



PREFERRED PROJECT REPORT

MP08_0207 and MP10_0219

1, 1A and 5 Avon Road,
4 and 8 Beechworth Road, Pymble

November 2012



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Peter Strudwick
Associate Director	Ian Cady
Consultant	Sarah Houston
Job Code	SA4556
Report Number	Final

Urbis Pty Ltd
ABN 50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission. While we have tried to ensure the accuracy of the information in this publication, the Publisher accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

URBIS
Australia Asia Middle East
urbis.com.au

TABLE OF CONTENTS

Statement of Validity.....	1
Executive Summary	i
Revised Technical Studies	i
The Preferred Project	iii
Concept Plan	v
Project Application	v
Director General's Requirements.....	vi
Conclusion	vi
1 Introduction.....	1
1.1 Overview	1
1.2 The Preferred Project.....	1
1.3 Exhibition.....	2
1.4 Purpose of this Report	2
2 The Site and Context.....	5
2.1 Site Description	5
2.2 Local Context	7
2.3 Site Analysis.....	8
3 Background.....	9
3.1 The Current Proponent	9
3.2 History of Planning Controls.....	9
3.3 Part 3A Transitional Provisions	10
3.4 The Previous Proposal.....	10
3.5 Preferred Project Requirements.....	11
4 Further Assessments Undertaken.....	13
5 Design Development.....	21
5.1 Option 1.....	21
5.2 Option 2.....	22
5.3 Preferred Scheme.....	23
6 The Preferred Project.....	27
6.1 Overview	27
6.2 Concept Plan.....	28
6.3 Project Application.....	29
6.4 Architectural Design.....	31
6.5 Tenure.....	32
6.6 Landscaping	32
6.6.1 Concept Plan.....	32
6.6.2 Project Application	34
6.7 Vegetation Management.....	35
6.8 Stormwater Management.....	36
6.8.1 Concept Plan.....	36
6.8.2 Project Application.....	36
6.9 Sediment and Erosion Control	37
6.9.1 Concept Plan.....	37
6.9.2 Project Application	37

6.10	Revised Draft Statement of Commitments.....	37
7	Response to Public Submissions	39
7.1	Resident Submissions	39
7.2	Council and Agency Submissions	39
8	Consideration of Preferred Project Requirements	43
8.1	Land Amalgamation and Site Description.....	43
8.2	Building Height, Scale and Character.....	43
8.3	Building Height and Amenity Impacts	44
8.4	Environmental Constraints.....	47
8.4.1	Further Analysis.....	47
8.5	Traffic Generation, Road Capacity	54
8.6	Contributions, Works-In-Kind Offsets and Provision of Infrastructure.....	56
8.6.1	Project Application.....	57
8.6.2	Concept Plan.....	57
9	Additional Requirements	59
10	Conclusion	63
Appendix A	Preferred Project Requirements.....	1
Appendix B	Director General’s Extension to Submit PPR	2
Appendix C	Owner’s Consent.....	3
Appendix D	Response to Agency and Resident Submissions	4
Appendix E	Survey Plans	5
Appendix F	Amended Concept Plan Architectural Plans.....	6
Appendix G	Amended Project Application Architectural Plans	7
Appendix H	SEPP 65 Compliance	8
Appendix I	Residential Flat Design Code Compliance Assessment	9
Appendix J	Stormwater Management Plan.....	10
Appendix K	Flora and Fauna Assessment.....	11
Appendix L	Concept Landscape Plans and Report.....	12
Appendix M	Project Application Landscape Plans	13
Appendix N	Bushfire Report.....	14
Appendix O	BASIX Report	15
Appendix P	Heritage Report	16
Appendix Q	Traffic and Parking Assessment Report	17
Appendix R	Acoustic Report	18
Appendix S	Waste Management Plan	19

TABLE OF CONTENTS

Appendix T	Access Report.....	20
Appendix U	Construction Management Plan	21
Appendix V	Geotechnical Report	22
Appendix W	Contamination Report.....	23
Appendix X	Statement of Commitments MP10_0219 (Project Application)	24
Appendix Y	Statement of Commitments MP08_0207 (Concept Plan).....	25

FIGURES:

Figure 1 – NSW Office of Water 1:25,000 Topographic Mapping of the Site (No ‘Blue Line’ on Site)	ii
Figure 2 – Heritage Aerial Photograph Showing the Previously Cleared Site and Existing Local Heritage Itemsii	
Figure 3 – Plan Showing Bushfire Buffer Zones	iii
Figure 4 – Overlay of Previous and Amended (Preferred) Project	iv
Figure 5 – Site Aerial	5
Figure 6 –Noxious Weed Infestations on the Site	6
Figure 7 – Site Context	7
Figure 8 – Site Analysis	8
Figure 9 – Location of Native Canopy and Sub Canopy Trees.....	14
Figure 10 – NSW Office of Water 1:25,000 Topographic Mapping of the Site	15
Figure 11 – Extract, Council Bushfire Prone Land Map.....	15
Figure 12 – Consolidated Environmental Constraints Map (Source: Anne Clements and Associates)	19
Figure 13 – Alternative Option 1	22
Figure 14 – Alternative Option 2	23
Figure 15 – Previous Scheme	26
Figure 16 – Overlay of Previous and Preferred Projects	26
Figure 17 – Preferred Scheme	27
Figure 18 – Building 1, East Elevation	29
Figure 19 – Building 1, South Elevation	29
Figure 20 – Building 1, North Elevation.....	30
Figure 21 – Building 1, West Elevation	30
Figure 22 – Building 1 as Viewed from Avon Road to the Northeast.....	30
Figure 23 – Building 1 as Viewed from Avon Road to the Southeast	31
Figure 24 – Landscape Master Plan	33
Figure 25 – Artist’s Impression of the Rehabilitated Bushland.....	33
Figure 26 – Landscape Areas.....	34
Figure 27 – Building 1 Landscaping.....	35
Figure 28 – Section Through Building 5 and 6 Beechworth Road.....	45
Figure 29 – Section Through Building 4 and 10A Beechworth Road	45
Figure 30 – Section Through Building 3 and 15 Avon Road	46
Figure 31 – Section Through Building 1 and 7 and 3 Avon Road	46
Figure 32 – Proposed Stormwater Management	48
Figure 33 – Bushfire Prone Land Map	49
Figure 34 – Building Footprints and Identified Vegetation Corridor	50
Figure 35 – Proposed Landscaping and Drainge Works	51
Figure 36 – Consolidated Environmental Constraints Map (Source: Anne Clements and Associates)	52
Figure 37 – Proposed Bushfire Buffer Zones.....	53
Figure 38 – Consolidated Environmental Investigation Map.....	53

TABLES:

Table 1 – Preferred Project Report Supporting Documents	3
Table 2 – The Site Allotments	6
Table 3 – Preferred Project Requirements.....	11
Table 4 – Assessment of Key Attributes	13
Table 5 – Agency Submissions on Ecological Assessment and Responses in Flora and Fauna Assessment (Source: Anne Clements and Associates, Appendix K).....	20
Table 6 – Comparison of Previous and Preferred Proposal	24
Table 7 – Building Numbers.....	25
Table 8 – Landscaped Areas	34
Table 9 – Summary of Agency Submissions.....	40
Table 10 – Car Parking Provisions.....	56
Table 11 – Section 94 Contributions Building 1 (44 Units)	57
Table 12 – Section 94 Contributions Building 3 (77 Units)	57
Table 13 – Section 94 Contributions Building 4 (89 Units)	58
Table 14 – Section 94 Contributions Building 5 (63 Units)	58
Table 15 – Section 94 Credits.....	58
Table 16 – Additional Information Requirements	59

Statement of Validity

Submission of Preferred Project Report:

Prepared in accordance with Schedule 6A of the *Environmental Planning and Assessment Act 1979*.

Preferred Project Report prepared by:

Names:	Peter Strudwick (Director), Ian Cady (Associate Director) and Sarah Houston (Consultant)
Address:	Urbis Pty Ltd Tower 2, Level 23, Darling Park 201 Sussex Street Sydney NSW 2000
In respect of:	Concept Plan (MP08_0207) & Project Application (MP10_0219) 1, 1A and 5 Avon Road and 4 Beechworth Road and 8 Beechworth Road, Pymble




Applicant and Land Details

Applicant:	Stephen Parbery and Brett Lord of PPB Advisory as Receivers and Managers of JW Neale Pty Ltd
Applicant Address:	Level 46, MLC Centre, 19 Martin Place, Sydney NSW 2000
Land to be Redeveloped:	1, 1A and 5 Avon Road and 4 Beechworth Road and 8 Beechworth Road, Pymble
Lot and DP	Lot 1 and Lot 2 in DP 583803, Lot 2 in DP 205504, Lot 1 in DP 403072 and Lot 3 in DP 403072.
Project	Concept Plan (MP08_0207) & Project Application (MP10_0219) – Residential development at Avon, Beechworth and Arilla Roads, Pymble.

Declaration:

I certify that the contents of the Environmental Assessment to the best of my knowledge, has been prepared as follows:

- In accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*; and
- The information contained in this report is true in all material particulars and is not misleading.

Name:	Peter Strudwick, Director	Ian Cady, Associate Director	Sarah Houston, Consultant
Signature:			
Date:	30/11/12	30/11/12	30/11/12

Executive Summary

This 'Preferred Project Report' (PPR) relates to the 'Concept Plan' and Stage 1 'Project Application' (MP08_0207 and MP10_0219) made by James Woodward Neale for land at 1, 1A and 5 Avon Road, 4 and 8 Beechworth Road, Pymble in December 2010.

There has been a complex history of site specific planning controls affecting the site. However in 2002 the State Government formally recognised the strategic potential of the site for medium density housing in *State Environmental Planning Policy No 53 – Metropolitan Residential Development*, and on 1 December 2008 the project was declared to be a 'Major Project' to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies. The current application was therefore made to the Minister for Planning pursuant to Part 3A of the Act. While Part 3A was repealed on 1 October 2011, the project constitutes a 'transitional Part 3A project' under Schedule 6A of the Act, and an extension was recently granted to permit lodgement of the PPR by 30 November 2012.

The current Concept Plan and Stage 1 Project Application were publicly exhibited from 15 December 2010 to 11 February 2011, following which 321 public and eight agency submissions were made to the Department of Planning and Infrastructure (DPI). On 19 April 2011 the DPI wrote to JW Neale advising that the Director General requires a response to these submissions and that a PPR is required to address various issues relating to height, building layout, environmental constraints, residential amenity, traffic generation and car parking. The DPI also identified additional information required to be submitted with the PPR.

