

**JOINT REGIONAL PLANNING PANEL
(Sydney West Region)**

JRPP No	2011SYW057
DA Number	0196/11
Local Government Area	Ku-ring-gai Council
Proposed Development	Demolition of existing structures and construction of a five (5) storey residential flat building with two (2) levels of basement car-parking comprising 40 units and 50 car-parking spaces
Street Address	2, 4, 6 and 8 Gilroy Avenue Turramurra
Applicant Owner (s)	IC Homes Pty Ltd Doctor Beng Hoe Toeh Mrs Catherine Beng Hoe Teoh Doctor Richard Allan Foster Mrs Michelle Louise Foster Mr Hong Chun Chen Mrs Hong Yu Chen Mr Phillip Stephen Hayes Ms Rachael Brand
Number of Submissions	Ten (10)
Recommendation	Refusal
Report by	Grant Walsh, Executive Assessment Officer

Assessment Report and Recommendation

SUMMARY SHEET

REPORT TITLE:	Demolition of existing structures and construction of a five (5) storey residential flat building with two (2) levels of basement car-parking comprising 40 units and 50 car-parking spaces
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	0196/11
SUBJECT LAND:	2, 4, 6 and 8 Gilroy Avenue Turramurra
APPLICANT:	IC Homes Pty Ltd
OWNER:	Doctor Beng Hoe Toeh and Mrs Catherine Beng Hoe Teoh Doctor Richard Allan Foster Mrs Michelle Louise Foster Mr Hong Chun Chen Mrs Hong Yu Chen Mr Phillip Stephen Hayes Ms Rachael Brand
DESIGNER:	Mackenzie Architects
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance (KPSO)
COUNCIL'S POLICIES APPLICABLE:	KPSO DCP 31 - Access DCP 40 – Waste Management DCP 43 – Car Parking DCP 47 – Water Management DCP 55 – Railway / Pacific Highway Corridor and St Ives Centre DCP 56 Notification
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 55 – Remediation of Land SEPP 65 – Design Quality of Residential Flat Development SEPP BASIX 2004 SREP 20 – (Hawkesbury Nepean River)

COMPLIANCE WITH GOVERNMENT POLICIES:	No
DATE LODGED:	2 May 2011
40 DAY PERIOD EXPIRED:	12 June 2011
PROPOSAL:	Demolition of the existing structures and construction of a five (5) storey residential flat building with two (2) levels of basement car-parking comprising 40 units and 50 car-parking spaces
RECOMMENDATION:	Refusal

PURPOSE FOR REPORT

To determine Development Application DA0196/11 for the demolition of existing dwellings and construction of a residential flat building comprising 40 units and basement car-parking for 50 vehicles.

The application is required to be reported to the Joint Regional Planning Panel as the stated cost of works (CIV) of \$10.54 million exceeds \$10 million.

EXECUTIVE SUMMARY

Issues:	<ul style="list-style-type: none"> • separation of the building to provide two lift cores • landscape plans inconsistent with Basix commitments • poor communal open space • unresolved stormwater management • apartment layout • visual privacy • pedestrian access • ground floor apartment entries • internal circulation • daylight access • natural ventilation • building setbacks • built form and articulation
Submissions:	Yes
Land & Environment Court Appeal:	No
Recommendation:	Refusal

HISTORY

2 May 2011	The Development Application is lodged with Council.
4 May 2011	The applicant is requested to provide satisfactory owner's consent.
9 May 2011	External referral was sent to Energy Australia.
11 May 2011	The applicant was requested to provide a Heritage Impact Statement.
12 May 2011	The application was notified.
12 May 2011	Satisfactory owners consent is received.
6 June 2011	External referral was sent to the NSW Office of Water in relation ground water.
7 July 2011	Council officers briefed the JRPP on the application.
20 July 2011	Council officers request amended plans to address outstanding issues.
25 July 2011	Council officers meet the applicant to discuss outstanding issues.
28 July 2011	The Land and Environment Court declared the Town Centres LEP (pursuant of which the application had been lodged) " <i>had no legal force or effect</i> ".
15 August 2011	Council sent a letter to the applicant advising that the application should be withdrawn or amended in its entirety to reflect the KPSO and DCP 55.
5 -13 September 2011	Amended plans were submitted.
15 September 2011	External referral was sent to the NSW Office of Water.
23 September 2011	Amended plans were notified.

THE SITE

Zoning:	Residential 2(d3)
Lot Number:	68, 69, 70, and 71 in DP 6494
Area:	2620.5m ²
Side of Street:	Northern and western (corner allotment)
Cross Fall:	North-west/south-east
Stormwater Drainage:	To street
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

The site is located immediately north of the Turrumurra commercial precinct and railway station.

The site encompasses four lots which are identified as Lots 68, 69, 70 and 71 of DP 6494, and are known as 2, 4, 6 and 8 Gilroy Road Turrumurra. The combined site has an area of 2620.5m², is regular in shape, and contains the following boundary dimensions: 61.15 metres east (Gilroy Road primary frontage), 42.675 metres south (Gilroy Road secondary frontage), 61.685 metres west and 42.675 metres north.

Existing development on site consists of the following:

- each of the four lots is currently developed by a single storey dwellings
- No. 2 Gilroy Road is further developed by a detached garage located in the rear yard which is accessed from the western side of Gilroy Road
- No. 4 Gilroy Road has driveway access along its northern side to an attached carport. A detached garage and swimming pool is located within the rear yard
- No. 6 Gilroy Road has driveway access on its northern side and a detached shed located at the rear of the dwelling
- No. 8 Gilroy Avenue has vehicular access along the northern boundary to a detached garage
- the site also includes a swimming pool

The site slopes in a north-west/south-east direction, with a fall of approximately 4.3 metres across that axis.

