

PRE-DEVELOPMENT APPLICATION MEETING REPORT

REFERENCE No:	PRE0049/16	
SITE ADDRESS:	12, 14 and 16 Trafalgar Avenue, Roseville	
PROPOSAL:	Demolish existing structures and construct a 3 storey residential aged care facility containing 118 rooms and a basement carpark containing 31 car spaces. Stage 1 is the demolition of existing structures at 12-14 Trafalgar Avenue and construction of the southern part of the RACF which contains the basement. Stage 2 is the demolition of the existing hostel at 16 Trafalgar Avenue and construction of the northern part of the RACF.	
DATE OF MEETING:	11 May 2016	
PRESENT AT MEETING:	Council	
	Name	Title
	Jonathan Goodwill	Executive Assessment Officer
	Selwyn Segall	Team Leader Development Assessment South
	Robyn Askew	Senior Landscape and Tree Assessment Officer
	Applicant's representatives	
	Name	Capacity
	Paul Smith	CEO of KOPWA
	Ian Doyle	Director of KOPWA
	Toby James	Town Planner
	Ian Thompson	Project Manager
	Lisa-Maree Carigan	Architect
	John Chia	Architect
	John Holland	Architect
PLAN REFERENCES:	Plans prepared by Group GSA	
	Survey plan	
DOCUMENTS/REPORTS:	Document(s)	
	KOPW's Services Statement	
	Pre-DA Heritage Impact Statement dated March 2016	
	GroupGSA Landscape Design Statement	
	Access for people with a disability report dated March 2016	
	Tree Report dated March 2016	
KEY ISSUES:	<ul style="list-style-type: none"> • prohibited development • does not comply with location and access to facilities requirements • site compatibility test • unacceptable impacts on heritage conservation area • compatibility with area character 	

- departures from development standards

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 (Housing for Seniors or People with a Disability) 2004 SEPP 55 – Remediation of land SEPP (Sydney Harbour Catchment) 2005 Ku-ring-gai LEP (Local Centres) 2012 Ku-ring-gai Local Centres DCP
Any relevant planning principles:	<u>Helou v Strathfield [2006] NSWLEC 66</u> <i>Demolition of contributory item in conservation area</i> <u>Veloshin v Randwick Council [2007] NSWLEC 428</u> <i>Assessment of height, bulk and scale</i> <u>Symon v Hornsby Shire Council [2015] NSWLEC 1028</u> SEPP 1 for variation to clause 26 of SEPP Seniors
Type of development:	Local
Relevant external referrals:	Yes
Bushfire Prone Land:	No
Biodiversity land:	No
Riparian land:	No
Vegetation/Endangered Species:	No
In the vicinity of Urban Bushland:	No
Heritage item:	No
In the vicinity of a Heritage item:	Yes
Heritage Conservation Area:	Yes
Aboriginal heritage:	No
Visual Character Study Category:	1920-1945
Easement, covenants, reserves, road widening etc	The Epping/Chatswood rail tunnel is located underneath the site. The application would be referred to Railcorp (Sydney Trains) for concurrence under the provisions of SEPP (Infrastructure) 2007.

SITE ANALYSIS/ENVIRONMENTAL CONSTRAINTS

THE SITE	12 Trafalgar Avenue – single storey building 14 Trafalgar Avenue – 2 storey building 16 Trafalgar Avenue – brick nursing home known as Archbold House
The surrounds	Of the 24 buildings in the street block bordered by Clanville Road to the north and Oliver Road to the south 5 buildings are 2 storey, 2 have 2 storey elements and 17 are single storey.
Topography (slope) of the site:	The slopes upwards from north-east to south-west. The site is located on the high side of the street.
Significant features on the site:	The buildings at 12 and 14 Trafalgar Avenue contribute to the heritage significance of the heritage conservation area. The existing nursing home has a 17m (min.) street setback which minimise the visual impact of the building in the streetscape.
CONTEXT OF THE SITE AND SURROUNDING DEVELOPMENT:	The site is located in a low density heritage conservation area characterised by 1 and 2 storey dwelling houses. The streetscape is characterised by avenue planting of street trees, landscaped backdrop of gardens and consistency of the architectural character and scale.

PLANNING COMMENTS

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

Clause 26 - Location and access to facilities

The site is more than 540m from an access point to the services described in clause 26. As the site does not comply with the requirements of clause 26, the proposal is not subject to the SEPP. The proposed development is prohibited under the provisions of Ku-ring-gai LEP (Local Centres) 2012.

