

JRPP No	2011SYW021
DA Number	DA0021/11
Local Government Area	Ku-ring-gai Council
Proposed Development	Demolition of existing dwellings and construction of three residential flat buildings comprising 124 units, landscaping and associated works.
Street Address	212-216 Mona Vale Road, 5A & 13 Memorial Avenue, St Ives
Applicant/Owner	Village Building Company / Canberra Estates Consortium No. 24 Pty Ltd
Number of Submissions	Seven
Recommendation	Refusal
Report by	Jonathan Goodwill, Executive Assessment Officer

SUMMARY SHEET

REPORT TITLE:	212-216 Mona Vale Road, 5A & 13 Memorial Avenue, St Ives
LOT & DP:	Lot 13 DP 29167, Lot 14 DP 631319, Lot 15 DP 631319, Lot 4 DP 29167, Lot 1 DP 512730
PROPOSAL:	Demolition of existing dwellings and construction of three residential flat buildings comprising 124 units, landscaping and associated works.
DEVELOPMENT APPLICATION:	DA0021/11
WARD:	St Ives
APPLICANT:	Village Building Company
OWNER:	Canberra Estates Consortium No. 24 Pty Ltd
DATE LODGED:	19 January 2011
ESTIMATED COST OF DEVELOPMENT:	\$26,835,072
ISSUES:	Deep soil landscaping, car parking, aesthetics, private open space, communal open space, tree impacts, internal amenity, visitable apartments
PRE-DA MEETING:	Yes
SUBMISSIONS:	Yes
LAND & ENVIRONMENT COURT:	N/A
RECOMMENDATION:	Refusal

Legislative requirements

Zoning	Residential 2(d3) under Ku-ring-gai Planning Scheme Ordinance
Permissible Under	Ku-ring-gai Planning Scheme Ordinance
Relevant legislation	SEPP 1 – Development standards SEPP 55 – Remediation of land SEPP 65 – Design quality of residential flat development SEPP (Sydney Harbour Catchment) 2005 SEPP (BASIX) 2004 SEPP (Infrastructure) 2007 Ku-ring-gai Planning Scheme Ordinance DCP 40 – Construction and Waste Management DCP 47 – Water Management DCP 55 – Multi-Unit Housing DCP 56 – Notification

Integrated Development No

PURPOSE FOR REPORT

To determine development application No. 0021/11 for the demolition of existing dwellings and construction of three residential flat buildings comprising 124 units, landscaping and associated works at Nos. 212 to 216 Mona Vale Road and 5A & 13 Memorial Avenue, St Ives.

The application is required to be reported to the Joint Regional Planning Panel as the capital investment value (CIV) exceeds \$10 million.

HISTORY

Previous development applications

24 October 2006 DA0338/06, for amalgamation of three lots, and construction of two 5 storey residential flat buildings containing 52 dwellings at Nos. 212-216 Mona Vale Road was approved by Council on 24 October 2006.

Current development application

12 August 2010 A Pre DA consultation took place and the following advice was provided to the applicant:

- i. The number of single aspect and single bedroom units is excessive and negatively impacts on the design of the development.

- ii. The separation distances between the buildings in the development are insufficient and the length of Block C is excessive.
- iii. Solar access to the apartments does not comply with the criteria outlined in DCP 55 and the RFDC.
- iv. The façade design of the development is generally poor and an improved materials and selection palette should be achieved.
- v. Access to the communal open space at the rear of the site needs to be improved.
- vi. Improvements to the pedestrian entry arrangement to and from the nearby St Ives shopping centre and the Memorial Avenue frontage are required.

19 January 2011 DA0021/11 lodged

4 February 2011 Application notified

15 March 2011 Council officers advised the applicant of outstanding issues relating to:

- solar access
- cross ventilation
- lift cores
- site responsive design principles
- deep soil landscaping
- tree protection
- communal open space
- internal apartment layouts
- courtyard fencing
- building entries
- storage
- air-conditioning units
- aesthetics
- CPTED
- acoustic impacts
- inadequate information for engineering assessment
- inconsistent inadequate and inaccurate plans
- failure to comply with BASIX requirements
- failure to provide adequate site analysis
- failure to provide adequate SEPP 65 design verification statement.

The applicant was invited to submit concept plans addressing the design issues.

16 March 2011 Council officers meet with applicant to discuss the issues outlined in the preliminary assessment letter.

17 March 2011	Council officers brief the JRPP on the DA.
18 March 2011	The applicant requests an additional 14 days to submit concept plans.
21 March 2011	Council officers grant the requested extension of time to submit concept plans. The plans are to be submitted by 5 April 2011.
7 April 2011	Council officers meet with applicant. Concept plans are submitted.
11 April 2011	The applicant is advised that design issues remain outstanding and that the amended plans based on the concept plans must be submitted within 21 days (2 May 2011).
11 April 2011	The applicant requests advice from Council officers regarding supporting information required to accompany the amended plans and requests an additional 3 days to prepare the additional information.
12 April 2011	The applicant was advised of Council's requirements for supporting information. The extension of time in which to prepare the additional information was granted. The additional information is to be submitted by 5 May 2011.
10 May 2011	Council officers agree to a request from applicant for an additional 11 days to prepare the additional information. The additional information is to be submitted by 16 May 2011.
17 May 2011	The amended proposal is submitted
19 May 2011	RTA comments are received.
19 May 2011	Council officers request the applicant to submit a revised SEPP 65 statement and address inconsistencies between the photomontage and the elevations.
23 May 2011	The amended proposal is notified.
23 May 2011	A revised SEPP 65 statement and amended landscape plans are submitted.
6 June 2011	Amended elevations are submitted in order to

	correct inconsistencies between the photomontage and the elevations.
10 June 2011	Council officers sent a SEPP 65 review, prepared by Council's independent Urban Design Consultant, to the applicant.
20 June 2011	<p>Preliminary assessment letter is sent to the applicant identifying issues relating to:</p> <ul style="list-style-type: none"> • aesthetics • circulation cores and lift lobby design • air conditioning units • amenity of ground floor apartments • amenity of single aspect apartments • CPTED • deep soil landscaping • design of courtyard fencing • noise impacts <p>The applicant is invited to submit concepts plans addressing the design issues identified in the correspondence within 21 days.</p>
30 June 2011	The applicant submits a letter responding to the preliminary assessment letter and requests further particulars.
1 July 2011	Further particulars are provided to the applicant.
4 July 2011	Council officers meet with the applicant and are introduced to the new design team, DEM Architects.
11 July 2011	Council officers meet with the applicant and preliminary concept plans are submitted.
14 July 2011	The applicant requests an extension of time until 22 July 2011 to submit the final concept plans. The requested extension of time is granted.
22 July 2011	Council officers meet with the applicant. Conceptual 3D perspectives, floor plans, and a landscape plan are submitted.
28 July 2011	The Land and Environment Court declares the Ku-ring-gai Town Centres LEP 2010 invalid.
28 July 2011	Council officers advise the applicant that the Land and Environment Court has declared the Ku-ring-

gai Town Centres LEP 2010 invalid and that further advice regarding the implications of this decision will be provided.

29 July 2011	Council officers meet with the applicant to discuss impact of Land and Environment Court decision and review amended 3D perspectives.
29 July 2011	Council officers advise the applicant that, due to the significant delays in submitting the second amendment to the DA, the current application should be withdrawn and a new development application lodged.
10 August 2011	Council officers meet with the applicant and amended floor plans and 3D perspectives are submitted.
16 August 2011	The applicant advises Council that the DA will be withdrawn after a new development application is lodged. The applicant advises that the new DA will be lodged within approximately 4 weeks (by 13 September 2011).
14 September 2011	Council officers ask the applicant for an update on the status of the new DA. The applicant advised that pre-DA information will be lodged in approximately 2 weeks time.
29 September 2011	Council officers again request the applicant to provide an update on the status of the new DA.
4 October 2011	The applicant advised that floor plans will be ready by 5 October 2011.
5 October 2011	Council officers advise the applicant that the DA must be withdrawn within 7 days (13 October 2011).
13 October 2011	The applicant schedules a pre-development application consultation (Pre DA) for a revised proposal based on the concept plans presented during the meetings with Council officers in July and August.
31 October 2011	The Pre-DA consultation meeting is held.

THE SITE

Zoning: Residential 2(d3)

Visual Character Study Category:	1945-1968
Lot Number:	Lot 13 DP 29167, Lot 14 DP 631319, Lot 15 DP 631319, Lot 4 DP 29167, Lot 1 DP 512730
Area:	7,462m ²
Side of Street:	Northern
Cross Fall:	East to west
Stormwater Drainage:	By gravity to Mona Vale Road
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

THE SITE AND SURROUNDING AREA

The site is located on the northern side of Mona Vale Road, opposite the intersection of Mona Vale Road and Stanley Street, St Ives. The St Ives Shopping Village is located to the south-west and Stanley Street shops to the south.

The site is comprised of five properties identified as 212, 214, and 216 Mona Vale Road, and 5A & 13 Memorial Avenue, St Ives. Together they form an irregularly shaped allotment with a total area of 7462m². Nos 212 and 214 Mona Vale Road have direct vehicular access to Mona Vale Road. Vehicle access to 216 Mona Vale Road, which is a battleaxe allotment, is via a 48m long driveway situated between 214 Mona Vale Road and the recently constructed 5 storey residential flat development at 220-222 Mona Vale Road. The site has a combined frontage of 57.6 metres to Mona Vale Road.

The site contains 5 detached residences and associated structures, including 2 tennis court and 4 swimming pools. Nos 212-216 Mona Vale Road are in a dilapidated condition and do not appear to have been occupied for some time.

