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22 February 2013

The Executive Director
Major Projects Assessment
Department of Planning and Infrastructure
GPO Box 39
SYDNEY, NSW, 2001

Dear Sir

Preferred Project Report for Concept Plan MP08_0207 & Project Application MP10_0219 – Home Units Development at 1, 1A & 5 Avon Road and 4 & 8 Beechworth Road, Pymble

I object to the project as set out in the Preferred Project Report (*PPR*).

The project does not warrant special treatment under Part 3A

As part of the Preferred Project Requirements (*PPRR*) of the Department of Planning and Infrastructure (*Department*) for the developer to submit a PPR, the developer was required to address the 320 objections lodged in February 2011.

A key objection raised was the excessive scale of this development given the single residential area in which the site is located. The response is a reduction from 11 storeys to 9. The developer still seeks to substantially exceed maximum planning benchmarks identified by the developer – SEPP 53 and Town Centres LEP 2010.

Further, I believe that the planning benchmark for this site should change as a result of the gazettal of the Ku-ring-gai LEP (Local Centres) 2012 (*LCLEP*) on 25 January 2013. The *LCLEP* prescribes a maximum FSR of 0.2:1 for the entire site except the area corresponding to proposed Building No. 1 which is 0.8:1 maximum and a small area adjoining Beechworth Road which is 0.3:1 maximum. Further, the developer was on notice that the *LCLEP* was coming because it was finalized by Ku-ring-gai Council in July 2012, well before the PPR was lodged. It behoves the Part 3A decision-maker to have regard to the provisions of the *LCLEP* rather than the developer's obsolete benchmarks. The developer should not now be allowed to use superseded benchmarks.

Next, the developer, without justification, claims that, because the site is heavily constrained (Blue Gum High Forest, steep topography, watercourse bisecting) the developer is entitled to allocate height and density to the remaining parts of the site. There is no planning principle for such compensation. Clause 4.5 of the *LCLEP* specifically excludes a trade-off principle in calculating an FSR.

The project is not in keeping with the surrounding properties

The development of the site warrants buildings in keeping with the area; those proposed by the project are not. The properties in the area are single 1 - 2 storey residences. The proposed

development's structures of 6, 7, 8 and 9 storeys and near the site's boundaries are most unsympathetic to the surrounding environment.

In section 8.2 of the PPR reference is made to the PPRR where the Department states that Buildings 4 and 5 are too high and should be altered to "reduce the visual impacts of the overall proposal and to provide a more appropriate relationship and transition with the local urban context".

A reduction of one storey for Building No. 5 and 2 storeys for Building No. 4 is unresponsive to this PPRR since there is no reduction of visual impact and no change to the large disproportion between the PPR envelopes and the surrounding single density residential landscape. This is especially the case because Building No. 4 has been moved to higher ground and Building No. 5 is already at the highest point of the site. Building No. 4 is still only 9 metres from No. 3 Avon Road (Map 02.08 section 13 Appendix F) and appears as 7 storeys above ground from Avon Road (see Map 04.02). Both Building No. 4 and Building No. 5 would be visible from houses further down Avon Road and from Arilla Road and Mayfield Avenue. Map 02.08 section 10 Appendix F shows Building No. 5 to be only 11 metres to the nearest house and to have a visual impact of at least 7 storeys (21.6 metres) from that house (MP 02.05 Appendix F).

In section 8.3 of the PPR reference is made to the PPRR which states that the 7 storey height of Building No. 3 is "excessive and options for reducing the height, bulk and scale should be considered to reduce the amenity impacts upon the adjacent residential properties". However, Building No. 3 is still proposed to be 7 storeys resulting in massive impact to Arilla Road (see especially Map 02.07 Appendix F which shows that Building No. 3 is 6 storeys above the roof line of 1 Arilla Road at a distance of 10.4 metres to the boundary: $144.6 - 128 = 16.6$ metres).

Also, Building No. 3 is only 11.5 metres from the house at 15 Avon Road (Map 02.03 Appendix F). Section 3 of 02.07 Appendix F shows Building No. 3 is 4 storeys over the roof of 15 Avon Road: $144.6 - 134 = 9.4$ metres. Building No. 3 is also higher than the roof of 11 Avon Road ($144.6 - 139 = 5.6$ metres).

The PPRR also requires that Building No. 1 be reduced in bulk and scale to reduce its impact. However, it is little altered and remains too high and bulky to Avon Road. In addition it is 8.47 metres over the roof line of 7 Avon Road (Figure 31 in PPR) at a distance of 10.3 metres from the boundary of 7 Avon Road. Furthermore, it is unclear whether the one significant tree towards the rear of 5 Avon Road on its boundary is to be retained (the other large tree within the boundary of 5 Avon Road is dead).

The development would have a 'cancer effect'

Such a significant mismatch between the PPR and the current single residences in the area will have the effect over time of degrading the amenity and hence the value of the latter and the interest of prospective purchasers. Consequently, high density housing will inevitably spread outwards into the degraded areas. This cancer effect will continue until there is only high density in the entire area. This would be an abuse of the planning process because future planning outcomes would be the result of economic factors instead of planning decisions consciously made by a responsible authority.

Please note this is not an argument about the relevance of value in planning decisions. It is an argument that a poor planning decision now will have inevitable degrading effects over time thus foreclosing any meaningful future planning decisions in this area.