Alterations and additions to the existing residential aged care facility at 16 Trafalgar Avenue could be considered under the existing use rights provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.

Clause 29 - Site compatibility

The built form inconsistent with the streetscape in terms of massing, height, inadequate landscaping and institutional (i.e. minimal and repetitive) articulation. Demolition of contributory buildings will have an adverse impact on the character of the HCA.

The maximum building length on the front elevation is 58m, greater than the length permitted (36m) in R4 High Density Residential zones and substantially greater than the average widths of dwellings in the HCA. The two building forms that face Trafalgar Avenue are opposite 5 dwellings on the eastern side of the road and a street. A site frontage of 110m would generally result in at least 6 dwellings, with front gardens and side setbacks. The rhythm of the built

form should be consistent and compatible with the character of the heritage conservation area.

Clause 40 - Development Standards to be complied with

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	>8m	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 Policy applies) must be not more than 2 storeys in height	Three storeys	NO
A building located in the rear 25% area of the site must not exceed 1 storey in height	The application documentation states that the applicant is a Social Housing Provider and that this development standard will not apply.	N/A

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 the SEPP

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

Comments

Any requests for variations to development standards will need to be prepared in accordance with the requirements of clause 4.6. The objectives and requirements of clause 4.6 are similar to the requirements of SEPP 1 and in this respect the relevant case law on the assessment of SEPP 1 objections should be applied to the preparation of the clause 4.6 variation. Reference should also be made to the principles adopted by Justice Pain in the decision of Four2Five Pty Ltd v Ashfield Council.

The proposal does not comply with 8m height control. It was stated during the meeting that the variation to the 8m height control is a result of an existing basement level located within the footprint of the proposed building. If a variation arises out of a technical non-compliance and the building does not have elevations with a wall height of more than 8m it may be consistent with the requirement of clause 4.6. It is noted that the FFL of the ground floor level is actually higher than the footpath level on the northern side of Trafalgar Avenue. The justification for the variation would be stronger if the existing floor level was significantly lower than the footpath level. The proposed top storey ceiling RL of 111.60 is 9.3m higher than the footpath level of RL 102.30. The south-eastern side of the northern wing will be visible

from the street as the proposed porte cochere and courtyard 3 are to have a finished level of RL 101.90, which is lower than the existing footpath level.

Section/elevation 03 shows that the north-western elevation of the building has a height of 3 storeys. The variation to the 2 storey height control arises due to the proposed deep excavation adjacent to the north-western side boundary. The proposed excavation is not consistent with Council's earthworks controls which seek to maintain natural topography and minimise excavation and fill. The three storey building will be visible from the public domain and adjoining properties. The predominant character of the heritage conservation area is single storey buildings with some two storey buildings. The variation to the development standard is unlikely to be consistent with the requirements of clause 4.6. The variation to the development standard could be avoided by deleting the eastern wing of Level 2.

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	0.859:1 claimed	YES
Landscaped Area: 25m ² per bed. 118 x 25m ² = 2950m ²	To be determined	To be determined
Parking: 1 per 10 beds or 1 per 15 dementia beds 1 for every 2 employees 1 ambulance space	To be determined	To 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 site analysis must be accompanied by a written statement that complies with the requirements of clause 30(2)(b) (i) and (ii):

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. Existing boundary fences should be shown on the plans and the location and type of private open space on adjoining properties identified on the site analysis. The proposed minimum side/rear setbacks of 6m are desirable from a privacy perspective and should be maintained.

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 LEP (Local Centres) 2012

Permissibility

The proposed Residential Care Facility is prohibited in the R2 Low Density Residential zone.

Development standards

Standard	Proposal	Complies?
Building height: 9.5m	>9.5m	NO
Floor space ratio: 0.3:1	0.859:1 claimed (7035m ²) A maximum of 2456m ² would be permitted under the LEP. The proposal seeks a variation of 186% to the FSR control in the LEP.	NO

The proposal is prohibited under the LEP and does not comply with the development standards for building height and floor space ratio.

