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Contact: Jonathan Goodwill

Ref: DA0289/14

20 November 2014

Anglican Church Property Trust Diocese Of Sydney
1 Bancroft Avenue
ROSEVILLE NSW 2069

Dear Sir/Madam

Application No.:	DA0289/14
Proposed development:	Demolish existing & construct new church hall & rectory including alterations to church building and construct 40 space basement car park - Heritage conservation area
Property:	3A Hill Street and 1 Bancroft Avenue ROSEVILLE NSW 2069

We have undertaken an assessment of your application. Concern is raised that the issues identified in the Pre DA Meeting report have not been adequately addressed. We advise that your application is unsatisfactory in the following respects:

1. Permissibility

The statement of environmental effects contains insufficient information regarding the permissibility of the proposed development. The statement should explain how the proposal is defined under the provisions of Ku-ring-gai LEP (Local Centres) 2012 and falls within the permissible land uses listed in the zoning table. If the proposal is comprised of two or more different land uses the statement should explain why it is not defined as mixed use development, a use that is prohibited in the R2 Low Density Residential zone.

2. Floor space ratio

The clause 4.6 variation states that compliance with the development standard is unreasonable or unnecessary as the objectives of the standard are achieved, the zoning is inappropriate and that significant environmental impacts would result from a compliant development. The request for a variation to the development standard for floor space ratio does not satisfy the requirements of clause 4.6 of the Ku-ring-gai LEP (Local Centres) 2012.

To establish that compliance with the standard is unreasonable or unnecessary it must be demonstrated that the development achieves the objectives of the development standard to an equivalent or better degree than a development which complied with the development standard (*Wehbe v Pittwater Council* at 70). The proposal does not do this as the intensity of development at 1 Bancroft Avenue is excessive and results in unacceptable impacts on the amenity and heritage significance of the heritage listed dwelling-house at 3 Bancroft Avenue. The built form of the proposal is not consistent with the surrounding area as the built-upon area is excessive, there is minimal landscaped area behind the building and insufficient space for canopy tree planting. The scale and bulk of the proposal is not consistent with the objectives of the R2 Low Density Residential zone.

The clause 4.6 variation states that the zoning for the site is inappropriate because 3A Hill Street is also owned by the applicant and this site is subject to a floor space ratio development standard of 0.85:1. In *Wehbe v Pittwater Council* CJ Preston made the following comment on this approach:

'However, so expressed, this way is limited. It does not permit a general inquiry into the appropriateness of the development standard for the zoning. An objection would not be well-founded by an opinion that the development standard is inappropriate in respect of a particular zoning'.

That 1 Bancroft Avenue and 3A Hill Street are in common ownership is not a planning justification for non-compliance with the floor space ratio development standard. The R2 Low Density Residential zoning and 0.3:1 floor space ratio development standard for 1 Bancroft Avenue is appropriate for a site that contains a dwelling-house, is adjacent to a heritage item and is located in a heritage conservation area. As noted in the clause 4.6 variation, the reason that a higher floor space ratio and building height standard applies to 3A Hill Street is that the built form of the existing structures on this site is different to the dwelling-house built form of 1 Bancroft Avenue.

The request also states that significant environmental impacts would result from a requirement to comply with the development standard, these impacts include the demolition of St Andrews Church and increased height and massing for the hall. It is not agreed that these outcomes are likely as the demolition of St Andrews Church and the construction of a building with significantly increased height and mass would need to satisfy the provisions of clause 5.10 Heritage conservation of the Local Centres LEP. It is also noted that the development standards for floor space ratio and building height are not non-discretionary development standards.

3. Gross floor area calculation

Plans identifying which parts of each floor have been included as gross floor area have not been provided. Measurements taken from the floor plans suggest that the gross floor area within 3A Hill Street exceeds the 0.85:1 maximum specified by the LEP. Gross floor area calculation plans which clearly identify which parts of each floor have been included in the gross floor area calculations are required.

4. Building capacity

The statement of environmental effects advises that the proposal will increase the capacity of the church by 243 seats and that the existing church has a capacity of 274 people. The floor plan shows 343 seats at Level 02 and 100 seats at Level 03. The number of seats capable of being provided at the ground floor level appears to be substantially greater than 343 as the vacant floor area within the worship space and hall is of similar floor area to that required for the 343 seats located in front of the dais. The application documentation should explain what the maximum capacity of the premises would be at any one time, why the capacity is the number of seats shown on the floor plan and how any exceedance of the stated maximum capacity would be avoided.

5. Privacy

The proposed development would result in significant visual and acoustic privacy impacts on the backyard of 3 Bancroft Avenue. The courtyard between the rectory and the Sunday school is elevated above the ground level and has a setback of 1.5m from the side boundary. Four east facing office windows on Level 03 are orientated towards the backyard of 3 Bancroft Avenue. Privacy and acoustic screens are shown on the floor plans but minimal detail is provided on the elevations and sections. The placement of a building in this part of the site is not consistent with the prevailing spatial pattern of development in the heritage conservation area.

6. Setbacks

The proposed setback from the southern boundary for 3A Hill Street does not provide opportunities for screen planting that is in scale with the building. To allow space for landscaping and the proposed walkway a minimum setback of 3m should be provided.

The proposed rear setback for 1 Bancroft Avenue results in the removal of existing canopy trees which contribute to the character of the area. The failure of the proposal to retain trees that contribute to the neighbourhood character is inconsistent with Part 1.3 'Landscape Design' of the Local Centres DCP.