The property is relatively flat, with only a slight fall to Mona Vale Road. Reference to the Sydney 1:100 000 Geological Sheet indicates that the site is underlain by Ashfield Shale of Triassic age. The geotechnical report advises that the groundwater level has been measured at depths of 4.7 m and 4.8 m (RL 151.7 – 151.8)

The site adjoins a Council car park to the south-west (No. 208-210 Mona Vale Road), 5 storey residential flat buildings to the north and east (No. 220-222 Mona Vale Road and No. 17-19 Memorial Avenue/No. 102-118 Killeaton Street). The properties to the east of the site contain single dwellings. All adjoining properties are zoned Residential 2(d3).

A total of thirty nine (39) trees are found on the site. The principle tree cover is generally forward of the existing dwellings along the Mona Vale Road frontage

and along the common boundary with the Council car park. Two mature *Cedrus deodara* (Himalayan Cedar) located forward of the existing dwelling on No. 214 Mona Vale Road are readily visible from the street. Two mature *Lophostemon confertus* (Brushbox) are located to the rear of the existing dwelling at No. 214 and are to be retained.



Figure 1 - Site Plan (Source: *Statement of Environmental Effects* prepared by CBRE)

THE PROPOSAL

The proposal is for the demolition of existing structures, and the construction of three residential flat buildings, comprising 124 units, a two level basement car park for 159 vehicles and associated landscaping. Details of the proposed development are as follows:

- Demolition of the existing residences situated on each allotment, including the removal of outbuildings, four swimming pools, two tennis courts, the removal of trees and the removal of driveways and other paved areas. The existing sandstone fence fronting Mona Vale Road is to be retained and rebuilt as part of the development.
- Consolidation of existing allotments
- Construction of three (3) x five (5) storey residential flat buildings comprising a total of 124 residential units. The residential flat buildings are described in the plans as Block A, Block B, and Block C. The development will be constructed in three stages. The first stage is the construction of Block A and the basement beneath the building. The second stage is the construction of Block B and the basement beneath

the building. The third stage is the construction of Block C and the basement beneath the building. Further details of the construction staging are provided on the drawings prepared by ACOR Appleyard, sheets F3, F4, and F5.

- The two level basement car park contains 159 car spaces, bicycle parking, service vehicle parking, and storage space. Access to the basement car park is via a two way ramp connected to Mona Vale Road and the access handles of 5A and 13 Memorial Avenue.
- Proposed Block A will have its primary frontage to Mona Vale Road. Block B will be located mid block and Block C will be located within the northern part of the site. Block A contains 46 units, Block B 45 units, and Block C 33 units. The proposed dwelling mix is 59 X 1 bedroom apartments, 60 X 2 bedroom apartments, and 5 X 3 bedroom apartments.

COMMUNITY CONSULTATION

In accordance with the requirement of the Town Centres DCP, owners of surrounding properties were given notice of the original application and amended application. In response, Council received seven (7) submissions from the following:

1.	Mr Steven Ding	15 Memorial Avenue, St Ives
2.	Mr Steven MacJohn	11 Memorial Avenue, St Ives
3.	Mrs A MacJohn	15A Memorial Avenue, St Ives
4.	Mr Garry Taylor	566/17-19 Memorial Avenue, St Ives
5.	Mr Nigel Hardwick	5 Memorial Avenue, St Ives
6.	Mr James Hardwick	5 Memorial Avenue, St Ives
7.	Dr A M Babu	7A Memorial Avenue, St Ives
8.	Ms Elizabeth Rawlingson	9 Memorial Avenue, St Ives
9.	Mr Daylan Cameron	9 Memorial Avenue, St Ives

The submissions raised the following issues:

Vehicle access to the development from the access handle of 13 Memorial Avenue is inappropriate as it will have adverse impacts on the amenity of the dwellings which adjoin the access handle

An acoustic report, prepared by SLR Consulting Australia Pty Ltd, was submitted with the amended development application. Part 4.1.2 'Memorial Avenue Access Driveways' of the acoustic report includes an assessment of the likely noise impacts of the driveways and concludes that the impacts will be within acceptable limits subject to the installation of 1.8 metres high lapped and capped timber fences on both sides of the access handles with all gaps sealed.

The access handle of 13 Memorial Avenue should be used for pedestrian access to the development only and security measures should be

implemented including security cameras, electronic gate, swipe card system

There is no evidence that the use of the access handle of 13 Memorial Avenue as an egress driveway and footpath for the development will have an unacceptable impact on the amenity of adjoining dwellings either now or in the future. The use of the access handle of 13 Memorial Avenue as an egress driveway and footpath for the proposed development is appropriate having regard to the likely future character of the area.

The construction staging plans include construction vehicles using the existing access handles which is unnecessary as alternative options are available

After completion of Stage 1, construction vehicles will not be able to access Mona Vale Road from within the site, accordingly the use of the access handles by construction vehicles is a necessary part of the construction process.

Drainage details for the new driveway in the access handle of 13 Memorial Avenue should be provided as stormwater from the existing driveway flows into adjoining properties

Council's Development Engineer has advised that the drainage details for the new driveway in the access handle of 13 Memorial Avenue are inadequate.

The length of Block C should be reduced and the setback of Block C from the western boundary increased

It is acknowledged that Block C will be partially visible from Memorial Avenue, however it does not have direct frontage to the street and will be obscured by future development on 7-11 Memorial Avenue which are also zoned 2(d3). The DCP control which restricts the length of an elevation facing the street to 36 metres does not apply to Block C. The setback of Block C from the western boundary complies with the 6m requirement specified by DCP 55.

The proposal will have an adverse effect on the development potential of adjoining allotments to the west of the site which contain single dwellings

Part 6 'Consideration of isolated sites' of DCP 55 requires that development is to avoid single detached dwellings on lots in a 2(d3) zone smaller than 1200m² or with street frontages less than 23 metres being left underdeveloped. The development complies with these controls as the allotments on Memorial Avenue which share a common boundary with the development site are able to be consolidated to create sites that are larger than 1200m² and have a frontage of more than 23 metres.

The proposed excavation will damage trees numbered 72-75 which are located outside the development site

Excavation for the development will have an impact on Trees 73, 74, and 75 which are located at Nos 11 and 15 Memorial Avenue. The concern regarding Tree 73 is that the arborist report is based on the setback of the tree from the excavation zone being 2.3 metres whereby the true distance is 1 metre. The concern regarding Tree 74 is that the depth of the excavation required to construct the proposed driveway is not specified on the plans. Council's Landscape Officer has raised no concerns regarding the impact of the development on Tree 72 and considers that Tree 75 could be protected.

The development will adversely affect the privacy of Nos. 11, 15 and 15A Memorial Avenue

The impact of the development on the privacy of Nos 11, 15 and 15A Memorial Avenue was anticipated with the zoning of the site which allows for the construction of 5 storey residential flat buildings. Standard methods of privacy protection have been incorporated into the development by way of a 6m setback from the western boundary of the aforementioned properties and a landscape plan which incorporates screen planting. The proposal is acceptable in this regard.

Dilapidation reports must be prepared prior to the commencement of the development

If approval of the application were recommended, standard conditions requiring the preparation of dilapidation report would be imposed.

Proposed boundary fences must be shown on the plans

The construction of new boundary fences adjoining the access handles is proposed, however the replacement of boundary fences is a civil matter.

The submitted documentation does not adequately address the issues of flooding and overland flow

Council's Development Engineer reviewed the application and raised concerns regarding the lack of drainage details for the new driveways in the access handles.

The proposal should be subject to a design excellence competition

In the absence of a statutory or policy requirement for a design excellence competition it would be unreasonable for the applicant to be required to undertake this process.

The proposed development would have an adverse impact on the character of the area and would increase traffic congestion

The development has the character of a residential flat building which is a permissible form of development in the zone. The density of the development

is within the limits set by the planning controls and increased traffic is an expected outcome of a zoning which allows higher density development.

The development will generate excessive amounts of noise and dust in its construction phase and the delivery of materials will increase on street parking and congestion

If approval of the application were recommended, conditions would be imposed regarding construction management techniques that must be implemented through the construction phase, these conditions would address building work hours, noise generation, and dust suppression.

The use of a narrow and long battleaxe driveway of 5A Memorial Avenue as an exit from this development is a potential planning disaster. Since completion of the unit block at the northern end of this block (Meriton development) all on street parking has been taken and this has significantly increased traffic levels on Memorial Avenue

The traffic report submitted with the development application includes an assessment of the impact of the development on Memorial Avenue. The report advises that the development will result in an additional 40 vehicle movements on the section of Memorial Avenue between Mona Vale and Killeaton Street in the morning peak hours and an additional 10 vehicle movements in the afternoon peak hours. This represents an increase of 3.4% in the morning peak hours and 0.6% in the afternoon peak hours.

The proximity of the site to local shopping facilities and existing public transport services has been considered in the assessment. Traffic impacts are reasonable for this form of development within the context of the St Ives Town Centre and existing traffic issues in the local street network. The level of additional traffic generation spread over the available routes will represent a relatively small increase in vehicle trips in the locality, with negligible impact on peak traffic flows. The net impact is considered to be acceptable in the context of the local street network.

The access handle of 5A Memorial Avenue is common access to 5 and 7 Memorial Avenue and cannot be one way

The title documents for 5A Memorial Avenue do not show any easements in favour of 5 or 7 Memorial Avenue.

Consideration should be given to including appropriate conditions in the development consent so that likely impacts to future development at 7, 9, and 11 Memorial Avenue will not adversely impact on the occupants of the proposed RFB

It is unclear as to what type of conditions the objector is seeking to have imposed. The impact of any development on 7, 9 and 11 Memorial Avenue would be assessed at the time that details of the development were known.

