



TS/GK  
15031  
7 October 2016

Natasha Harris  
Team Leader, Modification Assessments  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2000

Attention: Fiona Gibson, Planner – Modification Assessments

Dear Madam

**RESPONSE TO SUBMISSIONS - MP10\_0219 MOD 1  
AVON AND BEECHWORTH ROADS, PYMBLE**

On behalf of Ausbao NSW Management Pty Ltd, we refer to the recently exhibited Section 75W Modification Application MP10\_0219 MOD 1, which comprised a series of minor modifications to the project approval following detailed design work at the site. Two public submissions have been received in relation to this application from surrounding residents, and Ku-Ring-Gai Council (Council) has reaffirmed their Pre-Application meeting minutes as forming the basis of their position on the proposed modifications. The resident submissions have been addressed at **Section 1.0** below, while the Council minutes have been addressed at **Section 2.0** below.

**1.0 PUBLIC SUBMISSIONS**

Two public submissions were during the exhibition period of this application, which have been responded to as follows:

- The proposed reduction in the number of units has been a result of detailed market analysis work determining that larger units will be more suitable at the site. A decrease in the number of units has the additional benefit of enabling the existing units to be larger and afford a higher level of amenity relative to that which is approved.
- The proposed reduction in car parking of the units has been undertaken proportionally to reflect a reduced number of units proposed, in accordance with Council's DCP parking rates. A traffic statement was submitted with the modification application which confirms that this is the case, and that the traffic generation at the site will be less than that originally approved. This Traffic Statement built upon the previously approved Traffic Statement prepared in 2012 for the base DA, which was determined by the Land and Environment Court to be acceptable in the context of the site. This modification application has sought to provide fewer units, which in turn have resulted in a lower level of traffic generation and car parking required for the site. This results in a positive impact on traffic and parking surrounding the site when compared to that already approved.
- It is outside the scope of this modification application to assess the impact of other developments in Pymble. These applications have been, or will be under assessment with the relevant approval authority.
- Council's Traffic Engineer has not raised any objection to the proposed corresponding reduction in car spaces. In the Pre-Application meeting minutes, the Engineer noted that a Traffic Report submitted with the application should detail the applicable parking controls and demonstrate compliance, which has been undertaken.

## 2.0 COUNCIL SUBMISSION

In lieu of making a submission to the application during the exhibition period, Council has referred to the minutes of a previously held meeting between the applicant and Council prior to lodgement of the modification application. It is noted that the applicant was aware of these issues raised in this meeting, and accordingly the vast majority of issues were addressed in the originally submitted modification statement. Where applicable, the relevant section of the statement has been identified to correspond with Council's commentary. A schedule of each of Council's comments, as well as the response to each comment, has been provided at **Table 1** below.

**Table 1 – Response to Ku-Ring-Gai Council's 'Response to Issues' meeting minutes.**

Note: Section references under this table refer to the relevant sections of the Modification Statement prepared by JBA and dated 19 August 2016.

Comment	Response	Satisfied
<i>Building Envelope Changes</i>	Changes to the building envelope have been discussed at <b>Section 5.4</b> .	Y
<i>Unit Mix</i>	Council's comments are noted. The provision of 10% of units as adaptable has been maintained under this modification application.	Y
<i>Provision of Storage</i>	This has been addressed at <b>Attachment C</b> of the originally submitted application.	Y
<i>The S94 contributions calculation</i>	In the existing approval, Section 94 contributions have been listed in terms of a dollar value under Condition C1B. Council has proposed that the figure does not require change due to a reduction in the cost of the application being offset by inflation. As an alternate, it has been proposed in the submitted modification application at <b>Section 4.0</b> to remove the calculations and instead rely on a blanket requirement to be consistent with the Ku-Ring-Gai Contributions Plan 2010. In essence, this maintains flexibility to the benefit of both Council and the client in case the future development is subject to further modifications.	Y
<i>Application of SEPP 65 ADG</i>	This has been undertaken at <b>Section 3.0</b> .	Y
<i>Conditions C18, C19, C20, C22 and C29</i>	These conditions have been considered in the preparation of the modification application.	Y
<i>Solar Access, Natural Cross Ventilation.</i>	The proposed modified development has been designed to comply with the ADG as much as possible. A detailed storage schedule was submitted with the application at <b>Attachment C</b> .	Y
<i>Parking</i>	Council's comments surrounding parking are noted. Bicycle parking continues to be provided in the modified development.	Y
<i>Changes to Apartment 1.7.03</i>	These changes are noted, and have been addressed in the submitted modification statement.	Y
<i>Changes to Lift</i>	The proposed changes to the lift arrangement surrounding the heritage building have been resolved in the period since the meeting was held with Council and the application was lodged. The submitted plans ( <b>Attachment B</b> ) and Accessibility Statement ( <b>Attachment F</b> ) both address the revised access arrangements.	Y
<i>Landscaping</i>	Revised landscaping has been contemplated in the amended plans submitted under this modification application ( <b>Attachment B</b> ). If required, an additional revision to the landscape plan to detail the works surrounding the lift can be conditioned as part of any consent to the proposed modification works.	Y
<i>Engineer Comments</i>	The Council Engineer's comments have been noted. An updated Traffic Statement was submitted as part of the modification application at <b>Attachment C</b> .	Y
<i>Heritage Comments</i>	Council's comments are noted. A Heritage Impact Statement has been provided at <b>Attachment E</b> .	Y
<i>Building Comments</i>	Council's comments are noted. An Access Report has been prepared for the proposed modifications, which has been provided at <b>Attachment F</b> . This access report has similarly incorporated provisions of the BCA in its assessment.  The provision of a Bushfire Assessment Report at the site is considered unnecessary, given that this has been previously undertaken for the site under the initial application.	Y

### 3.0 CONCLUSION

We trust that this provides clarification on the issue, and will enable the Department to progress their assessment for each of the applications. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or [gkirkby@jbaurban.com.au](mailto:gkirkby@jbaurban.com.au).

Yours faithfully

A handwritten signature in blue ink, reading "Gordon Kirkby". The signature is fluid and cursive, with the first name "Gordon" and the last name "Kirkby" clearly distinguishable.

Gordon Kirkby  
*Director*