

# MINUTES OF THE SYDNEY WEST REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT KU-RING-GAI MUNICIPAL COUNCIL ON THURSDAY, 18 AUGUST 2011 AT 5:00 PM

## PANEL PRESENT:

Bruce McDonald  
Lindsay Fletcher  
Bruce Clarke  
Elise Keays  
Elaine Malicki

Chair  
Panel Member  
Panel Member  
Panel Member  
Panel Member

## COUNCIL STAFF IN ATTENDANCE

Michael Miocic  
Corrie Swanepoel  
Jonathan Goodwill  
Paul Dignam

Director Development & Regulation  
Manager Development Assessment Services  
Executive Assessment Officer  
Heritage Officer

1. The meeting commenced at 5.01pm.

### 2. Apologies

Cr Ian Cross

### 3. Declarations of Interest

None

### 4. Business Items

**ITEM 1 – 2011SYW044 – Ku-ring-gai Municipal Council DA No. 0110/11- Demolition of existing dwellings and construction of two residential flat buildings comprising 43 units, landscaping and associated works; 6A & 8 Buckingham Road, Killara NSW 2071**

### 5. Public Submissions

**Ross Middleton** addressed the Panel **against** the item

**Sharon Hughes** addressed the Panel **against** the item

**David Grundy** addressed the Panel **in favour of** the item

**Warwick Gosling** addressed the Panel **in favour of** the item **on behalf of applicant**

## 6. Business Item Recommendation

**ITEM 1 – 2011SYW044 – Ku-ring-gai Municipal Council DA No. 0110/11- Demolition of existing dwellings and construction of two residential flat buildings comprising 43 units, landscaping and associated works; 6A & 8 Buckingham Road, Killara NSW 2071**

**Moved by Elaine Malicki, seconded by Elise Keys;**

That the Panel adopt the Council Recommendation and refuse the application for the following reasons:

1. The proposal is contrary to the principle of orderly development as expressed in section 5(a)(ii) of the *Environmental Planning and Assessment Act 1979*.

### **Particulars**

- i. The proposal seeks approval to construct a building that has vehicle access through the basement of a building that has not been built. There is no certainty as to whether the building approved for the adjoining site will be built.
2. 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 development has an unreasonable impact up the adjoining heritage item
  - ii. The development does not achieve a high level of residential amenity particularly with respect of solar access and the excessive depth of the single aspect apartments
  - iii. The amenity of the development is poor with respect to the excessive depth of the single aspect apartments
  - iv. The setbacks provided are insufficient to address privacy impacts
3. 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 will result in excessive overshadowing of No. 8A Buckingham Road
  - ii. The development will result in a loss of privacy for the approved development at Nos. 2-6 Buckingham Road
4. The development does not provide 'manageable housing' in accordance with the requirements of clause 25N of the Ku-ring-gai Planning Scheme Ordinance. A SEPP 1 Objection to support the variation to the development standard has not been submitted.

### **Particulars**

- i. The manageable apartments shown on the plans do not comply with the definition of 'manageable housing' contained in Part IIIA of the Ku-ring-gai Planning Scheme Ordinance.

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 lack of articulation of the front façade and the non compliant street setback demonstrate that the proposal does not have adequate regard for its context.
  - ii. The placement of the main entrance to the side of the Building A and below street level demonstrates that the proposal does not have a high quality built form which defines the public domain and contributes to the character and integrity of the streetscape.
  - iii. The location of the pedestrian entry to Building A is inconsistent with the principles of Crime Prevention Through Environmental Design.
  - iv. An insufficient number of apartments receive at least 3 hours solar access on the winter solstice, the depth of single aspect apartments is excessive, the number of south facing single aspect apartments is excessive, a high proportion of apartments have undersized balconies, and a high proportion of apartments have kitchens that are greater than 8m from a window. The proposal does not achieve a sufficient standard of internal amenity.
  - v. The failure to provide manageable and visitable apartments that comply with the requirements of AS4299-1995 demonstrate that the proposal does not provide housing that suits the current and future needs of the neighbourhood and an ageing population.
  - vi. Suitable documentation regarding the ability for common open space areas to receive adequate solar access has not been provided. It is unclear as to whether well designed common open space has been provided in the development.
6. The proposal is inconsistent with Part 2 'Elements of good design' of DCP 55.

**Particulars**

- i. The proposal does not have a building entry that provides a clear identity for the development.
  - ii. The proposed building entry located on the western elevation of Building A does not relate to the street.
7. The proposal is inconsistent with Part 3.5 'Development within the vicinity of a heritage item' of DCP 55.

**Particulars**

- i. The street setback does not comply with design control No. 1(iii) as the building is closer to the front boundary than the heritage item at No. 10 Buckingham Road.
8. The proposal is inconsistent with Part 4.3 'Setbacks' of DCP 55.