INTERNAL REFERRALS

Urban design

Council's Urban Design Consultant commented on the amended proposal as follows:

Executive Summary

Our original opinion was that a redesign of the submitted scheme was required to adequately address the extent of SEPP65 non-compliance. Therefore, it is disappointing that the applicant has chosen to pursue the existing scheme providing additional support material for poor design decisions which, in our opinion, still result in significant areas of SEPP 65 non-compliance. We acknowledge that some issues have been adequately addressed such as provision of generally adequate site context material.

Our opinion remains that a redesign is required to adequately address the following:

- Provide public domain access through the site linking Memorial Avenue and Mona Vale Road it is unclear if the path provided along the southern boundary is dedicated and publicly accessible.*
- Articulate building massing through the plan and section at each level. Insufficiently resolved.*
- Arrange buildings on the site to optimise solar access to all landscape and enable a clear hierarchy of useable communal and private spaces. Not resolved.*
- Provide additional lift cores – 2 lifts per building as a minimum. Not satisfactorily resolved.*
- Avoid long, internalised communal corridors / lobbies. Some improvements but insufficiently resolved.*
- Incorporate alternative building types that do not rely on double loaded corridors. Not satisfactorily resolved.*
- Allow only a minimal number of single orientation units and where they are single orientation, building depth to be shallow, units orientated to north and the possibility of two-storey apartments to be explored. Some minor amendments and improvements but insufficiently resolved.*
- Achieve internal unit layouts with good solar amenity with north-facing living areas and primary balconies. Some improvements but non-compliance with the number of units receiving no sun to living or private open spaces in winter. Not resolved.*
- Demonstrate cross-ventilation through apartments. Insufficiently resolved.*
- Avoid convoluted internal, artificially lit private unit hallways. Some improvements but still insufficiently resolved.*
- Avoid south facing units. Improved but some units could be replanned to allow improved living spaces.*
- Meet health and sanitation requirements. Not resolved.*
- Cohesive building composition. Not resolved.*

It is noted that the applicant should confirm BCA requirements for disable/adaptable units and access in lieu of BCA 2011 changes coming into force May 2011 that will apply to CCs lodged after this date. Adaptable units proposed may not comply with existing accessibility requirements and may

necessitate a further redesign particularly demonstrating furnishings and circulation movements.

Principle 1 - Context

We note additional 3-dimensional massing of neighbouring sites included for solar modelling although no modelling provided consistent with R4 zoning of adjoining lots as previously requested. The existing block is large and impenetrable. It denies pedestrian access away from the busy Mona Vale Road frontage, towards Memorial Park and the shopping centre. These are obvious pedestrian destinations for residents east of Mona Vale Road. The southern pathway should be reserved by way of dedication for public access. A pathway connecting Mona Vale Road and Memorial Avenue is indicated on plans. It is unclear if this will be accessible to the public as requested in our previous assessment.

Much recent urban design, health and social research has highlighted the problems of inward looking residential enclaves. Given the size and position of this site, any development must consider the street/ block structure and the need for improved public access. The most walkable, safest, most permanent and durable connections are public streets. The applicant should refer to the recent UDAS publication on Subdivision, available from the NSW Department of Planning. See also the Medical Journal of Australia, December 2007 – The Way We Live In Our Cities – by Dr Anthony Capon. Jan Gehl has written and recently spoken also of the public and health benefits of city layouts and policies that improve the ability to walk and cycle about.

Principle 2 – Scale

The scale of the development is consistent with the height and FSR controls for the site. Scale is consistent over the site, with no variation proposed in the expression of the built form. Refer Principle 3 Built Form and Principle 10 Aesthetics for comments on architectural expression, which is still deficient.

Principle 3 - Built Form

The response to the site and neighbouring buildings/context reflects the permitted envelopes within the existing LEP/DCP controls. This application continues to suffer from a literal interpretation of the building envelopes, without any additional and specific site design consideration.

Preliminary design decisions that resulted in two separate buildings oriented south-east/north-west along their long elevations and one building oriented due east/west have resulted in the scheme being compromised from the outset. The amended scheme retains this site layout despite the recommendation of the previous SEPP 65 assessment to investigate alternative site arrangements.

The siting of proposed buildings is not optimised to achieve SEPP 65 and RFDC compliance.

The expression of the proposed built form remains somewhat crude and arbitrary although it is noted that some improvements have been made. However, the overall composition of built form remains unsatisfactory. (Refer Principle 10 Aesthetics).

The proposal seeks to articulate the buildings in plan with multiple arbitrary steppings in and out of rooms. This continues to result in a general lack of order to the two and three dimensional expression.

Vertical expression of built form is of 4-storey extrusions from a base plan (with the 5th level being set back as required under the DCP). There continues to be little vertical composition of built form – the relationship of the base and middle remains somewhat disjointed/ambiguous. We note improvements to the roof expression although this appears in isolation from the main building form.

The presented building forms result in design decisions that promote single orientation apartments accessed from long double-loaded corridors. Some improvements have been made to address this deficiency, however, the building type remains deficient.

The lack of articulation of the massing and decision of a single lift serving each building further results in a bulky built form when viewed from the public domain and neighbouring properties with inherent amenity issues. It is noted that some minor cosmetic changes have been made to the elevations. This has not sufficiently addressed the overall bland treatment of elevations. The inclusion of naturally ventilated lobbies has improved the massing on the eastern elevations but there is no change to western elevations.

The built form does not demonstrate a considered response to the different environmental conditions experienced across the site. For example, there continues to be no discernable difference to apartment types across the site whether addressing a noise source or whether located more central to the site in quieter zones. While superficial devices have been included to balconies addressing Mona Vale Road, primary design decisions have not employed noise barrier planning principles resulting in apartment types that are identical across the site. This still remains unsatisfactory.

Fenestration is generally of minimal dimensions and placed arbitrarily.

There is little or no architectural detailing of elements such as windows and balconies as a minimum. The inclusion of arbitrary window hoods is insufficient to address this satisfactorily particularly as placement of these appear to have no relationship to solar performance.

Basement excavation remains complex and unlikely to be achieved in Block C in particular. Some amendments have been made to address this but the overall result is still very complex.

Elevations give little information about the reality of the proposed built form's appearance with inconsistent treatment of shading.

Principle 4 - Density

The proposed density on the site is reasonably high with the unit mix leaning towards 1 bedroom units. It is noted that the proposed unit mix has been amended to increase the number of 1 bedroom units and decrease the number of 2 bedroom units. This is the opposite strategy of the previous application that had reduced the number of 1 bedroom units and increased 2-bedroom units following prelodgement meetings with Council. The proposal needs to provide a significant spatial and visual contribution to the public domain given the number

of units proposed will result in significant increases to density. This is still not achieved in the current application. While the density is supported by LEP and DCP controls, its interpretation within this proposal remains unsatisfactory.

Principle 5 - Resources, Energy and Water Efficiency

Refer notes Principle 7 Amenity.

The inclusion of naturally lit and ventilated lobbies is both SEPP 65 required and welcomed in this amended scheme.

Early design decisions of built form orientation and a reliance on unit types off double-loaded corridors continues to have a detrimental effect on the requirement for resources for heating and cooling.

It is noted that some amendments have been made to unit layouts to improve the possibility of natural air circulation being achieved in units, however, no significant changes have been proposed.

Principle 6 - Landscape

There continues to be no demonstrated hierarchy of landscape spaces that denote public address or publicly accessible space, communal spaces and private landscape areas.

The proposed landscape appears to be defined as the spaces left over between the placement of built form rather than any spatial definition or hierarchy of spaces or consideration of specific site conditions being defined by the considered placement of built form.

The landscape space between Mona Vale Road and the walls of ground floor units is ambiguous and is treated no differently to the spaces between buildings.

There appear to be walls around ground level units that do not appear on either elevations or photomontages for Mona Vale Road. A written description of these walls is provided in the supporting documentation. If the walls are to provide privacy to ground level units, the quality of communal open space proposed is further eroded and defined as being 'left over' by the intrusion of these walls.

We support the inclusion of a communal playground area.

The quality of allocated private landscape spaces continues to appear quite arbitrary and ambiguous as spaces are allocated from what is left over after drawing a line around tree root protection zones, required space for the carpark entries and required private open space provisions rather than as an integrated architectural/landscape response.

The quality of private open spaces as depicted in the amended photomontage is dire both from the resident's amenity as well as a proposed primary street address.

Principle 7 - Amenity

Issues:

Noise source Mona Vale Road: Noise barrier planning principles should be incorporated into all units with a frontage to Mona Vale Road. Accordingly, Block A would have a shallower floor plate with wide apartment frontages ensuring that service rooms /common areas can be located along the noise source (Mona Vale Road) with the majority of habitable rooms and all bedrooms oriented to the centre of the site. Alternatively, noise barrier zones need to be incorporated to protect those rooms. There should be no single orientation units facing the Mona Vale Road frontage. This has not been addressed in the amended application.

Distance of unit entries to stair: Lift corridors do not appear to comply with BCA requirements for travel distance and hence also reflect negatively on amenity of residents seeking safe paths of travel to exits. This would require a fire-engineered solution in the current proposal. A redesign of the proposal will achieve short corridor lengths and achieve compliance with the number of units served per core, in line in the RFDC.

