

PRE-DEVELOPMENT APPLICATION MEETING REPORT

REFERENCE No:	PRE0094/15		
SITE ADDRESS:	25, 25A and 27 Bushlands Avenue GORDON NSW 2072		
PROPOSAL:	Demolition of three dwellings and construction of a Residential Care Facility pursuant to SEPP (Housing for Seniors or People with a Disability) 2004		
DATE OF MEETING:	6 August 2015		
PRESENT AT MEETING:	Council		
	Name	Title	
	Jonathan Goodwill	Executive Assessment Officer	
	Shaun Garland	Team Leader Development Assessment South	
	Kerry Hunter	Urban Design Consultant	
	John Whyte	Ecological Assessment Officer	
	Tempe Beaven	Senior Landscape and Tree Assessment Officer	
	Applicant's representatives		
	Name	Capacity	
	Ada Cheng	Australian Nursing Home Foundation	
	Ellen Louie	Australian Nursing Home Foundation	
	Tony Robb	Consultant Planner	
	John Travers	Bushfire and Ecology Consultant	
	Luke Starr	Neighbour Consultation and Communications	
	Grant Shearer	Architect	
	Mark Boffa	Architect	
PLAN REFERENCES:	Plan no.	Drawn by	Dated
	DA00-DA07	Boffa Robertson Group	2015
DOCUMENTS/REPORTS:	Document(s)	Dated	
	Preliminary Town Planning Report prepared by Evolution Planning	13/07/2015	
KEY ISSUES:	<ul style="list-style-type: none"> • location and access to facilities • site compatibility test • departures from development standards • compatibility with area character • biodiversity impacts 		

EXECUTIVE SUMMARY

Zoning:	R2 Low Density Residential
Permissible Development:	No – does not satisfy clause 26 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
Relevant Environmental Planning Instruments & Codes	SEPP (Seniors Living) 2004 SEPP 19 – Bushland in urban areas SEPP 55 – Remediation of land SEPP (Sydney Harbour Catchment) 2005 Threatened Species Conservation Act 1995 (TSC Act) Ku-ring-gai LEP 2015 Ku-ring-gai DCP
Any relevant planning principles:	<u>Veloshin v Randwick Council [2007] NSWLEC 428:</u> <i>assessment of height and bulk</i>
Type of development:	Local
Relevant external referrals:	No
Bushfire Prone Land:	No
Biodiversity land:	Yes
Riparian land:	No
Vegetation/Endangered Species:	Yes – Sydney Turpentine Ironbark Forest
In the vicinity of Urban Bushland:	No
Heritage Item:	No – however 25 Bushlands Avenue is subject to an Interim Heritage Order
In the vicinity of a Heritage Item	No
Heritage Conservation Area:	site backs onto the St Johns Avenue Heritage Conservation Area
Aboriginal heritage:	No
Visual Character Study Category:	1920-1945
Easement, covenants, reserves, road widening etc	Yes – drainage easement

SITE ANALYSIS/ENVIRONMENTAL CONSTRAINTS

DESCRIPTION OF THE SITE AND ITS LOCATION:	The site contains three allotments. No. 25 Bushlands Avenue contains a dwelling-house, swimming pool and tennis court. No. 25A Bushlands Avenue contains a dwelling-house. No. 27 Bushlands
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	Avenue contains a dwelling house and a swimming pool.
Topography (slope) of the site:	The site falls from east to west.
Significant features on the site:	The site contains over 3000m ² of Sydney Turpentine Ironbark Forest which is identified as an endangered ecological community by the Threatened Species Conservation Act 1997. The vegetation has also been identified as biodiversity significant land by Ku-ring-gai LEP 2015.
CONTEXT OF THE SITE AND SURROUNDING DEVELOPMENT:	The site is located in a low density residential area characterised by a mix of single and two storey dwelling-houses on large allotments in a landscaped setting.

THE PROPOSAL:

- Demolition of existing dwellings and ancillary structures
- Removal of trees
- Construction of 3 storey residential care facility for 99 people over a single level basement carpark with 36 car spaces, storage rooms, staff room, kitchen and laundry

RESPONSE TO ISSUES

PLANNING COMENTS

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Clause 26 - Location and access to facilities

The location of the site does not comply with the requirements of clause 26. The application documentation states that a variation to these requirements is appropriate as the occupants of the facility will require a high degree of care and that the requirement for access to local services or public transport by these residents is not considered relevant. It is Council's position that clause 26 is not a development standard and that satisfaction of the clause is a precondition to the granting of a development consent. The applicant should select an alternative site that complies with the location and access to facilities requirements of clause 26.

