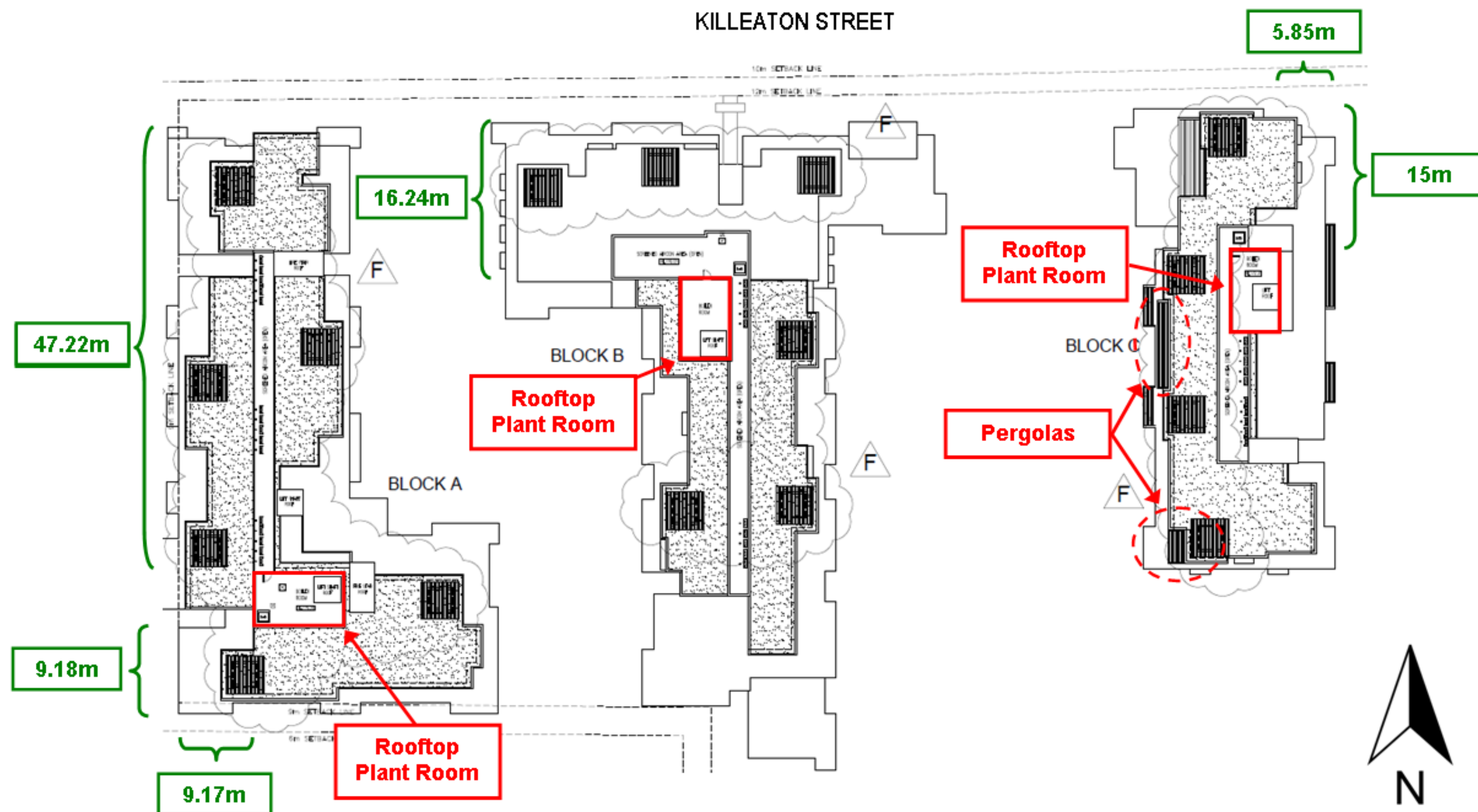


Figure 2 – Site Plan of Stage 2, comprising buildings A, B and C fronting Killeaton Street. The location of the proposed rooftop plant rooms and pergolas are indicated in red. The setbacks of the proposed rooftop plant rooms to the edges of the buildings are indicated in green.