Inadequate number of lifts: The proposal seeks to provide a single lift to each block serving 46 apartments in Block A, 45 in Block B and 33 units in Block C. It is unclear how this will provide adequate amenity day to-day let alone as people move in and out of apartments requiring loading and unloading of furniture etc. This is an unacceptable level of amenity for a development of this size. The size of lifts needs to accommodate large pieces of furniture as does the access into and out of each lift. A minimum of two lifts should be provided per building. We accept the claims of fast lift speed, however, a fast lift is irrelevant where it is held on any particular level for furniture movements. The supporting information provided is acknowledged but not supported. It is commended that environmental impacts have been considered in the response. However, an alternative site arrangement could provide for additional lifts and more efficient building operations.

Location of lifts: The lifts in Blocks and A and B have been located such that they continue to promote a SEPP 65 non-compliant long single double-loaded corridor. This level of amenity is unacceptable. The inclusion of ventilation and natural light is supported. However, the proposal is inconsistent with the intent of providing amenity for the number of apartments served from a single common area. Better practice would have 4/5 units as the maximum to be served from a single corridor, as implied under the RFDC, although we accept up to 8 is permitted. The proposal seeks to serve 10 units per floor in Buildings A and B. We can find no positive contribution to amenity that would justify the proposed single lift strategy.

Acoustic separation of lifts: Additional provision of acoustic separation would be required for units with bedrooms adjacent to the lift. Generally, adequate internal unit layout should avoid this arrangement (eg Units AG.10 to A3.10 and A4.06)

Inadequate areas for kitchen and living areas: Kitchen areas proposed in 1-bedroom units and some 2-bedroom units should demonstrate that sufficient space to move around furniture has been provided (Units Types similar to AG.04, 05, 06 and AG.07). It is noted that many units still do not provide for drainage areas for single sinks.

Inadequate circulation space around furniture for accessible unit Type BG.01 bedroom. Additional space required for circulation around furniture in adaptable units. Compliance would need to be checked for other adaptable units. A furniture layout with access templates to be provided.

The depth of unit types typical BG.09 and 10 C1.06 results in rear walls of kitchens between 9 and 10m from the window face which is non-compliant. We can find no contributing positive amenity that would justify support of this depth.

It is noted that some kitchens have been fully internalised which is not supported.

The amended setback to Mona Vale Road is supported as are the increased building separations. However, the site arrangement remain deficient and proposed amendments do not adequately address overall amenity concerns. Inadequate cross ventilation to apartments: We note significant additional information has been provided. The amended proposal states 42 of the 124 units (translating to 33.8%) have unsatisfactory natural ventilation. Of these, 30% rate as 'poor' natural ventilation and 4% 'below average'. A new development of this size should be achieving close to 100% natural ventilation where sound design principles are engaged.

Inadequate solar access: The decision to orientate the buildings as proposed has reduced the opportunity to achieve optimal solar access to the majority of units and communal spaces in the proposal. The site plan should be redesigned to better achieve solar access.

*The nominated hours of 9am to 3pm for compliance could be stretched either side by an hour, providing all other amenity is achieved or exceeded. Internal unit layouts of some units (A1.06, 07, 08 and B1.07 typical) do not optimise potential for solar access their living areas shaded by bedrooms that are stepped out from the building or by locating bedrooms and service rooms along walls with a predominant northern orientation. While it is accepted that a compliant number of units currently achieve solar amenity, we note in particular that 21.7% of units receive **no** solar access during winter solstice. A further 3% receive between 20min to 40mins of sun to either to their living rooms or private open space. This level of non-compliance is unacceptable in a new development and demonstrates the impact of poor site arrangement, deficient building type and resultant internal planning.*

It is further noted that future overshadowing is likely to occur to Block C units because the neighbouring properties zoning permits similar scale buildings. It was requested that the applicant provide indicative massing for adjoining properties to demonstrate how the scheme has considered future impacts. Massing has been provided for the adjoining northern properties but not for western properties.

Bathrooms off kitchens: Some apartment types have WC/bathroom access directly off kitchens. This is unacceptable for both general SEPP 65 amenity and for BCA requirements for health and hygiene (B1.02 typical).

Roof form: No amended roof plan has been provided in architectural documents so it is assumed that there is no change. The roof form for all of the buildings relies on a single box gutter. For roofs of this size this gives rise to concerns about the ongoing amenity to residents relying on this type of roof drainage.

Secondary balconies: Provision of secondary balconies to be explored in redesign. No proposed units have secondary balconies apart from rooftop units that generally have quite extensive outdoor terraced areas. The increased number of units accessing balconies from living and bedrooms is supported.

Privacy: Directly opposing windows where less than the required separation (BG.05 and 06 typical) should be offset to promote passive privacy.

Principle 8 - Safety and Security

The proposal provides individual gates to the Mona Vale Road landscape frontage although their reading is ambiguous. Street addresses to ground floor apartments would be desirable rather than relying on the single access point for each of Buildings A, B and C from Mona Vale Road. The RFDC requires direct ground floor access. The intention of the RFDC is to activate the street frontage to promote passive surveillance. In terms of activating pedestrian activity to the main street address, more could have been done, particularly in terms of public access and clear sight lines to Buildings B and C. This could have been achieved with a progression of courtyards that enable a clear sightline to the space from where the progression to the next building is clear and secure.

Principle 9 - Social dimensions

This appears to have been addressed assuming the small unit sizes are appealing to affordable housing needs (50m² - max 95m²) however, there is no innovation demonstrated that specifically addresses social housing needs.

Principle 10 - Aesthetics

The photomontage provided appears to present as a somewhat institutional building type rather than a new residential development.

While attempts have been made to improve the appearance of the buildings, the aesthetic of poorly considered built form within unarticulated landscape space remains unsatisfactory.

Elevations are bald just busier with additional material selections, fenestration remains minimal. There is no cohesive expression of the base, middle and roof - each appearing somewhat unrelated to the other due to the translation of internal planning into the three dimensional form.

The treatment of all elevations is identical, with no expressed differentiation that denotes solar conditions for instance when orientated to north, south, east or west and how the different solar conditions may be optimised by residents or where located on the site – facing a major noise source or in a quiet central site. For example, the northern-eastern elevation of Block A provides minimal fenestration compared to the south-eastern elevation to Mona Vale Road which has little to no ability to attract any sun light and addresses a major noise source. The Ground Floor elevation to Mona Vale Road in particular is dire with bare windows punched into a blank wall. Eaves/awning/hood treatments suggested in the previous assessment have been included but seem not to relate to a purpose of protection or solar performance.

Internal planning still lacks cohesion and order which continues to be translated to elevations.

The aesthetics of the Mona Vale Road, Memorial Avenue and Killeaton Street triangle have been altered substantially over the past several years. While a new architectural language has been developing, the quality of development has been mixed. This proposal does not seek to engage with the surrounding character other than to propose what is permissible under the LEP zoning.

Conclusion

This proposal has a responsibility to contribute positively to the significant change that St Ives is undergoing. It continues to fail on many of SEPP 65's 10 Design Principles and a redesign is required to satisfactorily address the deficiencies. The amendments to the scheme are acknowledged. However, to accept the significant SEPP 65 deficiencies that persist in this scheme would be inconsistent with the intent of the 10 Design Principles in promoting good residential design outcomes, particularly where no contributing amenity is provided to counter the level of non-compliance.

Assessment Officer's Comments

Concerns relating to the number of single aspect apartments and the selection of a single lift per building are acknowledged, however the proposal achieves compliance with the Rules of Thumb of the RFDC for solar access and cross ventilation. Detailed information regarding the performance of the development with respect to solar access and cross ventilation has been submitted and is deemed to be reliable.

The concerns relating to the failure to provide public access through the site are not supported. The benefits of providing a link have not been identified and the controls in DCP 55 which require a through site link have not been consistently applied. There is a signalised pedestrian crossing at the intersection of Memorial Avenue and Mona Vale Road and this provides direct, convenient, and safe access to the St Ives shopping village for the residents of the existing apartments surrounding the site.

Council staff share the concerns raised by the urban design consultant relating to the aesthetics of the development, the amenity of single aspect apartments and the design of the communal open space areas.

The design of single aspect apartments should reflect the particular environmental conditions of the apartment. Apartments with a western orientation should be provided with appropriate shading devices that can be adjusted to suit the prevailing solar conditions. Apartments with a southern orientation should have generously proportioned windows to maximise natural light inside the apartment. The failure of the proposal to respond to the characteristics of the site is a fundamental issue that prevents an acceptable standard of design quality being achieved.

The communal open space should be legible, of high amenity and make a significant contribution to the amenity of the development. The

communal open space should serve as a visual focal point for the development whilst being a functional space where social interactions can occur. The landscaping of the space should reflect the function of each area and establish a hierarchy of spaces. The current design does not achieve these objectives.

In terms of aesthetics the standard achieved by the development is not to the level achieved by recent development in the area or the requirements of SEPP 65. Of particular concern is the institutional appearance of the building which arises from the “boxy” angles of the elevation to Mona Vale Road, the extensive use of face brick, visually dominant horizontal banding, minimal fenestration, absence of window detailing, and sun protection devices which appear as an afterthought and have no regard for solar orientation. The aesthetic qualities of the street elevation are in stark contrast to the contemporary aesthetic achieved by the adjoining residential flat development at 220-222 Mona Vale Road.

Landscaping

Council's Landscape Assessment Officer commented on the amended proposal as follows:

The proposal is not supported in its current form for following reasons,

- *deep soil non-compliance*
- *tree impacts*
- *insufficient viable soft landscape and shared facilities to communal open space (Part 3C.13, Town Centres DCP)*
- *insufficient surveillance over communal open space located to the south-west of Building B*
- *poor communal and common open space amenity due to excessive private courtyards between Buildings A and B (Part 3C.4. KDCP(Town Centres)).*
- *insufficient information to enable assessment*

The full comments of Council's Landscape and Tree Assessment Officer are provided as an attachment to this report (**Attachment 9**).

