

PRE-DEVELOPMENT APPLICATION MEETING REPORT

REFERENCE No:	PRE0033/13		
SITE ADDRESS:	742, 746, 746A and 748 Pacific Highway GORDON NSW 2072		
PROPOSAL:	Construction of a hospital		
DATE OF MEETING:	17 May 2013		
PRESENT AT MEETING:	Council		
	Name	Title	
	Jonathan Goodwill	Executive Assessment Officer	
	Shaun Garland	Team Leader – South	
	Tempe Beavan	Senior Landscape Officer	
	Paul Dignam	Heritage Advisor	
	Kathy Hawken	Team Leader – Development Engineering	
	Applicant's representatives		
	Name	Capacity	
	John Levey	Lawson Clinic	
	Sue Francis	City Plan Services	
	Valerie Conway	City Plan Services	
	Greg Adsett	Elevation Architecture	
	Robert Staas	Heritage Consultant	
PLAN REFERENCES:	Plan no.	Drawn by	Dated
	DA-02.01	Elevation Architecture Studio	10/04/2013
	DA-02.02	Elevation Architecture Studio	10/04/2013
	DA-02.03	Elevation Architecture Studio	10/04/2013
	DA-02.05	Elevation Architecture Studio	10/04/2013
	DA-22.01	Elevation Architecture Studio	10/04/2013
	DA-22.02	Elevation Architecture Studio	10/04/2013
	DA-09.01	Elevation Architecture Studio	10/04/2013
	DA-09.02	Elevation Architecture Studio	10/04/2013
	DA-08.01	Elevation Architecture Studio	10/04/2013
	DA-08.02	Elevation Architecture Studio	10/04/2013
	DA-04.01	Elevation Architecture Studio	10/04/2013
	DA-04.02	Elevation Architecture Studio	10/04/2013
	DA-04.03	Elevation Architecture Studio	10/04/2013
	DA-04.04	Elevation Architecture Studio	10/04/2013
	Survey	S.McN.Bland Pty. Ltd.	28/09/2012
DOCUMENTS/REPORTS:	Document(s)	Dated	
	Pre-Development Application Report by City Plan Services	16 April 2013	
	Statement of Heritage Impact by NBRS &	April 2013	

	Partners	
KEY ISSUES:	<ul style="list-style-type: none"> • Site isolation • Building height • Setbacks • Landscaping • Overshadowing • Overlooking • Visual impact • Heritage • Car parking 	

EXECUTIVE SUMMARY

Zoning:	R4 High Density Residential
Permissible Development:	Yes
Relevant Environmental Planning Instruments & Codes	Council Riparian Policy 2004 Development Contributions Plan 2010 Ku-ring-gai LEP (Local Centres) 2012 Ku-ring-gai Local Centres DCP SEPP 55 – Remediation of land SEPP (Infrastructure) 2007
Type of development:	Local
Relevant external referrals:	<100 beds = no referral to RMS required under the provisions of SEPP (Infrastructure) 2007
Bushfire Prone Land:	No
Riparian Zone:	No
Vegetation/Endangered Species:	No
In the vicinity of Urban Bushland:	No
Heritage Item:	Yes
In the vicinity of a Heritage Item	Yes: 750-754 Pacific Highway, 24 St Johns Avenue, 738 Pacific Highway, 707 Pacific Highway
Heritage Conservation Area:	Yes: St Johns Avenue Conservation Area
Aboriginal heritage:	No
Visual Character Study Category:	1920-1945
Easement, covenants, reserves, road widening etc	Yes

SITE ANALYSIS/ENVIRONMENTAL CONSTRAINTS

DESCRIPTION OF THE SITE AND ITS LOCATION:	The site is located on the high side of the Pacific Highway and has an irregular shape. The application documentation states that the site area is 4719m ² .
Topography (slope) of the site:	The site falls from north to south.
Significant features on the site:	The site contains three dwellings and a former dwelling that is used by the Lawson Clinic as a mental health clinic.

CONTEXT OF THE SITE AND SURROUNDING DEVELOPMENT:	The site is located in a predominantly residential area. To the north of the site is an allotment which contains a church and hall. To the west and south of the allotment are allotments containing single dwellings.
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APPLICATION HISTORY:

- DA2550/90 for the use of 748 Pacific Highway as a commercial premises was approved by Council on 16/10/1990. Prior to 1990, the subject building had been used as Professional Consulting Rooms since 1956.