Ku-ring-gai Local Centres DCP

The relevant provisions of the Local Centres DCP include:

Volume A

Part 2: Site Analysis

Part 13: Tree and Vegetation Preservation

Volume B

Part 2: Site Design for Water Management

Part 7: Heritage and Conservation Areas

Volume C

Part 1: General Site Design

Part 2: Access and Parking

Part 3: Building Design and Sustainability

Part 4: Water Management Controls

Part 5: Notification Controls

The relevant provisions of the DCP should be addressed in the design of the development and the supporting documentation. It is noted that the proposal includes extensive excavation which does not comply with the objectives and controls in Volume C Part 1: General Site Design. Relevant controls are identified below:

- 2. Development must be accommodated within the natural slope of the land. Level changes across the site are to be primarily resolved within the building footprint. This may be achieved by:*
- i) stepping buildings down a site;*
 - ii) locating the finished ground floor level as close to existing ground level as practicable.*
- 5. Existing ground level is to be maintained for a distance of 2m from any boundary.*
- 8. Retaining walls, excavated and filled areas shall be located and constructed to have no adverse impact on:*
- i) structures to be retained on the site;*
 - ii) structures on adjacent public or private land;*
 - iii) trees to be retained on site or on adjoining sites*
- 12. Retaining walls on low and medium residential density sites must not exceed 0.9m in height above existing ground level. Where greater level change over the site is required, the site should be terraced.*

These controls are designed to retain the natural topography and landscape character of Ku-ring-gai and minimise the disposal of excavated materials. The development should be redesigned with a more sensitive approach to the topography of the site.

LANDSCAPE COMMENTS

Arborist report

An arborist report shall be provided by an arborist with a minimum qualification of Australian Qualification Framework Level 5. The report shall be prepared detailing the position, species, height, trunk diameter, and canopy spread of existing trees on or adjacent to the site that are impacted by the development. Adequate justification for the removal of any trees must be provided with the application.

The report is to provide a tree location plan which is easily legible, at a suitable scale of not less than 1:200, indicating the trees and tree numbers.

The report shall provide an analysis of the impacts of the proposal on existing trees located on the site and adjoining properties in close proximity to the proposed works. The report shall reference and use the standards and principals as set out in AS4970-2009 - Protection of trees on development sites.

Tree impacts

Encroachment of development works

Any encroachments within the designated tree protection zones of any trees located on the site, the nature strip and adjoining properties is to be calculated in accordance with AS 4970-2009 and details provided in the Assessment of Impact Report by the arborist.

Pruning works

Details of any pruning works including photos of the trees indicating branches to be removed shall also be provided by the arborist.

Trees on adjoining properties

There are 3 trees including T36 - *Jacaranda mimosifolia* (Jacaranda), T37 - *Citharexylum spinosum* (Fiddlewood) and T38 - *Calodendron capense* (Cape Chestnut) located on the adjoining property 17 Clanville Road which will be affected by the proposed retaining wall along the western boundary.

To preserve T36, T37 & T38 the retaining wall is to be relocated to a minimum distance of 2 metres from the boundary within the designated tree protection zones of the trees.

Landscaping

A landscape plan shall be submitted with the application in accordance with Council's DA Guide and relevant controls within the Ku-ring-gai Local Centres DCP.

- The trees are to be numbered in accordance with the arborist report
- To minimise impacts on trees located on adjoining properties and to provide space for planting within the existing soil profile, retaining walls are to be located a minimum distance of 2 metres from the boundaries or as required to preserve existing trees.
- Existing and proposed levels are to be clearly indicated on the plans
- The proposed gardens above the basement parking shall comply with the minimum soil depths indicated in Table 5 of Part 4P of the Apartment Design Guide. The soil depths are to be indicated on the plan.
- 2 additional canopy trees that attain a height of 13 metres are to be planted within the front setback area between the proposed driveways.
- All planting placement including shrubs and ground covers are to be clearly indicated on the plans.
- Stormwater details are to be indicated on the plans

Landscaped area compliance plan

A plan shall be submitted indicating compliance with Part 48 (c) of the SEPP (Housing for Seniors or people with a Disability) 2004.

Stormwater

Above ground stormwater detention is to be avoided due to poor landscape outcomes and impacts on existing trees.

Environmental site management plan

An environmental site management plan shall be provided with the application. The plan must demonstrate the means by which the site will be maintained throughout the demolition and construction stages and shall address the issues listed in the DA Guide including tree protection fencing and site access.

ENGINEER COMMENTS

The proposal is for a staged redevelopment and enlargement of the Archbold House residential aged care facility.