Engineering

Council's Team Leader Engineering Assessment commented on the amended proposal as follows:

Additional information required:

- i. Title documents for Memorial Avenue properties to demonstrate whether*

- or not the access handles are affected by any rights of carriageway or other restrictions.*
- ii. Arborist to address sewer main construction proposed in Memorial Avenue and down northern driveway.*
 - iii. Construction traffic management plans must be amended to show no encroachment into other Memorial Avenue properties.*
 - iv. Clarification is required whether the reversing manoeuvre shown on the Construction Traffic Management Plan for Stage 3 (ACOR Appleyard Drawing SY100003/D4 Issue 3) is realistic for the excavation spoil removal vehicle especially given the location of the ramp down into the excavation.*
 - v. The Environmental Site Management Plans are to indicate the location of such items as tower crane, concrete pump, site sheds etc for each stage including means to place the tower crane on site and take it away again for Stages 2 and 3.*
 - vi. Details of signage proposed to regulate traffic flow in the Memorial Avenue handles. An elevation at the street frontage showing sign dimensions, height, lettering etc is required.*
 - vii. Clarification regarding the greywater re-use – is re-use intended within 10 units in Block A or is the system intended to capture greywater from 10 units? To generate the volumes which are given on the BASIX Certificates, it is considered that more than 10 units may need to be included. This is a Construction Certificate requirement, however the applicant should advise at this stage.*
 - viii. Details of the proposed driveways in the handles – crossfall? Show the acoustic fence, existing and proposed levels on a longitudinal section, any kerbing and drainage proposed.*

On 21 June 2011 the comments of Council's Team Leader Engineering were forwarded to the applicant. On 21 July 2011 the applicant submitted additional information responding to some of the issues raised in the Engineering assessment and advised that the outstanding issues would be addressed as part of the amended DA submission. The amended DA submission was not lodged as the applicant was requested to withdraw the current development application and lodge a new development application. The full comments of Council's Team Leader Engineering Assessment are provided as an attachment to this report (**Attachment 10**).

STATUTORY PROVISIONS

State Environmental Planning Policy No. 1 – Development Standards

SEPP 1 provides flexibility in applying development standards and enables a consent authority to vary a standard where strict compliance would be unnecessary, unreasonable, or tend to hinder the objectives of the Environmental Planning & Assessment Act, 1979. Where there is a variation to a development standard, the application must be accompanied by a SEPP 1 Objection.

The application does not comply with the development standards for deep soil landscaping and car parking.

Deep soil landscaping

The subject site has an area in excess of 1800m² and therefore 50% of the site area must be deep soil landscaping. The deep soil landscaping plan (sheet 4 of 11, issue D, dated 6/05/11, prepared by Paul Scrivener) was prepared prior to the decision of the Land and Environment Court which declared the Town Centres LEP 2010 invalid. The definition of deep soil landscaping contained in the Ku-ring-gai Planning Scheme Ordinance (KPSO) is different to the definition in the Town Centres LEP, in particular only footpaths with a width of less than 1m may be included as deep soil landscaping. The majority of the footpaths within the development are 1.2 metres wide and the area of the footpaths shown on the deep soil landscaping plan which have been included as deep soil landscaping is approximately 400m². Under the KPSO these footpaths must be excluded from the deep soil area. This reduces the proportion of the site area that is deep soil landscaping to 42% of the site area which does not comply with the development standard.

A SEPP 1 objection to the development standard for deep soil landscaping has not been submitted. Accordingly, irrespective of other issues, the application cannot be lawfully approved for this reason alone.

Car parking

For the subject development clause 25J of the KPSO states that 160 car spaces must be provided. The development provides 159 car spaces which does not comply with the development standard.

A SEPP 1 objection to the development standard for car parking has not been submitted. Accordingly, the application cannot be lawfully approved for this reason.

State Environmental Planning Policy No. 55 - Remediation of Land

The provisions of SEPP 55 require consideration of the potential for a site to be contaminated. The subject site has a history of residential use and, as such, it is unlikely to contain any contamination and further investigation is not required.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate was submitted with the application and is considered satisfactory.

State Environmental Planning Policy (Infrastructure) 2007

Pursuant to clause 101 of the SEPP, a consent authority is required to consider the impact of development on traffic flows along classified roads.

The application has been referred to the Roads and Traffic Authority for

review and comment. The RTA advised via letter dated 16 May 2011 that they had no objection to the proposal.

An acoustic report and an air quality report have been submitted. These reports address the requirements of clause 101(2)(c) of the SEPP.

State Environmental Planning Policy No. 65 - Design quality of residential flat development

In accordance with Clause 50 of the *Environmental Planning and Assessment Regulation 2000*, a design verification statement was submitted with the application. The statement was prepared by Luke Playoust (Registered Architect No. 5931).

The primary objective of SEPP 65 is to improve the design quality of residential flat development in NSW. In determining a development application for consent to carry out residential flat development, a consent authority must take into consideration the design quality of the residential flat development when evaluated in accordance with the design quality principles. A consent authority must also consider provisions of the Residential Flat Design Code. The proposal has been comprehensively assessed in this regard by Council's Urban Design Consultant and has been found to be unsatisfactory.

Residential Flat Design Code Compliance Table

Pursuant to Clause 30(2) of SEPP 65 in determining a development application for a residential flat building the consent authority is to take into consideration the Residential Flat Design Code (RFDC). The following table is an assessment of the proposal against the guidelines provided in the RFDC.

	Guideline	Consistency with Guideline
PART 02 SITE DESIGN		
Site Configuration		
<i>Deep Soil Zones</i>	A minimum of 25 percent of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.	YES
<i>Fences + walls</i>	Define the edges between public and private land to provide privacy and security and contribute positively to the public domain.	YES
<i>Open Space</i>	The area of communal open space required should generally be at least between 25 and 30 percent of the site area. Larger sites and brown field sites may have potential for more than 30 percent.	YES
	The minimum recommended area of private open space for each apartment at ground	YES

	level or similar space on a structure, such as on a podium or car park, is 25m ² .	
<i>Orientation</i>	Optimise solar access, contribute positively to desired streetscape character, support landscape design with consolidated open space areas, protect amenity of existing development and improve thermal efficiency.	YES
<i>Planting on Structures</i>	In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The following are recommended as minimum standards for a range of plant sizes: Medium trees (8 metres canopy diameter at maturity) - minimum soil volume 35 cubic metres - minimum soil depth 1 metre - approximate soil area 6 metres x 6 metres or equivalent	N/A
<i>Stormwater management</i>	Minimise impact on the health and amenity of natural waterways, preserve existing topographic and natural features and minimise the discharge of sediment and other pollutants to the stormwater drainage system.	NO
<i>Safety</i>	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	YES
	Ensure Residential flat developments are safe and secure for residents and visitors.	NO
<i>Visual Privacy</i>	Refer to Building Separation minimum standards up to four storeys/12 metres - 12 metres between habitable rooms/balconies - 9 metres between habitable/balconies and non-habitable rooms - 6 metres between non-habitable rooms five to eight storeys/up to 25 metres - 18 metres between habitable rooms/balconies - 13 metres between habitable rooms/balconies and non-habitable rooms - 9 metres between non-habitable rooms	NO
<i>Building Entry</i>	Create entrances which provide a desirable residential identity, provide clear orientation for visitors and contribute positively to the streetscape and building façade design.	YES
<i>Parking</i>	Provide adequate parking for occupants, visitors and disabled.	NO
<i>Pedestrian Access</i>	Identify the access requirements from the street or car parking area to the apartment entrance.	YES

	Follow the accessibility standard set out in Australian Standard AS 1428 (parts 1 and 2), as a minimum. Provide barrier free access to at least 20 percent of dwellings in the development.	YES
PART 03 BUILDING DESIGN		
Building Configuration		
<i>Apartment layout</i>	Single-aspect apartments should be limited in depth to 8 metres from a window.	NO
	The back of a kitchen should be no more than 8 metres from a window.	NO
	The width of cross-over or cross-through apartments over 15 metres deep should be 4 metres or greater to avoid deep narrow apartment layouts.	N/A No cross-over or cross-through apartments are proposed.
	If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability: (apartment size is only one factor influencing affordability) - 1 bedroom apartment 50m ² - 2 bedroom apartment 70m ² - 3 bedroom apartment 95m ²	NO
<i>Apartment Mix</i>	Include a mixture of unit types for increased housing choice.	YES
<i>Balconies</i>	Provide primary balconies for all apartments with a minimum depth of 2 metres. Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context-noise, wind – can be satisfactorily mitigated with design solutions.	YES
<i>Ceiling Heights</i>	The following recommended minimum dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL). - in residential flat buildings or other residential floors in mixed use buildings: - in general, 2.7 metres minimum for all habitable rooms on all floors, 2.4 metres is the preferred minimum for all non-habitable rooms, however 2.25m is permitted.	YES
<i>Ground Floor Apartments</i>	Optimise the number of ground floor apartments with separate entries and	YES

	consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.	
	Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	YES
<i>Internal Circulation</i>	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.	NO
<i>Storage</i>	In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: <ul style="list-style-type: none"> - studio apartments 6m³ - one-bedroom apartments 6m³ - two-bedroom apartments 8m³ - three plus bedroom apartments 10m³ 	YES
Building Amenity		
<i>Acoustic Privacy</i>	Ensure a high level of amenity by protecting the privacy of residents within apartments and private open space	YES
<i>Daylight Access</i>	Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter.	YES
	Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed.	NO
<i>Natural Ventilation</i>	Building depths, which support natural ventilation typically, range from 10 to 18 metres.	NO
	Sixty percent (60%) of residential units should be naturally cross ventilated.	YES
Building Performance		
<i>Waste Management</i>	Supply waste management plans as part of the development application submission as per the NSW Waste Board.	YES
<i>Water Conservation</i>	Rainwater is not to be collected from roofs coated with lead- or bitumen-based paints, or from asbestos- cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	YES

Stormwater management

Information regarding stormwater management remains outstanding. The application is unacceptable in this regard.

