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Contact: Jonathan Goodwill

Ref: DA0327/13

26 November 2013

The Lawson Clinic
PO Box 66
GORDON NSW 2072

Dear Sir/Madam

Application No.:	DA0327/13
Proposed development:	Subdivision of 4 lots into 2, demolish 2 residential dwellings, construct inpatient facility and convert existing dwelling for use as ancillary office - including works to heritage item
Property:	742, 746, 746A and 748 Pacific Highway GORDON NSW 2072

We have undertaken an assessment of your application. We advise that your application is unsatisfactory in the following respects:

1. Overshadowing

The statement of environmental effects advises that, 'the overshadowing resulting from the proposed development will not result in a loss of residential amenity for the adjoining properties'. This statement does not reflect the fact that the development will result in a significant loss of morning solar access for 22 St Johns Avenue. This impact has not been quantified or assessed. Further information on the impact of the development on solar access to 22 St Johns Avenue is required.

2. Site isolation and amalgamation

The information submitted with application in response to the site isolation and amalgamation requirements of the Local Centres DCP includes two letters from Mr Dick Crampton and concept plans for a 3 storey residential flat building. An important document missing from the application is an independent valuation of 744 Pacific Highway. To demonstrate that the offer to purchase 744 Pacific Highway for \$1,250,000 was a reasonable offer an independent valuation of 744 Pacific Highway is required.

The concept plans for 744 Pacific Highway indicate the provision of vehicle access through 742 Pacific Highway. If the orderly and economic development of 744 Pacific Highway is dependent on vehicular access being provided from the access handle of 742 Pacific Highway this legal arrangement would need to be in place for it to be considered as part of the development application assessment as it is unlikely that a condition of a development consent which required your client to grant an easement benefitting 744 Pacific Highway would be a valid condition. The site plan should also be amended to show the footprint of the existing dwelling at 744 Pacific Highway rather than the footprint of the concept design for a residential flat building.

3. Pedestrian access and equitable access

Concern is raised that the development does not have a clearly defined pedestrian entrance. The statement of environmental effects advises that inpatients will travel to the premises by public transport, taxi or private car and that weekend visitation is encouraged. The pedestrian access path on the landscape plan leads to the administration building at 742 Pacific Highway and not the entrance to the hospital. For a person arriving at the site on foot the location of the hospital entrance is unclear and would require walking through a carpark to an access door located behind a shared zone of an accessible car space. The design of the premises does not appear to accommodate patients and visitors which may travel to site by means other than private car or taxi. Concern is also raised that there is no accessible path of travel from the site boundary to the pedestrian entrance. The BCA report acknowledges that an accessible path of travel is required but the proposed path of travel includes a ramp with a gradient significantly steeper than 1:14. The resolution of this issue is likely to require significant amendments to the plans and cannot be left to the construction certificate stage.

4. Energy and water efficiency

Further information on the measures that will be incorporated into the development to achieve energy and water efficiency is requested. The advice of the statement of environmental effects that, 'An ESD report will be prepared at the detailed design stage and submitted prior to the commencement of any development on the site' is not considered to satisfy the objectives of the DCP as it provides no opportunity for the merits of the ESD measures to be assessed. Particular concern is raised regarding the poor levels of natural lighting to the public areas at the basement level of the building and the high proportion of patient rooms which have south facing windows.

5. Use of 742 Pacific Highway

The statement of environmental effects advises that this dwelling will be converted for use as ancillary offices to accommodate administrative and office support for the clinic. Concern is raised that the development statistics do not support the need for a separation office/administration building, as the number of doctors is to remain the same and the number of administrative staff is to increase by only three. The development statistics table is confusing, as it advises that the existing use has a site area of 4,719m² over 4 lots and the proposed use is 4,719m² over 2 lots. It is considered that the existing use is 748 Pacific Highway only as this is the only lot which has approval for a non-residential use.

This data is not consistent with the existing use and the details of the proposed use as presented by the architectural plans. To resolve this issue it is recommended that the development statistics table be amended and floor plans illustrating the proposed use of 742 Pacific Highway as administration/office space be provided.

6. Colours and finishes

The colour and material choice plans are required to be amended as the colours shown on the perspectives do not match the colour choices on the plans.