7. Landscaping

The following issues identified by Council's Senior Landscape and Tree Assessment Officer are required to be addressed:

Tree Impacts

T15 *Lophostemon confertus* (Brush Box) located adjacent to the south east site corner. The Project Arborist has identified that the amount of excavation required has the potential to reduce the trees SULE and recommended tree root mapping be undertaken. This is required to be undertaken to determine extent of root growth and level of impact.

T34 *Chamaecyparis obtusa* (Hinoki Cypress) located within the Hill St frontage. The tree is a twin planting with T33, currently framing the pedestrian entry to the Memorial Hall. The development proposes excavation within the SRZ of T34 which is inconsistent with AS4970-2009 and will adversely impact the trees ongoing health and viability. Refer comments for T33. Both T33 and T34 are part of the existing streetscape/landscape setting within Hill Street and provide valuable screening and amenity from the western sun. Their retention is required. This will therefore necessitate a design change to the proposed pedestrian entry to the unit.

Landscape Plan/Tree replenishment

The submitted landscape plans are conceptual only. To enable assessment of the application the following additional information is required:

- Detailed planting plan to recognised scale (legible) with full planting schedule
- Details and elevations of proposed trellis' NOTE: Proposed southern planting is a deciduous self-clinging climber that requires a solid structure. As a trellis is an open structure the species selection is inappropriate.

Additional comments

- Proposed planting within the site frontage to Bancroft Ave, particularly forward of the dwelling, is not characteristic of the HCA. It is required that exotic plantings be utilised over native plantings.
- The proposed planting on vertical trellis' on the south side of the building are impractical as there is no viable soft landscape area to support growth. The area is proposed to be paved to the site boundary for pedestrian access from the fire stairs.
- The southern setback in conjunction with the proposed fire egress path does not allow any soft landscape area for screen planting. The

development is therefore reliant upon landscape amenity provided by the neighbouring property.

Stormwater Plan

The proposed drainage works for the site has not considered retained trees on site. An amended drainage plan is required to be undertaken in consultation with the Project Arborist.

Substation

The proposed location for a sub-station within council's road reserve within Bancroft Ave in front of the main church elevation is not supported, as it will have a detrimental impact to the streetscape/landscape character and is located within the TPZ of T29. The proposed location would also indicate the location of underground services would conflict with T29, which is an unacceptable outcome.

It is strongly recommended the proposed substation be relocated further east to the east side of the drive, adjacent to and parallel to the driveway and within the site.

Fire hydrant/Booster valve

The location of the Fire Hydrant/Booster Valve adjacent to the northeast site corner is located within the TPZ of T1 *Pistacia chinensis* (Chinese Pistacio) located within the road reserve. The arborist has identified a major encroachment (in conjunction with pavement works) within the TPZ when assessed against AS4970-2009. The tree is part of the mixed avenue planting on this side of the street within the HCA. The arborist has provided very specific requirements to minimise impact. These can be conditioned, although it is unknown where proposed pipes leading to the hydrant booster will be located. It is requested that further detail be provided to enable an assessment.

Pedestrian entry from Hill Street to separate unit

To enable the retention of T33 *Chamaecyparis obtusa* (Hinoki Cypress), which is a twin planting with T34, the proposed pedestrian entry to the proposed unit requires amendment. As the entry is not designed for disabled access, the proposed stairs can be increased in number to maintain existing levels within the root zone.

Southern site boundary

Substantial fill is proposed within the southern site boundary. The reason for this fill is unknown. This area is a fire access path and is not required for equitable

access. While there is accessible access to the consulting rooms it is not required to the fire stairs. It is therefore required for the access path to be at existing levels (although even grading is not objected to).

Equitable access from Hill St to consulting rooms

While equitable access to the consult rooms is supported, it is noted the path is located immediately adjacent to the site boundary preventing soft landscape area and landscape amenity being provided on site adjacent to the boundary. As the path is proposed at a 1:20 grade, it is suggested the path grade can be increased to 1:14 and located immediately adjacent to the building to allow for a planting bed adjacent to the boundary to accommodate screen planting.

8. Engineering

Council's Team Leader Development Engineering has advised that the following additional information is required:

The following information is required:

- Architectural Drawing DA3202 Sections 3 and 4 is not in the bundle or in the list of plans submitted electronically.
- The arborist is to assess the stormwater management plans.
- The BASIX Certificate must be amended so that stormwater is not proposed for use inside the building.
- Any rainwater tanks listed on the BASIX Certificate must be shown on the DA plans. In this instance they are to be shown on the Stormwater Layout Plan and should be mentioned in the report. The configuration on the plans must be consistent with the BASIX commitments.
- The Stormwater Management Statement is to be amended to refer to the Ku-ring-gai Local Centres Development Control Plan, particularly Volume C Part 4 (current reference is to Ku-ring-gai Municipal Council – Draft Drainage Code, a non-existent document).
- Parameters used for the DRAINS model, such as pre-and post-development built-upon area, are to be provided.
- What is the purpose of the 225mm diameter outlet pipe from the detention tank?

- Are the pits and pipes around the building really necessary? They will probably have to be deleted for reasons of tree protection and other means found of protecting the building from what appears to be relatively minor or even negligible overland flow.

9. Heritage

The issues identified in the assessment of the application by Council's Heritage Consultant are required to be addressed.

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 four (4) 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 \$2707.14 and a notification fee of \$1105. These fees 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 provide us with amended plans or respond within 21 days of the date of this letter.

Should you wish to withdraw your application, this needs to be done in writing within 7 days of the date of this letter and we will refund 30% of the development application fee.

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



Jonathan Goodwill
Executive Assessment Officer