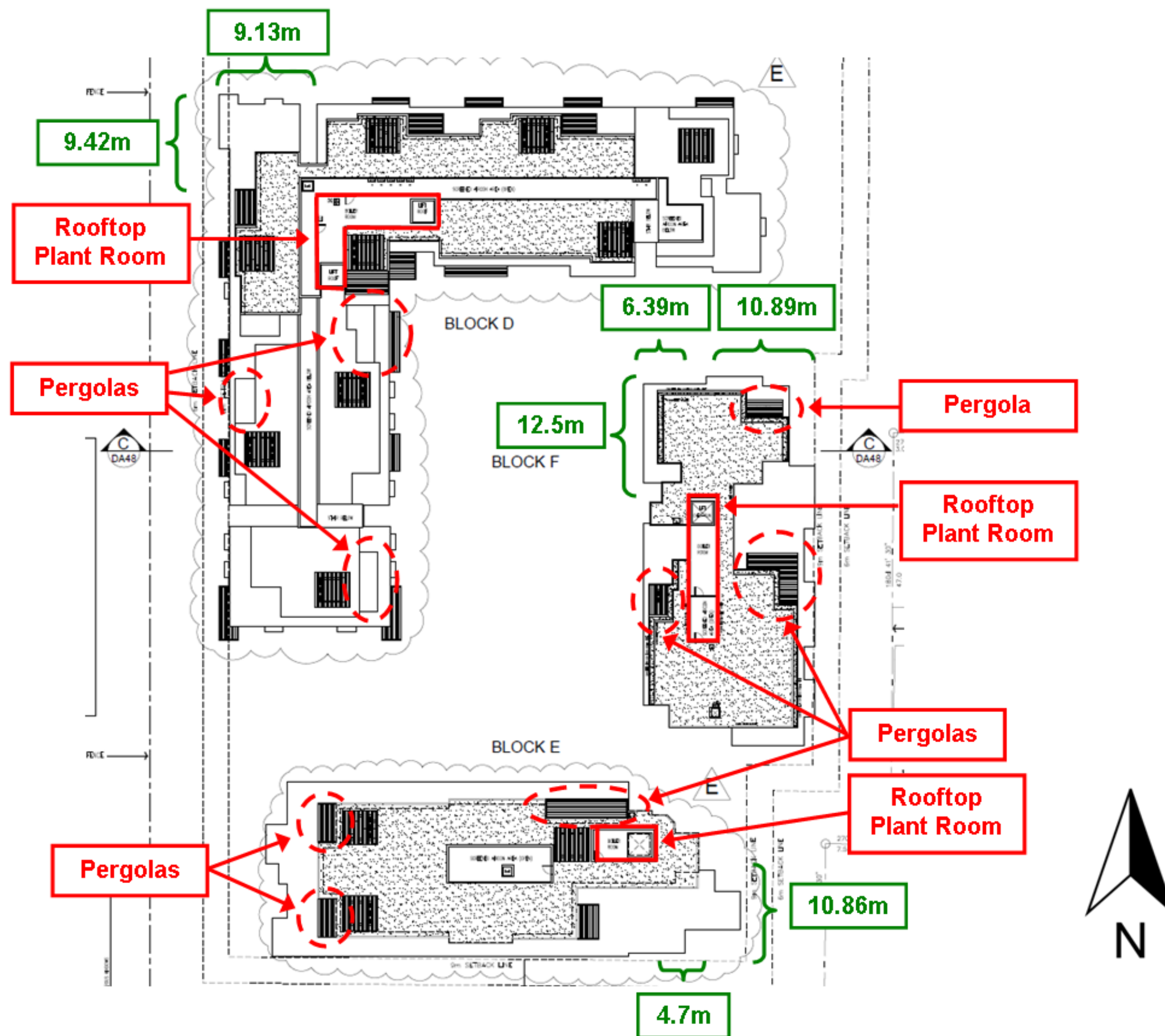


Figure 3 – Site Plan of Stage 1, comprising buildings D, E and F located to the south (rear) of the subject site. The location of the proposed rooftop plant rooms and pergolas are indicated in red. The setbacks of the proposed rooftop plant rooms to the edges of the buildings are indicated in green.