**Particulars**

- i. The proposal does not comply with design control C-1(a) as the basement is not setback 6m from the eastern boundary.
  - ii. The proposal does not comply with design control C-1(c) as more than 40% of the front setback zone is occupied by the building footprint.
  - iii. The proposal does not comply with design control C-7 as the front courtyards have a street setback of less than 8m.
  - iv. The proposal does not comply with design control C-9 as the design of the top floor of Building B results in overshadowing of No. 8A Buckingham Road.
9. The proposal is inconsistent with Part 4.4 'Built form and Articulation' of DCP 55.

**Particulars**

- i. The proposal does not comply with design controls C-1 and C-2 as the wall planes of the northern elevation of Building A exceed 81m<sup>2</sup> and have a depth of less than 600mm.
10. The proposal is inconsistent with Part 4.5.1 'Solar access' of DCP 55.

**Particulars**

- i. The proposal does not comply with design control C-1 as less than 70% of apartments in the development receive 3 hours solar access.
  - ii. The proposal does not comply with design control C-2 as less than 50% of the common open space receives 3 hours solar access.
  - iii. The proposal does not comply with design control C-4 as four apartments (15, 22, 29, 36) are single aspect with a southern orientation.
  - iv. The proposal does not comply with design control C-6 as the development reduces solar access to habitable rooms of No. 8A Buckingham Road to less than 3 hours.
11. The proposal is inconsistent with Part 4.5.2 'Visual Privacy' of DCP 55.

**Particulars**

- i. The proposal does not comply with design control C-2 as the separation between the eastern living room window of apartment 13 and the balcony of apartment A304 in the approved building at Nos. 2-6 Buckingham Road is less than 18m.
12. The proposal is inconsistent with Part 4.5.4 'Internal Amenity' of DCP 55.

**Particulars**

- i. The proposal does not comply with design control C-5 as the corridor at the rear of level 1 of Building A has a width of 1.2m and a minimum width of 1.5m is required.
  - ii. Insufficient information has been submitted with the application to determine compliance with the minimum storage space requirements outlined in design control C-6.
13. The proposal is inconsistent with Part 4.5.5 'Outdoor living' of DCP 55.

### **Particulars**

- i. The balconies for twenty-three (23) apartments in the development do not comply with the minimum area requirements outlined in design control C-2.
- ii. The balconies for six (6) apartments in the development do not comply with the minimum 2.4m dimension requirement outlined in design control C-4.
- iii. The common roof terrace does not contain soft landscaping that would satisfy the requirements of design control C-8.

14. The proposal is inconsistent with Part 4.6 'Safety and security' of DCP 55.

### **Particulars**

- i. The proposal does not comply with design control C-4 as the pedestrian entrance for Building A is not clearly visible from the street.

15. The proposal is inconsistent with Part 4.7 'Social dimensions' of DCP 55.

### **Particulars**

- i. The proposal does not comply with design control C-1 as including the traffic aisle of the basement as part of the disabled access path between Building A and Building B is unsafe.
- ii. No disabled parking spaces have been provided for the adaptable dwellings in accordance with design control C-2.
- iii. In contravention of design control C-3, less than 70% of the dwellings in the development are 'visitable' by persons with a disability.

16. The proposal is inconsistent with the requirements of Australian Standard 2890.1 (2004) "Off-Street car parking", Part 5 'Parking and vehicular access' of DCP 55, and DCP 40 (Policy for Construction and Demolition Waste Management).

### **Particulars**

- i. Car spaces that comply with the requirements of AS2890.1:2009 have not been provided for the five manageable apartments.
- ii. The length of car space A3 is 5.4m, a minimum length of 6.3m is required.
- iii. The location of the traffic lights recommended by the traffic report has not been indicated on the plans.
- iv. A construction traffic management plan has not been submitted.

17. Errors on the architectural plans

### **Particulars**

- i. The apartment numbers shown on the sections do not match the location of the section indicated on the floor plans.
- ii. The location of the courtyard fencing for apartments 14, 15, and 16 on section a part 2 (drawing No. DA21) does not match the landscape plans.

18. The proposal is inconsistent with the requirements of Council's Water Management Development Control Plan DCP 47 (Adopted 4 May, 2005).

**Particulars**

- i. On drawing No. C02.01 prepared by ABC Consultants the rising main is not connected to the Humeceptor, this contradicts the arrangement shown on drawing No. C03.01 prepared by ABC Consultants.
  - ii. No documentary evidence has been submitted from Killara Golf Club indicating that the Club is willing to grant a drainage easement.
19. 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.

**Proposed amendment moved by Lindsay Fletcher, seconded by Bruce Clarke:**

That the matter be deferred and the staff be requested to provide a report that assesses the amended plans submitted by the applicant on the 2<sup>nd</sup> July 2011; for the following reason:

In light of the submissions made tonight and the request by the applicant to consider the amended plans, given the history of the matter and the claim by the applicant's representative that the amended plans address the concerns of the Council Staff, it is appropriate that the Panel have a report assessing those plans.

**AMENDED MOTION CARRIED (Elaine Malicki Against)**

Meeting closed at 6:02 PM

Endorsed by

Bruce McDonald  
Acting Chair, Sydney West JRPP  
22 August 2011