The planning report states that the occupants of the facility will not require access to the nominated facilities but also states that a community bus to transport residents to services that they require and are not provided on site will be provided.

The decision of Preston CJ in *Wehbe*, states that the dispensing power under SEPP 1 is not to be used to effect general planning changes. Clause 26 of the SEPP applies to all forms of seniors housing. The planning report states that access to the nominated facilities is not required as the proposal is for a residential care facility. The essence of this submission is that the SEPP is wrong in applying location and access to facilities requirements to residential

care facilities. Concern is raised that the foreshadowed SEPP 1 objection would not be well founded as it advocates a general planning change that is not supported by the relevant case law. It is also considered that the proposal to provide a community bus undermines the position that the residents will not be independent and will not require access to services.

Clause 29 - Site compatibility

Clause 29 of the SEPP provides that where a site compatibility certificate is not required the matters listed in clause 25 (b) (i) (iii) and (v) must be considered in the assessment of the development application. The consent authority must be of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:

- (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*
- (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*
- (v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,*

The application documentation would need to demonstrate that the site is suitable for the proposed development despite the known significant environmental values (Sydney Turpentine Ironbark Forest) and the impact of the development on the area. Having regards to the likely impact on the biodiversity significant land and the incompatibility of the proposal with the character of the area, it is considered that the site is not suitable for the proposed development.

It is noted that the provisions of clause 29 were not addressed in the preliminary town planning report.

Clause 40 - Development Standards to be complied with

The proposal does not comply with several development standards in clause 40 of the SEPP. The site does not appear to be subject to any significant topographical constraints that would justify the departures from the development standards. Compliance with the development standards is strongly recommended.

Standard	Proposal	Compliance
Site area: 1000m ²	>1000m ²	YES
Site frontage: 20m	>20m	YES
The height of all buildings in the proposed development must be 8 metres or less	West elevation does not comply.	NO
A building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this	Elevations exceed two storeys as the basement is more than 1m above the ground.	NO

Policy applies) must be not more than 2 storeys in height,		
A building located in the rear 25% area of the site must not exceed 1 storey in height	Council does not agree with the suggested interpretation and is of the view that the 25% rear area is determined by the site configuration not the design of the proposed development.	NO

Notes:

height in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

ground level means the level of the site before development is carried out pursuant to this Policy

storeys: In calculating the number of storeys in a development for the purposes of this Policy, a car park that does not extend above ground level by more than 1 metre is not to be counted as a storey.

Clause 48 - Standards that cannot be used to refuse development consent for residential care facilities

Standard	Proposal	Complies?
Building height: 8m	>8m	NO
Floor space ratio: 1:1	0.77:1	YES
Landscaped Area: 25m ² per bed = 2475m ²	41m ² per bed	YES
Parking: 1 per 10 beds or 1 per 15 dementia beds 1 for every 2 employees 1 ambulance space	Further details of proposed use required	Cannot be determined

Note: *landscaped area* means that part of the site area that is not occupied by any building and includes so much of that part as is used or to be used for rainwater tanks, swimming pools or open-air recreation facilities, but does not include so much of that part as is used or to be used for driveways or parking areas.

Part 3 Design requirements

Clause 30 – Site analysis

A site analysis which complies with the requirements of clause 30 is required. The submitted site analysis provides minimal detail regarding the site context and the character of the area. A detailed site analysis that provides a realistic picture of the context is required.

Clause 34 - Visual and acoustic privacy

The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and*
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.*

Note. The Australian and New Zealand Standard entitled AS/NZS 2107-2000, Acoustics—Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671-1989, Acoustics—Road traffic noise intrusion—Building siting and construction, published by Standards Australia, should be referred to in establishing acceptable noise levels.

Consideration of the above requirements should be demonstrated in the application documentation.

Clause 35 - Solar access and design for climate

The proposed development should:

- (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and*
- (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

Note. AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.

Consideration of the above requirements should be demonstrated in the application documentation.

Clause 37 - Crime prevention

The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

- (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and*
- (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and*
- (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

Consideration of the above requirements should be demonstrated in the application documentation.