The site is within the Roseville Local Centre.

Water management

On site detention, retention and re-use of roofwater and water quality measures will be required. The existing facility converted its detention tank to a combined retention/detention tank in 2007, under the controls in DCP 47. It is not obvious from the plans whether this tank will be removed, however removal appears likely.

If the works are to be carried out in two or more stages, the water management plans should also reflect the stages. Conditions would have to be formulated which would require staged construction and certification of water management measures, to allow for issue of Occupation Certificates as necessary.

Traffic and parking

A traffic engineer's report will be required. The report is to address parking provision (rates per the SEPP) as well as carpark dimensions, gradients etc with regard to AS2890.1:2004 *Off street car parking*.

The frontage in Trafalgar Avenue has a high-level footpath and care will need to be taken with the design of new vehicular crossings. It is most likely that gutter bridge construction will be required, so levels at the boundary should be maintained for the purposes of design.

Waste management

The application is to include details of waste collection from inside the basement. If Council is to collect waste, then access must be available for an 11 metre truck which requires 4.5 metres of headroom. If a private contractor is to collect, then details of the contractor and their vehicle(s) must be submitted. The architectural plans are to include a longitudinal section along the entry driveway, to demonstrate that the required head clearance will be available for the relevant collection vehicle.

Construction traffic management

An indicative construction traffic management plan is to be submitted (can be a section in the traffic report). A separate Environmental Site Management Plan is to be submitted for each stage.

Geotechnical report

A geotechnical report is required, which addresses such matters as excavation methods and support, vibration monitoring and dilapidation survey as well as groundwater and whether construction stage dewatering will be required (to determine whether a referral to LPI Water for an aquifer interference activity approval is warranted).

HERITAGE

Heritage Status

The site does not contain a heritage item but is located within a HCA – “The Grove, Roseville” Heritage Conservation Area (HCA) - area C35 in the Ku-ring-gai Local Centres LEP.

The site adjoins several heritage items including:

- No 18 Trafalgar Avenue; and
- Nos 11 & 17, The Grove.

The site is within the general vicinity of the following items:

- Nos 5, 14, 16 & 21 The Grove;
- Nos 1, 7, 8, 9, 10, 14 & 31 Clanville Road; and
- Nos 1, 2, 3, 4, 5, 6 & 8 Roslyn Avenue.

The site is opposite a HCA, Area C32 (Roseville HCA) in the Ku-ring-gai LEP 2015. Area C32 extends east to Archbold Road and east to Boundary Street.

In relation to heritage, the objectives in the Local Centres LEP are:

- a) to conserve the environmental heritage of Ku-ring-gai;*
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views;*
- c) to conserve archaeological sites; and*
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Part 5.10 (4) of the LEP requires that before granting consent to proposed works Council must consider the effect of the works on the heritage significance of item, nearby items or conservation area concerned.

Part 5.10 (5) of the LEP allows Council to require a Heritage Management Document (HMD) to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation concerned.

Local Centres Development Control Plan (DCP)

A Development Control Plan (DCP) has been adopted and currently applies to the site. Chapter 7.3 provides objectives and controls for development in the vicinity of a heritage item, Chapter 7.4 provides objectives and controls for alterations and additions in a HCA, Chapter 7.5 provides objectives and controls for infill development in a HCA, Chapter 7.6 provides objectives and controls for development within the vicinity of a HCA and Chapter 7.7 provides specific objectives and controls for the Local Centres conservation areas.

Specifically Chapter 7.7.18 provides objectives and specific controls for development in “The Grove, Roseville” conservation area.

Objectives:

- *To conserve the character of this HCA.*
- *To retain significant buildings and landscapes.*
- *To ensure new development enhances the existing character of the street.*

Controls:

- 1. One and two-storey Federation and Inter-war residences and flat buildings, heritage-listed and contributory, must be retained.*
- 2 Original face brick, sandstone and roughcast stucco to Federation period housing to be retained and not rendered or painted. The removal of paint from original face brick is encouraged.*
- 3 Original finishes and details, where known, are to be retained and the reinstatement of missing elements is encouraged.*
- 4 Concrete roof tiling is to be replaced with unglazed terracotta Marseilles pattern roof tiling where inappropriate retiling has occurred.*
- 5 Open front verandahs, where enclosed, to be reinstated.*
- 6 Low brick fencing that matches the materials of the house is preferred.*
- 7 Single-storey development on infill sites is preferred. New two-storey houses will only be permitted where the upper floor is designed within the roof and where they are in keeping with the height, mass and proportions of the existing built fabric.*
- 8 Additions and alterations must respect the architectural and streetscape character.*
- 9 Original garden features such as gates, winding front paths, crazy paving and garden edging to be retained and conserved.*
- 10 Traditional front garden schemes that enhance the aesthetic significance of the HCA are encouraged.*
- 11 Maintain and enhance street tree planting throughout the HCA, especially the Brush Box avenues and remove other tree species.*
- 12 Ensure a landscape buffer on adjacent sites outside the HCA, particularly in Clanville road, Rawhiti Street and Oliver Street.*

Comments on HIS

With regard to the heritage issues in the proposed application a key issue will be demolition of the existing buildings. The applicant should consider the planning principles arising from the decision of the Land and Environment Court in *Helou v Strathfield*: These principles include:

- *what contribution does the individual building make to the significance of the conservation area;*
- *is the building structurally unsafe;*
- *if the building is or can be rendered structurally safe, is there any scope for extending or altering it to achieve the development aspirations of the applicant in a way that would have a lesser effect on the integrity of the conservation area than demolition;*
- *are these costs so high that they impose an unacceptable burden on the owner of the building;*

- *is the cost of altering or extending or incorporating the contributory building into a development of the site (that is within the reasonable expectations for the use of the site under the applicable statutes and controls) so unreasonable that demolition should be permitted; and*
- *is the replacement of such quality that it will fit into the conservation area*

Control No. 69 in Part 7.4 of the Local Centres DCP also states:

Demolition of whole buildings within the HCA is generally not supported unless the building is shown to be a detracting item.

The mapping for the Local Centres LEP and DCP does not provide contributory rankings for each individual property. It only indicates whether it is within the HCA or an individual heritage item. As indicated in the applicant's "Key Issues" document, under "Heritage" it identifies the proposal needs to be sensitive to the historical and aesthetic significance of its surrounds.

The information provided includes a relatively detailed Heritage Impact Statement (HIS) prepared by a recognised heritage consultant. It should be noted the KDCP does not apply to the site as it is within the Local Centres Area, the Local Centres DCP applies. However, the report is prepared in line with the NSW Heritage Manual guidelines for a Heritage Impact Statement.

From the information in the HIS, No 12 was a replacement dwelling designed in 1954 by architect Charles Clarence Phillips. This is confirmed by the 1943 aerial photograph which shows a different building on the site. From the drawings provided in the HIS, No 12 included a dwelling and detached garage structure with a "Man's Room". As indicated in the HIS, the residence has been converted into three separate units at an unknown time.

The applicant's HIS information indicates No 14 is occupied by a two storey semi-detached dwelling constructed with red brick and a tiled roof. It states the dwelling is divided into two residences, - No 14 A & 14 B Trafalgar Avenue. It states that the internal layout to each residence is similar but the interiors have been altered. It states it is unclear whether it was constructed as two residences but appears in the 1943 aerial photograph. It indicates an awning was added in 1982 and an addition in 1983.

The above information conflicts with information held by Council indicating the site was purchased by Albenia Eliza Lemon, wife of William J Lemon, in February 1930 and the building at No 14 Trafalgar Avenue was occupied by William J Lemon in 1932 indicating it was completed. The property was transferred in 1952 to Olive Nellie Benjamin and shortly after to Myree EJ Stanyer and Olive Nellie Benjamin as tenants in common.

The HIS indicates No 16 Trafalgar Avenue is occupied by a 1980s aged care facility comprising several structures and buildings for residential and administrative purposes. The HIS provides a short history of the site indicating it was used by the Sydney Legacy as a Girl's Hostel from mid 1948 until after 1967. In 1972 Council received an application to use the site as a hostel for men which was withdrawn. In 1977 a development application for an Aged Persons hostel for 36 people was approved. Subsequently "Archbold House" was opened in March 1980.

The HIS provides the following Statement of Significance for the site:

The existing building located at 12 Trafalgar Avenue is an example of the residential suburban works of architect Charles Clarence Phillips who predominantly worked in areas such as Potts Point and Elizabeth Bay under the firm Pitt & Phillips. The house, however, is not considered as exemplar of his style and is not considered to be of aesthetic significance. The front garden of the property is considered to contribute to the streetscape of Trafalgar Avenue and the HCA.

