

Ku-ring-gai Council
818 Pacific Highway,
Gordon, NSW, 2072



Date 15.09.2010

Attn: **Rebecca Eveleigh**

RE: 3-7 Porters Lane, St Ives, amended documentation.

DA 0178/10

Please find attached the following amended documentation as requested by Council

- 8 sets of amended Solar Impact Report
- 8 sets of amended BASIX report
- 8 sets of amended Access report
- 8 sets of amended SEE
- 8 sets of Air conditioning details
- 8 sets of amended Stormwater drawings
- 8 sets of amended Landscape drawings
- 8 sets of amended Architectural drawings
- 8 sets of Notification plans at A4 size
- SEPP65 design verification statement

Also attached are 2 CD disks with the above documentation, *by post tomorrow 16/9/10*

Yours Faithfully,

Felipe Ayala.

*CDs received Thursday
23/2/10.
- M. Wade*

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15 September 2010

General Manger
Ku-Ring-Gai Council
Locked Bag 1056
PYMBLE NSW 2073

Attention: Ms Rebecca Eveleigh

Development Application: 178/10

Property: 3 – 7 Porters Lane, St Ives

I refer to the above mentioned development application and the meeting with Council Officers and Council's Urban Design Consultant on 11 August 2010. In accordance with the minutes from the meeting, subsequent telephone discussions and emails amended architectural plans and documents have been prepared to address the issues raised by Council.

The following plans and documents are submitted:

- Architectural plans numbered SK01 to SK12 issue C and SK09.1, SK12.1 issue B, SD01 – SD06 issue C and SD04.1 issue B dated 15 September 2010 prepared by Mackenzie Architects,
- Shadow Diagrams numbered SK13 – SK 18 issue C dated 15 September 2010 prepared by Mackenzie Architects,
- Solar Impact Report prepared by PSN Matter,
- Landscape Plans numbered LPDA 10-235/1E, 10-235/3E, 10-235/4B and 10-235/2C dated September 2010 prepared by Conzept Landscape Architects,
- Stormwater plans numbered DA1.01 – DA4.01 revision B dated 14 September 2010 prepared by Northrop Engineering,
- Access Report dated 14 September 2010 prepared by Accessibility Solutions,
- Basix Certificate No. 296465M-03.

The following summarises the amendments to the plans and support documents:

- The number of dwellings has been reduced from 61 to 57 with the following mix:

- 20 x 1 bedroom dwellings,
- 27 x 2 bedroom dwellings,
- 10 x 3 bedroom dwellings.

The reduction in the number of units subsequently reduces the Gross Floor Area (GFA) from 5535m² to 5275.5m² being a floor space ratio (FSR) of 1.24:1.

- Reconfiguration of the basement car park. The basement contains a total of 85 car parking spaces.
- The inclusion of on-site stormwater detention in the basement car park.
- Separation of Buildings A and B at the ground and first floor levels. The separation between the buildings is a minimum of 10m with a central pedestrian entry from Porters lane providing access to the rear of the building.

The building separation results in reconfiguration of units A3 – A9 and B5 – B12 to 3 bedroom dwellings with study.

- The building recess at the front elevation of the 2nd and 3rd floor levels has increased 9.2m – 11.7m. Units A15 – A22 and B20 – B27 have been changed to 1 bedroom dwellings in response to the increased building separation.
- The floor layout of units A28 and B31 has been amended to reflect the separation between the buildings.
- The ground floor courtyard of unit A5 has been amended to increase the setback to the western boundary. The courtyards of units A4 and B4 have retaining walls to maintain the levels between the courtyards and side boundary.
- The landscape plan has been amended to address the amended architectural plans with landscape planters in the area at the rear of the buildings and a change in species/planting in the front setback noting the removal of the above ground detention basin.