Clause 38 - Accessibility

The proposed development should:

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

Consideration of the above requirements should be demonstrated in the application documentation.

Clause 39 -Waste management

The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

Clause 55 - Residential care facilities for seniors required to have fire sprinkler systems

A consent authority must not grant consent to carry out development for the purpose of a residential care facility for seniors unless the proposed development includes a fire sprinkler system. The development must include the installation of a sprinkler system.

Ku-ring-gai DCP 2015

The relevant provisions of DCP 2015 include:

Section A

Part 2: Site Analysis

Part 13: Tree and Vegetation Preservation

Section B

Part 15: Site Design for Water Management

Part 19: Biodiversity Controls

Part 19R.1: Greenweb Maps

Part 20: Heritage and Conservation Areas

Section C

Part 22: General Site Design

Part 23: General Access and Parking

Part 24: General Building Design and Sustainability

Part 25: Water Management

Part 26: Notification

The relevant provisions of the DCP should be addressed in the design of the development and the supporting documentation.

LANDSCAPE COMMENTS

Neighbourhood amenity and streetscape

The landscape design of the development shall be compatible with the character of the local area. The site is in the vicinity of the C16A St Johns Avenue Heritage Conservation Area (KLEP 2015). The controls that relate to streetscape character include the following,

Significant existing trees

Existing trees that are located on the site and adjoining properties that are visually prominent and appear to be in good condition should be identified on the site analysis and retained as

part of the design proposal. The existing mature trees located in the front setback such as the mature *Cedrus deodara* (Himalayan Cedar) and within the rear setbacks, should be retained and protected. Cut and fill in proximity of trees that overhang the site from adjoining properties should be avoided.

The site supports several *Eucalyptus pilularis* (Blackbutt) and *Syncarpia glomulifera* (Turpentine) located within the site. These trees are to be retained and protected.

Existing street trees (Jacarandas) are to be retained. The proposed introduction of two new driveways is likely to have an adverse impact on existing mature trees located within the front setback and along the Council nature reserve. Use of existing driveway crossings where possible is preferable.

Landscape area

The landscape area is to be minimum of 25m² of landscaped area per residential care facility bed (2475m²). The *landscaped area* means that part of the site area that is not occupied by any building and includes so much of that part as is used or to be used for rainwater tanks, swimming pools or open-air recreation facilities, but does not include so much of that part as is used or to be used for driveways or parking areas (Clause 3, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004). A *landscape area* diagram is to be provided indicating compliance.

Existing mature shrubs and hedging along site boundaries are to be retained where possible. Excessive cut and fill within the front setback is not supported. To preserve existing trees and landscape character, the proposed basement should meet the street setback requirement.

The proposed limited landscape area within the front setback to the building due to the basement, circular driveway and porte cochere is considered inconsistent with the streetscape character.

Side setbacks/neighbour amenity

Proposed building setbacks are to be sufficient for the provision of adequate screen planting that can attain at least 4-6m in height.

General

Site Analysis

The site analysis is to include the location, height, spread and species of existing trees. Major trees on adjacent properties and street trees are also to be shown. All walls built to the site boundaries including top of wall levels and materials are to be included.

Arborist report and tree protection plan

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 subject site including drainage easements (if applicable) and trees on adjoining properties adjacent to the site boundaries. The consulting Arborist should also recommend design considerations to retain trees. Preparation of a Tree Protection Plan is required in accordance with Section 2.3.5 of AS4970-2009 Protection of Trees on Development Sites.

Landscape plan

The landscape plan is to include a detailed plant schedule of all proposed planting for the site along with details and specifications. Proposed planting for the site should be reflective of the broader Gordon and Ku-ring-gai landscape character and be appropriate for soil type and microclimate. It is required that proposed canopy tree planting on site be native endemic species associated with Sydney Turpentine Ironbark Forest (STIF) with an understorey planting of exotic (deciduous) and smaller native tree species. It is recommended that the landscape plan be undertaken in conjunction with the Hydraulic Engineer's drawings to minimise potential conflicts between necessary services and 'soft' landscape elements, particularly existing trees. All existing trees to be retained/removed are to be shown on the landscape plan and include spot levels at the base of tree.

