



NSW GOVERNMENT
Department of Planning

MAJOR PROJECT ASSESSMENT
MP09_0033

***Project Application for Residential Development
3 – 5 Pymble Avenue and 5A (access handle only)
Pymble Avenue, Pymble***

Proposed by Meriton Apartments Pty Ltd

Director-General's Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

15 July 2009



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1.0 EXECUTIVE SUMMARY

This is an environmental assessment of a Major Project Application seeking approval to construct a multi-unit housing development at 3-5 Pymble Avenue and 5A (access handle only), Pymble. The subject site is located at the south-western side of the intersection of Avon Road and Pymble Avenue, Pymble. The site is part of a broader redevelopment site (2-12 Avon Road and 3 and 5A Pymble Avenue, Pymble) that is subject of a separate approval (Development Application 506-12-2003 (as amended) for 143 dwellings). The subject site is identified as Site 1 in Schedule 4 of SEPP 53, which establishes the permissibility of multi-unit housing on identified sites in Ku-ring-gai.

The proposal generally complies with SEPP 53 Ku-ring-gai Reference Plans for the site, which identify the desired pattern of development including building footprints, height, scale, separation, new roads and open space provision with some minor variations being evident.

The Proponent (Meriton Apartments Pty Ltd) is seeking project approval to:-

- **Excavate** the site and construct a single basement level to accommodate car parking for 26 vehicles and vehicular access;
- **Erect** 1 x residential stepped building of 3 to 6 storeys containing a total of 25 residential apartments;
- **Undertake** associated landscaping works; and
- **Remove** trees within and next to basement walls.

The Capital Investment Value of the proposal is **\$6.145 million** and will create approximately **150** construction jobs.

Public Exhibition and Approval Process

The Project application was exhibited for a 30 day period from 22 April 2009 to 22 May 2009. The Department received 3 submissions from public authorities and 9 public submissions.

Key issues:

- Adequacy of submitted documentation and SEPP 53 assessment;
- Traffic generation from the site, including site access from Pymble Avenue and use of local streets;
- The partial development of a nominated SEPP 53 site and partial isolation of adjoining properties;
- Impact on neighbouring dwellings regarding bulk, scale, privacy and noise;
- The adequacy of the landscaping; and
- Need for drainage easements to manage overland flows.

Preferred Project Report

The Proponent has not submitted a Preferred Project Report. The Proponent has submitted a number of responses and revised plans to address issues raised in submissions. The Proponents response and the exhibited EA form the basis of the assessment in this report.

Key Recommended Conditions

Key recommendations made in respect to the proposal and relevant conditions to the project application include:

- Introduction of various design measures to improve visual and aural privacy to neighbouring properties;
- Provision of additional landscaping; and,
- Requirements for drainage easements.

Public Benefits

The proposal will provide significant public benefits, including:

- Achieving the requirements, aims and objectives of SEPP 53 and associated Design Guidelines;
- Assist Council to achieve its additional housing target under the draft North Subregional Strategy; and,
- Employment opportunities through the construction and operational phase of the development;

The site is part of a broader development site and is well located on the southern side of the Pacific Highway and has direct access to Pymble Railway Station and the Pymble Town Centre.

Conclusion

The Department has assessed the merits of the project and considered the submissions. The Department is satisfied that the impacts of the proposed development have been addressed via the Proponents Environmental Assessment (EA) Report and response to submissions received and that the site is suitable for the proposed development. Furthermore, the proposal adequately addresses the Director General's environmental assessment requirements. On these grounds it is recommended that the project be approved, subject to conditions.