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 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. 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 building height does not comply with Council's planning instruments, being the Ku-ring-gai Planning Scheme Ordinance (KPSO), Ku-ring-gai Local Environmental Plan (LEP) (Town Centres), Ku-ring-gai Development Control Plan (DCP) (Town Centres) 2011 and DCP No. 55 – Railway / Pacific Highway Corridor and St Ives Centre;
- justification is required for the proposed RL changes for Block B and the addition of the rooftop plant rooms;
- the development is required to demonstrate compliance with the minimum solar access, in particular with regard to the addition of the pergolas;

- the amendments to the design of the skylights and the addition of the rooftop plant rooms will change the building design and appearance of the building;
- an amended BASIX certificate is required; and
- Council requires a State Environmental Planning Policy (SEPP) No. 1 objection to clause 25 of the KPSO.

4.2 Proponent's Response to Submissions

The proponent amended the application in response to issues raised in Council's submission and provided further information as follows:

- reduced the increase in height of Block B to 100mm;
- provided justification of the increase in height of Building B and the additional rooftop plant rooms;
- provided a solar access statement confirming the minimum requirement for solar access is achieved;
- amended the application to maintain the number of approved skylights, being 27;
- provided further details of the materials and design of the skylights and rooftop plant rooms; and
- provided an updated BASIX Certificate.

Ku-ring-gai Council advised on 1 December 2011 that it maintains its views provided in the original submission and does not support the application.

5. ASSESSMENT

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

- building height and appearance; and
- solar access.

5.1 Building Height and Appearance

The department considered that the key changes to the building height and appearance relate to the following:

- addition of rooftop plant rooms;
- changes to skylight design;
- addition of pergolas; and
- increase to the height of Block B by 100mm.

These proposed elements are discussed separately below.

5.1.1 Rooftop Plant Rooms

The proposed rooftop plant rooms contain hot water heaters and lift overruns for each block. Each rooftop plant room is located toward the centre of the roof area (refer to **Figures 2** and **3** above) and is screened by louvres 2.5 metres in height with enclosed walls and ceilings as shown in **Figures 4** and **5** below.

The increase in building heights ranges from 0.75 metres for Block C to 1.49 metres for Block B as shown in Table 1 below:

Block	Approved Building Height	Proposed Building Height	Proposed Increase
A	RL176.30	RL177.70	1.40m
B	RL180.24	RL181.73	1.49m
C	RL174.10	RL174.85	0.75m
D	RL179.90	RL181.30	1.40m
E	RL176.70	RL177.50	0.80m
F	RL173.60	RL175.00	1.40m