Environmental site management plan

An environmental site management plan is to be provided in accordance with Council's DA Guide including a plan indicating proposed site activities including temporary construction access, tree protection fencing, location of stockpiles and materials. Truck heights are to be specified to enable assessment of canopy impacts by arborist.

Landscape area compliance diagram

A Landscape area compliance diagram is to be submitted.

ENGINEER COMMENTS

Water management

To achieve the objectives of Clause 36 of the Seniors Living SEPP, water management for the development should be designed with regard to the Ku-ring-gai DCP, particularly Part 25. On site detention, retention and re-use of roofwater, and water quality measures will all be required and the development should be designed to accommodate these. It appears that gravity drainage to the street drainage system will be possible.

Parking

Parking provision is to be as required by the Seniors Living SEPP. The rate of one space per 15 beds can only be used if the entire facility is for the care of dementia patients.

A traffic report is to be submitted with the DA. It should also contain a section on construction traffic management, consistent with the environmental site management plan. Compliance with AS2890.1:2004 *Off street car parking* should be addressed, as well as any specific requirements for manoeuvring larger vehicles e.g. ambulance or waste collection. Because of the need for waste collection vehicles to enter the basement, the maximum driveway gradient is to be 20%, and the headroom required by the largest waste collection vehicle is to be demonstrated on a longitudinal section.

Waste

The applicant should contact Council's Manager, Waste Services, and obtain written advice regarding collection of waste from the development. Internal collection by an 11 metre truck, as described in Part 24.4 of the DCP, would most likely be required.

Alternatively, if private collection is proposed, then written advice from at least three providers should be submitted with the DA to demonstrate that they are willing to collect waste from within the site and the size of vehicle available.

Geotechnical report.

Up to 4.5 metres of excavation is proposed. A geotechnical report should be submitted with the DA. Matters to be addressed include excavation methods and support, dilapidation reporting of neighbouring structures and groundwater with regard to construction dewatering.

ECOLOGICAL COMMENTS

1. Ecology comments

During the site inspection the vegetation was inspected to determine the presence of native plant communities. The vegetation onsite was determined to be representative of Sydney Turpentine Ironbark Forest (STIF) listed as an Endangered Ecological Community (EEC) under the *Threatened Species Conservation Act 1995*.

Ecological constraints/environmental controls

The native vegetation (STIF) within the site occurs primarily within the site has been mapped as an area of "biodiversity significance" under the KLEP (2015). The proposal must satisfy the provisions of Clause 6.3 'Biodiversity protection' of the KLEP.

The vegetation has also been mapped as Support for Core Biodiversity Lands and Biodiversity Corridors and Consolidation under DCP 2015.

The relevant clauses and controls in Parts 19.3, 19.5 and 19.8 of DCP 2015 have been considered. The proposed development fails to meet the relevant objectives and controls.

2. Arborist report

An arborist report is required to be prepared to assess the impacts of the proposal upon remnant trees situated within and adjacent to the site that could be affected by future development. The assessment of impacts upon trees as a result of the proposal is to be prepared in accordance with AS4970 Protection of trees on development sites.

The project arborist is to be suitably experienced and competent in arboriculture, having acquired through training, qualification (minimum Australian Qualification Framework (AQF) Level 5, Diploma of Horticulture (Arboriculture)) and/or equivalent experience, the knowledge and skills enabling that person to perform the tasks required by this Standard (AS4970).

Landscape Planting

Areas mapped as biodiversity significance should be enhanced through landscape planting of STIF species selected from the scientific determination

<http://www.environment.nsw.gov.au/determinations/SydneyTurpentineIronbarkForestEndComListing.htm>

A mixture of STIF shrubs, sub-canopy and groundcovers should be selected and planting spatial arrangement should simulate a natural setting, monocultures should be avoided.

3. Information required to be submitted with the development application

A flora and fauna assessment is unlikely to be required if all STIF canopy trees/vegetation are retained within the property. In the event that STIF trees/vegetation are to be impacted upon a flora and fauna report is to be prepared to assess the impacts of proposal upon threatened endangered ecological communities, endangered populations and threatened species under the aforementioned Acts.