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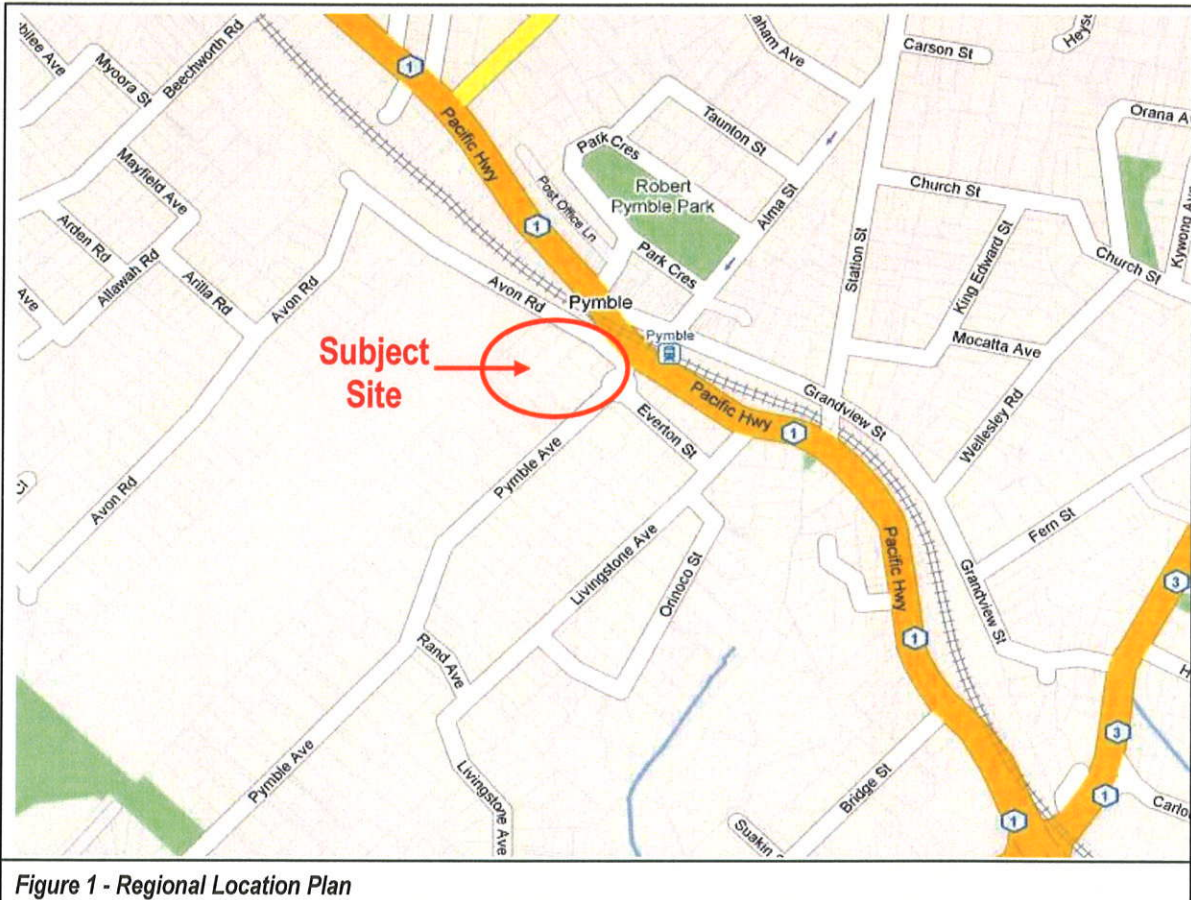
2.0 BACKGROUND

2.1 THE SITE

2.1.1 Site Context and Location

The site, known as 3-5 Pymble Avenue and 5A (access handle only) Pymble Avenue, Pymble, is located on the southwestern side of the intersection of Avon Road and Pymble Avenue (see Figure 1 – Regional Location Plan). The site occupies 3 allotments legally described as:

- Lot 1 in DP 537543 (5 Pymble Avenue);
- Lot 7 in DP 5448 (3 Pymble Avenue);
- Lot 12 in DP 546480 (5A Pymble Avenue, Access handle only).



The subject site is part of a broader redevelopment that has been approved by a previous Minister for Planning for a multi-unit housing development (DA506-12-2003) containing 143 apartments and basement parking. The subject site was identified as "future Building E Envelope" on the approved plans for DA506-12-2003.