The existing semi-detached dwelling located at No 14 Trafalgar Avenue is considered of aesthetic significance externally and contributes to the streetscape of Trafalgar Avenue and the HCA. The building, however, has been significantly modified internally.

No 16 Trafalgar Avenue is a typical example of a 1980s aged care facility development.

Neither one of the buildings within the subject site meets the threshold for listing.

Proposal

The proposal is for demolition of all buildings on the site, amalgamation of the lots forming the site and construction of a new aged care facility.

With regard to the heritage issues the applicant's HIS concludes:

- *demolition of existing buildings and development of a new aged care facility, will have acceptable impact on the heritage significance of the conservation area, and the adjacent or nearby heritage items;*
- *the proposed development will maintain the three separate allotment presentation of the existing sites and maintain a more functional and useable space in response to the demand for such facilities in the locality; and*
- *the site has been carefully designed to so as not to impact on the heritage significance of the neighbouring item at No 18, the adjoining items in The Grove and the character of the HCA.*

Comments on Proposed Works

As proposed the development is to demolish all existing buildings on the site. As noted in the applicant's HIS, Nos 12 & 14 are considered to contribute to the HCA precinct and thus demolition is unlikely to be supported by Council on heritage grounds. The "Helou" planning principle will need to be considered. Demolition of contributory buildings or demolition of structures and landscape features is not supported unless shown to be neutral or uncharacteristic and the applicant can demonstrate that the demolition would not result in any impacts on the streetscape or character of the HCA.

The applicant should fully consider retention of the existing contributory buildings in any proposed re-development of the site.

The heritage item at No 18 Trafalgar was listed in the Local Centres LEP in 2013 along with No 5, 11, 16 & 21 The Grove. The items at No 14 and 17 The Grove were listed in 1989 in the former KPSO and retained in the Local Centres LEP.

With respect to new development within the vicinity of a heritage item the DCP objective is to avoid isolation of heritage items and the control is to provide a minimum 12m building separation from the building to a maximum wall height of 8m and an additional setback of 6m above the 8m building height. Front setbacks need to be set back 2m behind adjoining heritage items or dwellings within the HCA precinct. The proposed front setback of 10m is thus not considered appropriate to retain the significance of the HCA and adjoining item at No 18. The side setback of 6.055m from the adjoining property boundary at No 8 is also considered inappropriate.

As proposed the North East elevation (drawing 05) of the proposed development facing Trafalgar Avenue has a building appearance of a 2 – 3 storey building which is out of character with the existing and predominant HCA character of one and two storey buildings, affects the rhythm, the character of buildings in the HCA and the intact character of the HCA opposite in the KLEP 2015 area.

The materials proposed include flat concrete roof shingles which are not characteristic of the HCA. The HCA is characterised by Marseille pattern terra cotta, some profiled concrete tiles and some traditional slate roofing. Walls are predominantly red/brown face brickwork. Some houses have stone footings while others have face brick. Where inappropriate roof tiling has been undertaken, Council encourages replacement roofing to match the existing materials and character such as red terra cotta tiles.

It is recommended to retain the contributory buildings and consider appropriate alterations and additions to respect the nearby and adjoining heritage items, the existing streetscape character of the HCA, and the adjoining HCAs which extend to the east, outside the Local Centres LEP area.

Heritage Management Document

The HIS submitted with the pre DA application is relatively detailed and provides information on the site and its development.

Any future application should address the following issues:

- why the contributory buildings and landscape features are not retained;
- what impacts the proposed works will have on the identified significance of the adjoining or nearby heritage items, the HCA and adjoining HCA;
- what measures are proposed to mitigate any negative impacts; and
- why more sympathetic solutions are not viable

INFORMATION TO BE SUBMITTED

- Refer to Council's DA Guide

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

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

CONCLUSION

The following fundamental issues have been identified:

- prohibited development
- does not comply with location and access to facilities requirements
- site compatibility test
- unacceptable impacts on heritage conservation area
- compatibility with area character
- departures from development standards

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

While the pre-lodgement meeting and this report attempt to identify significant issues during the initial phases of design, the assessment provided is not 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



SELWYN SEGALL
TEAM LEADER – DEVELOPMENT ASSESSMENT

DATED:

7/6/2016

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.