

818 Pacific Highway, Gordon NSW 2072



Locked Bag 1056, Pymble NSW 2073

T 02 9424 0000 F 02 9424 0001

DX 8703 Gordon TTY 133 677

E kmc@kmc.nsw.gov.au

W www.kmc.nsw.gov.au

ABN 86 408 856 411



Contact: Robyn Pearson

BY:

Ref: DA0050/11

11 November 2011

Staldone Corporation Pty Ltd
Suite 109 Level 1- 83 York Street
SYDNEY NSW 2000

Dear Sir/Madam

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
BY THE SYDNEY WEST JOINT REGIONAL PLANNING PANEL**

Issued under the Environmental Planning and Assessment Act 1979

Application No.: DA0050/11
Proposed Development: Demolition of existing structures and construction of 2 residential flat buildings with car parking and associated landscaping
Property: 18 Shinfield Avenue ST IVES NSW 2075
116 Rosedale Road ST IVES NSW 2075
118 Rosedale Road ST IVES NSW 2075

Pursuant to Section 81 of the Act, notice is given that the above Development Application has been determined by refusal of consent for the reasons specified in this Notice.

Date of determination: 10 November 2011

The reasons for refusal are:

1. Unsatisfactory bulk and scale

Particulars:

- (i) Building 1 fails to comply with the permitted number of storeys pursuant to clause 25I(5) in the KPSO because it has seven (7) storeys not five (5) storeys as permitted under clause 25I(5).
- (ii) A SEPP 1 objection has not been submitted with the application. The non-compliance would result in adverse impact upon the streetscape in particular Rosedale Road and the adjoining properties in terms of the excessive bulk and scale.
- (iii) Building 1 has an overall height of 17.5 metres (at levels 6 and 7) which exceeds the permitted height of 13.4 metres to the fourth floor pursuant to clause 25I(8) in the KPSO.

- (iv) The fifth floor of Building 1 has a floor area equal to the floor below contrary to the requirements of clause 25I(7) in the KPSO that limits the fifth floor area to 60% of the floor below to minimise bulk and scale.
- (v) A SEPP 1 objection has not been submitted with the application.
- (vi) Buildings 1 and 2 have not provided a nine (9) metres setback from the third and fourth floor to the northern boundary with No. 120 Rosedale Road zoned 2(e) to provide a transition in the scale of buildings.
- (vii) A SEPP 1 objection for a variation to the required setback to the interface zone has not been submitted with the application.

2. Isolation of adjoining sites (Nos 20 and 22 Shinfield Avenue)
Particulars:

- (a) The adjoining sites situated at Nos. 20 and 22 Shinfield Avenue do not form part of the proposed development.
- (b) Nos. 20 and 22 Shinfield Avenue have a combined area of 932m² not 1200m² as required by clause 25E in the KPSO.
- (c) No. 22 Shinfield Avenue does not have the required frontage to Rosedale Road of 23 metres pursuant to clause 25I(3) in the KPSO.
- (d) The above non-compliances would hinder the development of the above properties for high density development.
- (d) The applicant has failed to demonstrate that Nos. 20 and 22 Shinfield Avenue are capable of being developed in accordance with Council's planning instruments and policies.
- (e) The concept plans submitted to Council have demonstrated that Nos. 20 and 22 Shinfield Avenue would become an isolated site frustrating the achievement of object 5(a)(ii) in the EPA Act 1979 concerned with the orderly and economic use of the land.

3. Unsatisfactory residential amenity

Particulars:

- (a) The communal open space between Buildings 1 and 2 is designed more as "a walk through space" rather than usable passive recreation space.
- (b) The below ground floor in Buildings 1 and 2 would provide poor residential amenity with little natural light and/or solar access contrary to the principles of sustainable development.
- (c) The balconies on level RL160 in Building 2 also Unit 158/02 fail to comply with the required minimum areas contrary to part 4.5.5 in DCP 55.
- (d) The outdoor recreation space for the ground floor apartments on the western side of Building 2 have a problematic relationship with the communal area between Building 1 and 2, in terms of the levels, privacy noise and visual intrusion.