Whilst the proponent at the time of lodgement of the Concept Plan and Project Application was James Woodward Neal, the current proponent of the application is JW Neale Pty Ltd (Receivers & Managers Appointed). A new owner's consent letter reflecting the change to the proponent accompanies this PPR.

REVISED TECHNICAL STUDIES

In response to the DPI's correspondence of 19 April 2011 the receivers engaged various consultants to further investigate the environmental constraints affecting the project. Specifically, further investigations were undertaken in relation to ecology, bushfire hazard, stormwater drainage, heritage, acoustic and traffic. These investigations more accurately identified the physical attributes of the site and locality, and found:

- While of some heritage value, the existing houses at 1 and 5 Avon Road do not warrant retention, however some landscape elements do.
- The drainage line across the site does not constitute a 'river' as defined under the *Water Management Act 2000* and does not reflect its natural location or form.
- Aerial photography from the 1940s demonstrates that while the bushland along the drainage line appears to be remnant natural bushland, the upper slopes were formerly cleared and turfed, with current vegetation being predominantly weed infestation.

The drainage line and extant bushland has been accurately mapped and required ecological and bushfire buffer zones have been identified.

FIGURE 1 – NSW OFFICE OF WATER 1:25,000 TOPOGRAPHIC MAPPING OF THE SITE (NO 'BLUE LINE' ON SITE)



FIGURE 2 – HERITAGE AERIAL PHOTOGRAPH SHOWING THE PREVIOUSLY CLEARED SITE AND EXISTING LOCAL HERITAGE ITEMS



FIGURE 3 – PLAN SHOWING BUSHFIRE BUFFER ZONES



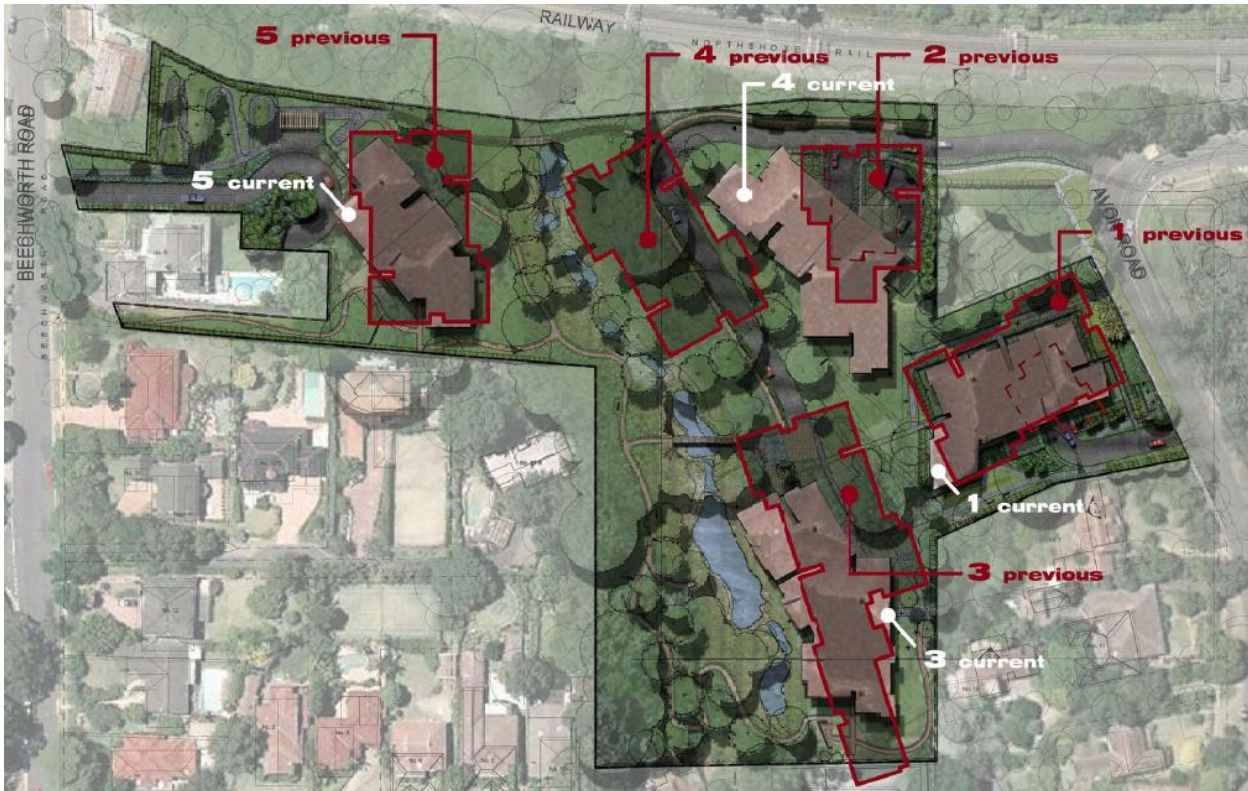
THE PREFERRED PROJECT

In response to the above findings and the issues raised by DPI, a revised scheme (the 'Preferred Project') was designed by Marchese and Partners Architects and a new landscape concept for the site was jointly developed by Site Image landscape architects, Anne Clements & Associates environmental and botanical consultants, NPC drainage engineers and ABPP bushfire planners.

