

Contact: Jonathan Goodwill

Ref: DA0223/16

20 October 2016

City Projects and Development Pty Ltd
ATTN: Gil Candido
Level 6, 120 Sussex Street
SYDNEY NSW 2000

Dear Mr Candido

Application No.:	DA0223/16
Proposed development:	Demolish existing structures and construct residential flat building comprising 96 apartments, basement parking and associated landscaping works
Property:	101 Eton Road LINDFIELD NSW 2070

We have undertaken an assessment of your application. We advise that the following issues are required to be addressed:

1. Floor space ratio

The gross floor area calculation plans exclude from gross floor area corridors that are not vertical circulation and rooms that are not 'plant rooms, lift towers and other areas used exclusively for mechanical services or ducting'. The application documentation also advises that the basement projects more than 1m above natural ground level. As specified in the definition of gross floor area only car parking, '*....to meet any requirements of the consent authority (including access to that car parking)*', is excluded from gross floor area. Part 7B.1 of the DCP further specifies that all residential flat developments are to provide on-site car parking within basements, that basement car parks are not to project more than 1m above existing ground level and that any basements greater than 1m above existing ground level will be included in the floor space ratio calculation. Basement is also defined by the LEP as:

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

It is noted that the area of the building which projects more than 1m above the ground level is also non-compliant with the 12m Eton Road setback control.

As the documentation states that the floor space ratio of the proposal is the maximum permitted by the floor space ratio control, the failure to accurately calculate the gross floor area of the building means that the proposed development does not comply with the floor space ratio development standard. The development is required to be redesigned to comply with the floor space ratio development standard.

2. Building height

The proposed lift overruns of Buildings A and C have a maximum RL of 82.60 (DA07.03[A]). The proposed lift overrun of Building B has a maximum RL of 83.30 (DA07.02[A]). This means to comply with the maximum height of building, the minimum ground level (existing) directly beneath the lift overruns should have an RL of 68.10 for Buildings A and C, and RL 68.80 for Building C. The survey plan appears to show that there are existing RLs which are slightly less than this in each location (up to 370mm). This means that the proposal does not comply with the development standard. It is noted that a clause 4.6 variation to enable a variation to the development standard has not been submitted and recent demolition work carried on the site may have altered the existing ground level. Additional information addressing this issue is required, although in the first instance it is recommended that the design of the lift overruns be revised to avoid any variations to the building height development standard.

3. Inadequate resident and visitor car parking

The incorrect parking rates have been used to calculate the resident parking requirements. The site is subject to Part 22R.1 of the Ku-ring-gai DCP as the site is further than 400 metres from a railway station. The site is not subject to the parking rates specified by the Apartment Design Guide as the site is more than 800 metres from a railway station and not zoned or within 400 metres of land zoned B3 Commercial Core or B4 Mixed Use. The traffic report states that 102 resident parking spaces are required. The actual number of resident spaces required is 126 (12x1+72x1.25+12x2). The shortfall is 24 car spaces.

The DCP and the ADG state that all car parking for a residential flat development must be provided on the site. The proposal to rely on street parking for visitors is not supported as availability of the car parking cannot be guaranteed as occupants of the dwelling houses are also likely to have visitors and cars plus additional cars not parked within their properties and it has been acknowledged that these car spaces cannot be exclusively allocated to visitors.

To comply with the car parking requirements an additional level of basement car parking will be required to accommodate the additional 24 resident and 22 visitor car spaces required for the development.

4. Insufficient deep soil landscape area

Land zoned R1 General Residential is to provide a minimum 55% deep soil area. The proposed deep soil area is claimed to be 50% of the site area, however the deep soil landscaping area calculation is incorrect as the following areas which are not deep soil landscaping have been included as deep soil landscaping:

- Areas of paving greater than 1.2m width
 - Areas of gravel
 - Concrete bands set in gravel
 - Concrete entrance to new road greater than 1.2m width
 - Timber boardwalk and seating deck
- Areas of deep soil less than 2m width
 - between Building/basement and retaining walls
 - between retaining walls
- Structures
 - Pergola structure
 - Masonry planter walls
 - Feature walls

Excluding the above, the proposal will not comply with the minimum deep soil zone requirement. The justification in the statement of environmental effects for the variation to the deep soil landscaping requirement are a series of generic statements that do not establish a strong rationale for the variation to the deep soil landscaping requirement. The justification does not, for example, explain the special characteristics of the proposed development that warrant a variation to the control or provide any details of the alternative solutions that achieve the objective of the deep soil landscaping requirements as required by section 79C (3A) (b) of the Environmental Planning and Assessment Act 1979.