Safety

The casual surveillance of the communal open space to the west of Block B is inadequate. Balconies facing towards this space should be provided to ensure that adequate surveillance and safety is achieved.

Visual privacy

The separation of 11.6m between the balcony of B1/2/3-02 and the bedroom window of C1/2/3-02 is marginally less than the requirement of 12m. The windows in question are offset in plan and orientated in different directions. The minor variation to the separation distance control is acceptable in this instance.

Parking

The number of car spaces does not comply with the requirements of the KPSO. A SEPP 1 objection in respect of the variation to the development standard has not been submitted.

Apartment layout – depth of apartments & kitchen ventilation

Eleven single aspect apartments (8.8%) have a depth of more than 8m (AG-10,BG-10,CG-03,CG-04,CG-05,C1-03,C2-03,C3-03,C10-4,C2-04,C3-04). As mentioned elsewhere in this report, the amenity of the single aspect apartments is unacceptable.

Nineteen apartments (15.3%) have kitchens that are more than 8m from a window (AG-10,AG-06,BG-09,BG-10,B1-05,B2-05,B3-05,B1-06,B2-06,B3-06,CG-03,CG-04,CG-05,C1-03,C2-03, C3-03 C1-04,C2-04,C3-04). The failure to design the development to achieve compliance with this standard results in apartments which do not achieve high standards of residential amenity,

Apartment layout – floor area

The applicant has advised that the floor area of the apartments includes 50% of the area occupied by the dividing wall. This has resulted in the majority of the apartments in the development being smaller than the figure indicated on the plans. As the majority of the apartments are at the minimum size permitted by the RFDC, this error in calculating the floor area of the apartments results in the majority of the apartments failing to satisfy the minimum floor area requirements.

Internal circulation

A maximum of 10 apartments are accessed per single core/corridor. A variation to the rule of thumb can be considered where:

- developments can demonstrate the achievement of the desired streetscape character and entry response
- developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments)

Whilst the aesthetics of the development are considered to be poor, the number of apartments per core/corridor is not considered to be the cause of this issue. The amenity of the common lobbies and corridors is not considered acceptable. The applicant has attempted to comply with the control by splitting the common corridors in Block A and Block B into two sections by placing a two door lift in the centre of the corridor. This layout does nothing to enhance internal amenity and results in small dark lobbies with south facing windows and poor amenity. It is also noted that the size of the lift car appears insufficient, particularly for a lift that serves up to 10 apartments per floor. Basic design modifications such as straightening corridors, increasing lift car sizes and, widening lift lobbies would significantly improve the internal amenity of Blocks A & B.

Daylight access – single aspect south facing apartments

Fourteen apartments (11.29%) are single aspect with a southern orientation. This marginally exceeds the 10% rule of thumb specified by the RFDC. As the overall performance of the development with respect to solar access complies with the rule of thumb the minor variation to the single aspect apartment control is acceptable.

Natural ventilation - building depth

The residential flat code rule of thumb states that building depths which support natural ventilation typically range from 10-18 metres. The depths of Block A at 21.6 metres and Block B at 21 metres, do not comply with the rule of thumb.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Zoning and permissibility:

The site is zoned Residential 2(d3).

Under clause 25B (definitions) of the KPSO a residential flat building is defined as '*a building containing three or more dwellings.*' The proposed development is consistent with the definition of residential flat building and is permissible with consent pursuant to the development control table under clause 23 of the KPSO.

Residential zone objectives:

The development is inconsistent with the aims and objectives prescribed under clauses 25C(2) and 25D(2) of the Ku-ring-gai Planning Scheme Ordinance in that:

- the aesthetics of the development are poor and do not reflect the emerging and desired future character of the area
- the development does not provide sufficient deep soil landscaping
- the development has no provided sufficient car parking

The development is contrary to the heads of consideration detailed in Clause 25I(1) of the Ku-ring-gai Planning Scheme Ordinance in that:

- the development does not dedicate a high proportion of the site to deep soil landscaping
- the development will have an unacceptable impact on trees which are intended to be retained. This is likely to result in the decline of the trees and a development that dominates the landscape
- insufficient information has been provided detailing the drainage infrastructure required for the new driveways in the access handles

Development standards:

Development standard	Proposed	Complies
Clause 25E(1) - Site area (min): 1200m ²	7462m ²	YES
Clause 25I(2) - Deep soil landscaping (min): 50%	42%	NO
Clause 25I(3) - Street frontage (min): 30m for sites >1800m ²	57.61m	YES
Clause 25I(5) - Number of storeys (max): buildings on sites with an area of 2400m ² or more may have a maximum height of 5 storeys	5 storeys	YES
Clause 25I(6) - Site coverage (max): 35%	34.98%	YES
Clause 25I(7) - Top floor area (max): 60% of level below	Block A = 55.63% Block B = 59.36% Block C = 58.52%	YES
Clause 25I(8) – Building Height: 4 th storey must have a maximum perimeter ceiling height of 13.4m	<13.4m	YES
Clause 25J – Car parking: 1 car space per dwelling plus an additional car space for each 3 bedroom dwelling (129) 1 visitor car space for every 4 dwellings (31)	159	NO
Clause 25L(2) - Zone interface		

The 3 rd and 4 th storey must have a minimum setback of 9m from any land (other than a road) that is not zoned 2(d3)	All adjoining sites are zoned 2(d3)	YES
Clause 25L(3) - Zone interface 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.	Landscaping for screening purposes is located on the site	YES
Clause 25N(2)(a) - Manageable housing: at least one dwelling comprises manageable housing for each 10 dwellings (or part thereof) comprising the multi-unit housing,	13 of 124 apartments (10.4%) comply with the requirements for manageable housing	YES
Clause 25N(2)(b) – Manageable housing: wheelchair access is provided to all dwellings comprising the manageable housing.	Wheelchair access is provided to all dwelling comprising the manageable housing.	YES
Clause 25N(3) – A lift must be provided in all multi-unit housing of more than 3 habitable storeys in Zone No. 2(d3).	Lift access proposed	YES

SEPP 1 objections to the development standard for car parking and deep soil landscaping have not been submitted. Accordingly the application cannot be lawfully approved, as discussed earlier in the report.

POLICY PROVISIONS

Development Control Plan No. 55 – Railway/Pacific Highway Corridor & St Ives Centre

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
<ul style="list-style-type: none"> At least one area 150m² per 1000m² of site area of deep soil landscaping = 559m 	>559m ² to the north of Block C	YES
No. of tall trees required (min): 25	>25 trees	YES
Part 4.2 Density:		
Building footprint (max):		

<ul style="list-style-type: none"> 35% of total site area (2611.7m²) 	34.98%	YES
Floor space ratio (max):		
<ul style="list-style-type: none"> 1.3:1 (9194.9m²) 	1.29:1 (9135.9m ²)	YES
Part 4.3 Setbacks:		
Street boundary setback (min):		
<ul style="list-style-type: none"> Setback zone between 10-12m from boundary, no more than 40% of this zone may be occupied by building footprint 	Building setback is a minimum of 13.661m. No part of the building is located inside the 10-12m setback zone.	YES
Rear boundary setback (min):		
<ul style="list-style-type: none"> 6m 	44.6m	YES
Side boundary setback (min):		
<ul style="list-style-type: none"> 6m 	6m	YES
Setback of ground floor courtyards to street boundary (min):		
<ul style="list-style-type: none"> 8m 	9m	YES
Maximum portion of the front setback area occupied by private courtyards (max):		
<ul style="list-style-type: none"> 15% 	<15%	YES
Part 4.4 Built form and articulation:		
Façade articulation:		
<ul style="list-style-type: none"> Wall plane depth >600mm 	>600mm	YES
<ul style="list-style-type: none"> Wall plane area <81m² 	<81m ²	YES
Built form:		
<ul style="list-style-type: none"> The width of a single building on any elevation facing the street shall not exceed 36 metres 	41.7 metres for Block A	NO
<ul style="list-style-type: none"> Balcony projection <1.2m 	<1.2m	YES
Part 4.5 Residential amenity		
Solar access:		
<ul style="list-style-type: none"> 70% of apartments shall receive a minimum of 3 hours direct sunlight on the winter solstice 	70.97%	YES

<ul style="list-style-type: none"> At least 50% of the principal area of common open space of the development shall receive direct sunlight for at least 3 hours between 9am and 3pm on the winter solstice 	<p>A minimum of 67% of the communal open space receives 3 hours solar access.</p>	<p>YES</p>
<ul style="list-style-type: none"> Entry lobbies and common corridors should be naturally lit and ventilated 	<p>All entry lobbies and common corridors are naturally lit and ventilated.</p>	<p>YES</p>
<ul style="list-style-type: none"> No single-aspect units shall have a southern orientation 	<p>14 of 124 apartments (11.29%) are single aspect with a southern orientation.</p>	<p>NO</p>
<ul style="list-style-type: none"> Not more than 15% of the total units shall be single aspect with a western orientation 	<p>7 of 124 apartments (5.64%) are single aspect apartments with a western orientation.</p>	<p>YES</p>
<ul style="list-style-type: none"> The development shall allow the retention of at least 3 hours of sunlight between 9am and 3pm on the winter solstice to the habitable rooms and the principal portion of the outdoor living area of adjoining house in single house zones (2(c1) and 2(c2)). Where existing overshadowing is greater than this sunlight is not to be reduced by more than 20% 	<p>All sites adjoining the development site are zoned Residential 2(d3).</p>	<p>YES</p>

