



**Planning &
Infrastructure**

**MODIFICATION REQUEST:
Residential Development
Lot 2 DP 748682
132-138 Killeaton Street, St Ives**

10_0057 MOD 9



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

February 2013

© Crown copyright 2013
Published February 2013
NSW Department of Planning & Infrastructure
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

1. BACKGROUND

This report is an assessment of a request to modify Major Project 10_0057 involving a residential development at Lot 2 DP 748682, 132-138 Killeaton Street, St Ives, in the Ku-ring-gai local government area. The modification request is pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Site Location and Surrounding Land Uses

The site covers an area of approximately 2.297ha and is an L-shaped allotment with 145.5m frontage to Killeaton Street. Killeaton Street is a two-lane local road with car parking on either side, and forms a T-junction with Mona Vale Road approximately 120 metres to the west. The surrounding land uses include a mix of low density residential development and educational facilities. Adjoining the southern and western site boundaries is Masada College and several detached dwelling houses. Detached dwellings also border the eastern site boundary.

The site formerly accommodated a complex comprising a monastery, college and chapel. The site is largely cleared other than existing vegetation along the site boundaries. Existing structures on the site include the two-storey brick monastery building, and a small stable – refer **Figure 1** below.



Figure 1: Site Location – 132-138 Killeaton Street, St Ives

Site History

On 2 May 2011, the Planning Assessment Commission (PAC) granted approval, in accordance with Part 3A of the EP&A Act, for a development involving:

- 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 car parking; and,
- landscaping works.

On 6 August 2011, the Director-General approved amended plans to satisfy Condition B1A of the approval involving an additional basement car parking level in order for the development to accord with the requirements for visitor and residential parking of the Kuring-gai Development Control Plan (Town Centres) 2010.

Previous Modifications

The proposal has been subject to several modification requests, including:

- On 17 October 2011, the Acting Director General approved 10_0057 MOD 1 involving the use of the existing driveway along the eastern boundary during construction works;
- On 1 December 2011, the PAC disapproved 10_0057 MOD 3 involving an amendment to Condition B12 to allow a reduction in the number of visitor car parking spaces;
- On 2 December 2011, the Deputy Director General approved 10_0057 MOD 2 involving 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 20 February 2012, the PAC approved 10_0057 MOD 4 involving amendments to building RLs, additional pergola structures, and changes to rooftop areas;
- On 29 February 2012, the PAC approved 10_0057 MOD 5 involving modifications to the monastery building including the ground floor layout, and to provide all communal facilities and two residential apartments on the first floor;
- On 23 May 2012, the Deputy Director General approved 10_0057 MOD 6 involving additional pergolas to Blocks A, B and D;
- On 30 August 2012, the Deputy Director General approved 10_0057 MOD 8 involving the inclusion of a dressing room within unit 449; and
- On 17 September 2012, the Deputy Director General approved 10_0057 MOD 7 to allow the staging of strata subdivision of residential buildings A, B, C, D, E, F, and the monastery building.

2. PROPOSED MODIFICATION

2.1 Modification Description

On 7 January 2013, Karimbla Construction Services (NSW) Pty Ltd, on behalf of Meriton Apartments Pty Ltd, submitted a section 75W modification request to major project 10_0057 (MOD 9). The proposed modification involves the installation of a cabinet to house the fire hydrant and sprinkler booster valves at the front site.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

The project application was granted approval under section 75J of the EP&A Act. Section 75W of the EP&A Act provides for the modification of the Minister's approval.

Pursuant to section 75W(2) of the EP&A Act, the proponent may request the Minister to modify approval of a project. Any request is to be lodged with the Director-General. A copy of the proponent's modification request is included at **Appendix B**.

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. Given the relatively minor nature of the modification request, DGRs were not considered necessary.

Under section 75W(4) of the EP&A Act, the Minister may modify the approval (with or without conditions) or disapprove the modification. The following report outlines the department's assessment of the modification request.

3.2 Delegated Authority

Under the Instrument of Delegation dated 27 February 2013, the Minister has delegated his functions to determine section 75W modification requests to the Executive Director – Development Assessment, Systems & Approvals, whereby:

- the relevant local council has not made an objection;
- a political disclosure statement has been made, but only in respect of a previous related application; and
- there are less than 25 public submissions in the nature of objections.