In summary, the Preferred Project incorporates the following changes to the previously proposed scheme:

- Apartment numbers have been reduced from 355 to 273.
- Floor space ratio (FSR) has been reduced from 1.4:1 to 0.94:1.
- Gross floor area (GFA) has been reduced from 34,892sqm to 22,442sqm.
- Building heights have been reduced from 5-11 storeys to 4-9 storeys.
- Car parking has been reduced from approximately 500 to 324 spaces.
- Deep soil areas have been increased from 12,500sqm to 16,390sqm.
- Conservation area has been increased from 3,601sqm to 8,430sqm.
- Less bulky and more site responsive building forms have been adopted, with apartments oriented away from surrounding houses and private yards.

FIGURE 4 – OVERLAY OF PREVIOUS AND AMENDED (PREFERRED) PROJECT



Other key differences between the originally submitted scheme and the Preferred Project include:

- **Building 1:** Ground level parking storey deleted and side setbacks increased.
- **Building 2:** Deleted.
- **Building 3:** Part nine, part three storey building consolidated into a single 6 storey building with reduced footprint.
- **Building 4:** Relocated east out of remnant bushland area, into previously cleared area, and reduced from 11 to 9 storeys.
- **Building 5:** Building footprint reduced and height reduced by two metres.
- **Sydney Blue Gum High Forest:** Has been accurately mapped and all buildings located outside the zone of influence, with only 3 (6%) of the 52 blue gums on the site being removed (8 trees –15% of trees previously proposed to be removed).
- **Landscape Concept:** The more formal previous landscape concept has been replaced by a Vegetation Management Plan to restore and maintain natural bushland and the drainage line, including a public footpath network through the site.

CONCEPT PLAN

Concept Plan approval is sought for:

- 22,442sqm of gross floor area for residential use;
- 273 dwellings;
- Building envelopes described in Drawing Nos. MP02.01-MP02.08 and MP07.01-07.02 prepared by Marchese and Partners International and included at **Appendix F** (note that the remainder of drawings in **Appendix F** are provided for indicative or assessment purposes);
- The provision of car parking at the following rates:
 - 1 space per studio, one-bedroom or two-bedroom apartment;
 - 2 spaces per three-bedroom apartment; and
 - 1 space per 10 dwellings for visitor use;
- The Vegetation Management Plan included in the Flora and Fauna Assessment included at **Appendix K**;
- The Landscape Concept Plan prepared by Site Image (Drawing Nos. MP-001 to MP-004) and included at **Appendix L**, including vehicle and pedestrian access paths as shown on Drawing MP-001; and
- Stormwater Concept Plan described in Figure 7 of the Stormwater Management Report included at **Appendix J**.

PROJECT APPLICATION

Project Approval is sought for:

- Demolition of all buildings on the site;
- Detailed design and construction of Building 1, being a four to six storey (including the basement) residential flat building, containing 44 dwellings, comprising 16 one-bedroom apartments; 21 two-bedroom apartments; 7 three-bedroom apartments and a single basement car parking level containing 55 parking spaces, as detailed in the architectural plans prepared by Marchese and Partners International and included in **Appendix G**;
- Implementation of landscape works detailed in Landscape Drawing No DA-001 included in **Appendix M**;
- Implementation of the Vegetation Management Plan (**Appendix K**) insofar as it applies to the landscaped area detailed in Landscape Drawing No DA-001 (**Appendix M**); and
- Implementation of the Stage 1 Stormwater Drainage Plan and Erosion and Sediment Control Plan, shown in Figure 9 and Figure 10 respectively in the Stormwater Management Report (**Appendix J**).

DIRECTOR GENERAL'S REQUIREMENTS

The PPR has specific regard to the issues raised in the DPI's letter of 19 April 2011, including:

- **Building Height, Scale and Character:** All buildings have been reduced in size, located out of sensitive parts of the site and redesigned to adopt a more site responsive typology.
- **Building Height and Amenity Impacts:** Buildings 1, 3 and 4 have been reduced in height and Building 2 has been deleted. All buildings have been reduced in size, redesigned and sited to orient apartments away from sensitive neighbours.
- **Environmental Constraints:** Existing environmental constraints, including drainage, ecological communities, railway noise and bushfire hazard have now been accurately identified and building works relocated to protect natural features.
- **Traffic Generation, Road Capacity and Carparking:** The required traffic modelling has been undertaken, and demonstrates that the Level of Service will not be reduced at any intersection as a result of the project, and only marginal increases in delay will occur.
- **Road Link between Avon Road and Beechworth Road:** Traffic modelling has demonstrated that a road link across the site would not provide any significant traffic benefit. As construction of the road would require significant removal of remnant Sydney Blue Gum High Forest and significant landform modification and structures, a series of publicly accessible pedestrian walkways is proposed throughout the site instead.
- **Car Parking:** The proposed rate of car parking provision represents the average of Council's and the RMS's car parking requirements, balancing Council's desire to satisfy parking demand on site with the State Government's desire to reduce car dependency in transit oriented locations.
- **Contributions, works-in-kind offsets and provision of infrastructure:** Section 94 contributions will be paid in accordance with Council's adopted plan. In addition a pedestrian footpath will be provided along the full length of Avon Road, safety upgrades will be made to the Pacific Highway pedestrian underpass and publicly accessible walkways will be provided across and through the site, at the proponent's expense.
- **Additional Information:** All of the additional information requested in the DPI's letter of 19 April 2011 is contained within this submission.

CONCLUSION

While significant concerns were raised in relation to the adequacy of environmental investigations and the density and design of the original scheme for the site, additional investigations have been undertaken and substantial modifications have been made to the scheme. As a result, the Preferred Project now involves a substantial reduction in the intensity of development, but nevertheless provides a significant contribution to the supply of transit-oriented housing in the locality.