Visual privacy:		
Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site:		
Storeys 1 to 4 <ul style="list-style-type: none"> • 12m b/w habitable rooms • 9m b/w habitable and non-habitable rooms • 6m b/w non-habitable rooms 	11.6m between the balcony of B1/2/3-02 and bedroom of C1/2/3-02.	NO
5th Storey <ul style="list-style-type: none"> • 18m b/w habitable rooms • 13m b/w habitable and non-habitable rooms • 9m b/w non-habitable rooms 	Separation distances comply.	YES
Roof terraces are to be designed to avoid overlooking of neighbours' principal outdoor living areas (e.g. roof terraces facing side boundaries are generally inappropriate).	Roof terraces are for clothes drying purposes. Screening is proposed.	YES
Acoustic privacy:		
All dwellings are to meet the sound insulation provisions and standards of the Building Code of Australia.	Compliance with this requirement could be achieved through a condition of consent.	YES
Buildings shall be designed such that noise-generating rooms (such as living rooms) are located adjacent to (ie, sharing common walls / floors) those in adjoining units.	Rooms adjacent to common walls are to be used for similar purposes, i.e. study adjoining bedroom, living room adjoining living room, etc.	YES
Bedrooms and private open space shall be located away from noise sources including active garages, driveways, mechanical equipment and recreation areas.	The bedroom window and living room windows, plus the courtyard of unit AG-04 are located directly above the basement ramp.	NO

Where physical separation from noise sources cannot be achieved, windows are to be located away from noise sources or buffers used.	Windows of apartment AG-04 are located in close proximity to the basement ramp.	NO
Mechanical equipment, such as pumps, lifts or air conditioners shall not be located next to bedrooms or living rooms of dwellings on adjoining properties unless separated from such noise sources by buffers such as storage, wardrobes and circulation areas.	Air conditioning units are located on balconies. The noise and hot air produced by the units would compromise the amenity of the balconies.	NO
Development located adjacent to major roads or other sources of high noise generation shall be designed in accordance with the <i>EPA Environmental Criteria for Road Traffic Noise 1999</i> , with: i. noise-insensitive areas such as kitchens, storage areas and laundries located towards the noise source; ii. noise sensitive uses (i.e. bedrooms) located away from the noise source; and iii. appropriate noise shielding or attenuation techniques incorporated into the design and construction of the building.	An acoustic report which addresses the impact of traffic noise on the development has been submitted. The report advise that if the recommendations of the report are adopted the development will comply with the requirements of the relevant Australian Standards.	YES
Balconies and other external building elements are to be designed, located to minimise infiltration and reflection of noise onto the facade.	The acoustic report includes detailed recommendations regarding the types of glazing that must be used to achieve the appropriate internal noise levels.	YES
Internal amenity:		
<ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m 	Minimum 2.7m	YES

<ul style="list-style-type: none"> Non-habitable rooms have a minimum floor to ceiling height of 2.4m 	Minimum 2.7m	YES
<ul style="list-style-type: none"> 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom 	>3m	YES
<ul style="list-style-type: none"> 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms 	>3m	YES
<ul style="list-style-type: none"> Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	10 units 1.5m 1.8m	NO YES YES
<ul style="list-style-type: none"> Storage space shall be provided for each unit at the following minimum volumes: <ul style="list-style-type: none"> - 6m³ for studio and one bedroom unit - 8m³ for two bedroom units - 10m³ for units with three or more bedrooms <p>At least 50% of the required storage space must be provided inside the dwelling.</p>	Storage in accordance with these requirements will be provided	YES
Outdoor living:		
<ul style="list-style-type: none"> ground floor apartments have a terrace or private courtyard greater than 25m² in area 	25.2m ² min.	YES
<ul style="list-style-type: none"> Balcony sizes: <ul style="list-style-type: none"> - 10m² – 1 bedroom unit - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit 	10m ² min. 12m ² min. 16m ² min.	YES YES YES

<ul style="list-style-type: none"> Primary outdoor space must be directly accessible from the main living area 	Direct access to the courtyard of unit AG-03 is via the bedroom	NO
<ul style="list-style-type: none"> primary outdoor space has a minimum dimension of 2.4m 	>2.4m	YES
<ul style="list-style-type: none"> At least 30% of the site area is to be common open space principally for tall tree planting. 	More than 30% of the site area is common open space	YES
Part 4.7 Social dimensions:		
Each adaptable dwelling must be provided with at least one disabled car parking space designed in accordance with AS2890.1	Disabled car spaces have been provided	YES
At least 70% of dwellings are to be 'visitable' in accordance with the definition prescribed in appendix F	<p>< 70%</p> <p>The application documents claim compliance with the visitable apartments requirements, however bathrooms in some apartments are too narrow to achieve a clear distance of 1250mm in front of the toilet pan or do not have sufficient circulation space at the apartment entry door (e.g. A1-09, A1-03)</p>	NO
A range of unit sizes and types is to be provided	Mix of 1, 2 and 3 bedroom units	YES
Part 5 Parking and vehicular access:		
Car parking (min):		
<ul style="list-style-type: none"> 129 resident spaces 31 visitor spaces 160 spaces in total 	159 spaces in total	NO

Part 3 Local context

3.3 Landscape and visual character

The proposal is generally consistent with the requirements of this part of the DCP. Council's Landscape Officer has not raised any concerns regarding the proposed tree removal or the proportion of new plantings that are locally indigenous trees.

Part 4 Design principles and controls

4.1 Landscape design

Council's Landscape Officer and Urban Design consultant have raised concerns with the design of the communal open space. The concerns include the failure to achieve a hierarchy of spaces through the landscape design, inconsistencies in the plans where soil over slab planting is proposed, inadequate casual surveillance, and the impact of the development on the health of trees which are to be retained

4.4 Built form and articulation

The southern elevation of Block A faces Mona Vale Road and has a width of 45.5 metres. The southern elevation of the residential flat building under construction at 1-3 Sturt Place and 230-232 Mona Vale Road has a street elevation with a width of 49.5 metres. The residential flat building at 220-222 Mona Vale Road has a street elevation with a width of 28 metres. The residential flat building at 226 Mona Vale Road has a street elevation with a width of 38 metres.

As nearby residential flat buildings have street elevations greater than 36 metres in width, there is no in principle objection to a building width greater than 36 metres. The DCP states that where an applicant has justified a building width greater than 36 metres the portion of the building in excess of 36 metres must be sufficiently recessed and/or articulated so as to present to the street as a separate building.

To create the appearance of two buildings, the alignment of the southern wall of Block A has been staggered in plan. The centre of Block A is recessed 8 metres from the southern side of the building and 6.4 metres from the northern side of the building. The recess has a depth of 10 metres at the ground floor level and 12 metres on levels 1-4. Canopy trees located directly in front of the recessed area of the building will enhance the effect and Block A will read as two buildings from Mona Vale Road.

4.5 Residential amenity

4.5.1 Solar access

The DCP requires that there are to be no single aspect apartments with a southern orientation. This control is a more onerous requirement than a similar control in the Residential Flat Design Code which limits single aspect south facing apartments (SE-SW) to a maximum of 10% of the apartments in a development. The proposal does not comply with either requirement as 14 of 124 apartments (11.29%) are single aspect with a southern orientation. Thirteen of the apartments are in Block A and one is in Block B. The non compliance is a result of several factors, which include; the solar orientation of the allotment, the width of the development site, and the proposed housing mix.

The long axis of the site runs in a north–south direction, and the appropriate streetscape response is for the buildings to be orientated across the site with their long axis running in an east-west direction. This arrangement inevitably

results in single aspect apartments with a southerly orientation. The width of the development site is 57.61m. The width of the site results in increased building length, fewer dual aspect corner apartments and a higher proportion of single aspect south-facing apartments. The proposed housing mix, predominantly comprising 1 and 2 bedroom apartments, is always going to result in less dual aspect apartments than a development comprising of 2 and 3 bedroom apartments which have more floor area and occupy a greater proportion of the external walls.

Having regard to the constraints of the site, the dwelling mix, and that more than 70% of the apartments achieve at least 3 hours solar access a variation to the control regarding single aspect south-facing apartments can be supported.

4.5.2 Visual privacy

Separation of 11.6 metres between the balcony of B1/2/3-02 and the bedroom window of C1/2/3-02 is marginally less than the requirement of 12 metres. The windows in question are offset in plan and orientated in different directions. Adequate levels of visual privacy will be achieved. The minor variation to the separation distance control is acceptable in this instance.

4.5.3 Acoustic privacy

As identified above, 13 of the 14 single aspect south-facing apartments are in Block A, have frontage to Mona Vale Road, and are affected by traffic noise from the road. The design of apartment AG04, which is a ground level one bedroom single aspect located directly behind the basement ramp, is of particular concern. This apartment would receive no solar access and would be subject to traffic noise from Mona Vale Road and the noise from vehicles using the basement ramp. This outcome could be avoided by consolidating apartments AG03, AG04, and AG05 and converting the space into two larger apartments with acceptable amenity. Such an arrangement has been presented to Council staff in concept form and is considered a far superior design response to the current layout. The current design does not address the acoustic privacy requirements of the DCP and is unacceptable.