THE PROPOSAL:

- Demolition of two dwellings at 746 and 746A Pacific Highway
- Construction of 4 storey hospital with a gross floor area of 2692.4m², 62 beds and 16 car spaces
- Conversion of dwelling at 742 Pacific Highway into offices for the hospital

RESPONSE TO ISSUES

PLANNING COMENTS

Permissibility

The proposed development is defined as a hospital and is permissible under SEPP (Infrastructure) 2007. The proposed development is not permissible under the provisions of Ku-ring-gai LEP (Local Centres) 2012. The proposal relies on clause 8 of SEPP (Infrastructure) 2007 which states that if there is an inconsistency between the SEPP and any other environmental planning instrument, whether made before or after the commencement of the SEPP, the SEPP prevails to the extent of the inconsistency.

Site Area

Clause 4.5(6) of the Local Centres LEP states:

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

The site area for the development is claimed to be 4719.2m², this is the total area of lots 1, 2 and 3. Lot 3 contains a dwelling house and the proposed works include conversion to offices for the hospital and landscaping of the gardens for use by patients. The application documentation must demonstrate that significant development is being carried out on lot 3. The development must include consolidation of the allotments that form the development site as the use of 742 Pacific Highway as offices is only permissible if they are used in conjunction with the hospital.

Building Height

The application documentation claims that the building height complies with the development standard of 11.5m. The definition of building height is:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The height lines marked on the elevations do not accurately represent the distance between the existing ground levels and the 11.5m height limit. The southern side of the building, which has an RL of 136.40 has a height of 11.79m. The central part of the building also exceeds the height limit.

A roof plan showing proposed RL's overlayed with existing ground levels should be submitted with the application to demonstrate that compliance with the height control is achieved.

Site Isolation

The development will result in the isolation of 744 Pacific Highway which is a 1015m² allotment with a frontage of 22.6m to the Pacific Highway. This allotment is subject to an 11.5m height limit and an FSR of 0.8:1. Isolation would result in an allotment that would not comply with clause 6.5 of the LEP and would be difficult to develop in accordance with the controls in the Local Centres DCP. The creation of an isolated and undersized allotment is inconsistent with the objectives of the R4 High Density Zone.

Clause 6.5(2) of the Local Centres LEP states:

Development consent must not be granted for the erection of multi dwelling housing or a residential flat building on a lot unless the lot has an area of at least 1,200 square metres and at least 1 street frontage of not less than:

- (a) if the area of the lot is less than 1,800 square metres—24 metres, or*
- (b) if the area of the land is 1,800 square metres or more—30 metres*

Part 3A.1 of the Local Centres DCP states:

- 1. Land amalgamation is to increase the width of the street frontage and avoid irregular lot configuration.*
- 2. Where development is proposed to cross lot boundaries, amalgamation of the subject lots will be required.*
- 3. Within a Business zone, Medium density and High density residential zone, sites are to be amalgamated to avoid isolating an adjoining site or sites. In particular potential redevelopment of the adjoining site or sites in accordance with its zoning must not be compromised.*
- 4. Lot amalgamation is to avoid creating:*

- i) a primary street frontage less than that required by KLEP (Local Centres) 2012;*
 - ii) a lot size less than that required by KLEP (Local Centres) 2012;*
 - and/or*
 - iii) a highly constrained site.*
5. *For the purposes of this section, a 'highly constrained site' is a lot or lots where heritage, riparian or biodiversity values significantly reduce the development potential of the lot or lots.*
6. *Where a development proposal results in an isolated site, as described in 3 above, the applicant must demonstrate that:*
- i) Negotiations between the owners of the lots have commenced prior to the lodgement of the development proposal. Where a satisfactory result cannot be achieved the development proposal should include details of the negotiations, demonstrating that a reasonable offer has been made to the owner of the isolated site.*
 - ii) The adjoining site(s) can be orderly and economically developed in accordance with the provisions of KLEP (Local Centres) 2012 and this DCP, including, but not limited to:*
 - achieving an appropriate urban form for the location, and*
 - having an acceptable level of amenity.*

If the isolation of 744 Pacific Highway is unavoidable the application documentation must demonstrate that reasonable attempts to purchase the property have been made and that the site can be developed for the purposes for which it has been zoned. All information required by Part 3A.1 of the Local Centres DCP must be submitted with the application.