A total of 55 significant trees are located either on the site or within close proximity of the site which may be impacted upon by the proposal and include

the following species:

Water gum	Grevillia
Canary Island date palm	Tibouchina,
Jacarandah	Smoke bush
NZ christmas bush	Trident maple
Japanese maple	Rough barked-apple
Orange jasmine	Saucer magnolia
Bangalow palm	Weeping bottlebush
Crepe myrtle	Leyland cypress
Juniper	Illawarra flame tree
Golden crips cypress	Japanese hackberry
Camphor laurel	Tree fern
Wattle	Flaky bark
Cocos palm	Umbrella tree
Southern mahogany	

No endangered flora or fauna has been identified on the site.

Surrounding development

The development surrounding the site consists of Cameron Park, which is located to the west of the site. The immediate residential development is characterised by low density, one and two storey, dwelling houses set within established gardens. The Turramurra Uniting Church is located to the east of the site as is a child care centre.

As noted above, the Turramurra commercial precinct and railway station is located immediately to the south of the subject site.

THE PROPOSAL

The applicant seeks consent for the demolition of the existing structures and construction of a five (5) storey residential flat building consisting of 40 units and car-parking for 50 vehicles. The apartment mix is as follows:

- 8 x 1 bedroom dwellings
- 28 x 2 bedroom dwellings
- 4 x 3 bedroom dwellings

The proposal is configured as follows:

Basement level 1: 23 parking spaces consisting of 18 residential and 5 visitor. Garbage room, residential storage rooms 8 bicycle spaces, a central lift core and fire stairs located at the western and southern boundary

Basement level 2:	27 residential parking spaces including four disabled spaces, residential storage areas and 6 tenant bicycle storage spaces
Ground floor:	9 dwellings being one and two bedroom. Ground floor units have private courtyards
First floor:	9 dwellings consisting of one and two bedroom configurations
Second floor:	9 dwellings consisting of one and two bedroom configurations
Third floor:	Nine dwellings (9) consisting of one and two bedroom configurations
Penthouse level:	4 three bedroom apartments with large balcony private open space areas

The external finishes of the building will comprise face brick, painted render, weatherboard cladding at the upper most level, aluminium screens, glass louvres and colourbond roofing. The lift wall is to be finished in a feature sandstone cladding.

The driveway access ramp from Gilroy Road is located at the north-eastern corner of the site.

The communal open space for the development is located toward the rear of the building, adjacent to Cameron Park and between the two buildings behind the central lift core.

Pedestrian access to the development is from the eastern side of Gilroy Road, opposite the child care centre.

The proposal includes the removal of 32 trees and 74 replacement trees as well as a mixture of tall and low shrubs and ground covers.

Amended plans/documentation dated 2 September 2011

The amended plans contain the following modifications:

- increased setback to the southern property boundary being the secondary Gilroy Road frontage to address DCP 55
- amended landscape plan to reflect the change in building platform
- revised stormwater management plan to reflect the requirements of DCP 47
- revised statement of environmental effects to address the requirements of the KPSO and DCP 55
- updated BASIX certificate to reflect changes in the building design, landscaping scheme and storm-water management

- an updated traffic and parking assessment to address Council's concerns relating to traffic during construction

COMMUNITY CONSULTATION

In accordance with Town Centres DCP and Development Control Plan No. 56, owners of surrounding properties were given notice of the application. In response, submissions from the following were received:

1. Cameron Giacometti on behalf of the Turramurra Occasional Child Care Centre, 13 Gilroy Road Turramurra
2. Allan and Patsy Moss, 12 Gilroy Road Turramurra
3. Peter Hutchison, 31 Gilroy Road Turramurra
4. Narissa Jenkins, 38 Boomerang Street Turramurra
5. Mark Taylor, 2/26 Eastern Road Turramurra
6. Iraj Farrokhzad, 1/26 Eastern Road Turramurra
7. Mrs Zhan Di Chen, 3/26 Eastern Road Turramurra
8. Ernest and Diana Brent, 8/26 Eastern Road Turramurra
9. Tracy Goulston, 26 Eastern Road Turramurra
10. Margaret Phillip, 12/26 Eastern Road Turramurra

The submissions raised the following issues:

Impacts from dust and debris during construction

A waste management plan has been submitted to Council which meets the requirements of DCP 47. Should consent be granted to the application, standard conditions of consent could be imposed to minimise the impacts of dust and sedimentation during construction.

Lack of parking within Gilroy Road

It is agreed that there is a shortfall in parking within the locality due to the commuter parking associated with the nearby Turramurra railway station. The proposal does, however, meet the Council's requirement for off-street resident and visitor carparking. For further detail, refer to the engineering comments within this report.

Safety of children due to construction vehicles

Should the application be granted consent, a construction traffic management plan would be required to be prepared by a suitably qualified engineer to be submitted to Council for endorsement and considered prior to works commencing on site.

Unnecessary removal of trees within the site and the road reserve

Council's Landscape Assessment Officer has deemed the proposal to be acceptable in this respect. Refer below.

External materials and finishes are unsatisfactory

The external finishes of the proposal have been reviewed by Council's Heritage Advisor and Urban Design Consultant. Council's Heritage Advisor has indicated that further amendments are required in this respect.

The north-facing balconies result in a loss of privacy to adjoining properties

The proposal does not comply with building separation requirements in relation to the dwelling to the north (being 10 Gilroy Road) however, a site inspection revealed that the dwelling at 10 Gilroy Road is well protected from privacy impacts within the prescribed building separation area.

A pitched roof design should be utilised as it is more characteristic of the area

Pitched roofs are generally not used for this development type given its 5 storey nature.

Non compliances with driveway grades and vehicle maneuvering within the basement carpark

The proposal has been assessed by Council's Development Engineer and is considered to meet the relevant Australian Standards and Council requirements in this respect.