Ku-ring-gai Council (council) has not made an objection on the proposed modification, and there were no public submissions received in the nature of objections. The political disclosure statement which accompanied the application declared no donations had been made within the reportable period, however, the political disclosure statement which accompanied the original application reported a declaration had been made at that time. Accordingly, the modification request can be determined under delegation.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the EP&A Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with clause 8G of the Environmental Planning and Assessment Regulation 2000, the request for modification was made publicly available on the department's website.

Ku-ring-gai Council

The modification request was referred to council for comment. Council requested additional information be provided with the application, including an arborist report to detail potential impacts on the site's existing vegetation. Council does not object to the proposed modification, provided the recommendations included within the proponent's arborist report form part of the modified conditions of approval (refer **Appendix D** for a copy of council's correspondence).

5. ASSESSMENT

The proposed modification involves the construction of a cabinet to house the fire hydrant and sprinkler booster valves at the front of the site. The cabinet is proposed to be constructed of stone cladding and brick/blockwork with a roller door and concrete lid. The proposed dimensions of the cabinet are 2.25m in height and 4.56m in width. The cabinet has been designed to ensure a more attractive presentation to the site upon view from Killeaton Street. The proponent advises that the location of the fire booster valves is governed by *AS 2419.1–2005: Fire hydrant installations – System design, installation and commissioning*, and cannot be relocated elsewhere on the site. **Figure 2** shows the location of the proposed cabinet in front of Block C. **Figure 3** illustrates the proposed cabinet design and dimensions.



Figure 2: View from Killeaton Street of Proposed Cabinet for Fire Hydrant and Sprinkler Booster Valves

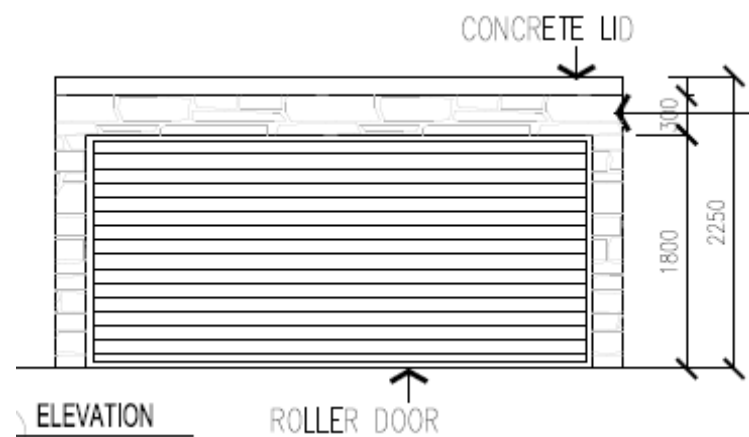


Figure 3: Proposed Cabinet Design for Fire Hydrant and Sprinkler Booster Valves

Council raised concern regarding potential impacts the structure would have on the site's existing vegetation, and requested the proponent provide an arborist report as part of the application.

The proponent subsequently engaged TALC Tree and Landscape Consultants to prepare an Arboricultural Assessment Report (AAR) – refer **Appendix B**. The Tree Retention Plan approved as part of the original application identifies two trees in proximity to the proposed cabinet, being tree no. 62 (Brushbox species) and tree no. 64 (Monterey Pine species) – refer **Appendix C**. The AAR states that the works required to construct the proposed cabinet can be carried out without detrimentally impacting on the existing trees to be retained, and that the proposed works are considered satisfactory for the trees to remain viable and stable.

Upon review of the AAR, council advised that there were no objections to the modification request, subject to the recommendations provided in the AAR being included as part of the conditions of approval.

The department does not raise concern with the modification request and considers that the proposed cabinet will ensure the fire hydrant and sprinkler booster valves are adequately protected. Condition A1 – *Development in Accordance with Plans and Documentation* will therefore require amendments in making reference to the modification request documentation, including revised project plans DA-01, DA-03, DA-04, DA-10, DA-27, and new plan DA-100. A new condition (Condition B21A) is also recommended that expressly requires the construction of the cabinet to be carried out in accordance with the recommendations provided in the AAR.

6. CONCLUSION

The department considers the proposal, as modified, does not deter from the objectives as assessed under the original approval and will not introduce any detrimental environmental impacts upon the site or the surrounding locality. It is therefore recommended that the modification request be approved.