Zone interface

All allotments to the rear of the site are zoned R2 Low Density Residential, not High Density as indicated by the aerial photo on page 6 of the Pre-Development Application Report. As the site is located at a zone interface the proposed development must be sensitively designed to minimise impacts on the adjacent zone. A detailed site analysis which identifies the location of structures and private open space on the adjoining allotments and demonstrates how impacts on the adjoining land have been minimised must be submitted with the application. The site analysis should demonstrate and explain how impacts such as overshadowing, overlooking and visual bulk have been considered.

Significant concerns with the current design include whether setbacks from the northern and western boundaries are adequate for screening vegetation that is in proportion with the building and whether the pilotis form of the southern elevation and the articulation of the western elevation by vertical batten screens is appropriate having regard to the adjoining land uses and the likely future character of the area. Concern is also raised that the development would have a significant impact on the privacy of 22 St Johns Avenue as fourteen private rooms and two lounge rooms would directly overlook the backyard of this dwelling. It is noted that the sill height of the windows on the western elevation is 1m and that this would not prevent overlooking.

Overshadowing

The development should be designed to minimise overshadowing of adjacent properties. Hourly shadow diagrams which demonstrate that no adjoining dwelling will receive less than 4 hours solar access to living rooms and private open space as a result of the development are required.

LANDSCAPE COMMENT

Potential Issues

a) Significant existing trees

To comply with the objectives of maintaining biodiversity and existing landscape character, significant trees are to be retained where possible. A site analysis identifying significant trees on the site that are to be retained or removed, is to be undertaken to demonstrate that the proposed development has been designed and sited to avoid adverse environmental impacts.

Removal of significant trees is not supported without substantiated arboricultural evidence. The proposed setbacks from the building, basement, and ancillary works are to avoid adverse impacts upon the trees long-term viability. To preserve the health and condition of the trees to be retained, construction setbacks should be in accordance with arborist recommendations and AS4970-2009 Protection of Trees on Development Sites.

b) Deep Soil Landscape (Part 7A.4 Local Centres DCP)

A residential flat building would require a minimum 50% of site is to be deep soil landscape as defined in Part 14 of the Local Centres DCP. The proposed hospital development seeks to be assessed under SEPP (Infrastructure) 2007 with a merit assessment based on the deep soil landscape objectives for landscape amenity under the R4 zoning.

c) Tree Replenishment (Part 7A.4 Local Centres DCP)

The development should support a minimum number of 14 tall trees.

d) Side setback planting (Part 7A.1 Local Centres DCP)

The development should achieve minimum 6 metre side and rear setbacks to allow sufficient areas for effective screen planting along the site boundaries. Where this can not be met this will be assessed on merit. The proposal does not incorporate a setback between the existing carpark and the eastern elevation of the hospital. To preserve neighbour amenity, sufficient setback for a landscape buffer between the hospital and the carpark should be provided.

e) Cut and Fill (Part 1.2 Local Centres DCP)

The site falls from Pacific Highway to the rear western boundary. To preserve the natural landscape, the proposed development should reflect the existing topography

and excessive cut and fill should be avoided. Cut and fill less than 2 metres from the boundaries is to be avoided. Details of all proposed cut and fill are to be provided including slopes of graded banks and top of wall levels to retaining walls.

f) Heritage and Conservation areas – gardens (Part 7.1 Local Centres DCP)

The site incorporates a residence 'Windsor House' at no. 748 Pacific Highway Gordon, listed as a heritage item in Schedule 5 of the Ku-ring-gai LEP 2012 – Local Centres. The site adjoins to the north, St John's Church and cemetery, which is listed as a heritage item. To preserve the heritage setting, existing trees along the boundary adjoining the heritage item are to be retained where possible.

The rear yard of no. 748 is used as a carpark for the Lawson Clinic. To enhance the heritage setting of the item, additional landscape areas should be incorporated in association with the driveways, between the carpark and the side boundaries and between the carpark and the proposed buildings. The central articulation of the building on the eastern side could benefit from planting to improve views from the heritage item and from within the proposed hospital itself.

g) Communal open space (Part 7C.1 Local Centres DCP)

Communal open space that is safe, useable, accessible and attractive is recommended as an integral part of the development and will add to the quality of the hospital environment. Open space should provide facilities such as paving, shade structures, benches or play equipment.