Table 1: Analysis of Proposed Building Heights

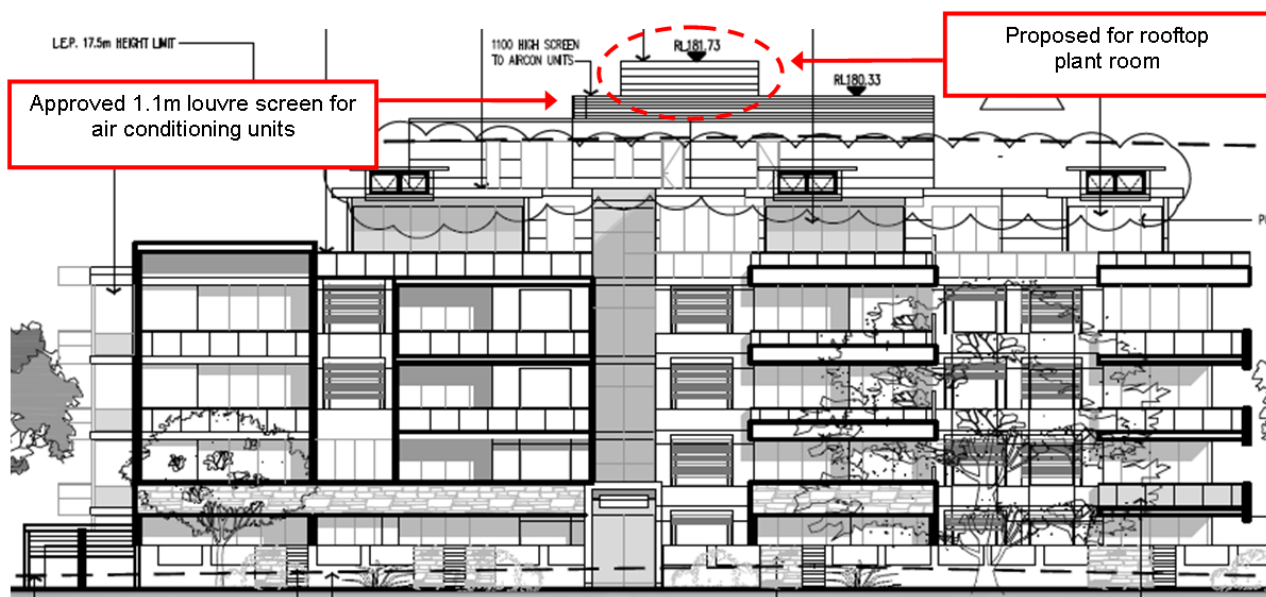


Figure 4 – Proposed north elevation of Block B fronting Killeaton Street indicating the approved 1.1m screening for the air conditioning units and the proposed rooftop plant room and associated screening.

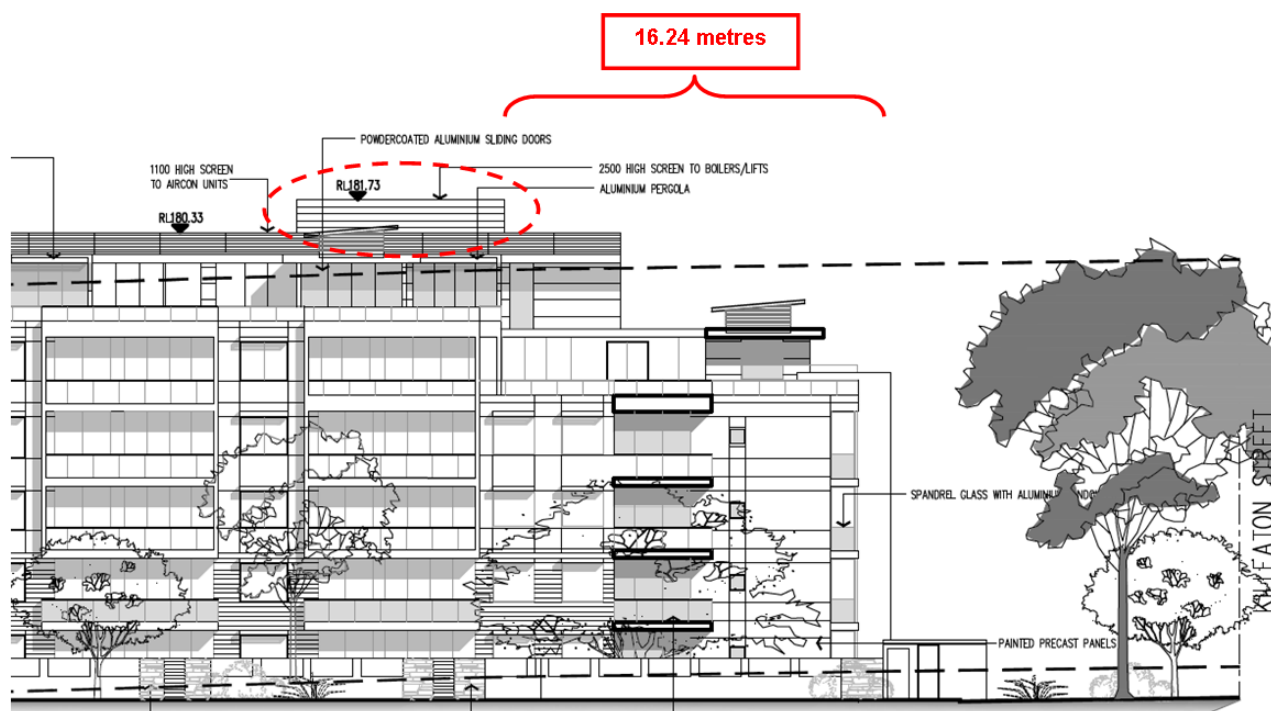


Figure 5 – Eastern elevation of Block B demonstrating that the distance of the proposed rooftop plant room from the front of the building is 16.24 metres.

Council has raised concern that the proposed rooftop plant rooms are interpreted as an additional storey under the KPSO and as a result Blocks A, B, D and E do not comply with the maximum height restriction.