No security fencing has been used within the basement carpark

It is noted that a roller door is located within Basement Level 1. The location of the door allows access to visitor car spaces and the garbage collection room but blocks access to private car spaces.

The proposed study rooms are as large as a bedroom and have no natural light or ventilation

It is agreed that the lack of light and ventilation does result in poor amenity for those rooms.

The proposed detention basin does not integrate well with the landscaping.

Concern was raised with the applicant relating to this issue and the plans were amended to include a greater degree of landscaping in and around the location of the proposed detention basin. The proposal is now considered acceptable in this respect.

The proposal is uncharacteristic of the area

It is agreed the proposal will result in unacceptable impacts when viewed from

the public domain. Refer to Council's Urban Design Consultant's comments.

The aging infrastructure within the area will not be able to cope with the increase in demand

Should the application be approved, a section 73 certificate issued by Sydney Water would be required by a condition of consent.

Insufficient setback to all boundaries

The proposal complies with the front and side setback requirements of DCP 55, with the exception of terraces and courtyard areas. Refer below for further discussion.

Excessive bulk and scale when viewed from Cameron Park and Gilroy Road

It is agreed that the proposal will result in unsatisfactory impacts when viewed from the public domain. Refer to Council's Urban Design Consultant's comments.

Overshadowing of Cameron Park

The shadow diagrams submitted with the application demonstrate that the proposal would result in overshadowing of the south-eastern area of Cameron Park between the hours of 9am and approximately 11am on the winter solstice. Given the site's zoning and orientation to north, it is considered that this impact is unavoidable in developing the site. The building complies with the built form controls in terms of heights and setbacks which are causing the shadow on the park.

Unsatisfactory impact on the local and surrounding road network due to increased traffic

A car parking and traffic assessment report, prepared by qualified traffic engineer, has been submitted with the development application. The report concludes that the proposed development would result in a further 8.2 vehicle movements during peak times. In terms of traffic generation, this figure is considered to be quite low. Refer to Council's Development Engineer's assessment for further detail.

CONSULTATION – EXTERNAL TO COUNCIL

INTERNAL REFERRALS

Urban design

Council's Urban Design Consultant reviewed the application against the provisions of SEPP 65 and provided the following conclusion:

The proposed development is for two residential flat buildings containing 40 apartments to be located at 2-8 Gilroy Rd Turrumurra. The density is appropriate for the location and reflects the aspirations of the DCP.

Designed by Mackenzie Architects with landscaping by Vision Dynamics the areas which should be resolved more fully resulting in an improved solution are:

- *separation of the proposed building into two buildings with the use of two vertical circulation points as opposed to one central lift core*
- *rationalisation of the form into simple plans and sections*
- *increased set back at the rear and a reduced setback at the street*
- *creation of at least two entrances which relate directly to the street*
- *extension of some of the courtyards / balconies at ground level to the side and / or street setbacks to enable the development to be better integrated with the site and to provide a variety of external conditions and not just a variety of internal conditions*
- *reconsideration of solid balconies to a height of 1100mm*
- *total redesign of the landscaping to better integrate the development with the site; its context and to reflect the apartment typology and scale of the development.*

The proposal has had minimal changes. Furthermore, the changes are token e.g. the balustrade treatment and the plan modifications of the penthouse level.

In summary:

- (i) The building is still too contorted in plan. These plan differences are then extrapolated vertically for 4 storeys resulting in poor proportions and an overly massive appearance.*
- (ii) The penthouse level would benefit from panels of glazing and solid material rather than “hole in the wall” treatment.*
- (iii) The “feature” wall on the lift shaft weakens the use of the introduction of a new material at the lower level of the buildings.*
- (iv) The entry on the East has not been resolved satisfactorily.*
- (v) The buildings do not address the Southern street frontage in terms of entry; design of the elevation and relationship of courtyards.*
- (vi) The scale and design of the landscape does not relate to a 5 storey urban building.*
- (vii) There is no useable communal space.*
- (viii) The balustrades do not permit views to the street from a sitting position internally.*

A full version of the Urban Design Consultant's comments are located within **Attachment 7** of this report.

Heritage

Council's Heritage Advisor commented on the proposal as follows:

The heritage referral report was completed on 14/6/11 under the Town Centres LEP and DCP prior to the Court finding the LEP invalid. The application must now be assessed against the KPSO and DCP 55.

Heritage status

The site does not contain a heritage item and is not within the vicinity of a heritage item. The Turramurra Uniting Church in Turramurra Avenue was scheduled as a heritage item in the Town Centres LEP but is not listed in Schedule 7 of the KPSO. Several heritage items are located nearby, but not directly within the vicinity of the site.

The site is not located within a National Trust UCA.

Demolition

The existing site contains 4 single storey brick cottages. The buildings date to c1920 and are reasonable examples of the type. Gilroy Road contains some integrity for the intactness of the cottages and had previously been identified as a potential HCA, however, no draft plan was prepared. This area was recently reviewed by heritage consultants as part of the Town Centres plan and the site was not identified as having heritage significance as individual items or as a potential HCA.

Demolition of this group of buildings is considered acceptable provided photographic recording of the buildings is undertaken. It is considered unlikely that any potential for archaeological deposits on the site.

Comments

The site is not located within the direct vicinity of any heritage items and is not within a UCA, thus an assessment of the application against the heritage objectives and controls in Chapter 3.4 & 3.5 of DCP 55 cannot be made.

In my earlier comments, I raised concern over the external colour and materials and suggested that there should be more use of face brick on the proposed buildings, including the base and selected feature panels. I recommended that the painted surfaces need to be more recessive in colour to blend in with the area and the nearby heritage items. There was no clear definition of a base and

recommended that a base should be introduced to relate to the nearby development and to be consistent with SEPP 65 principles. Suitable materials would be face brick or sandstone.