All of the issues raised in the DPI's correspondence of 19 April 2011 have now been suitably addressed and the project will not result in any unreasonable adverse environmental effects.

1 Introduction

1.1 OVERVIEW

This report comprises the Preferred Project Report (PPR) prepared on behalf of JW Neale Pty Ltd (Receivers & Managers Appointed) in respect of the Concept Plan (MP08_0207) and Project Application (MP10_0219) under Part 3A of the *Environmental Planning and Assessment Act 1979* for residential development at Avon and Beechworth Roads, Pymble.

The report responds to Preferred Project Requirements issues by the Department of Planning and Infrastructure (DPI) on 19 April 2011, which requested the preparation of a PPR. The Preferred Project Requirements specify key issues identified by the DPI through their initial assessment of the proposal.

Specifically, the Preferred Project Requirements request a response to issues raised by the general public and relevant agencies during the public exhibition of the Environmental Assessment; consideration of key issues identified by DPI; associated design amendments to be made; and additional information to be provided.

This report responds to the Preferred Project Requirements, and delivers a Preferred Project scheme based on the following considerations:

- Significant design amendments including deletion of one previously proposed residential flat building and overall reduction in scale of the originally proposed scheme;
- Removal of all building footprints from environmentally sensitive areas of the site;
- Additional technical information and analysis to support the application;
- Addressing and clarifying other matters where relevant; and
- A consolidated and revised draft Statement of Commitments for both the Project Application and the Concept Plan which reflect the revised design and recommendations of the technical studies.

1.2 THE PREFERRED PROJECT

In summary, the Preferred Project comprises the Concept Plan and Stage 1 Project Application, described as follows:

Concept Plan

Concept Plan approval is sought for:

- 22,442sqm of gross floor area for residential use;
- 273 dwellings;
- Building envelopes described in Drawing Nos. MP02.01-MP02.08 and MP07.01-07.02 prepared by Marchese and Partners International and included at **Appendix F** (note that the remainder of drawings in **Appendix F** are provided for indicative or assessment purposes);
- The provision of car parking at the following rates:
 - 1 space per studio, one-bedroom or two-bedroom apartment;
 - 2 spaces per three-bedroom apartment; and
 - 1 space per 10 dwellings for visitor use;

- The Vegetation Management Plan included in the Flora and Fauna Assessment included at **Appendix K**;
- The Landscape Concept Plan prepared by Site Image (Drawing Nos. MP-001 to MP-004) and included at **Appendix L**, including vehicle and pedestrian access paths as shown on Drawing MP-001; and
- Stormwater Concept Plan described in Figure 7 of the Stormwater Management Report included at **Appendix J**.

Stage 1 Project Application

Project Approval is sought for:

- Demolition of all buildings on the site;
- Detailed design and construction of Building 1, being a four to six storey (including the basement) residential flat building, containing 44 dwellings, comprising 16 one-bedroom apartments; 21 two-bedroom apartments; 7 three-bedroom apartments and a single basement car parking level containing 55 parking spaces, as detailed in the architectural plans prepared by Marchese and Partners International and included in **Appendix G**;
- Implementation of landscape works detailed in Landscape Drawing No DA-001 included in **Appendix M**;
- Implementation of the Vegetation Management Plan (**Appendix K**) insofar as it applies to the landscaped area detailed in Landscape Drawing No DA-001 (**Appendix M**); and
- Implementation of the Stage 1 Stormwater Drainage Plan and Erosion and Sediment Control Plan, shown in Figure 9 and Figure 10 respectively in the Stormwater Management Report (**Appendix J**).

1.3 EXHIBITION

The Environmental Assessment for MP08_0207 and MP10_0219 was lodged with the DPI in December 2010 and was publically exhibited from 15 December 2010 to 11 February 2011.

The following submissions were received:

- Seven agency submissions.
- A submission from Ku-ring-gai Council.
- 321 resident submissions.

All submissions have been considered in the design amendment process and a response to each issue raised is provided in **Appendix D**.

1.4 PURPOSE OF THIS REPORT

This report outlines the Preferred Project having regard to all issues raised in the Preferred Project Requirements of DPI.

The PPR also comprises the attached appendices as listed in **Table 1**.

TABLE 1 – PREFERRED PROJECT REPORT SUPPORTING DOCUMENTS

REPORT	PREPARED BY	REFERENCE
Preferred Project Requirements	DPI	Appendix A
Director General's Extension to Submit PPR	DPI	Appendix B
Owners' Consent	JW Neale Pty Ltd (Receivers & Managers Appointed)	Appendix C
Response to Agency and Resident Submissions	Urbis	Appendix D
Survey Plan	Higgins Surveyors	Appendix E
Amended Architectural Plans for Concept Plan: Including: Floorplans, Sections, Elevations, Shadow diagrams, Schedule of apartment and balcony sizes, Assessment of Options, Photomontages, cut and fill	Marchese and Partners International	Appendix F
Amended Architectural Plans for Project Application	Marchese and Partners International	Appendix G
SEPP 65 Compliance	Marchese and Partners International	Appendix H
Residential Flat Design Code Compliance Assessment	Marchese and Partners International	Appendix I
Stormwater Management Plan including Sediment and Erosion Control Plans for Concept Plan and Project Application	NPC	Appendix J
Flora and Fauna Assessment and Vegetation Conservation Management Plan	Anne Clements and Associates	Appendix K
Landscape Plan and Landscape Report for Concept Plan	Site Image	Appendix L
Landscape Plan for Project Application	Site Image	Appendix M
Bushfire Report	Australian Bushfire Protection Planners	Appendix N
BASIX Report	Vipac	Appendix O
Heritage Report	OCP Architects	Appendix P
Traffic and Parking Assessment Report	Varga Traffic Planning	Appendix Q
Acoustic Report	Sebastian Giglio	Appendix R
Waste Management Plan	Elephants Foot	Appendix S
Access Report	Accessibility Solutions	Appendix T
Construction Management Plan	Caverstock Group	Appendix U