The additional height is from 0.75m to a maximum of 1.49m, and is not a floor in reality and the department considers that in determining the appropriateness of the rooftop plant room the key issue is whether these structures will be readily visible to adjoining properties and the public domain.

The rooftop plant rooms are not anticipated to be readily visible from the public domain due to their setback from the building edge and location toward the centre of the roof area for each building (refer to **Figures 2 and 3** above). The photomontages showing Block B as viewed from Killeaton Street in **Figures 6 and 7** below, demonstrate that the rooftop plant rooms sit comfortably within the scale of the approved building form and are not readily visible from the public domain. As demonstrated in **Figure 5** above, the rooftop plant rooms are in keeping with the scale of the buildings and are well set back from the side boundaries which are also lined with mature trees. The department considers that these plant rooms will not be readily visible to the adjoining properties therefore will not adversely affect the amenity of these properties. The department therefore considers the proposed rooftop plant rooms to be appropriate and will not appear as an additional floor.



Figure 6 – Photomontage of the proposed development as viewed from Killeaton Street looking towards Block B of the development. The photomontage demonstrates that the approved rooftop air conditioning screening is visible. It is noted that the proposed rooftop plant room is not readily visible from this perspective.

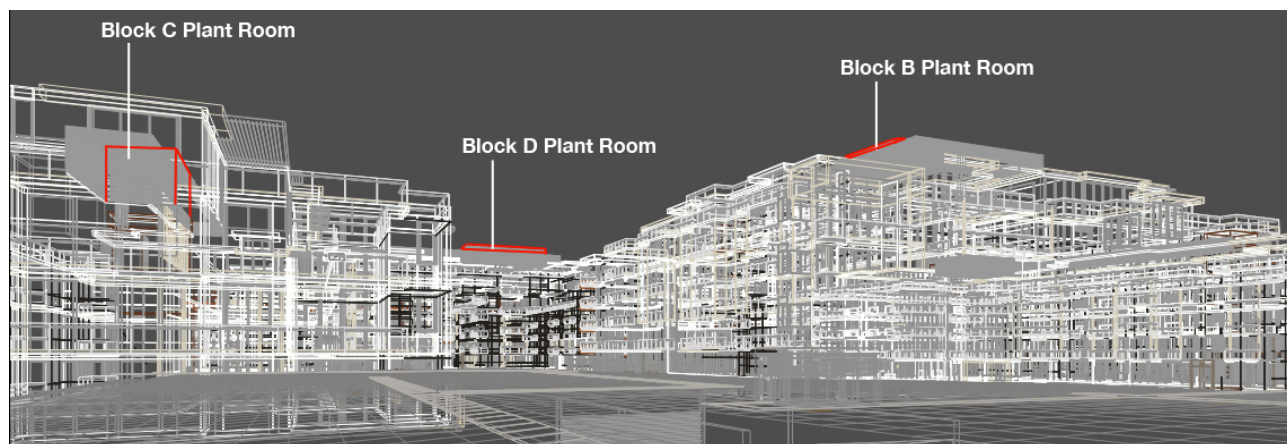


Figure 7 – Model of the proposed development as viewed from Killeaton Street demonstrating the extent of the proposed rooftop plant rooms for Blocks B and D which will be visible from this perspective (marked in red). The model indicates

the outline of the Block C plant room, however this plant room will not be visible from this perspective as it is shielded from view by the front parapets of the building.

5.1.2 Skylights

Council has raised concern that the proposed redesigned skylights change the appearance of the development as demonstrated in **Figures 8** and **9** below.

The department considers that the proposal to modify the approved skylight design will not significantly alter the appearance of the approved building (**Figures 8** and **9**). The department notes that the general size and location of the skylights is maintained with the modified design. The department considers that this proposed design maintains the intent of the Residential Flat Design Code as it reduces the reliance on artificial light and improves energy efficiency and residential amenity. As a result, the department supports the amended skylight design.