The revised design has resulted in greater setback to the southern boundary and less separation of the two buildings. The internal layout is similar with one entrance and lift. The elevations show some masonry cladding to part of the base of the building “sandstone or similar” and a central feature panel of “sandstone or similar”. There are also vertical aluminium screens in the centre of the building. There is no change to the proposed colours which are primarily white with two tones of grey.

The introduction of sandstone to parts of the elevations is an improvement. Further amendment to the colour of the painted and prefinished surfaces should be considered.

With the Town Centres plan being found invalid, the nearby Church building is now not a listed heritage item. It is likely the church will be included in the Principal LEP as a heritage item but at this stage a draft plan has not been prepared.

Conclusions and recommendations

Demolition of the existing buildings on the site is acceptable provided photographic recording is undertaken to archival standards.

Further amendment to the colour of the painted and prefinished surfaces should be considered.

Landscaping

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

Deep soil landscaping (DSL)

In accordance with the KPSO and Development Control Plan 55 the development is to provide a minimum of 50% of the site area for deep soil landscaping. The deep soil compliance plan indicates a deep soil area of 1356.26 m² or 51.75% which complies with the controls, however, the following additional areas are also to be excluded from the deep soil landscaping;

- *the 1.2 metres wide path between the front entry pavilion and the main entrance to the units*
- *the paved courtyard of Unit 1*
- *the retaining wall along the southern side of the front entrance path*

- the retaining walls indicated on the landscape plan between the front entrance path and Unit 9

Note: It is recommended that the path listed at Item 1 be reduced to 1 metre in width so that it can remain as deep soil area.

BASIX

In accordance with the submitted BASIX certificate, 150m² of indigenous or low water use planting is required within the common landscape area. The BASIX compliance plan indicates an area of 372.5m² for low water use planting. The amount of garden areas nominated comply with the BASIX certificate, however, the planting indicated on the landscape plan within the designated low water use garden areas consists of mostly high water use species.

The landscape plan and BASIX compliance plan should be amended to include only indigenous and low water use planting within the designated garden beds. The plant species chosen should be locally occurring native species or “one drop” species listed on the Sydney Water web site.

Communal open space

To achieve the increased side setback along the southern boundary required under the KPSO the plans have been amended. This has resulted in a narrow separation between the two sections of the building which compromises the amenity of the communal open space. The functionality and solar access to this area is now limited.

To provide residents with a functional and attractive outdoor space in accordance with the objectives for open space in the Residential Flat Design Code, an additional communal area should be created in the south-eastern corner of the site. The applicant needs to seek the advice of the landscape architect to address this issue.

Landscape plan/tree replenishment

The landscape plan will require the following amendments;

- (i) *An additional layer of screen planting shall be planted along the northern side boundary.*
- (ii) *The plans shall be amended to comply with BASIX landscape requirements as noted above.*
- (iii) *Details of the additional communal open space to be provided in the south eastern corner shall be indicated on the plan.*

Stormwater plan

The following additional notation is required on the stormwater plan;

*To preserve Tree 19 – *Acer buergerianum* (Trident Maple) located on the nature strip, the plan shall note that the trench shall be hand dug*

with no damage or removal to roots greater than 30mm in diameter within a 2 metres radius of the tree's trunk.

Conclusion

The Landscape Assessment Officer requires that the applicant be advised of the above landscape issues which cannot currently be supported.

Engineering

Council's Development Engineer commented on the proposal as follows

Although the architectural plans have been amended, much of the supporting documentation has not. Some of the items listed in my previous report have not been addressed. These are discussed below.

Water management

The Northrop report still refers to the Town Centres DCP, however this is satisfactory because the outcome is the same as under DCP 47.

The BASIX water commitments include a 5 000 litres rainwater tank, collecting runoff from 400 square metres of roof area, with re-use for irrigation only. A 15 cubic metres rainwater tank is provided within the basement area.

The site storage requirement is 71 cubic metres. An on site detention tank is provided, with volume 44 cubic metres, which overflows into the above ground detention storage/ bioretention basin in the front yard, with volume 35 cubic metres. The total volume provided is 78 cubic metres.

The above ground detention storage area has been designed as a bioretention ponding area, with Atlantis drainage cell over the entire base. Now that the development is assessed under the KPSO, this may have implications for the deep soil planting area. Although desirable technically, for the improvement of runoff leaving the site, it may not be accepted by Landscape Services.

The applicant was requested to provide information regarding the likelihood of a licence having to be obtained from the NSW Office of Water for the pump-out of the basement subsoil system, due to the relatively high groundwater level noted in the geotechnical report.

No information was submitted. This issue remains outstanding and is required to be addressed as the system may need to be connected to the below-ground system, either by piping across the road or by piping to the kerb inlet pit outside St Margaret's Village. If a tanked

basement were required, which would mean that continual outflow into the street gutter would not occur, a direct connection to the street gutter would be acceptable.

Traffic and parking

The traffic engineer's report still contains the original architectural drawings. Nevertheless, the correct number of parking spaces has been provided, and the dimensions and gradients do comply with AS2890.1:2004 – Off street car parking.

A permanent parking restriction either side of the new driveway entry is recommended in the traffic engineer's letter, to allow adequate sight distance for vehicles leaving the carpark.

Waste management

The waste storage area adjacent to the entry ramp has adequate space for the required number of containers. The driveway ramp gradients are satisfactory and the required headroom of 2.6 metres is demonstrated on the longitudinal section.

Construction traffic management

The traffic engineer's supplementary letter addresses this matter. A Work Zone will be required.

Building

Council's Building Officer commented on the proposal as follows:

The amended building design complies in general with the Building Code of Australia (BCA) requirements. A detailed BCA assessment can be undertaken by the principal certifying authority at the Construction Certificate stage.