7. RECOMMENDATION

It is recommended that the Executive Director – Development Assessment, Systems & Approvals, as delegate of the Minister for Planning and Infrastructure, under section 75W of the EP&A Act approve the proposed modification to 10_0057, as detailed in **Section 2** of this report; and vary the conditions of approval as set out in the modifying instrument included at **Appendix A**.

Prepared by: Brent Devine - Planner
Metropolitan and Regional Projects North

Endorsed by:

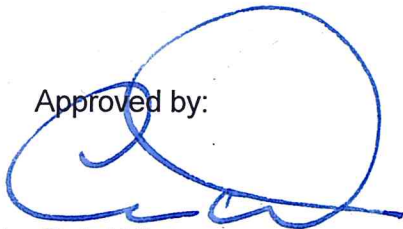


Joanna Bakopanos
Team Leader
Metropolitan and Regional Projects North



Heather Warton
Director
Metropolitan and Regional Projects North

Approved by:



28.2.13

Chris Wilson
Executive Director
Development Assessments, Systems & Approvals

APPENDIX B MODIFICATION REQUEST AND ABORICULTURAL ASSESSMENT REPORT

SECTION 75W APPLICATION

MP 10_0057

132-138 KILLEATON STREET, ST IVES

ERECT CABINET FOR BOOSTER VALVES

JANUARY 2013

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 AMENDMENTS	4
3.3 AMENDMENT TO CONDITIONS	4
4.0 PLANNING ASSESSMENT	5
4.1 ENVIRONMENTAL PLANNING INSTRUMENTS	5
4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS	7
4.3 DEVELOPMENT CONTROL PLANS.....	7
4.4 LIKELY IMPACTS.....	7
5.0 CONCLUSION	8

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 erect a cabinet for the fire booster valves at the front of the site.

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

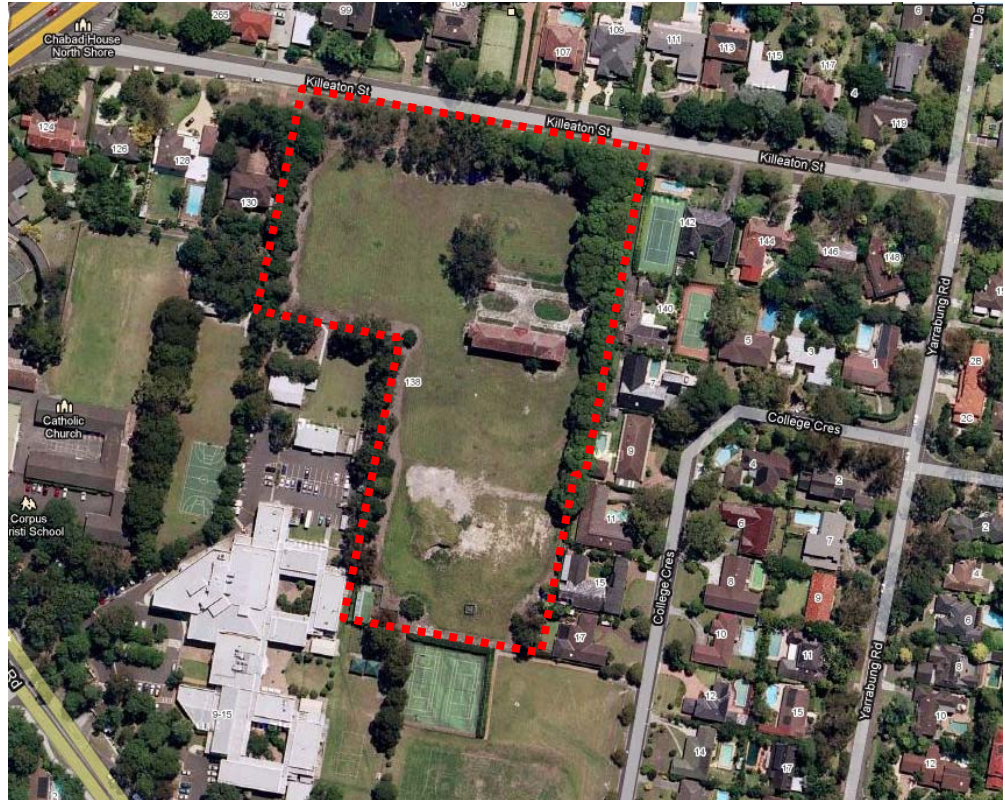


Figure 2: Aerial view of site showing approximate boundary location

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 erect a cabinet for the fire booster valves at the front of the site.