2.1.2 Existing Site Features

The site is regular in shape and has a steep fall of approximately 7.5 metres from front to rear, and a cross fall from side boundary to side boundary of approximately 3.5 metres. A single dwelling house is located on the site and the dwelling house at No 5 Pymble Avenue has recently been demolished. The site is generally void of any significant vegetation.

The site has a primary road frontage to Pymble Avenue and is well serviced by both rail and road transport routes. Pymble railway station is approximately 300 metres to the east and provides a high level of rail access to the Sydney rail network. The Pacific Highway is a major arterial road with connections between Sydney and Newcastle. (see Figure 2 – Local Site Plan).

2.1.3 Surrounding Development

The subject site sits within the suburb of Pymble and is part of a broader development site that is bound partly to the south-east and to the south-west by existing residential properties of 1-2 storeys and adjoins Pymble town centre which is located on the northern side of the Pacific Highway.

Pymble Ladies College (PLC) defines the north-western boundary of the site.

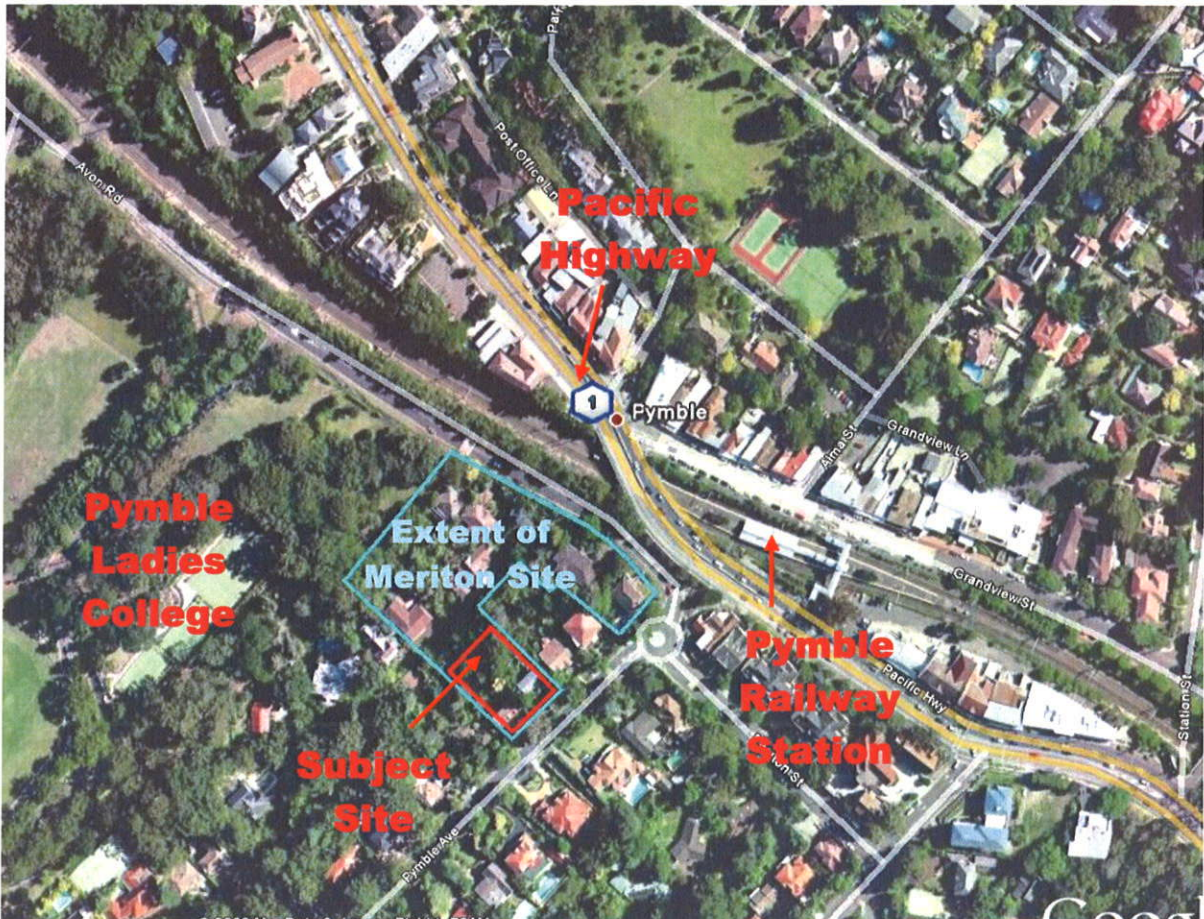


Figure 2 - Local Site Plan

2.2 SITE HISTORY

2.2.1 Previous Applications

On 7 July 2005, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) approved DA 506-12-2003 for a residential development (Buildings A-D) at 2-12 Avon Road, and, 3 and 5A Pymble Avenue, Pymble. The consent permitted the carrying out of the following development:

- 1-4 basement car parking levels providing a total 202 car spaces, storage rooms and plant rooms;
- 103 dwelling units in four buildings ranging in height from 4 - 7 storeys;
- landscaping and recreational facilities, including a lap pool and gymnasium;
- demolition of the existing dwellings at 2, 4, 8, 10 and 12 Avon Road and 5A Pymble Avenue;
