



NSW PLANNING ASSESSMENT COMMISSION

24 July 2009

Multi-unit housing development 3-5 and 5A Pymble Ave, Pymble (MP09-0033)

Proposal

The proposal is to construct a residential flat building and associated infrastructure at 3-5 and 5A Pymble Ave, Pymble. The subject site is a small part of a large site (known as Site 01-Pymble) identified for multi-unit housing redevelopment in SEPP53. The two key development controls and guidelines are the Ku-ring-gai Reference Plan and Ku-ring-gai Sites Report. Together they prescribe the main building envelope, development controls and design guidelines applicable to the site.

Six building envelopes were identified for Site 01. Four buildings have been approved and are under construction. The subject application is for the fifth building (Building E) at the southern corner of Site 01. The sixth building (Building F) is to be located on Nos 1 & 1A Pymble Ave, just northeast of Building E. At present, there is no proposal to redevelop Nos 1 & 1A Pymble Ave.

The proposed Building E will provide 25 apartments with basement parking for 26 cars. The proposed building height varies between 4 and 6 storeys from the southeast to the northwest.

The proposal is a part 3A project pursuant to Schedule 2, Clause 15 of SEPP (Major Development) 2005 and the Minister for Planning is the approval authority for the application.

Delegation to the Commission

On 16 July 2009, the Director General of the Department of Planning referred the project application (No. 09_0033) to the Planning Assessment Commission for determination under a delegation issued by the Minister on 18 November 2008. The applicant, Meriton Apartments Pty Ltd, has disclosed a reportable political donation, thus meeting the terms of the delegation.

The Commission consisted of Ms Gabrielle Kibble (Chairman of the PAC), Ms Donna Campbell and Mr Richard Thorp (both Members of the PAC).

The application and associated documents including the Director General's (DG's) Report, the recommended conditions of approval, the Environmental Assessment (EA) Report, the amendments made to the plans in response to submissions to the EA and the draft statement of commitment were circulated to Commission members prior to the Commission meeting.

Key issues

The DG's report canvassed the following key issues:

- Built form and urban design;
- Environmental and residential amenity;
- Partial site development and isolation;
- Landscape design;
- Transport and accessibility;
- Construction impacts;
- ESD measures; and
- Developer contributions.

The DG's report concluded that the Environmental Assessment adequately addresses the DG's requirements and the proposal is considered satisfactory in respect of these requirements, subject to recommended conditions of consent.

On 15 July 2009, the Commission received an email submission from Mr Stephen McGee, owner of No 1 Pymble Ave, Pymble. He requested the Commission to visit the site to gain a first hand appreciation of his concerns before making a determination of the application.

In brief, the key concerns of Mr McGee are:

- The proposal will have a significantly adverse effect on the ability of the remainder of the site (ie 1 & 1A Pymble Ave) to be developed;
- Inadequate information provided to allow proper assessment of impacts; and
- Unacceptable impacts on his property including building height, privacy, visual impact, and loss of amenity.

On 17 July 2009, the Commission received an email from Mr Walter Gordon, representing the applicant, requesting that if any party objecting to the proposal were to address the Commission, the applicant be allowed to reply.

On 20 July 2009, the Commission met with Mr Michael Woodland and Mr Andrew Smith from the Department of Planning for an in-depth briefing of the proposal.

Commission's comments

The Commission has considered Mr McGee's request for a site inspection and Mr Gordon's request to be present at the Commission meeting with Mr McGee. After careful consideration of the requests, the Commission decided not to hold a formal site visit with parties. The Commission's Chairman and members visited the site and its surrounding area privately on 18 July 2009 and 20 July 2009.

During the Departmental briefing meeting, the Commission asked Mr Woodland the extent of consultation that has been undertaken with Mr McGee. Mr Woodland advised that he and his colleagues met with Mr and Mrs McGee on several occasions to discuss the proposed development and their concerns. Modifications have been made to address issues raised by Mr McGee and other submitters including Ku-ring-gai Council.

In response to Mr McGee's key concerns, Mr Woodland advised that:

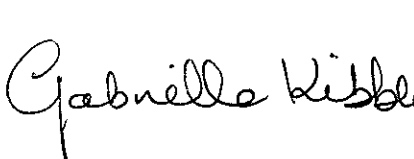
- Following requests from the Department, the applicant has provided additional information and amendment plans to enable the Department to complete its assessment.
- The proposal has been modified to address design, privacy and amenity issues
- The Department's assessment has concluded that the development of Building E is not reasonably likely to have a significantly adverse effect on the ability to develop the remainder of the site (ie 1& 1A Pymble Ave) in the manner described in the Ku-ring-gai Reference Plan or the Ku-ring-gai Sites Report. The site will not be unreasonably isolated or constrained from achieving an appropriate outcome as contemplated by SEPP 53.

Following Commission members' visits to the site and examination of the documents and plans provided by the Department, the Commission is satisfied that the issues raised by Mr McGee and other submitters have been fully considered by the Department and modifications have been made, where possible, to mitigate impacts on adjacent landowners. In particular, the Commission is of the opinion that the proposal is not reasonably likely to have a significantly adverse effect on the ability to develop the remainder of the site in the manner described in the Ku-ring-gai Reference Plan or the Ku-ring-gai Sites Report.

The Commission notes a typing error in Table 1 (page 4) of the Department's briefing note (Y09/2160) and the same error occurs in Table 3 (page 19) of the Director-General's Report. The error relates to the setback from Pymble Ave. It should be 5.5m, not 6.5m as indicated in the tables.

Determination

Consent is granted subject to conditions and Commitments as detailed in Schedules 2 and 3 of the Major Project Approval No 09_0033


Gabrielle Kibble
Chairman


Donna Campbell
Member


Richard Thorp
Member