- (e) Some of single units have a depth greater than 8 metres that is likely to provide poor amenity for future residents. (169/03 – 9m (level RL169), 166/07 – 8.5m, 166/05 -10.5m, 163/06 – 11m, 163/02 – 9.5m, 160/06 – 10.5m, 160/02 – 9.5m, , 157/02 – 9.5m, 154/01 -9m)

4. Adverse impacts upon adjoining properties

Particulars:

- (i) The non-compliant visual mass of the development would cause a loss of amenity for the residents of Nos. 16, 20 and 22 Shinfield Avenue and 120 Rosedale Road.
- (ii) The bulk of Buildings (1 & 2) has been pushed towards the rear/side boundaries to provide greater amenity for Nos. 20 and 22 Shinfield creating greater opportunities for overlooking into adjoining properties in particular Nos 120 Rosedale Road and No. 16 Shinfield Avenue.
- (iii) The non-compliant interface zone setback (Buildings 1 and 2) to the northern boundary would promote overlooking into the dwellings at No. 120 Rosedale Road.
- (iv) The bay windows on the western elevation of Building 1 (levels 1-4) are likely to promote overlooking into the adjoining property.
- (v) The single entry/exit basement driveway for Buildings 1 and 2 is likely to have a detrimental impact upon the amenity of No. 20 Shinfield Avenue given the close proximity of the driveway to the bedrooms of this dwelling.

5 Poor urban design

Particulars:

- (a) The proposal fails to relate appropriately to the natural topography of the land.
- (b) The elevations are overly modulated, thereby increasing their apparent scale.
- (c) The development isolates the two dwellings on the corner of Rosedale Road and Shinfield Avenue that are unlikely to remain as single dwelling due to their limited lot size contrary to the desired future character of the precinct.
- (d) The proposal does not provide a new spatial system consistent with the proposed apartment building typology for St Ives.
- (e) The floor space is distributed into two very different sized and shaped buildings so they do not relate well in plan and/or composition nor do they relate well to the neighbouring detached buildings.
- (f) The flat roofs provide building tops which are irregular in shape and fail to provide a clear roof line against the sky.
- (g) Contrary to the principles of sustainable development, the buildings are air conditioned with no provision for ceiling fans.

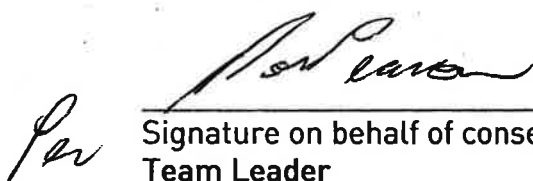
- (h) The proposal does not emulate the existing pattern of development featuring a substantial front setback, a building centrally located on the block with wide side set backs and a substantial rear garden. The pattern of development as proposed is an "L" shape located towards the side/rear boundaries to provide some amenity to the isolated sites (Nos. 20 & 22 Shinfield Avenue) which is contrary to the existing pattern of residential development in St. Ives.
- (i) The bulk of the eastern elevation of Building 1 would be highly visible from Rosedale Road having a detrimental impact upon the public domain.
- (j) Building 1 fails to engage with Shinfield Avenue due to the lack of pedestrian entrance contrary to the requirements of RFDC. The varying levels within the front setback further detach the building from the public domain.
- (k) The main entries for the two buildings lack clarity and fail to have a sense of importance contrary to the planning objectives in the RFDC.
- (l) The "gate house" marking the main pedestrian to the development would become an uncharacteristic built form in St Ives is excessive in terms of its bulk and scale.
- (m) The lack of a clear pedestrian entry for Building 2 combined with the setbacks, the stepping up of the buildings and the level changes mean that the building does not engage with Rosedale Road.
- (n) The proposal fails to reveal the natural features of the site because:
 - the proposed buildings are designed as "object" buildings and not "space defining" buildings,
 - the buildings are excavated into the site
 - the arbitrary placement of the communal open space
- (o) The use of masonry "frames" around many of the balconies adds greater bulk to the buildings, provide less light and sun penetration to the interiors and restrict views.
- (p) There is an imbalance between the masonry appearance and the light weight roof having a detrimental impact upon the streetscape.
- (q) A simpler building form with a more complex range of materials would have a more positive contribution to the streetscape.
- (r) The organisation of the materials; openings and walls could have been better articulated to create further depth to the buildings.
- (s) The height of front fence should be reduced to 1.2m to maintain streetscape character.

Right of appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months of the date on which you receive this Notice.

Advisings

- (a) Council is always prepared to discuss decisions, and in this regard do not hesitate to contact Robyn Pearson on phone 9424 0000.
- (b) Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request a review of the determination. The request must be made in writing on the S.82A Review application form (refer to Council's website or customer service centre) within 12 months after receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request. There is no right of review under S82A of the Act in respect of Designated or Integrated Development.



Signature on behalf of consent authority
Team Leader
Development Assessment

cc: owners

Ms GJ Watson
PO Box 579

MOSMAN NSW 2088

Mr AR Moore & Mrs J Moore
PO Box 993

ST IVES NSW 2075

Mr R Baskin & Mrs R Baskin
116 Rosedale Road
ST IVES NSW 2075