- tree removal;
- construction of the western end of New Street with a temporary connection partly along the existing battleaxe driveway to 5A Pymble Avenue between Nos. 3 and 5 Pymble Avenue;
- subdivision of the site to form 3 separate lots; and
- strata title subdivision of the completed development to form two strata schemes.

The consent has been modified under delegation on 3 occasions; First, in February 2007 relating to the staging of the subdivision of the site; Second, in December 2008 to allow the demolition of number 3 Pymble Avenue as part of the consent condition; and, Thirdly in May 2009 to increase the number of approved apartments and parking spaces (generally within the approved envelope) and to undertake other minor amendments to building design.

3.0 THE PROPOSED DEVELOPMENT

3.1 THE PROPOSED DEVELOPMENT

This proposal seeks Project Approval to:

- excavate the site and construct one basement level to accommodate car parking for 26 vehicles;
- demolition of 3 Pymble Avenue, Pymble;
- erect one residential building containing a total of 25 residential apartments;
- undertake associated landscaping works; and,
- remove trees within and next to basement walls.

The proposal is as described in the EA and seeks approval for the development as follows:

Element	Proposed Development
Unit mix	4 x 1 bedroom 18 x 2 bedroom 3 x 3 bedroom 25 Total Units
Car Parking	26 basement level spaces (including 1 disabled space)
Building Height (storeys)	3-6 storeys

3.1.1 Parking and Access

Vehicular access to the buildings basement level parking is via the existing approved vehicular entrance to the adjoining building D (part of the broader redevelopment site). This scheme incorporates an access ramp connection to Pymble Avenue which will provide access for the subject development.