5. Eton Road RFB access driveway

The proposal includes the removal of the following trees located within the Eton Road road reserve:

- Tree 508/*Eucalyptus haemastoma* (*Scribbly Gum*). This tree is located within the Eton Road road reserve. The tree has not been included on the survey plan or in the arborist assessment.

- Tree 509/*Corymbia gummifera* (Red Bloodwood). This tree is located within the Eton Road road reserve. The tree has not been included on the survey plan or in the arborist assessment.
- Tree 510/*Pittosporum undulatum* (Sweet Pittosporum). This tree is located within the Eton Road road reserve. The assessment of this tree as Z1 is incorrect.
- *Pittosporum undulatum* (Sweet Pittosporum) This tree is located within the Eton Road road reserve. This tree has not been included on the survey plan or in the arborist assessment.

Control ii) in Part 14B.1 of the DCP states:

ii) The vegetation along Eton road is retained and enhanced to reinforce the historical Bushland Entry Area of the UTS Ku-ring-gai Campus.

Objectives 1 and 2 in Part 14B.1 of the DCP state:

- 1. To reinforce the bushland character of the site.*
- 2. To retain significant vegetation.*

To retain and enhance the historical Bushland Entry, the driveway for the RFB is to be from the new road within the subject site rather than from Eton Road.

6. Shout Ridge setback variation

The minimum setback requirement from the Shout Ridge boundary is 12m. The proposed setback is 6.8m. The Pre DA meeting report of December 2015 advised that variations to the setback of the RFBs could be considered where the minimum deep soil requirement is provided. The proposal displays a significant departure from the deep soil landscaping requirement, accordingly there is insufficient justification for a variation to the Shout Ridge setback requirement. The variation to the setback control is inconsistent with the control objectives which seek to ensure that buildings are situated within a garden setting dominated by canopy trees , provide effective deep soil areas and reduce the visual bulk of buildings from the street.

7. Courtyard encroachments

There are six courtyards on the Shout Ridge side with 5.3m setbacks and six on the northern side with 7m setbacks. Courtyards are required to have a minimum setback of 8m from the street boundary if the minimum setbacks have been achieved. No encroachments are permitted where minimum setbacks have not been achieved.

The Pre DA meeting report advised that the courtyard encroachments should be avoided.

The courtyards which face Shout Ridge are larger than the 15m² minimum specified by the ADG and should be reduced to achieve compliance with the courtyard setback control.

8. Apartment mix

The proposed ground level unit mix is comprised of 4 one bedroom apartments and 23 two bedroom apartments. This does not meet the mix of one, two and three bedroom apartments required by the controls. The failure to provide 3 bedroom apartments at the ground floor level that would be suitable for larger households and families is not consistent with objectives of Part 7C.4 'Apartment Mix and Accessibility' of the DCP. The plans are required to be amended to comply with the DCP controls by providing at least one 3 bedroom apartment on the ground floor level of each building.

9. Adaptable apartments

The adaptation plans suggest that substantial building works will be required to convert nominated adaptable apartments into compliance with the provisions of AS4299. The proposed works include the widening of internal corridors and substantial alterations to kitchens and bathrooms. The table in Appendix A of AS4299 states that an Adaptable House Class C must have 'All essential features incorporated'. Compliant hallways, kitchens and bathrooms are essential features for adaptable housing. All adaptable apartments are required to comply with the Class C requirements specified in AS4299 at the time of construction. The plans are required to be amended in accordance with these requirements.

10. Storage

57 of 96 units do not provide the respective required volumes of storage within the apartment. This does not meet ADG Design Criteria 4G-1 1. ADG Design Criteria 4G-1 1 is explicit that the required storage volumes are 'in addition to storage in kitchens, bathrooms and bedroom,' and that 'at least 50% of the required storage is to be located within the apartment'. The provision of additional storage within the basement is not considered to satisfy the objective of the controls as the items stored in basement storage cages will be different to those stored inside the apartments.

11. Minimum corridor width

The proposed corridor to the ground floor of Building B outside of the northern lift appears to be 1.5m wide [DA02.00[A]]. This does not meet the 1.8m required by the controls. Amended plans which comply with this control are requested.