The cabinet is designed to contain the valves to ensure a more attractive presentation to the site.

The proposed cabinet and its location is shown on the plans that accompany the application.

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.

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 have only a very minor effect on deep soil.	✓
(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

4.2.1 Draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012

The Draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012 has been publicly exhibited.

Part 2 of the draft LEP identifies that the subject site is to be zoned R4 High Density Residential. The proposed amendments to the approved residential development are a permitted use in the draft zone subject to consent.

There are no other clauses of the draft LEP that are relevant in the assessment of the proposal.

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 cabinet will be unobtrusive and will not have any adverse impacts on the presentation of the development to the street. Rather, the cabinet will ensure that the unsightly booster valves are contained out of sight.

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

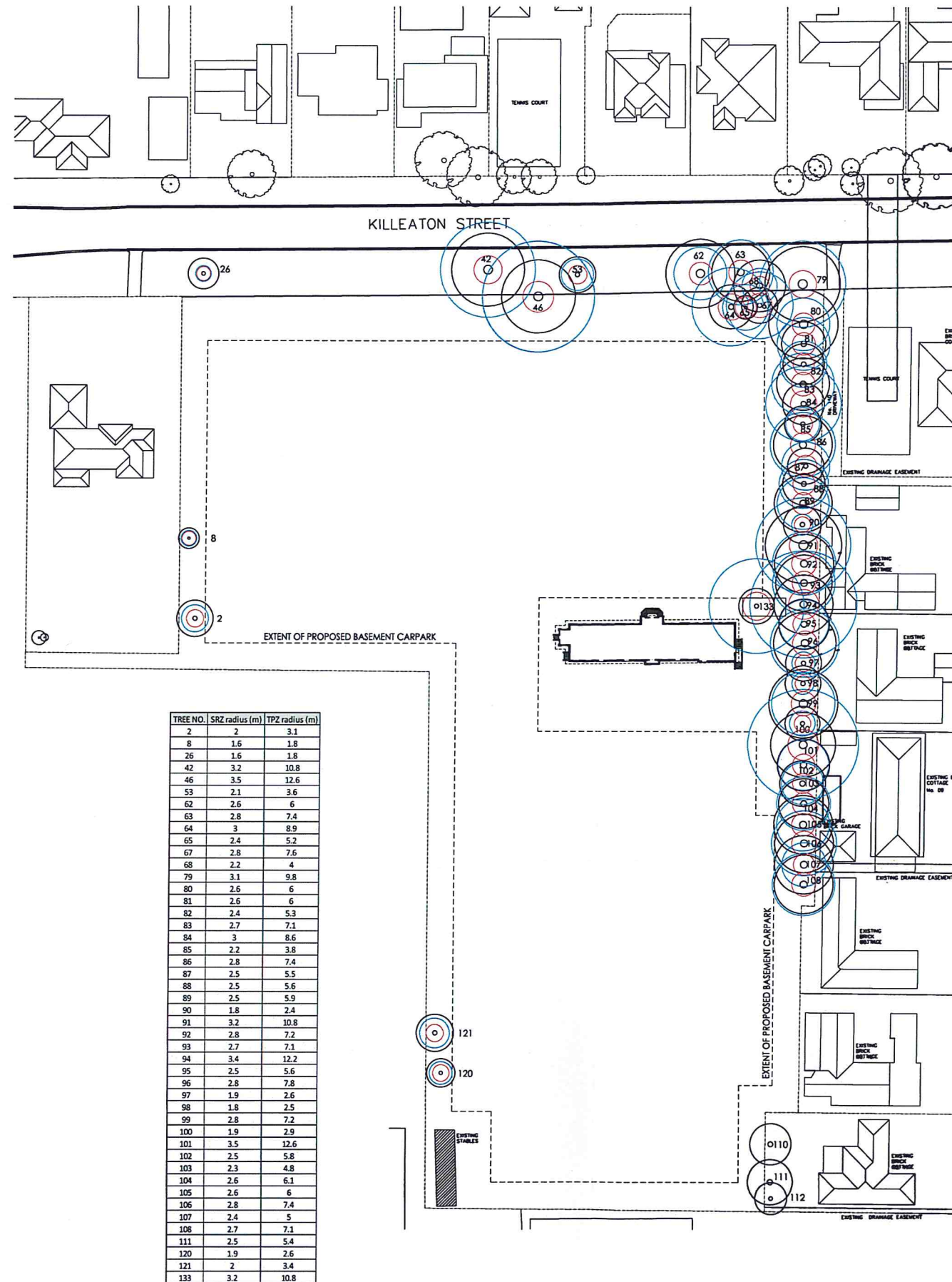
5.0 CONCLUSION

It is proposed to erect a cabinet for the fire booster valves at the front of the site.