STATUTORY PROVISIONS

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development RFDC)

SEPP 65 aims to improve the design quality of residential flat buildings across NSW and provides an assessment framework, the Residential Flat Design Code (RFDC), for assessing 'good design'.

Clause 50(1A) of the EPA Regulation 2000 requires the submission of a design verification statement from the building designer at lodgement of the development application. This documentation has been submitted and is satisfactory.

The SEPP requires the assessment of any development application for residential flat development against 10 principles contained in Clauses 9-18 of the SEPP which has been undertaken by Council's Urban Design Consultant. The SEPP also requires consideration of the matters contained in the publication "Residential Flat Design Code".

As such, the following consideration has been given to the requirements of the SEPP and Design Code.

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.

COMPLIANCE TABLE

	<i>Guideline</i>	<i>Compliance</i>
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. (655.125m ²)	YES – 50.48% or 1325.582m ²
<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. (786.15m ²)	YES – 40.25% or 1055.0m ²

<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	YES
<i>Safety</i>	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	YES
<i>Visual Privacy</i>	Refer to Building Separation minimum standards	NO
<i>Pedestrian Access</i>	Identify the access requirements from the street or car parking area to the apartment entrance.	NO
	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
<i>Vehicle Access</i>	Generally limit the width of driveways to a maximum of six (6) metres.	NO
	Locate vehicle entries away from main pedestrian entries and on secondary frontages.	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.	YES
<i>Apartment Mix</i>		
<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 dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and do not preclude higher ceilings, if desired. 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 2.25 metres is permitted. for two storey units, 2.4 metres minimum for second storey if 50 percent or more of the apartment has 2.7 metres minimum ceiling heights	YES
<i>Ground Floor Apartments</i>	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.	NO
	Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	YES

<i>Internal Circulation</i>	<p>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. Exceptions may be allowed:</p> <p>for adaptive re-use buildings where developments can demonstrate the achievement of the desired streetscape character and entry response</p> <p>where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments).</p>	NO
<i>Storage</i>	<p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <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>Daylight Access</i>	<p>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 9 am and 3 pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.</p>	NO
	<p>Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).</p>	YES
<i>Natural Ventilation</i>	<p>Building depths, which support natural ventilation typically range from 10 to 18 metres.</p>	NO

	Sixty percent (60%) of residential units should be naturally cross ventilated.	YES – 75%
	Twenty five percent (25%) of Kitchens within a development should have access to natural ventilation	YES – 27%
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

Open space

The proposal is compliant in that it meets the minimum prescribed area for communal open space. The communal space is narrow and ranges between 4 and 6 metres wide which results in an unacceptable outcome. This issue has been raised by Council's Urban Design Consultant and Landscape Officer. This aspect of the proposal is not be supported.

Visual privacy

The proposal fails to meet the building separation requirements contained within the Residential Flat Design Code (RFDC) and required by DCP 55 between the development itself (12-18 metres required with 3.7 metres proposed) and the adjoining property at 10 Gilroy Road(12-18 metres required with 5.5 metres proposed). In relation to the development itself, the applicant has utilised offset windows, highlight windows and privacy screens to avoid lines of sight in terms of adverse privacy impacts. The lack of building separation does, however, result in adverse impacts in terms of solar access which is yet to be demonstrated as compliant by the applicant.

In relation to the adjoining property at 10 Gilroy Road, it is a one storey building within close proximity to a 1.8 metres high boundary fence. The boundary fence is also supplemented with a landscaped hedge which results in it being quite difficult to establish a line of sight into those windows with the overhanging roof eave. Whilst the development is non-compliant with the control, the adjoining dwelling at 10 Gilroy is well protected. The proposal is considered to be acceptable in this instance.

Pedestrian access

As noted within the Urban Design Consultant's comments, the applicant was requested to amend the building to better address the southern boundary of the site which is the secondary Gilroy frontage. The applicant was also requested to provide a pedestrian access point to this frontage but this was not incorporated in the amendments. The proposal is therefore not supported in this respect.

Vehicle access

The proposal has a minor non-compliance in that the proposed driveway width is 6.1 metres as opposed to 6.0 metres. The proposal is considered to be acceptable in this instance given the turn which must occur within the driveway within close proximity to the street and Council's access crossing. It is not considered that any adverse impacts will result from the non-compliance.

Apartment layout

The proposal includes single aspect apartments with a length greater than 8.0 metres (max 11.6 metres) and kitchens which are located at a depth of greater than 8.0 metres from an acceptable window (8.7 metres at worst). This non-compliance relates to Units 5, 7, 8, 14, 16, 17, 23, 25, 26, 32, 34, and 35. The rules of thumb within the RDFC indicate that, where buildings do not meet the minimum standards in this respect, it must be demonstrated how satisfactory daylight access and natural ventilation can be achieved, particularly, in relation to habitable rooms. Of the units listed above, it is able to be determined that Units 7, 8, 16, 17, 25, 26, 34 and 35 will achieve more than the required minimum hours of direct solar access as they are orientated north. However, it is yet to be demonstrated that the proposal on the whole meets the minimum requirements for solar access.

Ground floor apartments

The proposed development does not provide separate entries for any of the ground floor apartments as required by the RFDC. Noting Council's Urban Design Consultant's comments relating to how the building addresses the street, the proposal is therefore unacceptable..

Internal circulation

The proposal includes up to 9 apartments having access to the double loaded corridor in which there is one lift core. The rules of thumbs within the RFDC indicates that where units are arranged off a double loaded corridor and access is obtained from a single lift core, the amount of units should be limited to a maximum of 8. Noting the comments from Council's Urban Design Consultant relating to the use of dual cores the proposal is also unacceptable in this respect.