The development would exacerbate the bad traffic conditions in the area

Access to and exit from the area is severely restricted. Access from the Pacific Highway is via Livingstone Avenue and Beechworth Road for vehicles travelling north and only via Livingstone Avenue for vehicles travelling south.

A number of years ago, southbound vehicles on the Pacific Highway could make a right-hand turn into Beechworth Road but this was “temporarily” forbidden pending an upgrade of the intersection (which shows no signs of occurring).

There is very heavy traffic on the roads bounding the development site. The traffic is primarily composed of the following:

1. Residents in the area leaving and returning to the area by car including in peak hours.
2. During the morning peak hour and in the mid-afternoon, students attending Pymble Ladies College (*PLC* – a very large school with some 2,000 day students) by car. Most of these students are driven by car but a number of the senior students drive themselves (and park in Avon Road).
3. During the morning and evening peak hours, rail commuters (from outside the area) who drive to and from Pymble station and park their cars in the nearby streets throughout the day.

In my view the proposal is wrong in asserting that there will not be any unacceptable traffic capacity implications, in estimating that the development of 273 home units will only delay peak hour traffic by a maximum of 3 - 4 seconds per vehicle and in considering that no road improvements or intersection upgrades are required (Appendix Q).

Attached are photographs showing the traffic travelling in Avon Road during the morning peak period.

The survey does not acknowledge how badly congested the traffic already is during the peak periods. Road improvements and intersection upgrades are already required to alleviate this congestion not only for ordinary traffic but also for vehicles attending an emergency in the area.

I have asked the author of Appendix Q for the dates and times of day on which the traffic survey was done but have not received an answer. I suspect that the survey was conducted when PLC was on vacation or outside the busy school period and after the Year 12 students (many of whom drive to school) had completed their Higher School Certificate.

The survey does not acknowledge the traffic problem below the proposed Avon Road entrances/exits for the development site. Parking is normally full on both sides of Avon Road from those points to the intersection with Arilla Road as a result of those rail commuters (and possibly PLC staff and students) parking their cars there. As a consequence that section of Avon Road is effectively reduced to a single lane road with cars having to stop and give way to each other.

The proposal (for 273 home units) provides for 297 residential spaces and 27 visitor spaces which is 40 spaces less than the Council’s current requirements. It is clear that there will be an overflow of parking from the site onto Avon Road which is already full of parked cars. The result will be that the availability of parking in Avon Road will be reduced not only for existing residents and their visitors but also for rail commuters.

Also attached are photographs showing parking and the ‘one way’ traffic in Avon Road.

Any development of the site should include

- Reinstatement of the right-hand turn into Beechworth Road for south-bound traffic on the Pacific Highway. Even now an ambulance or a fire engine can be significantly delayed in gaining access to the area and life and property are at serious risk.
- Increasing the number of off-street residential and visitors car parking spaces for the proposed development by at least 40 spaces
- Building a through-site road link between Avon and Beechworth Roads on the development site. The proposal provides for 3 buildings to have vehicular access to Avon Road and the fourth to have vehicular access to Beechworth Road and there is no through-site road link.

This means that the bulk of the site's residents and visitors would use the Avon Road entrance/exit where Avon Road is effectively a single lane road, further exacerbating the congested traffic there.

In addition, a through-site road link could save a life or property in the event of an emergency in the area (including on the development site).

- An investigation of whether traffic lights are warranted at the intersection of Livingstone Avenue and Everton Street.

Yours sincerely

A handwritten signature in blue ink that reads "Brian Gill". The signature is written in a cursive style with a large initial 'B'.

(Mr) F B Gill



Avon Road,
looking south-
east, from the
Main Gates of
Pymble Ladies
College (PLC)

18 February 2013
at 7.58 am

Note the congestion both ways and particularly in the distance where Avon Road turns into Everton Street. The majority of students driven to PLC are delivered via the entrance behind the telegraph pole in the foreground and the vehicles depart via the exit in front of the pole.



Everton Street
looking south-east
towards
Livingstone
Avenue, from the
intersection with
Pymble Avenue

18 February 2013
at 8.18 am

Note (1) the line of traffic in Everton Street which continues into Avon Road, having been swollen by traffic entering Avon Road from Pymble Avenue, (2) the cars waiting to turn right from Livingstone Avenue into Everton Street and (3) the cars waiting to turn left from Everton Street, where there is a "Give Way" sign, into Livingstone Avenue. Unseen to the right in Livingstone Avenue is traffic waiting to travel across the Everton Street intersection once the traffic on the other side moves onto the Pacific Highway.



Avon Road,
looking south-
west, from where
Avon Road turns
away from the
railway line (near
No. 1 Avon
Road).

18 February 2013
at 9.33 am

Note that (1) the lower entrance/exit in Avon Road for the proposed development would be about where the third car down on the right is parked and (2) the parking on both sides of Avon Road effectively turns it into a single lane road.



Avon Road,
looking north-
east, near No. 19
Avon Road

18 February 2013
at 9.44 am

Note that (1) the parking on both sides of Avon Road effectively turns it into a single lane road and (2) in the foreground on the left is a short “No Parking – 8 am – 6 pm School Days” section to assist cars to enter/exit a gate to PLC opposite on the right.