Information required to be submitted with any development application

1. Arborist Report

A detailed Arborist Report is to be included as part of the development application. The report should identify and detail the health and significance of all existing trees located on site or associated with the site including drainage easements (if applicable) and trees on adjoining properties adjacent to the site boundaries. The consulting Arborist should also recommend appropriate setbacks from existing trees to be retained and design considerations to retain trees. All trees are to be clearly numbered and the location clearly shown on an appropriately scaled site plan. Tree numbers are to be shown on all plans.

2. Landscape Plan

A detailed landscape plan is to be submitted at minimum 1:100 scale as part of the development application. The landscape design should achieve ecologically sustainable objectives for the protection and enhancement of the natural environment of Ku-ring-gai.

The landscape plan is to include detailed levels of all external areas including top of wall heights, and in particular in relation to existing trees to be retained. A detailed plant schedule of all proposed planting for the site along with details and

specifications should be provided. Proposed planting for the site should be reflective of the horticultural style of the heritage items and of the broader Gordon landscape character including representative canopy trees of the Blue Gum High Forest community. The planting should be appropriate for soil type and microclimate. It is recommended that the landscape plan be undertaken in conjunction with the Arborist Report and Hydraulic Engineer's drawings. All existing trees to be retained/removed are to be shown on the landscape plan and include spot levels at the base of tree.

3. Environmental Site Management Plan

To preserve health and condition of existing trees, proposed temporary access, stockpiles and areas for plant and material storage areas shall be shown in accordance with Council's DA Guide.

ENGINEER COMMENTS

Water management

It appears that a new dwelling (dual occupancy) was constructed at 746 Pacific Highway and a subdivision registered to create two lots in 1995. The subdivision plan indicates that an on site detention system was provided for each dwelling. It is expected that the discharge from these systems was directed to the Pacific Highway, as there do not seem to be any easements over the rear properties.

These detention tanks will be removed as a result of the basement excavation and will need to be replaced with an alternative system. Roads and Maritime Services will require that stormwater runoff into the Pacific Highway not be increased as a result of the development, so calculations must be included with the DA to demonstrate this. It may be possible to obtain works-as-executed plans of the existing systems from Council's records, however given the passage of time, could be more expedient to have a surveyor measure them up.

It is not clear from the pre DA plans where a suitable alternative detention system could be placed, and still maintain gravity drainage to the Highway.

The DA should be accompanied by water management plans for the new building addressing on site detention, retention and re-use of roofwater and water quality measures as outlined in the Local Centres DCP.

If the carpark expansion in 742 Pacific Highway is minor (increase in built-upon area less than 20 square metres), then that property will retain the characteristics of a single dwelling in relation to stormwater management, and stormwater runoff from the additional carpark area may be connected to the existing system for that property. However, if submissions are received in relation to runoff from that property, or if more extensive works are proposed, it may be necessary to look at water management in more detail and investigate an easement over a downstream property or provide an on site dispersal system.

Traffic and parking

The hospital will provide 64 beds only. The application does not require referral to Roads and Maritime Services (RMS) under Schedule 3 of the SEPP (Infrastructure) 2007. A standard referral would be sent, so that RMS could comment on matters such as vehicular access to and from the Highway, as well as construction traffic issues, and drainage as mentioned above. It is possible that the existing driveway and crossing would have to be widened, which may have heritage or streetscape impacts.

At the meeting, a Traffic and Parking Report by URaP – TTW dated May 2013v3 was provided. It is expected that this report will be updated following finalisation of the architectural plans and submitted with the DA.

Under the Local Centres DCP, a hospital requires 1 parking space per 3 beds, plus 1 space per 2 day-shift staff (or 1 per night time staff) or practitioners as well as an ambulance space.

The pre-development application report by City Plan Services states that between 21 and 25 staff will be on site during the day, reducing to 8 at night. This would result in a parking demand of up to 35 spaces plus the ambulance space.

There is a tension between maximising the on-street parking and providing adequate soft landscaping. It would be desirable to provide a compliant number of parking spaces on site. If a shortfall is proposed, this must be robustly justified in the traffic report, with data such as surveys of similar facilities and a Management Plan.

The traffic report should address the single width driveways and include recommendations for mirrors if required. RMS will wish to be sure that queuing of vehicles onto the Highway will not occur.