The amended plans have been assessed in accordance with State Environmental Planning Policy No. 65 (SEPP 65), Ku-ring-gai Planning Scheme Ordinance (PSO) – LEP 194, and Development Control Plan NO. 55 (DCP 55). Council Officers have advised that LEP 194 and DCP 55 are the applicable planning instruments and controls to this application. The following is an assessment of the plans in accordance with the planning instruments and development controls.

▪ **SEPP 65 – Design Quality of Residential Flat Buildings**

The amended plans have been assessed in accordance with the Design Quality Principles contained in SEPP 65. The following table assesses the plans in accordance with these principles.

Principle	Comment
Context	<p>The amended plans include a defined break in the building form viewed from Porters Lane and the rear of the subject site presenting built elements compatible with the scale of development in the immediate locality.</p> <p>Further, the amended plans design the residential flat building in accordance with the density controls planned for the locality. The residential flat building provides additional housing (one, two and three bedroom dwellings) within the catchment of the St Ives retail/commercial precinct, health services and public transport.</p> <p>The building has a 13m – 15m setback to Porters Lane allowing for the retention of significant trees in the front setback and additional landscaping contributing to streetscape setting of Porters Lane.</p>
Scale	<p>The breaking in the building at the first and second floor level reduces the visual scale of the building viewed from Porters Lane and the heritage property at the rear of the subject site. Further, the residential flat building has been designed to be consistent with the scale of development in the precinct and the desired future character of land zoned 2(d3) pursuant to Ku-ring-gai LEP 194.</p>
Built Form	<p>The proposal is well articulated with the break in the building presenting building facade length of 27m to Porters Lane. The proposal includes the use of a variety of materials and finishes. The upper most level incorporates a raked roof form setback from the level below presenting a suitable built form to Porters Lane.</p>
Density	<p>The density of the building is compatible with the desired future density provisions contained in Ku-ring-gai LEP 194 and DCP 55. The proposed residential flat building presents high density housing</p>

	within the catchment of the St Ives retail/commercial precinct and transport services.
Resource, Energy and Water Efficiency	The orientation of the units and internal design maximises solar access to the main living rooms and private open space areas with 70% of dwellings having 3 hours of direct sunlight at midwinter. Natural cross ventilation is provided to 38 units.
Landscape	<p>The building footprint has a minimum 6m-9m setback to the side and rear boundaries and a varied front setback of 13m – 15m with the building footprint located over the basement car park providing 2180m² of deep soil planting area (51% of the site area).</p> <p>The setbacks and deep soil planting area ensures indigenous canopy trees can be accommodated around the perimeter of the building.</p>
Amenity	<p>The units have been designed in accordance with the Residential Flat Design Code ensuring the units are of suitable dimension and designed to maximise solar access and cross ventilation. The amended plans have designed 38 corner dwellings with the single aspect dwellings having a north orientation.</p> <p>Additionally, the dwellings have adequate setback to the adjoining dwellings and suitable landscape screen on the boundary maintaining residential amenity.</p>
Safety and Security	The residential flat buildings promote casual surveillance of the common areas and Porters Lane. The proposal ensures the public and private space is clearly defined.
Social Dimensions and Housing Affordability	The development proposal provides additional housing to meet demand and address housing affordability with the provision of one (1), two (2) and three (3) bedroom dwellings. Additionally, the proposal provides additional housing within the catchment of the St Ives commercial/retail precinct, health services and public transport.
Aesthetics	The amended plans provide defined separation in built form to Porters Lane and the materials and finishes contributes to the desired character of the area.