7. Heritage

The following issues identified by Council's Heritage Advisor are required to be addressed:

- The proposed subdivision allows for the maximisation of the footprint of the hospital and facilitates the loss of any meaningful garden space between the heritage item and the hospital. The development prevents the establishment of garden planting areas between 748 Pacific Highway and the hospital. The footprint of the hospital should be relocated and/or altered in size to provide sufficient deep soil garden planting and allow a dense vegetated buffer screen to thrive.
- To break down the scale of the building the upper levels of the hospital should be set in from the floors below in accordance with the setback requirements of the DCP. In the absence of suitable setbacks the proposal will have an overwhelming presence in the setting of the heritage items.
- The apparent scale of the proposed development will be very prominent when viewed from most of the publicly accessible areas of the church grounds and cemetery. The setback of the building from the northern boundary is for most of its length less than half the distance required and the upper levels (above 8m) have not been set back an additional 6m.

8. Development Engineering

Council's Development Engineer has reviewed the application and is not satisfied that the development has satisfactorily addressed the issues of car parking, vehicular access, stormwater management and groundwater management. The following additional information is required:

- Longitudinal and cross sections of the proposed widened driveway showing existing and proposed levels on either side, affected structures on neighbouring properties (744 and 748 Pacific Highway) and proposed retaining structures with realistic dimensions.
- The water management plans must be amended to address Volume C Part 4 of the Local Centres DCP. This includes – rainwater tank sizing to achieve a 50% reduction in runoff days (4B.4) and MUSIC modelling to demonstrate that Council's water quality targets will be achieved (4B.6). A separate report may be required to demonstrate compliance with the DCP.
- The water management documentation must demonstrate that the discharge into the Pacific Highway drainage system will not be increased, as required by Roads and Maritime Services. This will require investigation of the existing systems at 746 and 746a Pacific Highway (this was included in the pre DA minutes).
- The water management plans are to show how overflow from the detention tank will be prevented from entering the downstream neighbouring property 744 Pacific Highway. The overflow level of the system must not be higher than 0.3 metres below the floor level of all habitable areas adjacent to the OSD – this includes the neighbour's house (Volume C Part 4R.5-16 of the Local Centres DCP). Further survey of the neighbouring residence may be required (see below about the footings).
- Some plans show a splay at the northern corner of the widened driveway and others do not. Approximately 1.5 metres of excavation would be required. What is proposed at this corner and will it provide adequate sight distance to vehicles and pedestrians? There is a large camphor laurel tree which may be affected, as well as a light pole and other services.
- The traffic report does not adequately justify the parking shortfall with surveys of similar facilities, as requested in the pre DA minutes, and erroneously discounts the parking required for the existing outpatient use of the Lawson Clinic building. Further information is required in the form of surveys of similar facilities, or the required number of spaces provided. With the exception of doctor parking, the hospital use would seem to

require parking over and above the parking already provided for the outpatient facility.

- Additional geotechnical advice is required. The matter of groundwater flow into the street gutter must be resolved, either by the connection of the site discharge into the below-ground piped system (this will only be approved if low flows are anticipated, and there is no pipe along the Pacific Highway frontage of the property in any case) or by providing additional information on likely flows from the geotechnical engineer. Advice should also be sought as to whether a licence be required from NSW Office of Water for construction dewatering. Details of any works in the Highway must be provided for re-referral to RMS. Otherwise the basement must be tanked [Volume C Part 2.3-4].
- The geotechnical report should be amended to address the excavation of the driveway and the on site detention tank in relation to structures on either side and contain specific recommendations for vibration monitoring, support and further investigation of the footings of neighbouring buildings. The investigation may need to be carried out now to inform the amended report.

9. Landscaping

Council's Landscape Officer has reviewed the application. The following issues are required to be addressed:

1. Inadequate deep soil landscape area along the northern and western boundary and along eastern elevation (Part 7A.4 Volume A Ku-ring-gai (Local Centres)DCP)

In consideration of the quantum and distribution of deep soil landscaping in the development, the following modifications are required:

- To achieve an effective landscape treatment that will contribute to the garden character of the Heritage Conservation Area, protect neighbour amenity and preserve heritage significance, the building setback at the north-west corner of the building should be at least 6 metres.
- Along the northern boundary to optimise planting areas, it is recommended that the fire access path be incorporated with the proposed paved areas.
- Along the western boundary to optimise planting areas, it is recommended that paved areas be reduced and the fire protection be achieved at the building

façade either through fire rated windows or sprinklers, similar to the proposed treatment along the northern elevation.