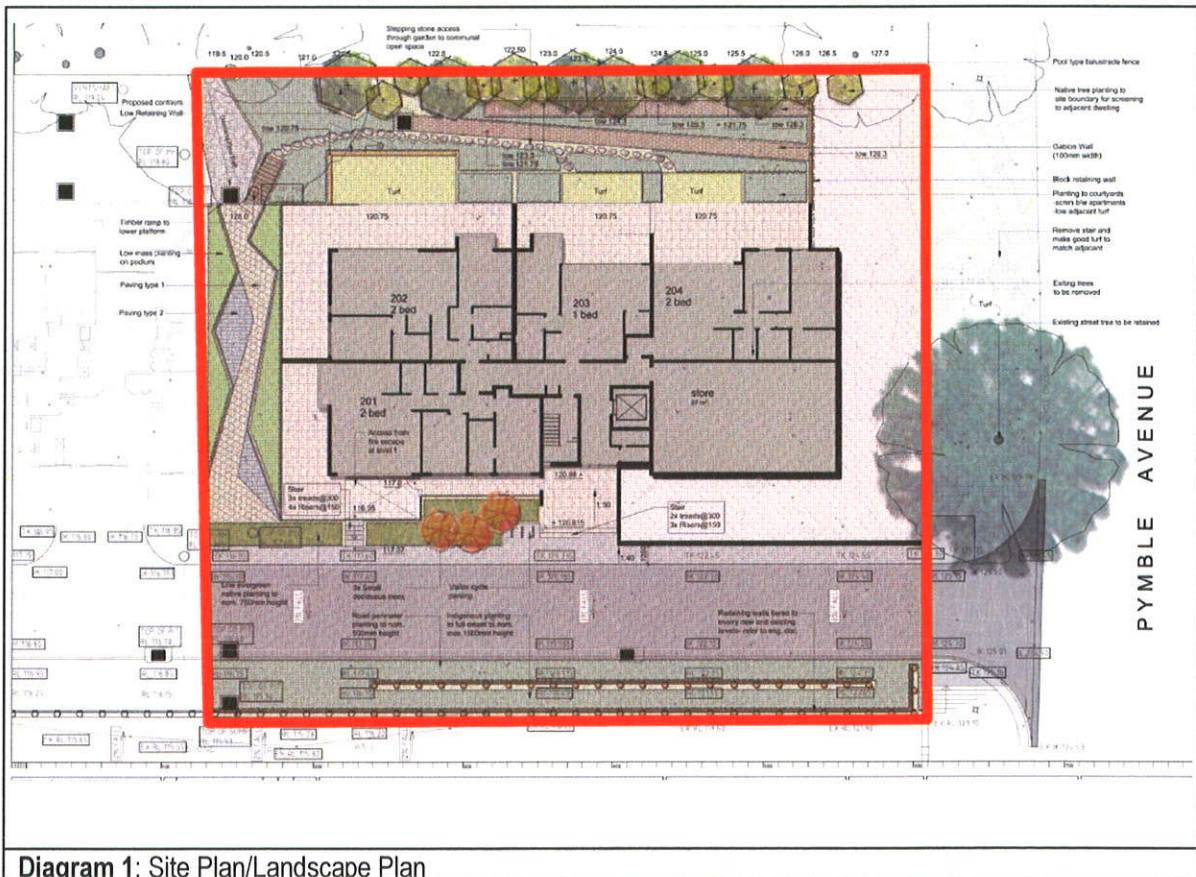


Diagram 1: Site Plan/Landscape Plan

Household waste will be transferred internally from the proposed building development to the central collection area in Building A (of the broader redevelopment) on collection days, for removal by the Council's garbage service.