Additionally, the amended plans have been assessed in accordance with the Primary Development Controls and Building Design Requirements contained in the Residential Flat Design Code (RFDC). The 'rule of thumb' contained in RFDC are addressed in the following table:

Residential Flat Design Code	Proposed	Rule of Thumb	Compliance
Primary Development Controls			
Building Depth (m)	22 – 28	10 – 18m	No (1)
Building Separation (m) Habitable - Habitable	12.3m	12	Yes
Site Design			
Deep Soil Open Space Zone (m ² & %)	2180m ² & 51%	1064.5m ² & 25%	Yes
Open Space (% & m ²) Communal	58% and 2500m ²	25% - 30% & 1064m ² – 1277m ²	Yes
Private at ground	25m ² – 40m ²	25m ²	Yes
Building Configuration			
Single Aspect Apartments	8m – 11m Depth	8m	No (2)
Apartment Layout (m) (max. from window)	Single aspect units <8 m kitchen to window.	8m	Yes
Standard Apartment Sizes (m ²)	1 bed: 61 – 73	50	Yes
	2 bed: 85 – 110	70	Yes
	3 bed: 105 - 113	95	Yes
Balcony Depth (m)	2.4 – 6	2	Yes
Ceiling Height (m)			
Habitable rooms	2.7 – 2.9	2.7	Yes
Non Habitable	2.7	2.4	Yes
Storage (m ³)	1 bed: > 6m ³	6	Yes

	2 bed: >8m ³	8	Yes
	3 bed: > 10m ³	10	Yes
Daylight Access	70% - 40 Units	70% - 39 units	Yes
Natural Ventilation Cross Ventilation	67% - 38 Units	60% - 34 Units	Yes
Natural Ventilation - Kitchens	55% - 31 Units	25% - 14 Units	Yes

1. The building subject of the amended plans presents a variation to the 18m guideline applied to the building depth measured from the front to back (from the street to the inside of the block). The variation is acceptable with the building form well articulated breaking the wall length, with the central break in the building at ground and first floor levels presenting separate buildings and ensures the development contains predominantly corner/dual aspect dwellings.
2. The single aspect dwellings have a minor variation (3m) to the 8m depth control contained in the Residential Design Flat Code. The depth of the single aspect units is acceptable with open plan living rooms and the single aspect units in the building have a north orientation. Further, the area greater than 8m in depth is generally service areas/rooms.

▪ **Ku-ring-gai PSO – LEP 195 and DCP 55 – Multi Unit Housing**

The amended plans are assessed in accordance with the development standards and controls contained in the Ku-ring-gai PSO – LEP 194 and DCP 55 in the following table.

	Proposed	Standard	Compliance
Ku-ring-gai PSO			
Deep Soil Landscaping (m² & %)	2180m ² & 51%	2129m ² & 50%	Yes
Minimum Street Frontage (m)	79.5m	23m	Yes
Maximum No. Storeys	4 - 5 storeys	5 storeys	Yes
Site Coverage (%)	34.3%	35%	Yes
Limit on Floor Area of Top Storey (%)	60%	60%	Yes
Max. Perimeter Height – Storeys	4 storeys	4 storeys	Yes
Ceiling Height (m)	12.3 – 13.4	13.4	Yes
Car Parking	85 spaces	81 spaces	Yes

	Proposed	Standard	Compliance
Zone Interface – Setback (m)	9m at 3 rd and 4 th storey East + South boundaries	7.25 – 9m 3 rd and 4 th storey	No (1)
Manageable Housing	6 dwellings	6 dwellings	Yes
DCP 55			
Setback to Heritage Building (m)			Yes
First and Second Storey	26	10	
Third and Fourth Storey	29	15	
Landscape– Deep Soil Area (m²)	5 Areas > 150m ²	150/1000m ² site area = 4.2 areas	Yes
Floor Space Ratio (FSR)	1.24:1	1.3:1	Yes
Setbacks (m)			
Front	13m -15m	13m – 15m	Yes
Side – East	9m– 13m	6m	Yes
West	6m – 10m	6m	Yes
Rear	6m – 8.5m	6	Yes
Single Wall Plane (m²)	<81	< 81	Yes
Elevation Facing Street (m)	Building A - 27m Building B - 27m	36m	Yes
Balcony Projections (m)	< 1.2m	<1.2m	Yes
Solar Access	75 % Units > 3 hours	70% Units > 3 hours	Yes
Single Aspect Units – South Orientation	Nil	No single aspect with south orientation	Yes
Single Aspect Units – Western Orientation	Nil	8 Units and 15%	Yes
Internal Amenity			
Ceiling Height (m)	2.7 – 3.2	2.7m	Yes
Bedroom Dimension (m)	> 3m	> 3m	Yes
Corridors (m)	1.5m	1.5m	Yes
Corridor serving dwellings	7 dwellings	8 dwellings	Yes
Storage – 1 Bed (m³)	>6m ³	6m ³	Yes
2 Bed (m³)	>8m ³	8m ³	Yes
3 Bed (m³)	>10m ³	10m ³	Yes