Daylight access

Through the submitted documentation, it is yet to be confirmed that a minimum of 70% of the apartments within the development will receive at least 3 hours of direct sunlight on the winter solstice. The proposal is unacceptable in this regard.

Natural ventilation

The building depths in part exceed the 10-18 metres maximum specified as a rule of thumb within the Residential Flat Design Code as the northern building is a maximum of 21.2 metres and the southern most building is 20.0 metres in depth. The applicant has, however, demonstrated that the proposal meets the requirements for cross ventilation. The proposal is therefore acceptable in this respect.

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

A valid BASIX certificate has been submitted. The certificate demonstrates compliance with the provisions of the SEPP, however, the documentation submitted with the application is inconsistent with the BASIX certificate.

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

SREP 20 applies to land within the catchment of the Hawkesbury Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The Plan includes strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism.

The proposed development is considered to achieve the relevant aims under this policy.

KU-RING-GAI PLANNING SCHEME ORDINANCE (KPSO)

Zoning, permissibility and aims and objectives for residential zones

Under Clause 25B (definitions) of the KPSO, a residential flat building is defined as '*a building containing three or more dwellings*'. The residential flat buildings proposed on the site satisfy this definition and are permissible with consent. The development does not satisfy the zone aims and objectives under clause 25C (c) and (g) and 25D (k) of the KPSO as a high quality of urban design and architecture has not been achieved, the proposal has not demonstrated that a high level of residential amenity has been met, and the proposal has not demonstrated compliant solar access to the units within the development, as discussed below.

COMPLIANCE TABLE

Development standard	Proposed	Complies
Site area (min): 1200m ²	2620.5m ²	YES
Deep landscaping (min): 50% (m ²)	50.4%	YES
Street frontage (min): 30 metres (SA>1800m ²)	Gilroy (east) 61.15 metres Gilroy (south) 42.675 metres	YES
Number of storeys (max): 5	5	YES
Site coverage (max): 35% (917.175m ²)	34.62%	YES
Top floor area (max): 60% of level below	59.96%	YES
Storeys and ceiling height (max): 4 storey and 13.4 metres	4 storey and 13 metres	YES
Car parking spaces (min): 1 per 4 dwg = 10 (visitors) 1 per dwg (residents) =40	50	YES
Zone interface setback (min): 3 rd and 4 th storey setback of 9m	NA	NA
Manageable housing (min): 10% = 5 Dwellings	5	YES
Lift access: required if greater than three storeys	Lifts have been provided	YES

Part B: Residential zone objectives:

The development satisfies the objectives for residential zones as prescribed in clause 25D.

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.1 Landscape design:		
Consolidated Deep soil landscaping (min) 50% or 1310.25m ²	1325.582m ² or 50.48%	YES
150m ² per 1000m ² of site area =300m ²	>300m ²	YES

No. of tall trees required (min): 9	9	YES
Private outdoor space differentiation Up to 1.2 metres solid wall with at least 30% transparent component	1.2 metres	YES
Part 4.2 Density:		
Building footprint (max): 35% of total site area	34.9%	YES
Floor space ratio (max): 1.3:1 (m²)	1.3.1	YES
Part 4.3 Setbacks:		
Street boundary setback (min):10-12 metres	9.6 metres minimum to terraces 10-12 metres to remained of building	NO
Side and rear boundary setback (min):6.0 metres	6.0 metres	YES
Maximum 40% of building within setback zone	38.59%	YES
Setback of ground floor courtyards to street boundary (min):8 metres	7.066 metres	NO
% of total area of front setback occupied by private courtyards (max): 15%	7.36%	YES
Part 4.4 Built form and articulation:		
Façade articulation: Wall plane depth >600mm	600mm	YES
Wall plane area <81m ²	88.3m ²	NO
Built form: Building width < 36 metres	45.05 metres	NO
Balcony projection < 1.2 metres	2.5 metres	NO
Part 4.5 Residential amenity		
Solar access: >70% of units receive 3+ hours direct sunlight in winter solstice	Insufficient information provided to demonstrate compliance	NO
>50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice	Insufficient information provided to demonstrate compliance	NO

<15% of the total units are single aspect with a western orientation	10%	YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Stores 1 to 4	3.7 metres within the development	NO
12 metres b/w habitable rooms	5.5 metres relating to 10 Gilroy Road	
9 metres b/w habitable and non habitable		
6m b/w two non habitable		
5 th storey	13.990 metres within the development	NO
18 metres b/w habitable	7.5 metres relating to 10 Gilroy Road	
13 metres b/w habitable and non habitable		
9 metres b/w two non habitable		
Internal amenity: Habitable rooms have a minimum floor to ceiling height of 2.7 metres Non-habitable rooms have a minimum floor to ceiling height of 2.4 metres 1-2 bedroom units have a minimum plan dimension of 3 metres in all bedroom 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms Single corridors: - serve a maximum of 8 units 1.8m wide at lift lobbies	2.7 metres 2.7 metres 3 metres 3 metres 9 units	YES YES YES YES NO
Outdoor living: Ground floor apartments have a terrace or private courtyard greater than 25 metres ² in area	25.22m ² (minimum)	YES
Balcony sizes: - 10m ² – 1 bedroom unit - 12m ² – 2 bedroom unit - 15m ² – 3 bedroom unit NB. At least one space >10m ²	10.04m ² (minimum) 12.00m ² (minimum) 37.76m ² (minimum)	YES

primary outdoor space has a minimum dimension of 2.4 metres	2.4 metres	YES
Common Open space (30%) Of the site area 786.15m ²	40.25%	YES
Private open space adjoining common open space not to be enclosed with high solid fences	1.2 metres transparent fences utilised	YES
Part 4.7 Social dimensions:		
Visitable units (min): 70%	75%	YES
Housing mix: Mix of sizes and types	8 x 1 bedroom dwellings 28 x 2 bedroom dwellings 4 x 3 bedroom dwellings	YES
Part 5 Parking and vehicular access:		
Car parking (min): 40 resident spaces 10 visitor spaces 50 total spaces	40 residential spaces 10 visitor spaces 50 total spaces	YES

4.3 Setbacks

The proposal does not comply with the front setback requirement to Gilroy Road (eastern boundary) in relation to the terraces associated with the southern most building which will have a setback of 9.5 metres. Whilst the non-compliance is of a minor nature, this is a new development which is expected to be fully compliant with primary built form controls such as setbacks.