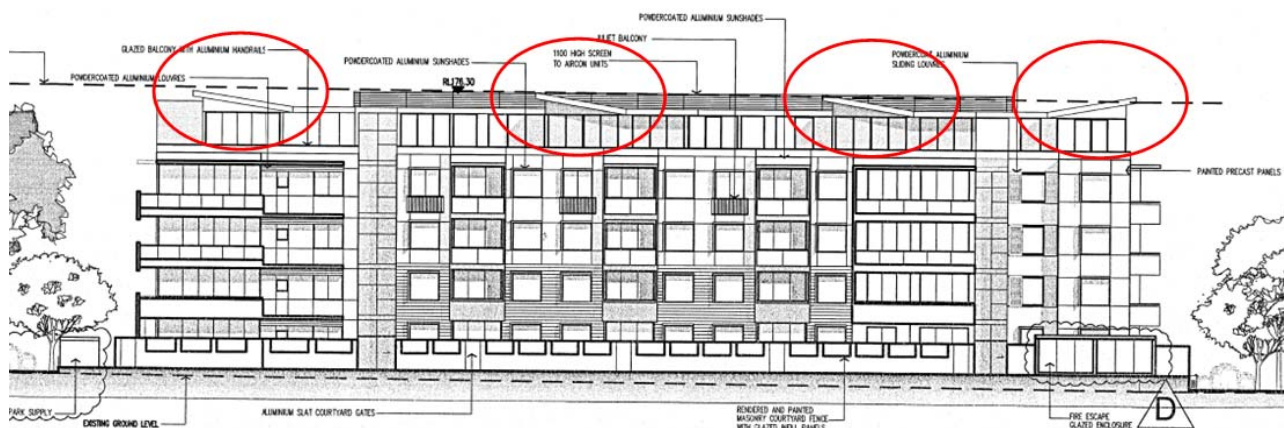


Figure 8 – Plan demonstrating the approved western elevation of Block A. The approval included four