The flora and fauna report would be required to take into account the works proposed in the DA plans and any other works or recommendations made in other sub-consultant reports (Arborist report & stormwater design). The flora and fauna assessment should be prepared in accordance with the general flora and fauna guidelines.

http://www.kmc.nsw.gov.au/Plans_and_regulations/Building_and_development/Forms_and_information_packs

Vegetation Management Plan

A Vegetation Management Plan (VMP) which outlines the criteria for the establishment, management and rehabilitation of the STIF vegetation is required to be prepared and submitted to the Council in accordance with Biodiversity DCP. The VMP is requested to enhance, protect and ensure the long-term viability of the STIF community vegetation upon the site. The VMP should be prepared in accordance Department of Infrastructure, Planning and Natural Resources: *"How to Prepare a Vegetation Management Plan", Version 4.*

The VMP should describe each task necessary for the implementation of the plan, the duration and priority. Maps, diagrams and plant species lists. The VMP should describe the existing vegetation and natural features to be retained, proposed vegetation, sediment and erosion control and stabilisation works. The following points below are to be addressed within the Vegetation Management Plan.

Vegetation management	<ul style="list-style-type: none"> • Vegetation management objectives • Weed removal methods • Revegetation methods • Habitat creation and management Maintenance strategies
Protective measures	<ul style="list-style-type: none"> • Protection of existing vegetation • Soil and stormwater management • Erosion and sediment control • Disposal of vegetation and materials on site

The VMP is to be prepared by a qualified ecologist or experienced bushland restoration ecologist.

URBAN DESIGN

The existing urban character

The northern side of Bushlands Avenue (including the subject allotments) comprises large federation style homes set within established landscape settings on large allotments. There are some art deco homes to the west of the subject sites, and some redeveloped detached homes further to the west towards the Gordon Golf Course. The southern side of the street comprises a wider mix of domestic architectural styles and generally comprises smaller homes.

The 99-bed residential care facility is not proposed on a single allotment but rather across the amalgamation of 3 very large existing allotments accommodating grand homes in beautiful garden settings.

The proposed facility, spread across an amalgamated development site will result in a larger building type than the surrounding detached dwellings.

As proposed, the built form demonstrates a priority to the internal program of the facility (which will achieve high levels of amenity for future residents of the site) but demonstrates little consideration of the subdivision pattern, the figure/ground rhythm of built form and landscape along Bushlands Avenue, or overall articulation of the built form as experienced externally.

The internal courtyard provides good internal amenity but results in a much larger building footprint as experienced externally.

Other options are available such as (but not limited to) rotating and manipulating the proposed square-shape 'Q'; or a 'cross shape' '+' that can address the above issues while still providing dedicated garden areas for each wing that can be of differing character, a centralized functional core and much better address issues of building bulk and streetscape arising from alignment and inadequate articulation of the building mass.

Building Bulk

Building bulk is not supported on grounds of poor streetscape character. The proposed building type being large, the building form - square 'Q' - combined with the impacts of the

skewed alignment on the site increase the perception of building bulk. As suggested above, alternative building forms, articulation and alignments are available.

Privacy between adjacent neighbours

The location of individual rooms and their primary aspect maximizes internal amenity by trying to maximize the number of rooms with an aspect around north.

The location of the corner living rooms, while demonstrating a rational planning layout that achieves light and natural ventilation from two sides, results in privacy impacts to the neighbouring properties that are not supported.

Site Analysis

The site analysis does not satisfy Cl 30 of the SEPP. This will need to be demonstrated and comprises an extensive list of requirements that is not confined to those nominated. Additional information showing the surrounding urban context will be expected as part of any advocacy around streetscape character.

St Johns Avenue Heritage Conservation Area

Analysis of the adjacent heritage conservation area (C16A) is to be provided. The design response in a future DA is to demonstrate how the KLEP 2015 cl 5.10 (1) through (10) and KDCP 2015 Section B part 20 Heritage Items and Heritage Conservation Areas Cl 20F have been satisfied.