4.5.4 Internal amenity

The development does not comply with the requirement that a maximum of 8 units be accessed from a common corridor. The objective of this control is to ensure a high level of internal living amenity for all occupants. The applicant has attempted to comply with the control by splitting the common corridors in Block A and Block B into two sections by placing a two door lift in the centre of the corridor. This layout does nothing to enhance internal amenity, and results in small dark lobbies with south facing windows and poor amenity.

4.5.5 Outdoor living

It is proposed to provide all apartments with individual air-conditioning units

located in the apartments private open space area. The amenity of the private open spaces will be adversely affected by the air conditioning units, some of which will be installed inside enclosed balconies. This arrangement is contrary to the requirements of part 4.5.3 'Acoustic Privacy' which states that private open space is to be located away from noise sources such as mechanical equipment.

4.6 Safety and security

Concern is raised that adequate surveillance to the communal open space on the southern side of Block B will not be achieved as no balconies faces towards this space.

4.8 Building sustainability

If approval of the application was recommended, conditions could be imposed to ensure compliance with the design controls under part 4.8.1 'Building materials and finishes'.

7.3 Memorial Avenue Precinct - St Ives

This section of the DCP contains specific design controls for the Memorial Avenue precinct. The design controls include, desirable amalgamation patterns, building envelopes, setbacks, basement car parking locations, and pedestrian and vehicular access through the site. A central component of these controls are two diagrams that represent Council's vision for the development of the precinct. A significant number of residential flat developments have been completed in the precinct since the DCP was adopted in 2004. Much of the development in the precinct is not consistent with the requirements of the DCP, in particular the amalgamation patterns and position of buildings is significantly different. The link between Memorial Avenue and Sturt Place has not and could not be constructed as residential flat buildings now occupy the area that was to be used for the link. In light of these circumstances it is considered that minimal determinative weight can be attributed to the highly prescriptive controls outlined in the diagrams. The following objectives are considered to be relevant to the proposal:

- i. The new buildings in Mona Vale Road and Killeaton Street / Link Road are placed in a landscape setting with appropriate breaks between the buildings.
- ii. The retention of significant trees along the edge of the precinct and internally.

The proposal is consistent with the first objective but fails against the second objective. The proposal would not allow for the retention of significant trees on the Mona Vale Road frontage of the site as the proposed buildings significantly encroach into the tree protection zones of these trees.

Development Control Plan No. 40 - Construction and Demolition Waste Management

A detailed waste management plan was submitted with the application and is considered acceptable.

A construction traffic management plan was submitted with the application.

Development Control Plan No. 43 - Car Parking

Matters for assessment under DCP 43 have been taken into account in the assessment of this application against KPSO, and DCP 55. The number of car spaces in the development does not comply with the requirements of the KPSO and DCP 55. The proposal is not considered satisfactory.

Development Control Plan No. 47 - Water Management

Matters for consideration under DCP 47 have been taken into account in the assessment of this application against KPSO and DCP 55 and the proposal is unsatisfactory in this regard.

Section 94 Plan

If approval of the application were recommended conditions would be imposed requiring the payment of section 94 contributions.

LIKELY IMPACTS

The above assessment demonstrates that the proposal fails to comply with the requirements of SEPP 65, KPSO, and DCP 55. The proposal is of poor design standard and would not provide a high quality living environment for future residents. The poor aesthetics of the development would have an unacceptable impact upon the surrounding area.

SUITABILITY OF THE SITE

The site is zoned Residential 2(d3) and multi-unit housing is permissible. The site is considered suitable for a residential flat development, however the design of the proposal is poor and it will not make a positive contribution to the housing stock in the area or promote multi-unit housing that is an attractive and practical alternative to low density single dwelling housing. The proposal is not suitable for the site.

ANY SUBMISSIONS

The submissions have been considered in the above assessment.

PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the

environment are minimised. The proposal has been assessed against the provisions of the relevant Environmental Planning Instruments and is deemed to be unacceptable. On this basis, the proposal is considered to be contrary to the public interest.

OTHER RELEVANT MATTERS

There are no other matters for consideration.

CONCLUSION

This application has been assessed under the heads of consideration of Section 79C of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. The proposal fails to achieve compliance with the requirements of the relevant instruments and policies. Refusal of the application is recommended.

RECOMMENDATION

PURSUANT TO SECTION 80(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT the Sydney West Joint Regional Planning Panel, as the consent authority, refuse development consent to Development Application No. 0021/11 for the demolition of the five dwellings and construction of three residential flat buildings containing 124 units as shown on plans prepared by Playoust Churcher Architects for the following reasons:

1. The development does not provide deep soil landscaping in accordance with the requirements of clause 25I of the Ku-ring-gai Planning Scheme Ordinance. A SEPP 1 Objection in respect of the variation to the development standard has not been submitted.

Particulars

- i. The Ku-ring-gai Planning Scheme Ordinance requires that a minimum of 50% of the site area must be deep soil landscaping, only 42% of the site area is deep soil landscaping.
2. The development does not provide car parking in accordance with the requirements of clause 25J of the Ku-ring-gai Planning Scheme Ordinance. A SEPP 1 Objection in respect of the variation to the development standard has not been submitted.

Particulars

- ii. The Ku-ring-gai Planning Scheme Ordinance requires that a minimum of 160 car spaces be provided for the development, only 159 car spaces have been provided.

3. The development is inconsistent with the aims and objectives prescribed under clauses 25C(2) and 25D(2) of the Ku-ring-gai Planning Scheme Ordinance:

Particulars

- i. The aesthetics of the development are poor and do not reflect the emerging and desired future character of the area.
 - ii. The development does not provide sufficient deep soil landscaping.
 - iii. The development does not provide sufficient car parking.
4. The development is contrary to the heads of consideration prescribed under clause 25I(1) of the Ku-ring-gai Planning Scheme Ordinance.

Particulars

- i. The development does not dedicate a high proportion of the site to deep soil landscaping.
 - ii. The development will have an unacceptable impact of trees which are intended to be retained. This is likely to result in the decline of the trees and a development that dominates the landscape.
 - iii. Insufficient information has been provided detailing the drainage infrastructure required for the new driveways in the access handles.
5. The proposal is contrary to the Design Quality Principles of State Environmental Planning Policy No. 65.

Particulars

The proposal fails to satisfy these principles for the following reasons:

- i. The aesthetics of the development are poor.
 - ii. The number of apartments with kitchens that are more than 8m from a window is excessive.
 - iii. The number of single aspect apartments with a depth of greater than 8m is excessive.
 - iv. A high proportion of apartments within the development have a floor area which falls below the minimum floor area required by the RFDC.
 - v. The design of the apartments does not respond to solar conditions, for example west facing apartments in Block C have not been provided with sun shading devices.
 - vi. In Blocks A & B the number of apartments accessed by the circulation core is excessive and the amenity of the circulation cores/lift lobbies is unacceptable.
 - vii. The amenity of apartment AG-04 which has a courtyard located directly above the basement entry ramp from Mona Vale Road is unacceptable.

- viii. The amenity of apartments AG-03 which does not have direct access from the living area to the private open space is unacceptable.
 - ix. The amenity of private open spaces within the development will be adversely affected by the noise and hot air produced by the air-conditioning units which are located inside these spaces.
6. The proposal is inconsistent with Part 2 'Elements of good design' of DCP 55.

Particulars

- i. The selected materials palette does not respect and respond to the existing materials palette of the area.
 - ii. The articulation of the building in plan is arbitrary and does not produce a coherent and aesthetically pleasing design outcome.
 - iii. The fenestration to the Mona Vale Road elevation of the development is minimal. The façade is heavy, and has an institutional appearance which is inconsistent with the emerging character of the area.
7. The proposal is inconsistent with Part 4.5.5 'Outdoor living' of DCP 55.

Particulars

- i. Apartment AG-03 does not have direct access from the living area to the private open space.
 - ii. The amenity of private open space for all apartments will be adversely affected by the installation of an air conditioning unit inside the private open space.
8. The proposal is inconsistent with Part 4.6 'Safety and security' of DCP 55.

Particulars

- i. Adequate casual surveillance of the communal open space area to the south of Block B has not been provided.
9. The proposal is inconsistent with Part 4.7 'Social dimensions' of DCP 55.

Particulars

- i. In contravention of design control C-3, less than 70% of the dwellings in the development are 'visitable' by persons with a disability.
10. The proposal is inconsistent with Part 7.3 'Memorial Avenue Precinct' of DCP 55.

Particulars

- i. In contravention of design objective O-3, the proposal does not provide for the retention and adequate projection of trees located on the Mona Vale Road frontage of the site.
11. The proposal is inconsistent with the requirements of Council's Water Management Development Control Plan DCP 47 (Adopted 4 May, 2005).

Particulars

- i. Inadequate information has been provided regarding drainage infrastructure for the new driveways in the access handles.
12. The proposal is unsatisfactory with respect of Section 79C(1)(a)(i)(iii) and (b), (c) and (e). The development is inconsistent with environmental planning instruments being SEPP 65, SEPP 1 and the KPSO. The proposal is contrary to the requirements of DCP 55. The proposal is an unacceptable development that is not suitable for the subject site. The development is contrary to the public interest.

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- Attachments:**
- 1. Location Sketch
 - 2. Zoning Extract
 - 3. Basement Plans
 - 4. Site Plans
 - 5. Floor Plans
 - 6. Elevations
 - 7. Sections
 - 8. Landscape Plans
 - 9. Council's Landscape and Tree Assessment Officer's Comments
 - 10. Council's Team Leader Engineering Assessment Comments