skillion-style skylights visible from this elevation.

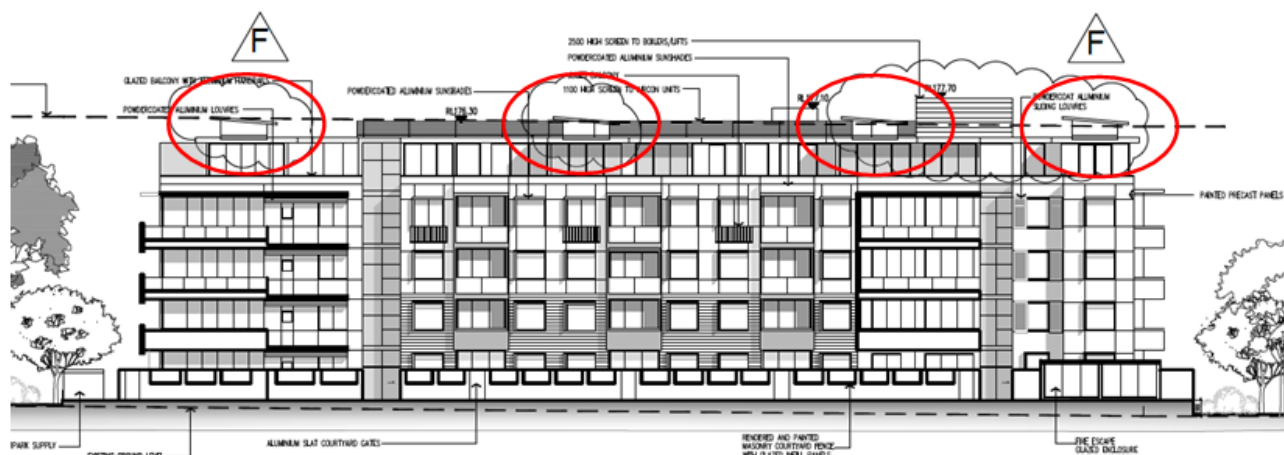
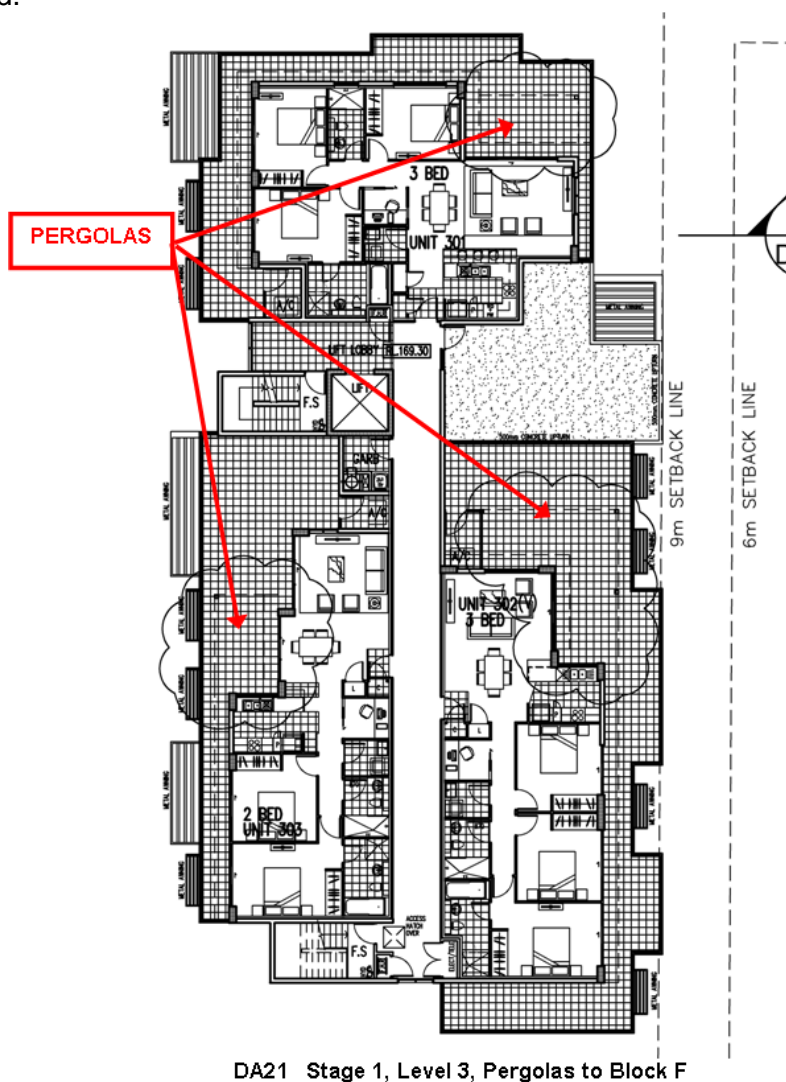