	Proposed	Standard	Compliance
Outdoor Living			
Private Courtyard (m²)	25 – 40	25m ²	Yes
Balconies (m²)	10 – 50	10 - 15	Yes
Visitable Dwellings (%)	100%	70%	Yes

1. The outer edge of the balconies (units A16 – A17 and B18 – B19) at the rear of the third floor level have a 7.25m setback to the boundary presenting a minor technical variation to the 9m setback control. The variation is supported by a SEPP 1 objection at attachment 1.

In conclusion, the amended plans and supporting documentation have addressed issues raised in our meeting on 11 August 2010 and further discussions with Council's Town Planner – Rebecca Eveleigh. The plans have been designed with a substantial break in the building at the ground and first floor levels, with the built element at levels 3 and 4 setback, ensuring the residential flat building presents as separate built elements when viewed from Porters Lane and the heritage property at the rear of the subject site. The building separation has reduced the number of units to 56 and floor area to 5275m² being and an FSR of 1.23:1.

The stormwater detention has been designed in the basement car park eliminating the above ground detention basin the front setback. The landscape plan has been amended to reflect this change and to address feedback provided by Council's Landscape Officer – Tempe Beaven.

Thank you for the opportunity to work with Council in achieving a suitable design outcome and trust that the amended plans and documents address the issues raised during the assessment of the application. If you wish to discuss the amended plans or require clarification of the issues raised in this letter please Garry Chapman on 9560 7013.

Thank you



Garry Chapman
Chapman Planning Pty Ltd

Enclosed: Attachment 1 – SEPP 1 Objection

WITHOUT PREJUDICE

**OBJECTION UNDER STATE ENVIRONMENTAL PLANNING
POLICY No. 1 – Development Standards.**

Property Description: 3 – 7 Porters Lane, St Ives

Development: Demolition and Construction of a Residential Flat
Building with Basement Car Park.

Introduction

The State Environmental Planning Policy No: 1 – Development Standards (SEPP 1) objection is prepared without prejudice to address a minor technical variation to the zone interface (setback) development standard contained in clause 25L(2) of the Ku Ring Gai Local Environmental Plan (LEP) No. 194. The clause requires that the third and fourth storey of the building must be setback at least 9m from any boundary of the site that is not within the 2(d3) zone. The southern and eastern boundary of the site adjoin land zoned R2 – Low Density pursuant to the Ku-ring-gai Town Centres LEP – St Ives.

The amended plans have a minimum 9m setback to the southern and eastern boundary at the third and fourth storeys of the building measured from the boundary to the building elevation. The outer edge of the balconies for dwellings numbered A16 and A17, B18 and B19 have a 7.25m setback to the rear boundary.

The setback at this level measured to the building line complies with the 9m setback control. This SEPP 1 objection is submitted to allow determination of the application in the event the 7.25m setback of the balconies at the third storey is assessed as non-compliant with clause 25L(2) of the LEP.