- To retain and enhance the heritage setting of the existing Lawson Clinic, the reconfiguration of the lot boundaries should include a redesign of the rear carpark providing additional areas for tree and shrub planting along the eastern elevation of the proposed building.

2. Adverse tree impacts (Clause 5.9 KLEP(Local Centres))

Adverse impacts on existing trees are as follows,

Tree 20/ *Magnolia x soulangiana* (*Magnolia*) This tree is located on the western boundary of the site. The tree is low branching and it is unlikely that it would survive the construction impacts of the proposed works. Increased setbacks to the proposed gravel path should be provided or otherwise the tree should be removed and replaced.

Tree 21/ *Tibouchina granulosa* (*Purple Glory Tree*) This tree is located on the northwest corner of no. 746A Pacific Highway. The proposed paved area off the staff room and associated gravel access path is 1.7m from the tree and at approximately RL127.4, this proposed level will be approximately 1 metre above the existing level at the base of this tree. To preserve this tree the proposed gravel path should be incorporated within the proposed paving area and suitable retaining structures should be provided.

Further information is required to enable assessment:

1. Deep soil landscape area

The deep soil area provided as a percentage of the site area is to be shown on a compliance diagram.

2. Inadequate architectural drawings

- To enable assessment of cut and fill, sections should show the site boundary and the relative levels of adjoining buildings at no. 742 and 748. The section line is to be shown on all floor plans. The section should indicate unit numbers.
- The photomontages from the cemetery show a corner treatment of the building that is not shown on the northern elevation.

3. Landscape plan

The Landscape plan is unsatisfactory for the following reasons:

- The landscape treatment for the driveway entrance should be considered in the landscape design.
- Trees 1 and 2 are inconsistently numbered on the landscape plan and the Tree location plan in the arborist report. The two canopy trees that are proposed to be planted on the northern corner of the driveway entrance should take into account the existing trees to be retained.
- The proposed driveway entrance is shown to cut across the existing retaining wall at the southeast corner of 748 Pacific Highway. Clarification is required. If a modification of this front wall is proposed, the impacts on the existing Camphor Laurel will have to be included in the arborist report.
- The landscape plan does not clearly show the retaining structures required to achieve the proposed cut along the driveway and to the basement carpark/fire escape.
- The proposed levels to external paved areas should be clearly shown to enable assessment of cut and fill.
- Existing screen planting located along the western boundary should be retained where possible including along the northwest corner of the site. Additional hedging that can attain 4 metres in height should be provided at the northwest corner of the site in association with the existing *Tibouchina*.
- An accessible principal area of communal area has not been proposed. It is unclear whether the proposed area is accessible as insufficient levels to paths and associated external areas have been provided on the landscape plan. The series of ramps on the western side of the existing dwellings is approximately 1 metre below the carparks. Similarly the levels for the ramp between the carpark and the dwelling at no. 742 appears to be too steep and is likely to require steps.
- Proposed and existing fencing should be shown on the landscape plans particularly the proposed fencing between the driveway of the new development site and the existing Lawson Clinic and the proposed 2m acoustic fencing along the western boundary. Details of fencing should be provided.
- The proposed plant labelled as 'Cr' is not found in the plant schedule.

4. Environmental site management plan

The Environmental Site Management Plan is considered unsatisfactory for the following reasons,

- The plan should indicate the street trees in the front of the proposed site.
- All tree protection is to be shown in accordance with arborist recommendations.
- Truck turning paths, including for the delivery of the construction modules, are to be shown to demonstrate entry and access to the site.

We believe that the above issues may be resolved through the provision of additional information and amended plans. Should you choose to amend your application, you need to provide us with eight (8) sets of plans and written particulars identifying the changes made to the original application.

The submission of amended plans will result in an additional assessment and administrative fee (30% of the statutory DA fee) being \$2131. This fee must be paid at the time amended plans are lodged. If any of the required information and/or fees are not provided, the amended plans will not be accepted.

Please note that the assessment of the application by Council's Urban Design Consultant is ongoing and any issues arising out of this assessment will be the subject of separate correspondence.

Should you have any further enquiries I can be contacted on 9424 0740.



Jonathan Goodwill
Executive Assessment Officer