REPORT	PREPARED BY	REFERENCE
Geotechnical Report	JK Geotechnics	Appendix V
Contamination Report	EIS	Appendix W
Consolidated Statement of Commitments MP10_0219 (Project Application)	Urbis	Appendix X
Consolidated Statement of Commitments MP08_0207 (Concept Plan)	Urbis	Appendix Y

2 The Site and Context

2.1 SITE DESCRIPTION

The site is known as 1, 1A and 5 Avon Road, and 4 and 8 Beechworth Road, Pymble within the Ku-ring-gai local government area. The site is bound by the North Shore Railway Line to the northeast, Avon Road to the east, Mayfield Avenue and Beechworth Road to the west and northwest and 1 Arilla Road to the south.

1 Arilla Road (Lot 7 in DP 15541) previously formed part of the site, and was included in the previous Environmental Assessment. However, this property is not under the control of the current proponent and is hereby excluded from the site subject to MP08_027 and MP10_0219, as shown in **Figure 5**.

FIGURE 5 – SITE AERIAL



The site has a total area of 23,677sqm and consists of five allotments as shown in **Table 2**.

TABLE 2 – THE SITE ALLOTMENTS

LOT/DP	ADDRESS	AREA
Lot 1 in DP 583803	1 Avon Road	2,356sqm
Lot 2 in DP 583803	1A Avon Road	11,934sqm
Lot 2 in DP 205504	5 Avon Road	2,807sqm
Lot 1 in DP 403072	4 Beechworth Road	2,067sqm
Lot 3 in DP 403072	8 Beechworth Road	4,503sqm
	TOTAL	23,677sqm

The site is currently occupied by dwelling houses. It has a very steep and irregular topography and in parts is heavily vegetated.

Key physical attributes of the site include:

- The site has a highly variable topography sloping down from Beechworth and Avon Roads, to a central north-south aligned drainage line through the site. There is also a less pronounced fall from north to south.
- A vegetation corridor exists through the centre of the site which is heavily vegetated and contains a number of noxious weeds including Wandering Jew, Lantana and Japanese Honeysuckle and the ecologically endangered Sydney Blue Gum High Forest community. Photographs of the weed infestation are shown in **Figure 6**.

FIGURE 6 –NOXIOUS WEED INFESTATIONS ON THE SITE



- The site is located near the top end of the catchment which is defined by the ridge line followed by the Pacific Highway, just to the north of the site. The catchment above the site has a small area of approximately 5 ha.

- The site contains two local heritage items located at 1 and 5 Avon Road. No. 1 Avon Road is also identified as a heritage item under the Draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012.
- The site has frontage to Avon Road and access to Beechworth Road via two access driveways.
- The site is adjacent to bushfire prone land located on the Pymble Ladies College to the southeast. This consists of a group of trees exceeding 30m without a native understorey. These are largely restricted to the upper section of the Pymble Ladies College site to the north and west.

2.2 LOCAL CONTEXT

The site is located at the centre of the Ku-ring-gai LGA and is approximately 16km northwest of the Sydney CBD.

The site is adjacent to the north shore railway line and the Pacific Highway which borders the site to the northeast as shown in **Figure 7**. The Pymble railway station is located approximately 520m to the southeast, which is the focus of the Pymble town centre and associated commercial uses located along Grandview Street.

FIGURE 7 – SITE CONTEXT



The site is surrounded by the following uses:

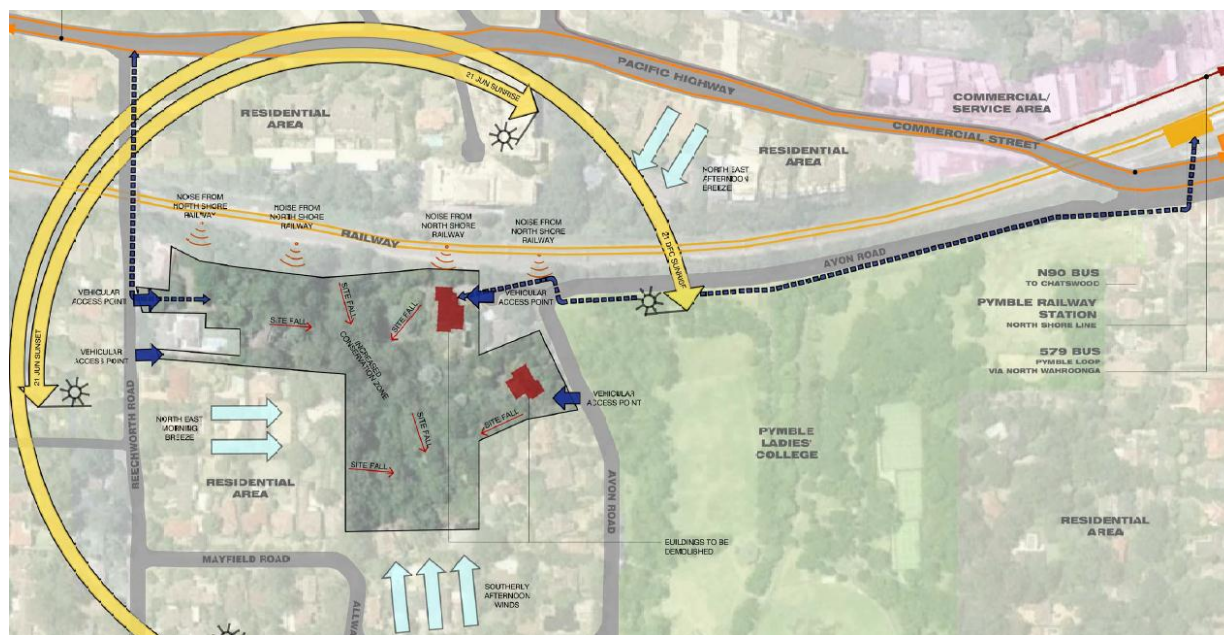
- **South:** To the south, the site is adjacent to low density residential housing along Avon Road and Arilla Road.
- **East:** Pymble Ladies College and associated recreational areas are located to the east of the site. 3 Avon Road is bound by the development site to the south and west.
- **North:** The site is adjacent to the North Shore Railway Line, the Pacific Highway and the conclusion of Avon Road to the northeast. Residential apartment buildings are also located to the north of the site with lower density residential dwellings located further to the north. Ku-ring-gai Town Hall is located on the opposite side of the railway line.
- **West:** Low density residential dwellings with pockets of vegetated areas are situated to the west of the site with Sheldon Forest located further to the northwest. 6 and 10A Beechworth Road is borders the site to the west.

2.3 SITE ANALYSIS

A site analysis has been prepared by Marchese and Partners identifying and documenting the sites attributes. This is provided in **Appendix F** and shown in **Figure 8** below. The site analysis shows:

- Proximity of the site to Pymble Station and Pymble commercial area.
- The steep topography of the site.
- Solar access paths and affecting wind flows.
- Adjoining land uses including Pymble Ladies College and residential uses.
- Location of the Pacific Highway and availability of local bus services.
- Vehicle access points to the site.

FIGURE 8 – SITE ANALYSIS



The site analysis has been used to inform the review of the Concept Plan and Project Application design.

3 Background

3.1 THE CURRENT PROPONENT

At the time of lodgement of the Concept Plan and Project Application, the proponent was James Woodward Neale.

On 23 June 2011, Bank of Western Australia Limited ('BankWest') enforced its registered mortgages on land relevant to the Major Projects MP 08_027 & MP10_0219 being 1, 1A and 5 Avon Road and 4 and 8 Beechworth Road, Pymble (the site) through the appointment of Stephen Parbery and Brett Lord of PPB Advisory as Receivers and Managers. Following this appointment, Stephen Parbery and Brett Lord were deemed to be the Proponent of the Concept Plan and Project Application. On 30 September the DPI formally acknowledged the Receivers as the rightful proponent to continue to progress Major Projects MP 08_027 & MP10_0219.

On 10 October 2012, BankWest assigned all its right title and interest in the registered mortgages over 1, 1A and 5 Avon Road and 4 and 8 Beechworth Road, Pymble to Secured Global Opportunity Limited ARBN 158 527 176 ('Secured Global'). Secured Global has appointed Brett Lord and Marcus Ayres as Receivers and Managers in respect of its registered mortgages over the Site and as such they will continue progressing Major Projects MP 08_027 & MP10_0219.

A letter accompanies this PPR signed by the Receivers and Secured Global providing the owner's consent to lodgement of the PPR (refer **Appendix C**).

3.2 HISTORY OF PLANNING CONTROLS

The planning controls applicable to the site have been amended a number of times over the last decade and since the lodgement of the original Concept Plan and Project Application.

The following provides a summary of these controls:

- In 2002, the site was identified as one of six 'targeted sites' for high density development under *State Environmental Planning Policy No 53 – Metropolitan Residential Development* (SEPP 53) and under Clause 15 of Schedule 2 of *State Environmental Planning Policy (Major Development) 2005*. This then became the principle planning instrument applicable to the subject site, superseding the Ku-ring-gai Planning Scheme Ordinance (KPSO). SEPP 53 permitted multi-unit development, specifying a height of 3-7 storeys and an FSR of 0.8:1 for the subject site.
- *Development Controls and Design Guidelines – Six SEPP 53 sites in Ku-ring-gai*, supplemented SEPP 53, providing development principles in relation to the sites. These design guidelines also stipulated a height of 3-7 storeys and an FSR of 0.8:1 on the subject site.
- The making of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 (Town Centres LEP) superseded SEPP 53. The Town Centres LEP was gazetted on 17 December 2010. The Town Centres LEP also permitted heights up to 7 storeys and an FSR of 0.8:1 on the subject site.
- SEPP 53 was subsequently amended to reflect the provisions of the Town Centres LEP, but was repealed in full on 3 June 2011.
- In August 2011, a legal challenge to the validity of the process leading to the gazettal of the Town Centres LEP was successful in the Land & Environment Court. This resulted in the repeal of the Town Centres LEP.
- Following the repeal of both the SEPP 53 and the Town Centres LEP, the current principle planning instrument for the site is the KPSO, which permits a height limit of seven metres (approximately two storeys) and a 929sqm minimum lot size.
- The Draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012 has been prepared by Council and was on public exhibition from 21 May to 18 June 2012.