SEPP 1 allows a written objection to be made seeking variation to a development standard. In making the written objection there are four main criteria which must be satisfied before consent pursuant to SEPP 1 is granted, being:

1. That the requirement is a development standard;
2. That the objection lodged by the applicant establishes that compliance with the standard is, in the circumstances, unreasonable and unnecessary;
3. Compliance with the standard will hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act; and

4. The granting of consent is consistent with the aims of the policy as set out in Clause 3 of SEPP 1.

The following comments are made in respect to this criteria:

- The definition of a development standard is provided in Section 4 of the Environmental Planning and Assessment Act, 1979 (the Act) and it is clear that the zone interface - 9m setback is within this definition.
- No's 2, 3 and 4 of the above mention criteria will be discussed in the following sections of this submission and it is demonstrated that compliance with the deep soil landscape area development standard is unreasonable and unnecessary and the SEPP 1 objection is well founded.

1. Relevant Development Standard

The development standard is contained clause 25L(2) – zone interface of the Ku-ring-gai LEP 194 as follows:

- (1) The objective of this clause is to provide a transition in the scale of buildings between certain zones.*
- (2) The third and fourth storey of any building on land within Zone No 2(d3) must be setback at least 9 metres from any boundary of the site with land (other than a road) that is not within Zone No 2(d3).*
- (3) Landscaping required to screen development from any adjoining property must be provided on the site and must not rely on landscaping on the adjoining property.*

Ku-ring-gai LEP 194 does not include a definition of setback and this case reference is made to the definitions contained in DCP 55. The definition of setback is:

Setback means the distance between any given boundary of an allotment and the external plane of the building being erected or proposed to be erected, including the external plane of any balcony, carport or the like.

2. Proposed Variation to the Development Standard

As addressed the outer edge of the balconies at the third storey at the rear of the building are 7.25m from the southern (rear) boundary adjoining the R2 – Low Density zone.

It is noted the 3rd and 4th storey measured from the building alignment to the boundary are setback a minimum of 9m. Notwithstanding, to allow determination

of the application this SEPP 1 objection is submitted to address the setback of the outer edge of the balconies at the 3rd storey.

3. Objectives of the Residential Zone and Development Standard

It is appropriate to ensure that the proposed development is consistent with the objectives of the residential zone and development standard.

The following lists the residential zone objectives contained in clause 25D(2) of LEP 194:

- (a) *to provide rear setbacks that ensure rear gardens are adjacent to rear gardens of other properties and that sufficient ground area is available for tall tree planting, consistent with the objectives of this Part,*
- (b) *to encourage the protection of existing trees within the setback areas and to encourage the provision of sufficient viable deep soil landscaping and tall trees in the rear and front gardens where new development is carried out,*
- (c) *to provide side setbacks that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and views from the street to rear landscaping,*
- (d) *to minimise adverse impacts of car parking on landscape character,*
- (e) *to provide built upon area controls to protect the tree canopy of Kuring-gai, and to ensure particularly the provision of viable deep soil landscaping in order to maintain and improve the tree canopy in a sustainable way, so the tree canopy will be in scale with the built form,*
- (f) *to encourage the planting of tree species that are endemic to Kuring-gai,*
- (g) *to require on-site detention for stormwater for all new development and refurbishment of existing housing so as to avoid excessive run-off and adverse impacts on natural watercourses, and to preserve the long term health of tall trees and promote natural absorption,*
- (h) *to encourage water sensitive urban design,*
- (i) *to encourage the protection and enhancement of open watercourses,*

- (j) *to have regard for bushfire hazard,*
- (k) *to ensure sunlight access to neighbours and to provide sunlight access to occupants of new buildings,*
- (l) *to encourage safety and security of the public domain by facing windows and building entries to the street where appropriate, and windows to open space in order to maximise casual surveillance opportunities,*
- (m) *to encourage safety and security of private development by requiring a high standard of building design and landscape design,*
- (n) *to encourage the provision of housing for seniors and people with disabilities by prescribing appropriate standards for new development,*
- (o) *to encourage the protection of the environmental qualities of the area by limiting the range of permissible residential uses and to allow a limited range of compatible non-residential uses in certain zones,*
- (p) *to allow attached dual occupancies only on compliance with defined criteria and only where they are consistent with or enhance the character of the streetscape and its setting,*
- (q) *to provide for waste management (including provision for garbage storage and collection) consistent with objectives of this Part,*
- (r) *to ensure that adequate provisions of storage is made for residential development,*
- (s) *to encourage the retention and expansion of bicycle infrastructure.*