The proposal is non-compliant with C7 of the above mentioned control in that ground floor private terraces/courtyards have a setback to Gilroy Road (southern property boundary frontage) of 7.066 metres where the control stipulates an 8.0 metres setback. This issue relates specifically to the private courtyard associated with Unit 2. As this elevation of the building does not adequately address the street frontage, this aspect of the proposal is deficient.

4.4 Built form and articulation

The proposal results in wall planes which are in excess of the maximum 81m² as stipulated in DCP 55. The proposal is considered to be relatively minor (88.3m²) however, noting Council's Urban Design Consultant's concerns with bulk and scale, it is considered that amendments would be required to the proposal.

The proposal has an overall building length fronting the street (being the eastern Gilroy frontage) of 45.05 metres. C3 of the above mentioned control stipulates a maximum building length of 36 metres and therefore the proposal is non-compliant by approximately 10 metres. Noting that Council's Urban Design Consultant has indicated that the building should be separated utilising two lift cores, the proposal is not supported in this regard.

The proposal is non-compliant with section C6 of the above mentioned control in that the balconies located on the eastern elevation of the southern most building have a projection of greater than 1.2 meters (2.4 metres proposed). As these balconies are further non-compliant with the front building line setback and the proposal is considered to have an unacceptable impact when viewed from the street, the proposal cannot be supported in this respect.

Section C8 of the above mentioned control stipulates that buildings shall address the street via main entrances to lift lobbies accessible and being visible from the street. The applicant was requested to make amendments to the building to have a formal entry point on the southern boundary so that the building addresses Gilroy Road. Council's Urban Design consultant has indicated that the southern faced of the building reads as if it is addressing a side boundary as opposed to a street frontage which is highly visible from the Turramurra commercial precinct.

4.5.1 Solar access

Insufficient information has been provided by the applicant to demonstrate that the proposal meets compliance with the solar access provisions in relation to the specific units. Concern is also raised in terms of the Communal Open Space in this regard which requires further clarification.

4.5.2 Visual privacy

The proposal would not meet the building separation requirements of the DCP in terms of the relationship of the two buildings within the development and the relationship of the northern building of the development and the adjoining property at 10 Gilroy Road. As discussed previously, the applicant has utilised mitigation techniques such as offset windows, highlight windows and obscure glass privacy screen to protect units within the development from overlooking. It is further noted that the dwelling at 10 Gilroy Road is well protected from privacy impacts due to its design and its relationship with the side boundary fence and landscaping.

4.5.4 Internal amenity

The proposal includes up to 9 units per floor utilising a single lift core. The relevant DCP55 control limits this to a maximum of 8 units. It is noted that Council's Urban Design Consultant has indicated that the proposal should be separated to include two separate lift cores which would result in a better outcome when viewed from the public domain.

Development Control Plan No. 31 Access

Matters for assessment under DCP 31 have been taken into account in the assessment of this application against DCP 55 and the proposal is satisfactory in this regard.

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

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against DCP 55 and the proposal is satisfactory in this regard.

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 DCP 55. As discussed within Council's Development Engineer's comments, further documentation was requested from the applicant but this was not submitted. The proposal has therefore not demonstrated compliance with the DCP.

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 DCP 55 and the proposal is satisfactory in this regard.

Section 94 Plan

The development is subject to a Section 94 Contribution should consent be granted.

LIKELY IMPACTS

The likely impacts of the development have been considered within this report and it is considered that amendments are required to the design before consent can be granted due to impacts associated with issues discussed above.

SUITABILITY OF THE SITE

The site is zoned 2(d3). The proposed development is considered suitable for the site as it is permissible within the zone, is compliant with height, and density controls. The proposal does, however, have many outstanding issues which have not been resolved .

ANY SUBMISSIONS

The matters raised in the submissions have been addressed in this report.

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 impacts on the surrounding area are minimised. The proposal has been assessed against the relevant Environmental Planning Instruments and policy provisions and is deemed unsatisfactory in its current form.

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 complies with height, FSR, deep soil and car-parking/traffic requirements. Non-compliances associated with buildings separation/privacy are apparent, however, these issues are considered to result in a satisfactory outcome given the proposed design and how it relates to the site.

The proposal has unresolved issues with inconsistencies in documentation not meeting the requirements of BASIX and a non-compliance with apartment layouts and depths and façade articulation. The proposal has not demonstrated compliance with solar access provisions and has outstanding water management issues. The proposal is also considered to result in unsatisfactory visual impacts on the public domain through the use of the central lift core and its unsatisfactory appearance to Gilroy Road. It is considered that consent should not be granted given these outstanding issues and the proposal is therefore recommended for refusal.

RECOMMENDATION

THAT the Sydney West Joint Regional Planning Panel, as the consent authority, refuse development consent to development application DA0196/11 for Demolition of the existing structures and construction of a five (5) storey residential flat building with two (2) levels of basement car-parking comprising 40 units and 50 car-parking spaces at 2, 4, 6 and 8 Gilroy Road, Turramurra, for the following reasons:

1. Unacceptable visual impact

Particulars:

- (a) The use of a central lift core results in a greater massing of building resulting in unsatisfactory visual impacts when viewed from Gilroy Road
- (b) The proposal is non compliant with section 4.4 – C3 of DCP 55 in that its wall length is greater than 36 metres (45.05 metres proposed) which results in an unacceptable bulk and scale when viewed from Gilroy Road.