12. Natural ventilation - apartments

The number of naturally cross ventilation apartments in the building does not meet the minimum requirement of 60%. This aspect could be improved. One solution might be to include a large openable clerestory window to the rear of each single orientation unit on the third floor of each building which would bring the total to 20 of 96 (63%) in each building.

13. Natural ventilation - corridors

The proposed corridors to the third floors of Buildings A, B and C are provided with skylights [DA02.03[A]], however there is no documentation that suggests that the skylights are openable. Whilst these skylights provide natural light to the corridor, they do not appear to provide natural ventilation as required by the controls and ADG Design Guidance 4F-1 4 and 4F-1 5. This aspect should be addressed. One solution might be to provide clerestory windows to these corridors.

14. Minimum Balcony depth

The proposed balconies to three bedroom units A2.3, B2.3 and C2.3 are approximately 2m in width. This does not meet the 2.4m required by ADG Design Criteria 4E-1 1. Areas of planter box cannot be included as balcony area. This aspect should be addressed as the 2m width proposed will not provide sufficient space for the larger outdoor furniture units likely to be required for 3 bedroom apartments.

15. Minimum Balcony area

The proposed balcony to two bedroom unit C3.5 is approximately 6m² in area. This does not meet the 10m² required by ADG Design Criteria 4E-1 1. ADG Design Criteria 4E-1 1 states that 'the minimum balcony depth to be counted as contributing to the balcony area is 1m'. A minimum balcony area of 10m² should be provided.

16. Engineering

Council's Development Engineer has requested the following additional information:

- Confirmation of whether the bioretention basins are to be planted out as shown on the landscape plans or just surfaced with the coarse sandstone gravel indicated on Section 1 on Bonacci Drawing C136 P3. This will affect the deep soil area.
- Confirmation that Council's objective of a 50% reduction in runoff days will be achieved by the proposed re-use of roofwater for irrigation and car washing (Part 24C.3 of Ku-ring-gai DCP). A water balance model or MUSIC model can be used for the calculations.
- The Waste Management Plan is to be amended to delete the reference to compaction of waste and the number of containers required under Part 23.7-37 of the DCP is to be shown. Waste collection area(s) are to be adequately sized and access to the collection areas demonstrated, including a standing area adjacent to each and a full longitudinal section along the entire path of travel of the small waste collection vehicle demonstrating a minimum headroom of 2.6 metres.

17. Landscaping

Council's Landscape Officer has requested the following additional information:

Site survey

Insufficient detail has been provided to enable assessment. The survey should identify all existing trees and the extent of significant rock outcrops located along the frontage to Eton Road. This may affect the proposed location of structures, construction access and sediment ponds.

The survey must include all existing trees along the Eton Road frontage, particularly the following trees located directly south of Trees 512.

Tree 508/ *Eucalyptus haemastoma* (*Scribbly Gum*). This tree is located within the Eton Road road reserve. The tree has not been included on the survey plan or in the arborist assessment.

Tree 509/ *Corymbia gummifera* (*Red Bloodwood*). This tree is located within the Eton Road road reserve. The tree has not been included on the survey plan or in the arborist assessment.

Pittosporum undulatum (Sweet Pittosporum). This tree is located within the Eton Road road reserve. This tree has not been included on the survey plan or in the arborist assessment.

Arborist report

A detailed assessment of all trees to be retained/removed in association with the proposed development including stormwater and landscape works is to be submitted with this application. The assessment of indicative outlines of apartment buildings is considered unsatisfactory and should consider the entire proposal as lodged.

Civil/ Stormwater plans

The proposed indicative bio retention basin footprints for the future residential flat buildings are to be relocated as they conflicts with existing trees to be retained Trees 94, 513 and 514.

Landscape plan

The landscape plan is to be amended to include the following,

- The Landscape levels plan should be overlaid over the survey plan to enable assessment of cut and fill. Spot levels at the base of trees should be shown. Tree trunks are to be accurately shown as per the arborist report. Proposed levels to all external areas within the front and side setbacks to be shown including top of wall levels. Where internal paths meet the front boundary, existing levels are to be shown.
- All proposed tree planting including within the bioswale for the proposed new road is to be identified.
- A plant schedule is to be provided for all proposed planting with realistic quantities in accordance with Council's DA Guide.

BASIX Certificate

The Basix Certificate is inconsistent with the landscape plan in regards to the common area of garden and the common area for lawn.