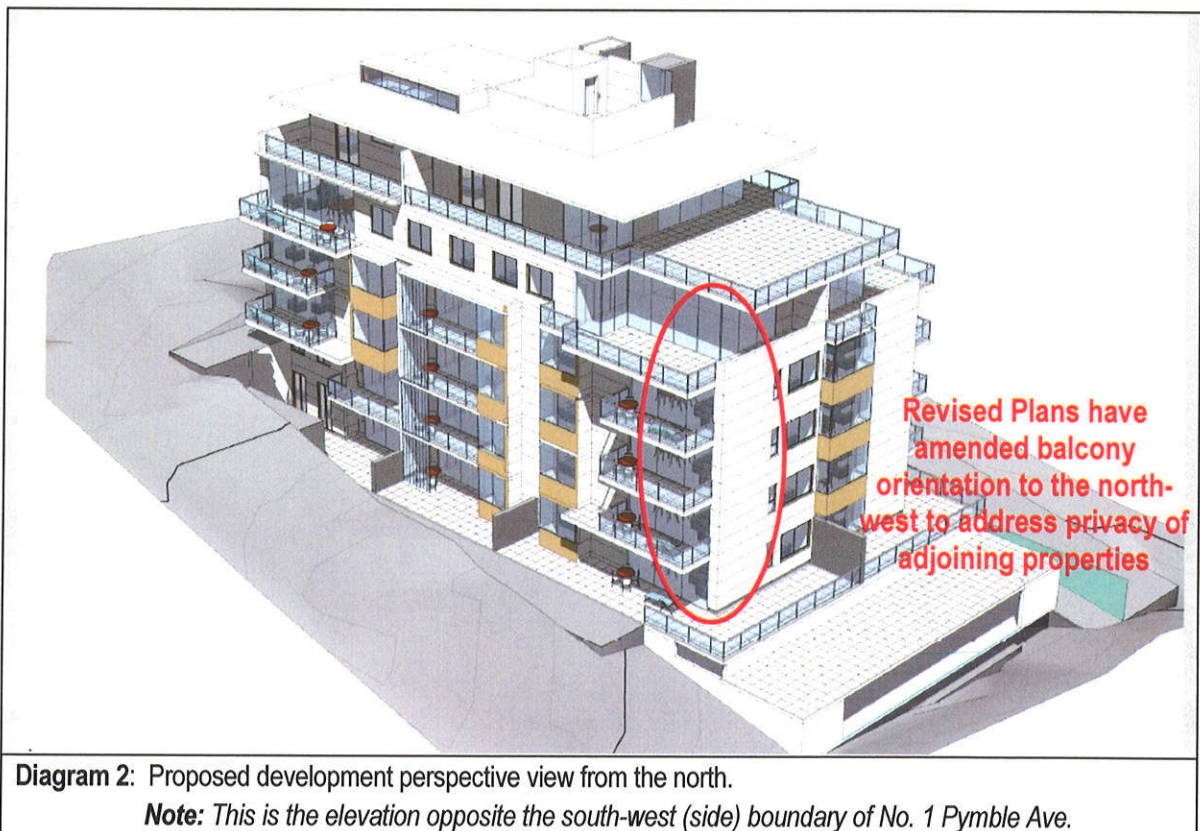
Smaller vehicles (service personnel, couriers, deliveries) will have access to visitor parking in the basement. Occasional larger service vehicles (furniture vans) will rely on the use of available on-street kerb space.