Waste management

After the meeting, the applicant approached Council's Waste Services section as recommended, and I have included their comments as follows.

The access requirements for waste and recycling vehicles for hospitals are outlined in DCP 40 (these requirements are duplicated in Volume C Part 3.4 - 55 of the Local Centres DCP). Access is required for an 11 metre rigid vehicle to enter and leave the site in a forward direction.

Construction traffic management

An indicative Construction Traffic Management Plan (CTMP) is to be provided with the DA. A Works Zone cannot be provided, so the CTMP should indicate how construction access around the site will be achieved, including forward entry and exit of construction vehicles, tree protection, materials storage, employee parking etc. The CTMP may be a section in the traffic engineer's report, supplemented by the environmental site management plan. RMS may impose a condition that no truck movements occur during peak or school zone periods.

HERITAGE COMMENTS

Heritage Status

The site is located in the Local Centres LEP and zoned R4 which allows medium density residential development. The height limit is 11.5m.

The site is identified as a heritage item and is located in a HCA however as proposed the development partially extends into the adjoining heritage item – “Windsor House”. The site adjoins two heritage items in Schedule 5 of the Local Centres LEP; “St Johns Church and Cemetery” at 750 – 754 Pacific Highway and “Windsor House” at 748 Pacific Highway. The site also adjoins the “St Johns Avenue, Gordon” HCA in the Local Centres LEP – Area C16B and a small part of the proposed development is within the HCA.

The following is the Statement of Significance for Area C16B:

Historical Significance;

St Johns Avenue is historically significant for its association with St John the Evangelist Church, rectory and cemetery. St Johns Avenue was also the first paved road in Ku-ring-gai. The sandstone church was designed by Edmund Blackett and built in 1872 with later additions. The Brush Box street trees along St Johns Avenue are significant as tree plantings by the residents of the street in 1928. St Johns cemetery is the earliest cemetery in Ku-ring-gai.

Aesthetic Significance;

St Johns Avenue HCA is aesthetically significant for the visually dramatic streetscape of St Johns Avenue defined by its narrow road surface, wide grassy verges and mature Brush Box street trees and the predominantly intact collection of high-quality Federation and Inter War housing.

Development Controls Plan (DCP)

Council has adopted a DCP for the Local Centres areas. The DCP provides detailed objectives and controls for development in the vicinity of heritage items and for sites adjoining HCAs.

Chapter 7.3 Development in the Vicinity of a Heritage Item (Volume B)

Objectives:

- 1. To ensure that new development respects the heritage significance of the adjoining or nearby heritage item.*
- 2. To ensure that new development does not visually dominate a heritage item.*

3. *To ensure that new development does not reduce the views from or to the heritage items from the public realm.*
4. *To ensure that new development does not impact on the garden setting of the heritage items, particularly in terms of overshadowing the garden or causing physical impacts on important trees.*

Controls:

1. General

Development in the vicinity of a heritage item is to be sympathetic to the heritage item having regard to:

- i) *Form of the building including height, roofline, setbacks and building alignment;*
 - ii) *Proportions including door and window openings, bays floor-to-ceiling heights and coursing levels;*
 - iii) *Materials and colours;*
 - iv) *Siting and orientation;*
 - v) *Setting and context;*
 - vi) *Streetscape patterns.*
2. *An applicant's Statement of Environmental Effects or Heritage Impact Statement must discuss the effect that the proposed development will have on a heritage item, including its garden and setting.*
 3. *Significant views to and from heritage items are to be protected.*
 4. *Development in the vicinity of a heritage item must respect the curtilage and setting of that item.*
 5. *An application for development in the vicinity of a heritage item must demonstrate that the construction process will not result in damage to the heritage item or its setting.*

Residential Context

New development adjacent to a heritage item must comply with the following:

- i) *must have a minimum setback of 12m building separation to the heritage items;*
- ii) *must not exceed a façade height of 8m from existing ground level;*
- iii) *any building mass above 8m high from existing ground level must be stepped back an additional 6m from the heritage item;*
- iv) *front setbacks must be at least 2m more than the front setback of the adjoining heritage item, for that portion of the new building whose height exceeds the height of the heritage item.*
- v) *where variations in setbacks exist the larger setback will apply;*
and

- vi) *any new development must have a maximum 36m wall length to any boundary.*
1. *Screen plantings on side and rear boundaries adjoining a heritage item site is to achieve a minimum mature height of 4m.*
 2. *Front and side fences are to be no higher than the fence of the adjoining heritage item. Front fences must be open and transparent such as timber picket or metal palisade. Side fences are to be timber. No metal panel fencing is to be constructed on any heritage item boundary.*

Chapter 7.6 – Development in the Vicinity of a Heritage Conservation Area (volume B).