Clause 33 - Neighbourhood Amenity and Streetscape	
<i>33 (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</i>	Not demonstrated. Bushlands Avenue is not a precinct undergoing a transition under KLEP 2015 development controls. Therefore, the existing low density residential urban character will be retained. The current design is unlikely to be supported on grounds of proposed alignment, building bulk proposing excessive wall lengths, lack of articulation of the mass, streetscape address, impact of excavation and extent of hard stand driveway upon the streetscape character and neighborhood amenity due to privacy impacts.
<i>33 (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</i>	No information submitted that acknowledges or demonstrates consideration of the neighboring heritage conservation area to the north
<i>33 (c) maintain reasonable neighbourhood amenity and appropriate residential character by:</i> <i>(i) providing building setbacks to reduce bulk and overshadowing, and</i> <i>(ii) using building form and siting</i>	Not demonstrated. All proposed development needs to demonstrate how the existing urban character is being addressed through the proposed building form. Building form is an expression of the specific design model for the building type.

that relates to the site's land form, and
(iii) adopting building heights at the
street frontage that are compatible in
scale with adjacent development, and
(iv) considering, where buildings are
located on the boundary, the impact of
the boundary walls on neighbours, and

It comprises the arrangement and placement of massing on a site, how that massing is aligned in context of the subdivision pattern, surrounding urban form, and as a site-specific environmental response to things such as climate, significant vegetation and topography. It also must consider how the building form will be experienced from the public domain or from adjacent private domain.

The building alignment skewed to 45° demonstrates consideration of the amenity internal to the site that has the potential to achieve lovely garden outlooks for residents but this appears to be at the expense of the experience of neighbours and from the public domain.

The proposed 'doughnut' shape creates a large enclosed internal courtyard that achieves high internal amenity for residents and their visitors. However, accommodating the internal courtyard results in additional building bulk due to the resulting longer perimeter walls. The 45° alignment then exaggerates the experience of the larger building footprint because more of the building is visible and more of the site is required to accommodate it. Façade articulation needs to be considered as a separate issue from the 3-d massing articulation.

It is noted that wall lengths significantly exceed KCDP 2015 Section A Part 4 Cl 4C.2 (3) maximum of 8m for walls taller than 4m within the R2 zone. The proposed built form, therefore, does not achieve the zone objectives (1), (2) or (3) of this clause.

While it is acknowledged that skewing built form in relation to neighbouring buildings can achieve high levels of amenity for both sites, it also requires a considered resolution of internal planning. Primary living areas for instance cannot be located in places close to the boundaries with corner windows then oriented directly towards those neighbours as is proposed.

There is a section of excessive excavation that accommodates a courtyard and external openings for the staff room at basement level that appears to result in a subterranean component of outdoor space requiring quite extensive retaining walls and terracing in close proximity to the boundary with the neighbouring property to the west. This should be reconsidered so that no habitable rooms are accommodated as a direct result of excavation more than 1 metre below adjacent ground level and need to ensure that no soil is retained by walls accommodating habitable rooms.

<i>33 (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</i>	Not demonstrated. The porte cochere extends significantly into the front landscape and its form needs to be considered in context of the skewed alignment. The extent of driveways and excavation proposed in the front landscape setback zone does not demonstrate an appropriately sympathetic design response.
<i>33 (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</i>	Can be achieved but no detailed information at preDA stage. Urban design opinion is that the proposed landscape that is proposed must contribute positively to the streetscape and retain the special character of the existing street and surrounding properties.
<i>33 (f) retain, wherever reasonable, major existing trees, and</i>	Not demonstrated. Removal of significant trees within the area identified as biodiversity significant land is proposed. This relates back to the appropriateness or otherwise of the proposed specific design model. Alternative built form options are available that can reduce biodiversity impact have not been pursued. Also refer to Ecological comments.
<i>33 (g) be designed so that no building is constructed in a riparian zone.</i>	Not applicable

ENVIRONMENTAL HEALTH

Noise

The main potential sources of noise impact from the proposed development would include any mechanical exhaust/ventilation systems, air conditioning systems, noise from traffic generation, lift motors and the like. A full noise assessment from a suitably qualified acoustic consultant should be submitted and address:

- Background noise levels and assessment against legislative noise criteria; and
- Recommendations/construction requirements – eg enclosures/barriers/building design etc.

Food preparation - Kitchen

Details of the food preparation areas should be submitted showing compliance with the Food Act, Food Standards Code and AS4674.

Garbage and recycling facilities

Details should be provided of an appropriate area for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The garbage storage area will need to be enclosed and all internal walls be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

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.
- BCA Capability Report
- Access Report

CONCLUSION

The following fundamental issues have been identified:

- location and access to facilities
- site compatibility test
- departures from development standards
- compatibility with area character
- biodiversity impacts

In this regard, it is unlikely an application of this nature would be supported.

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: 4/09/2015

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.