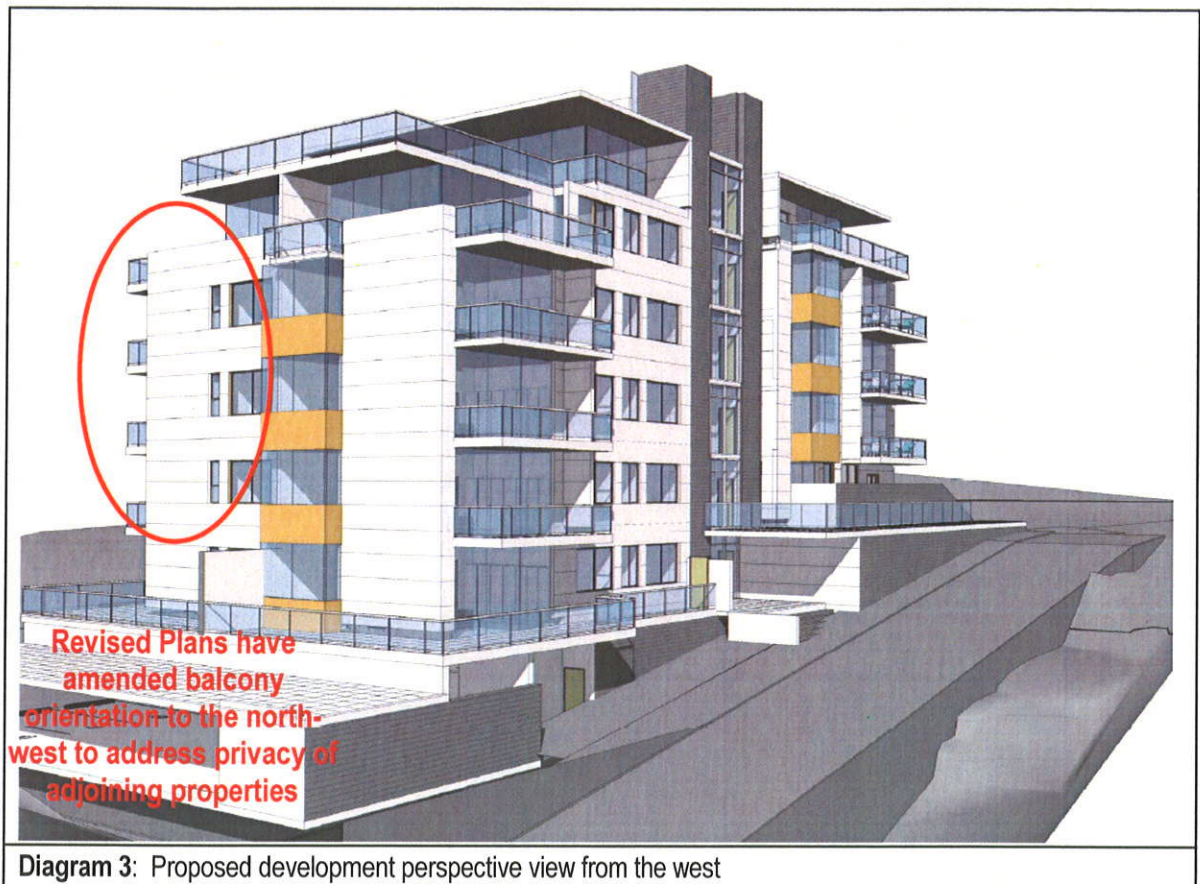
3.1.2 Public Domain and Landscaping

This proposal seeks Project Approval for:

- Landscaping of the site includes areas of communal and private open space;
- communal area involves a series of retained garden beds and native tree planting as a buffer to the adjoining property to the north east and to improve visual amenity;
- area of landscape treatment to the side of the proposed road extension; and,
- screening hedges, planting and gabion walls along the northeast boundary to screen neighbouring property.

The proposed development will incorporate a palette of materials, finishes and colours consistent with the development underway on the broader site incorporating masonry, glass, metal and cladding.





3.2 PROJECT CHRONOLOGY

- 6 February 2009 – Clause 6 request lodged with the Department.
- 24 February 2009 – The development declared a Major Project to which Part 3A of the Act applies.
- 27 February 2009 – Director-General's Environmental Assessment Requirements (DGRs) were issued.
- 12 March 2009 – Environmental Assessment lodged with the Department.
- 16 March 2009 – Amended DGRs issued, requesting that the future potential development of 1 and 1A Pymble Avenue, Pymble, be considered.
- 8 April 2009 – adequate EA lodged with the Department.
- 22 April – 22 May 2009 – Environmental Assessment placed on public exhibition. The Department received a total of 12 submissions comprising 2 submissions from government agencies, 1 from Ku-ring-gai Council and 9 from the public.
- On 26 May 2009 the Department provided to the proponent copies of submissions in response to the EA.
- On 1 June 2009 – the Proponent provided a response to the issues raised in the submissions received.
- On 3 June 2009 – an on-site meeting with the Proponent and Department officers identified a number of outstanding issues that needed to be addressed.
- 9 June 2009, Proponent submitted revised plans and a response to the issues discussed at the 3 June meeting.
- 19 June 2009, the Department advised the Proponent of a number of outstanding issues that needed to be addressed.
- 26 June 2009, Proponent submitted revised Plans and a response to outstanding issues.
- 29 June 2009, Proponent submitted revised floor plans showing further details of the location of 1A Pymble Avenue as requested.

3.3 PROJECT AMENDMENTS (following consideration of the Submissions)

The Proponent provided a response to the issues raised in the submissions received during exhibition of the EA (as required by section 75H (6) of the Act), and also submitted amended plans to address some of the issues raised.

The Proponent has indicated that they will not be submitting a Preferred Project Report (PPR) or revised Statement of Commitments.