The Basix Certificate is inconsistent with the landscape plan in regards to the individual dwelling area of garden and lawn.

Bushfire

The Bushfire Protection Assessment is for the subdivision of land (Section 1.3, Bushfire Protection Assessment, Ecological, 5/01/16). A Bushfire Risk Certificate is to be provided for the proposed RFB development. The certificate should reference the landscape plans lodged with the application for the three residential flat buildings.

Civil/Stormwater plans

The proposed bio basin at the southeast corner of the site is to be reconfigured as it conflicts with existing trees to be retained Trees 444, 448 and the conservation area.

Architectural plans

The 1:100 ground floor plans that provide Unit numbers (DA03.00 and DA.3.10) do not include a section of Building B. Unit numbers are not provided on the Site Plan. The substation location is to be verified as to its accessibility.

Environmental site management plan

The environmental site management plan is to be amended as follows:

- Access should be via the new road and not via the narrow existing driveway. The access via the driveway has not considered the adverse impacts on existing trees proposed to be retained (Tree 443, 444 and 448). The swept paths indicate that further excavation of the existing rock batters within the public reserve would be required (refer Construction Traffic Management Plan, Dwg A-002, Issue A, City Projects Developments, 3/05/16). This would have an adverse impact on the Bushland Entry and the Conservation Area.
- All fencing should be shown outside of the Conservation Area at the southeast corner of the site.
- Tree protection measures are to be shown in accordance with a detailed arborist assessment.

18. Ecology

Council's Ecological Assessment Officer has requested the following additional information:

Amended Vegetation Management Plan

An amended Vegetation Management Plan (VMP) which outlines the criteria for the establishment, management of the SSRW community within any Asset Protection Zones (APZ) is required to be prepared submitted to the Council for assessment and approval prior to issuing the DA determination.

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 VMP is to be amended to include the following.

- Maps or diagrams which clearly identify the VMP area; the existing vegetation; the vegetation to be retained; the vegetation to be cleared; the footprint of construction activities; and areas of proposed revegetation etc. should be prepared.
- Photographs of the site should be supplied and photo points should be identified. To assist with future monitoring and reporting requirements, the photo points should be identified by GPS coordinates or by survey. This is particularly important for large scale earthworks.
- Measures for controlling long term access and encroachments (bollards, fences, etc.) into the VMP area should be identified.
- Vegetation species composition, planting layout and densities should be identified. The required mix of plant species relates to the actual community to be emulated and the size of the area or areas to be rehabilitated but mature vegetation communities are generally well structured, comprising trees, shrubs and groundcovers species. Planting densities should achieve quick vegetative cover and root mass to maximise bed and bank stability along the subject watercourse.
- Costs associated with high density planting will be recovered through reduced maintenance costs for weeding or replacement planting in the maintenance period specified in the VMP area.
- Seed or plant sources should be identified. Where possible, native plants and seed sources of local provenance should be used.
- Exotic vegetation should be avoided. The use of exotic species for temporary soil stabilisation is permitted provided they are sterile, non-invasive and easily eradicated when permanent vegetation is established.
- Details of the planting program, rehabilitation methods and staging should be provided. Techniques such as hydro-seeding, direct seeding, brush matting or assisted natural regeneration may be considered.
- Maintenance requirements should extend for a minimum of two years after the completion of works or until such time as a minimum 80 per cent

survival rate of each species planted and a maximum 5 per cent weed cover for the treated riparian corridor controlled activity is achieved.

- Project tasks should be defined and described, including a schedule detailing the sequence and duration of works necessary for the implementation of the VMP.
- Costings for the implementation of all components and stages of the work including materials, labour, watering, maintenance which includes plant replacement, monitoring and reporting should be prepared.
- Processes for monitoring and review, including a method of performance evaluation should be identified. This should include replacing plant losses, addressing deficiencies, problems, climatic conditions and successful completion of works.
- Regular reporting on the implementation and status of works covering progress, success or failures and completion should be provided. The number and duration of reporting periods will be identified in the VMP. Works as executed plans and reports detailing how the components of the VMP have been implemented will be required prior to the release of the subdivision certificate.

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, please 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 (20% of the statutory DA fee) being \$7974.88. 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 provide the amended plans within 21 days of the date of this letter.

Should you have any further enquiries I can be contacted on 9424 07040.

Regards

Jonathan Goodwill
Executive Assessment Officer