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.

APPENDIX C APPROVED TREE RETENTION PLAN



TREE NO.	SRZ radius (m)	TPZ radius (m)
2	2	3.1
8	1.6	1.8
26	1.6	1.8
42	3.2	10.8
46	3.5	12.6
53	2.1	3.6
62	2.6	6
63	2.8	7.4
64	3	8.9
65	2.4	5.2
67	2.8	7.6
68	2.2	4
79	3.1	9.8
80	2.6	6
81	2.6	6
82	2.4	5.3
83	2.7	7.1
84	3	8.6
85	2.2	3.8
86	2.8	7.4
87	2.5	5.5
88	2.5	5.6
89	2.5	5.9
90	1.8	2.4
91	3.2	10.8
92	2.8	7.2
93	2.7	7.1
94	3.4	12.2
95	2.5	5.6
96	2.8	7.8
97	1.9	2.6
98	1.8	2.5
99	2.8	7.2
100	1.9	2.9
101	3.5	12.6
102	2.5	5.8
103	2.3	4.8
104	2.6	6.1
105	2.6	6
106	2.8	7.4
107	2.4	5
108	2.7	7.1
111	2.5	5.4
120	1.9	2.6
121	2	3.4
133	3.2	10.8

NOTE:

AS4790: PROTECTION OF TREES ON DEVELOPMENT SITES DEFINES TREE PROTECTION ZONES (TPZ) AND STRUCTURAL PROTECTION ZONES (SRZ).

THE STANDARD PROVIDES GUIDELINES FOR ENCROACHMENT ON THESE ZONES, BUT SHOULD ANY ENCROACHMENT BE NECESSARY THEN A SUITABLY QUALIFIED AND EXPERIENCE ARBORIST SHOULD BE CONSULTED AND SHOULD BE PRESENT ON SITE WHEN THE WORKS OCCUR.

LEGEND

- TREE TO BE RETAINED
- TREE PROTECTION ZONE (TPZ)
- STRUCTURAL ROOT ZONE (SRZ)

APPENDIX D KU-RING-GAI COUNCIL CORRESPONDENCE

Brent Devine - FW: RE: RE: S75W Modification Request - 132-138 Killeaton Street, St Ives

From: "Rebecca Hoschke" <rhoschke@kmc.nsw.gov.au>
To: "Brent Devine" <Brent.Devine@planning.nsw.gov.au>
Date: 2/13/2013 4:32 PM
Subject: FW: RE: RE: S75W Modification Request - 132-138 Killeaton Street, St Ives

Hi Brent,

Please refer to comments below. No objections, subject to arborist report and recommendations included as part of the consent.

Cheers
Rebecca

From: Robyn Askew
Sent: Wednesday, 13 February 2013 4:25 PM
To: Rebecca Hoschke
Subject: RE: RE: RE: S75W Modification Request - 132-138 Killeaton Street, St Ives

Hi Rebecca,

The arborists assessment is considered acceptable. The protection measures as specified by the arborist are to be carried out.

regards Robyn

From: Rebecca Hoschke
Sent: Wednesday, 13 February 2013 4:13 PM
To: Robyn Askew
Subject: FW: RE: RE: S75W Modification Request - 132-138 Killeaton Street, St Ives

Hi Mate, how does this look?
Cheers
Bec

From: Brent Devine [mailto:Brent.Devine@planning.nsw.gov.au]
Sent: Wednesday, 13 February 2013 3:16 PM
To: Rebecca Hoschke
Subject: FW: RE: RE: S75W Modification Request - 132-138 Killeaton Street, St Ives

Hi Rebecca,

Find attached Arborist Report prepared for the site at Killeaton St, St Ives in relation to the construction of a cabinet for the fire booster valves.

Please advise whether council has any further concerns relating to the proposal.

Regards,

Brent Devine
Environmental Planner

APPENDIX E APPROVED PLANS