4. Compliance with Zone Objectives

The development proposal meets the relevant residential zone objectives based on the following assessment:

- The rear building setback provides adequate area for landscaping with the retention of existing trees on the boundary and the planting of native canopy trees including Sydney Blue Gum and Turpentine trees.
- The balconies at the 3rd storey are located over the roof of the level below and will not reduce or impact the deep soil planting areas.

- The setback of the upper levels of the building to 9m provides adequate separation between properties and minimises overshadowing of the heritage property at the rear of the subject site. The minor encroachment of the balconies at the 3rd storey will not result in additional overshadowing.

5. Compliance with Objectives of the Development Standard

Clause 25L(1) – Zone Interface of the Ku Ring Gai LEP 194 states the objective of the clause as follows:

The objective of this clause is to provide transition in the scale of buildings between certain zones.

The building alignment meets the minimum 9m setback providing a stepped elevation to the rear and suitable building transition. The balconies at the 3rd storey are positioned over the roof of the level below, noting the levels below have a 6m setback. The balconies will not contribute to additional building bulk setback from the level below and the building meets the transition in scale objective.

6. Objects of the Act

The variation to the rear setback (zone transition) development standard will not hinder attainment of the relevant objectives contained in section 5 of the act including:

The objects of this Act are:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*

As address the variation to the 9m setback control is to the outer edge of the balconies at the 3rd storey of the building. The balconies do not contribute to additional building bulk and scale located over the roof of the level below with a planter in front on the balcony.

The building presents a transition in scale to the zone interface and demonstrates that a properly considered, orderly and economic outcome has

been achieved with the rear of the building stepped at the upper levels meeting the underlying objectives specified in section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979.

7. Grounds for Variation

The outer edge of the balconies at the 3rd floor are setback 7.25m from the rear boundary presenting a minor technical variation to the development standard contained in clause 25L(2) of the Ku-ring-gai LEP 194.

The development proposal has been designed to meet the residential zone objectives, setback objectives contained in DCP 55, the aims and objectives of SEPP 1 and the objects of the Act.

In the circumstances of this case compliance with the development standard is considered unreasonable and unnecessary for the following reasons:

- The rear elevation of the building has been designed with the upper levels setback a minimum of 9m measured to the building alignment presenting a stepped building form.
- The area of non-compliance is the balconies at the 3rd storey. The balconies are setback from the level below ensuring the balconies do not contribute to additional building bulk and scale.
- The balconies within the 9m setback do not contribute to additional overshadowing of the property to the rear of the site.
- The balconies at the 3rd storey do not reduce the deep soil landscape area or impact on the landscape area at the rear of the building.
- The balconies on the rear elevation of the building do not result in unreasonable privacy impacts to the adjoining property with the outer edge of the balcony setback 7.25m to the rear boundary and more than 20m separation to the adjoining building.
- The rear elevation of the building, including the upper levels, provides suitable transition to the heritage building with a building separation greater than 20m.

8. Is the objection well founded ?

The objectives of the development standard are achieved in so far that the minor technical variation to the setback (zone transition) is a result of the balconies at the 3rd storey of the building. The balconies do not project beyond the building

alignment, contribute to additional bulk and scale and the 6 – 9m setback to the building alignment presents a stepped building form.

In this case compliance with the zone transition development standard is considered to be unreasonable and unnecessary having regard to the particular circumstances outlined in this submission including the ability to meet the objective of the development standard. The proposal meets the relevant residential zone objectives contained in Ku Ring Gai LEP 194 and setback objectives contained in the Ku-ring-gai DCP.

Strict compliance with the control would hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979.

In my opinion, the objection is well founded and able to be supported in this case.

Garry Chapman
Chapman Planning Pty Ltd