The Proponent submitted their response to the Department in letters dated 1, 9, 26 and 29 June 2009, which included the following information:

- Altered the orientation and location of the proposed balconies on the north western corner of the building so that their orientation is north-west, away from the adjoining dwellings (refer Diagram 2 above).
- Submitted a site plan showing the detailed location of the neighbouring dwellings (1 and 1A Pymble Avenue) in relation to the proposed development (building E).
- An analysis of alternative options of providing internal vehicular access into the Block F envelope (possible future development envelope for 1 and 1A Pymble Avenue) from the broader development site.

4.0 STATUTORY CONTEXT

4.1 MAJOR PROJECT DECLARATION

On 24 February 2009 the Director General as delegate for the Minister for Planning formed the opinion that the proposal is a Major Project under Schedule 2, Clause 15 of the MP SEPP *'Housing in Ku-Ring-Gai, Development for the purpose of multi unit housing (including related subdivision and demolition including demolition of a heritage item) on sites in the area of Ku-ring-gai listed in Schedule 4 to State Environmental Planning Policy No 53 (SEPP 53)—Metropolitan Residential Development'*.

4.2 STATEMENT OF PERMISSIBILITY

Part 4 of SEPP 53 – Metropolitan Residential Development establishes the permissibility of multi-unit housing on sites identified within Schedule 4 of SEPP 53. The subject site is identified as Site 1 in Schedule 4 of SEPP 53 and therefore, multi-unit housing is permissible on the site, subject to development consent.

4.2.1 Other relevant planning instruments

The subject site is included under Schedule 2, Clause 15, of the SEPP (Major Development) 2005, which identifies development for the purpose of multi unit housing (including related subdivision and demolition including demolition of a heritage item) on sites in the area of Ku-ring-gai listed in Schedule 4 of SEPP 53 as projects to which Part 3A of the Act applies.

SEPP 53 establishes a regime of standards, controls and guidelines contained in the provisions of the Ku-ring-gai Reference Plan ("KRP") (deemed development standards) and the Ku-ring-gai Sites Report ("KSR") (Development Control and Design Guidelines - "DCDG"), all of which need to be considered in the assessment of the application.

The relationship between each of the planning instruments and guidelines that apply to the site is identified below.

- State Environmental Planning Policy 53 – Metropolitan Residential Development (SEPP 53), includes:
 - Ku-ring-gai Reference Plan (KRP) (including Deemed Development Standards);
 - Ku-ring-gai Sites Report (KSR) (including Development Controls and Design Guidelines (DCDG)).

The other environmental planning instruments, draft environmental planning instruments, development control plans, design guidelines, and regulations applicable to the development application site are as follows:

- State Environmental Planning Policy No. 65 – Design of Residential Flat Buildings (SEPP 65);
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Ku-ring-gai Planning Scheme Ordinance (KPSO) and associated LEPs;
- Draft Ku-ring-gai LEP (Town Centres) 2008;
- Development Control Plan No. 31 – Access (DCP 31);
- Development Control Plan 40 - Policy for Construction and Demolition Waste Management (DCP 40);
- Development Control Plan No. 43 – Car Parking (DCP 43);
- Development Control Plan No. 47 – Water Management (DCP 47);
- Development Control Plan No. 48 – Medium Density Residential Development (DCP 48);
- Ku-ring-gai Council Section 94 Contributions Plan.

4.2.2 Legislative context

The subject site is covered by Schedule 2, Clause 15, of the Major Project SEPP *'Housing in Ku-Ring-Gai, Development for the purpose of multi unit housing on sites in the area of Ku-ring-gai listed in Schedule 4 to SEPP 53'*.

The objective of Part 4 of SEPP 53 is to provide an opportunity to stimulate development of specific sites if the local environmental planning controls do not satisfactorily deal with the redevelopment of suitable sites for multi-unit housing. These objectives relate to increasing housing supply and choice in localities that are close to transport, employment and services.