Figure 9 – Plan demonstrating the proposed western elevation of Block A. The proposal is for the redesign of the skylights to provide raised skylights with a lowered roof angle.

5.1.3 Pergolas

The proposed addition of pergolas for eleven top floor apartments reflects the intent of the Residential Flat Design Code as it enhances the residential amenity for future occupants by providing shading and glare control for these private open space areas. The pergolas are considered to be minor light-weight additions that are consistent with the approved ceiling heights, will match the approved colours and materials of the development, and are in keeping with the

scale of the overall development as demonstrated in **Figure 11** below. Given these points, the department considers that the pergolas will maintain the approved appearance of the development and are supported.



DA21 Stage 1, Level 3, Pergolas to Block F

Figure 10 – Level 3 Floor Plan demonstrating the proposed location of three pergolas to Block F.

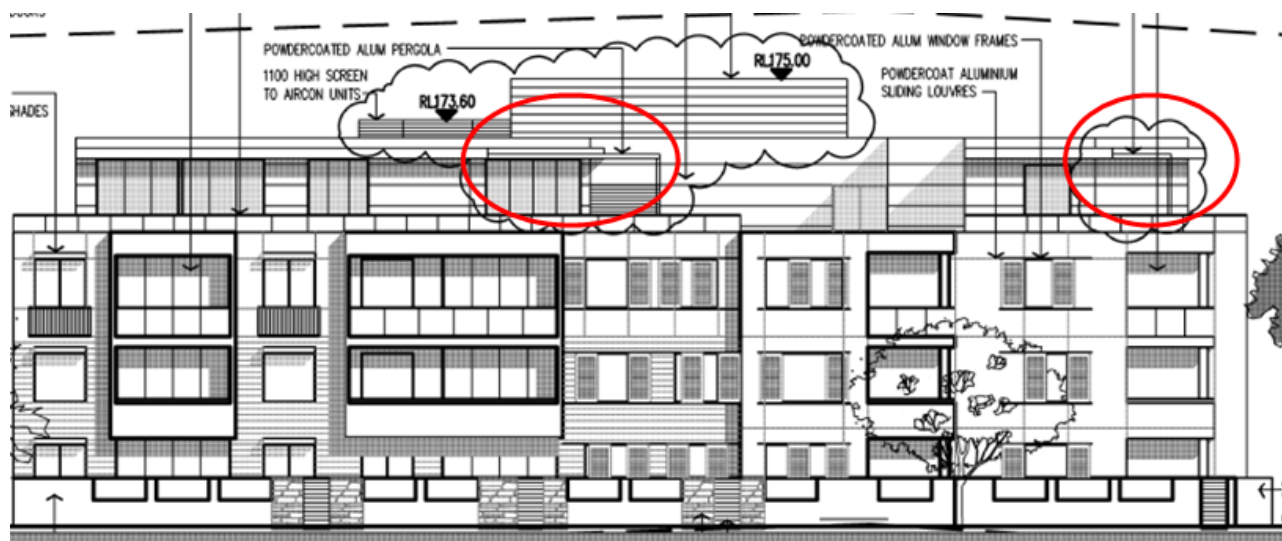


Figure 11 – Eastern elevation plan demonstrating the proposed location of pergolas to Block F which are visible from this perspective.

5.1.4 Changes to the Height of Block B

The proponent seeks to increase the overall height of Block B by 100mm to accommodate a “transfer slab” at Level 3 to support the structural integrity of the building. Council has raised concern with the increase to the building height and the modification is not supported. The department considers that the proposed increase to the building height is negligible with respect to the overall building height. The additional building height will not be recognisable when viewed from the public domain and is not considered to detract from the aesthetics of the development. The department supports the proposed modification.

The overshadowing impacts of the increase to the height of Block B is addressed in Section 5.2 below.

5.1.5 Conclusion

Despite Council's concerns regarding the amendments to building height and appearance, the proposed modifications are not considered to significantly alter or detract from the appearance of the development. The department supports the addition of the rooftop plant rooms, redesign of the skylights, addition of the pergolas and 100mm increase in height to Block B.

5.2 Solar Access

Council is concerned that the proposed pergolas will impact upon the minimum required solar access and amenity for the future occupants. In response to Council's concerns the proponent provided a solar access statement confirming that the proposal will allow 70% of the apartments to be provided three or more hours of sunlight on 21st June, which satisfies the requirements of Condition B1A 'Other Design Modifications' of the Project Approval, the Residential Flat Design Code and the Ku-ring-gai Development Control Plan No. 55.

The department considers the addition of the pergolas to eleven top floor apartments, as well as the addition of the rooftop plant rooms, amended skylight design and increase in height of Block B by 100mm to be acceptable considering the development satisfies the solar access requirements for future occupants and is such a minor change to the built form that it will not materially alter solar access to adjacent residences.

6. CONCLUSION AND RECOMMENDATIONS

The proposal seeks modifications to the approved residential development including the addition of rooftop plant rooms for each block, redesign of the skylights, the addition of pergolas to eleven top floor apartments, increasing the height of Block B by 100mm and correction to the RL for Level 1 of Block E. 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:

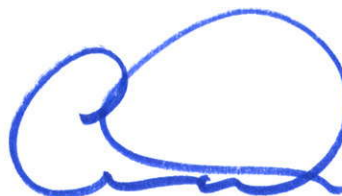
- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modification request under delegated authority, subject to conditions; and
- (c) **sign** the attached Instrument of Modification for MP10_0057 MOD 4.

Prepared by: Holly Palmer
Planning Officer, Metropolitan & Regional Projects South

Endorsed by

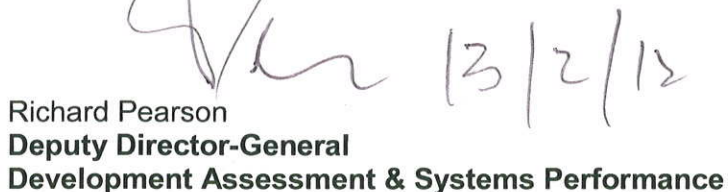


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APPENDIX A MODIFICATION REQUEST

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4957

APPENDIX B SUBMISSIONS

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4957

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
