

PCU041156

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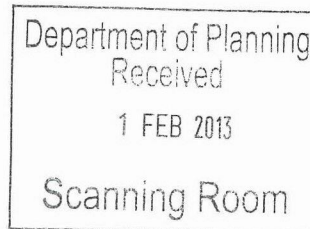
ABN 86 408 856 411



Ref: DA0605/11

20 December 2012

Mackenzie Architects  
4/3 The Postern  
CASTLECRAG NSW 2068



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.: DA0605/11  
Proposed Development: Demolition of existing structures & construction  
of a 5 to 7 storey residential flat building  
containing 135 units, basement carparking  
Property: 1444B, 1446A, 1448, 1450, 1452 & 1454  
Pacific Highway TURRAMURRA NSW 2074

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: 6/12/2012

The reasons for refusal are:

- 1/ The unsatisfactory aspects of the building design as identified in reason for refusal no. 1 in the council report, namely: Massing, length of building, height, bulk and scale, visual impacts have not been resolved and in the opinion of the panel require an amended design that would significantly differ from the plans under consideration.
  - I. Building A-D would have a massive appearance due to its length of 97m, and number of "steps" at its upper levels, and it is not appropriate in its current form and should be configured into at least two separate buildings.
  - II. The proposal breaches Clause 25I (5) Number of storeys development standard within the KPSO.

- III. The proposal breaches Clause 25I (7) limit on floor area of top storey development standard within the KPSO.
  - IV. The proposal breaches Clause 25I (8) Maximum number of storeys and ceiling height development standard within the KPSO.
  - V. The proposal exceeds the maximum building height contained within the Draft Local Centres LEP 2012 by a maximum of 7 metres.
  - VI. The proposal does not comply with Part 4.3 setbacks, Street boundary setback of DCP 55.
  - VII. The panel does not accept that the SEPP 1 objections in the circumstances are well founded.
  - VIII. The development proposal at 6 storeys at the Pacific Highway frontage is out of character with other residential flat buildings in the locality which are predominantly a maximum of 4 storeys with a reduced and set back 5th storey. This contravenes Clause 33 of the KPSO.
  - IX. The form of the building has resulted in failure to satisfactorily resolve the vehicular and pedestrian access within the site in terms of legibility, accessibility and amenity for residents and visitors, and the amenity of the residential apartments adjoining the circulation pathways and inclinator.
  - X. The proposed vehicle entry point and associated undercroft area would result in unsatisfactory visual impacts when viewed from Pacific Highway contravening Clause 33 of the KPSO.
  - XI. The proposal does not comply with the part 4.4 built form and articulation, control C5 of DCP 55 as the 97 metre length of Building A-D does not promote view corridors between buildings nor provide a leafy outlook from all dwellings.
  - XII. The form and organization of buildings does not enable the natural features of the site to dominate, does not create a clear legible series of spaces and relates poorly to the ground plane.
- 2/ The application has unsatisfactory impacts upon future development on land at 1456 and 1456A Pacific Highway as – The applicant has not demonstrated that the proposed building with a height of over 5 storeys and a setback of 6.0m to the north-western boundary makes allowance for a viable development to occur within the adjoining property to the north-west being 1456 and 1456a Pacific Highway when considering building separation requirements and the 27 metres combined width of those lots.
- 3/ The panel notes that Roads & Maritime Services is in agreement with a deceleration lane to allow vehicles to enter the site from the Pacific Highway but full details of the design have not been provided.



- 4/ The panel notes the matter of adverse impacts on a number of significant trees remains unresolved and notes any development of this site must address the Bluegum High Forest Community in a manner that ensures its sustained long-term viability.

#### 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 six (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 Grant Walsh 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 six (6) 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.

  
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Signature on behalf of consent authority  
Team Leader  
Development Assessment

cc: Mr J S & Mrs J R Wolfe (owners)  
1454 Pacific Highway  
TURRAMURRA NSW 2074  
Mr W & Mrs P M Webb (owners)  
1450 Pacific Highway  
TURRAMURRA NSW 2074  
Mr J L & Mrs K A B Alonso (owners)  
3 Kirawa Close  
TURRAMURRA NSW 2074

Mrs M L Theobald (owner)  
1452 Pacific Highway  
TURRAMURRA NSW 2074  
Mrs K A Smith (owner)  
1448 Pacific Highway  
TURRAMURRA NSW 2074