Objectives:

1. *To ensure that development in the vicinity of the conservation area respects the HCAs character and setting.*
2. *To create a buffer that protects the visual cohesiveness of the conservation area.*
3. *To provide a visual transition between medium/high density development and the HCA*
4. *To conserve the amenity of buildings in the HCA including privacy, sun access, acoustic control and natural ventilation*
5. *To protect significant views and vistas to and from the HCA*
6. *To ensure that the scale of new development in the vicinity of the HCA is in harmony with the streetscape and does not dominate, detract from or compete with the HCA.*

Controls:

General

1. *Development in the vicinity of a conservation area is to be sympathetic to the HCA by having regard to:*
 - i) *siting and orientation;*
 - ii) *materials and colours;*
 - iii) *setting and context;*
 - iv) *streetscape patterns;*
 - v) *form of the buildings in the HCA including height, roofline, setbacks and building alignment; and*
 - vi) *proportions including door and window openings, bays, floor to ceiling heights and coursing levels.*

- 2. An applicant's statement of Environmental Effects or Heritage Impact Statement must discuss the effect that the proposed development will have on the HCA, including the setting and streetscape.*
- 3. Significant views to any from the HCA are to be protected.*
- 4. Development in the vicinity of an HCA must respect the curtilage and setting of the HCA.*
- 5. The treatment of the façade of new development adjacent to the conservation area should relate to the dominant architectural cues which characterises the HCA such as horizontal lines and vertical segmentation.*
- 6. An application for development in the vicinity of the HCA must demonstrate that the construction process will not result in damage to places within the HCA or its setting.*

Proposed Development

The proposal is for a 64 bed hospital. The site is located behind a heritage item known as the "Lawson Clinic" and partially located on the item. The clinic is currently used as consulting rooms for patients with mental health issues.

The proposed building is mainly 3 stories in height with a part basement level parking and entry area. It is understood that the building is intended to be prefabricated off site. The building materials will be lightweight and it is unsure what the external finish would be but the design statement indicated neutral colours. The proposed building is contemporary in appearance and according to the design statement "respectful of the way it engages its context being located overlooking the church and cemetery". The individual rooms are located on the two upper floors to take advantage of views and sunlight. It is stated that the proposed building would not be highly visible from the streetscape and should not overpower the existing nearby buildings.

The planning report indicated the existing heritage building "Windsor House" would be retained for ancillary office uses and much of the grounds landscaped. As the building is a heritage item, details of the proposed changes to the building and grounds would need to be part of any future application.

Demolition

The existing buildings on the site at the rear of the heritage item (Nos 746 & 746A Pacific Highway) are not considered to have any heritage values and there is no heritage objection to demolition. It is likely a condition would be imposed in any future consent requiring photographic recording to archival conditions.

Relationship of proposed development with the DCP

The proposed building marginally intrudes into the heritage item lot, thus part of the proposed building would technically be a heritage item. This could be

resolved by keeping the proposed building out of the curtilage of the heritage item. It appears this would only require a minor change to the footprint of the proposed building.

As indicated the minimum setback of the proposed building from "Windsor House" is 11.640mm. The DCP requires a minimum setback for development on land zoned R4 of 12m. As noted above a minor adjustment to the footprint/design would resolve this non-compliance and would also remove the building from the HCA. The DCP also requires any new development on land zoned R4 to be stepped back an additional 6m above a wall height of 8m. Thus the eastern façade would be required to be setback 18m above the 8m wall height which would require a redesign of the top floor level.

It should be noted that the Local Centres LEP defines a "heritage item" as a building, work, archaeological site, tree, place or aboriginal object. The timber hall and existing church building and cemetery on the adjoining site 750-754 Pacific Highway are part of the item and with respect to the DCP any new development on a site zoned R4 needs to be setback in accordance with the DCP. As proposed in the drawings, the northern setback from the adjoining heritage buildings is between 5265mm to 9045mm from the adjoining buildings on the St Johns Church site and the facades do not step back above the wall height of 8m. Any variation to these setbacks would need to be considered as a merit assessment and the applicant would need to make a full assessment of the buildings and the cemetery on the adjoining heritage site, their contribution to the site and assess the effects of any non-compliance against the DCP objectives and controls.