- (c) The proposed building does not adequately address the southern frontage to Gilroy Road in that no formalised entry point has been utilised as required by the RFDC and DCP 55 section 2.1.3
- (d) The proposal is considered to be “too stepped” in plan and section which results in an excessive appearance of bulk and scale when viewed from the public domain.
- (e) The proposal does not result in a high level of urban design and architecture as required by Clause 25C (c) of the KPSO.

2. Unsatisfactory building materials and finishes

Particulars:

- (a) The use of the feature wall and the range of treatment on the lift shaft creates a confusion of materials between those denoting the base and ground floor levels from the upper levels
- (b) The use of the colour white associated with two tones of grey is not characteristic of the area.

3. Unsatisfactory BASIX certificate

Particulars:

- (a) The BASIX calculations indicate that a total of 150m² of indigenous or low water use planting is required within the common areas. The BASIX compliance plan indicates an area of 372.5m² for low water use planting. This complies with the 150m² garden area indicated on the BASIX certificate, however, the planting nominated on the landscape plan within the designated low water use garden areas is mostly comprised of high water use species.
- (b) The landscape plan does not comply with the requirements listed under the BASIX Help Notes for Multi-Dwellings. The Help Notes indicate that garden areas that contain a mix of indigenous/low water use plants and higher water use non-indigenous/exotic species cannot be included in the low water use areas.
- (c) The proposal fails to provide an accurate compliance/landscape plan demonstrating compliance with the requirements listed under BASIX Help notes for Multi-Dwellings.

4. Unsatisfactory communal open space

Particulars:

- (a) The amenity of the communal open space area is compromised by the narrow separation between the north and south wings of the building. Solar access to the area will be limited.

- (b) The proposal fails to provide a usable and attractive outdoor space in accordance with the objectives for open space in the Residential Flat Design Code.

5. Unsatisfactory landscape plan

Particulars:

- (a) The landscape plan is unsatisfactory and requires rectification as follows:
- To minimise impacts on neighbour amenity an additional layer of screen planting should be planted along the northern side boundary.
 - The plan should be amended to comply with the requirements listed under the BASIX Help Notes for Multi-Dwellings. Garden areas that contain a mix of indigenous/low water use plants and higher water use non-indigenous/exotic species cannot be included in the low water use areas. The plant species chosen shall be locally occurring native species or “one drop” species listed on the Sydney Water web site.
 - Details of the revised communal open space areas need to be indicated on the plan. The communal open space area must be designed to be useable, attractive and to optimise solar access. More than one communal open space area is recommended.

6. The stormwater design remains unresolved in terms of the requirements of the NSW Office of Water

Particulars:

- (a) The geotechnical report submitted with the application revealed high groundwater levels which may (yet to be clarified by the applicant) require a pump-out of the basement subsoil system. The applicant has failed to liaise with the NSW Office of Water to determine the applicability of a licence for basement pump-out.

7. Non-compliances with the Residential Flat Design Code

Particulars:

- (a) The proposal is non-compliant with the apartment layout requirements of the RFDC as units have a length greater than 8 metres and include kitchens which are located at a distance of greater than 8 metres within out demonetising satisfactory daylight access.
- (b) The proposed development does not provide separate entries for ground floor apartments which contributes to a poor outcome in terms of how the building addresses Gilroy Road.
- (c) The proposal does not meet internal circulation requirements of the RFDC in that 9 apartments (max 8 permitted) utilise a single lift core which results in adverse visual impacts when viewed from Gilroy Road

- and an unnecessary stepping in plan and section of the proposed building which further contributes to an unacceptable bulk and scale.
- (d) The applicant has failed to demonstrate that at least 70% of units will achieve at least 3 hours of direct sunlight into their main living rooms and private open space on the winter solstice.
 - (e) The proposal has failed to provide a satisfactory communal open space to achieve satisfactory levels of amenity for future occupants.

**8. Non compliances with the provisions of the KPSO and DCP 55
Railway/Pacific Highway Corridor and St Ives Centre**

Particulars:

- (a) The proposal fails to meet the requirements of section 4.3 setbacks of the DCP as proposed terraces breach the minimum 10.0 metres front building line to Gilroy Road (9.5 metres proposed).
- (b) The proposal fails to meet the requirements of 4.3 – C7 of the DCP as the ground floor private terrace/courtyard of Unit 2 is located inside of the 8.0 metres building line (7.066 metres proposed).
- (c) The proposal results in wall planes which are in excess of the maximum 81m² permitted (88.3m²) by section 4.3 of the DCP which contributes to an unsatisfactory bulk and scale when viewed from the public domain.
- (d) The proposal has an overall building length of 45.05 metres fronting Gilroy road which is in excess of the 35 metres maximum permitted by section 4.4 C3 of DCP 55.
- (e) The proposal includes terraces which extend greater than 1.2 metres from the face of the building (2.4 metres proposed) which additionally breach the front building line and contribute to an unacceptable visual impact when viewed from Gilroy Road.
- (f) Insufficient documentation has been provided to demonstrate that the proposal complies with the solar access requirements contained within section 4.5.1 of DCP 55.
- (g) The proposal has not demonstrated a high level of residential amenity within the proposal required by Clause 25C (g) of the KPSO.
- (h) The proposal has not demonstrated satisfactory sunlight access to the proposal as required by clause 25D (k) of the KPSO.

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- Attachments:**
1. Location sketch
 2. Ku-ring-gai Planning Scheme Zoning Extract
 3. Architectural plans
 4. Landscape plans
 5. Stormwater management plans
 6. Basix certificate
 7. Urban Design Assessment