Heritage Impact Statement (HIS)

The HIS submitted with the pre DA information contains a relatively well researched history of the site and the area in general including subdivision plans which are helpful in providing a background.

The HIS makes a statement that the new development does not need to follow any stylistic or form determinates from the heritage items and the proposed building reflects its proposed use and function and is acceptable. This aspect of the HIS is considered acceptable.

The HIS concludes that; "...the proposed works do not adversely affect the identified heritage significance of the adjoining properties or their role as contributory elements in the St Johns Avenue Conservation Area".

The HIS makes an assessment of the proposed development against the NSW Heritage Council guidelines for a HIS. The assessment relies to a large extent upon the visibility of the proposed development from the Pacific Highway and St Johns Avenue and the cemetery site. The assessment has not taken on board Council's intention for new development on sites rezoned in the Local Centres LEP.

In conclusion considering the heritage context of the site, considerable change to the proposed development would need to be made. It is recommended that the applicant consider the DCP for the Local Centres in any further redesign.

Further Comments

Following the pre DA meeting a phone discussion took place with the architect for the scheme about future photomontages. Advice was provided that any photomontages should be from the public realm, including views from St Johns Avenue across the cemetery and from areas on the church site or cemetery where people gather after services. Council would need to be confident that the proposed development would not diminish the enjoyment of the heritage item for people who visit the church and cemetery.

INFORMATION TO BE SUBMITTED

- Refer to Council's DA Guide

http://www.kmc.nsw.gov.au/resources/documents/DA_Guide.pdf

- All plans (survey plan, architectural plans, landscape plans, stormwater plans, compliance diagrams) must be at a consistent and workable scale (1:100 preferable or 1:200). All plans must show consistent detail.
- The plans must be clear and legible and sharp in detail. Poor photocopied plans will not be accepted.
- Ensure correct and complete owner's consent is provided with development application. Owners consent for adjoining properties also to be supplied where works impact adjoining trees.

CONCLUSION

The following fundamental issues have been identified:

- Site isolation
- Building height
- Setbacks
- Landscaping
- Overshadowing
- Overlooking
- Visual impact
- Heritage
- Car parking

The amendments needed for your proposal to be acceptable are substantial. Further, given the above issues Council staff cannot guarantee that further issues would not be raised that may be significant in arriving at the appropriate environmental outcome for the site. In this regard, we believe your proposal would highly benefit from a further pre-DA meeting prior to lodgement of a formal development application.

While the pre-lodgement meeting and these minutes attempt to identify significant issues during the initial phases of design, the assessment provided in these minutes does not have the benefit of a full planning assessment and should not be considered exhaustive.

We hope that this advice assists you. If you have any further enquires please contact Jonathan Goodwill on 9424 0888 during normal business hours.



JONATHAN GOODWILL
EXECUTIVE ASSESSMENT OFFICER



SHAUN GARLAND
TEAM LEADER – DEVELOPMENT ASSESSMENT

DATED: 14/06/13

DISCLAIMER

The aim of pre development application consultation is to provide a service to people who wish to obtain the views of Council staff about the various aspects of a preliminary proposal, prior to lodging a development application (DA). The advice can then be addressed or at least known, prior to lodging a DA. This has the following benefits: -

- Allowing a more informed decision about whether to proceed with a DA; and
- Allowing matters and issues to be addressed especially issues of concern, prior to lodging a DA. This could then save time and money once the DA is lodged.

All efforts are made to identify issues of relevance and likely concern with the preliminary proposal. However, the comments and views in this letter are based only on the plans and information submitted for preliminary assessment and discussion at the pre DA consultation. You are advised that: -

- The views expressed may vary once detailed plans and information are submitted and formally assessed in the development application process, or as a result of issues contained in submissions by interested parties;
- Given the complexity of issues often involved and the limited time for full assessment, no guarantee is given that every issue of relevance will be identified;
- Amending one aspect of the proposal could result in changes which would create a different set of impacts from the original plans and therefore require further assessment and advice;
- This Pre-DA advice does not bind Council officers, the elected Council members, or other bodies beyond Council in any way whatsoever.