3.3 PART 3A TRANSITIONAL PROVISIONS

The project was declared to be a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies on 1 December 2008.

Following the repeal of Part 3A of the Act on 1 October 2011, the project is saved by transitional provisions provided in Schedule 6A of the Act as follows:

Transitional arrangements—repeal of Part 3A

- 1) *The following are, subject to this Schedule, transitional Part 3A projects:*
 - (a) *an approved project (whether approved before or after the repeal of Part 3A),*
 - (b) *a project that is the subject of an approved concept plan (whether approved before or after the repeal of Part 3A),*
 - (c) *a project for which environmental assessment requirements for approval to carry out the project, or for approval of a concept plan for the project, were last notified or adopted within 2 years before the relevant Part 3A repeal date (unless the environmental assessment is not duly submitted on or before 30 November 2012 or on or before such later day as the Director-General may allow by notice in writing to the proponent),*
 - (d) *a project for which an environmental assessment (whether for approval to carry out the project or for approval of a concept plan for the project) was duly submitted before the relevant Part 3A repeal date.*

As the Environmental Assessment was lodged prior to 1 October 2011, the project remains one to which Part 3A of the Act applies.

Following the repeal of Part 3A, the NSW Government gave proponents until 1 October 2013 to lodge Environmental Assessments for public exhibition. If no environmental assessment was lodged by this date, the application was to be removed from the Part 3A system. This time limit was also imposed on preparation of preferred project reports. This date was subsequently brought forward to 30 October 2012.

However, on 12 October 2012 the Director General granted a project specific extension for this project (being MP08_0207 and MP10_0219) until 30 November 2012 (refer **Appendix B**). This report is lodged by 30 November 2012 and therefore the project continues to be one to which Part 3A of the Act applies.

3.4 THE PREVIOUS PROPOSAL

The Environmental Assessment was lodged with the DPI in December 2010 and was placed on public exhibition from 15 December 2010 until 11 February 2011.

The original application proposed a Concept Plan and Project Application for:

- An overall Concept Plan for the development of the entire site, comprising five residential flat buildings; and
- Detailed plans for the construction of Stage 1 of the development comprising a 4-6 storey residential flat building over basement parking.

The application included demolition of all existing structures on the site and construction of a residential flat development comprising of the following:

- Five residential flat buildings providing in five separate stages with a total of 355 units.
- Building heights varying from 2 storeys to a maximum of 11 storeys with an FSR of 1.38:1.

- A total of approximately 500 car parking spaces provided in basement parking levels of each building.

3.5 PREFERRED PROJECT REQUIREMENTS

Preferred Project Requirements were issued by the DPI for the project on 19 April 2011. A copy of these requirements is provided in **Appendix A**.

A summary of these requirements and a reference to where each has been addressed within this report or supporting documentation is provided in **Table 3**.

Following receipt of the Preferred Project Requirements, a number of meetings have been held between the current proponent and the DPI to clarify the Preferred Project Requirements.

TABLE 3 – PREFERRED PROJECT REQUIREMENTS

REQUIREMENT	REFERENCE
<ul style="list-style-type: none"> ▪ A response to issues raised in the submissions 	Appendix D
<ul style="list-style-type: none"> ▪ Revised Statements of Commitment for the Concept Plan Application and the Project Application which should be submitted as separate documents. 	Appendix X (MP10_0219); Appendix Y (MP08_0207)
Land Amalgamation and Site Description	
Confirm the final configuration and area of land comprising the development site and amend/update all relevant plans.	Section 2.1; Section 8.1; Appendix F; Appendix G
Building Height, Scale and Character	
<ul style="list-style-type: none"> ▪ Further analysis of building envelopes including options for reductions in height. ▪ Include the potential relocation and/or reconfiguration of Envelopes 4 and 5 to maximise tree retention. 	Section 5; Section 8.2; Appendix F
Building Height and Amenity Impacts	
<ul style="list-style-type: none"> ▪ Options for reducing the height, bulk and scale of the 7 storey portion of the Stage 3 Concept Plan envelope should be considered to reduce the amenity impacts upon the adjacent residential properties. ▪ The setback and height of the Stage 1 Project Application building should be amended taking into consideration the potential impacts of height, bulk and scale upon No. 7 Avon Road. 	Section 8.3; Appendix F; Appendix G
Environmental Constraints	
<ul style="list-style-type: none"> ▪ Response to agency submissions identifying a range of environmental constraints relating to vegetation corridors, riparian setbacks and bushfire risks. ▪ A review of the submitted Flora and Fauna Assessment, Vegetation Management Plan (VMP), and Landscape Masterplan. 	Section 4; Section 8.4; Appendix J; Appendix K; Appendix L; Appendix M;

REQUIREMENT	REFERENCE
<ul style="list-style-type: none"> Consider options for relocating the Stage 3 and 4 Concept Plan envelopes clear of the Core Riparian Zone (CRZ). Address the inconsistencies between the Flora and Fauna Assessment, VMP, Bushfire Assessment and Landscape Masterplan identified by Agency submissions. Clearly identify the trees to be removed and trees to be retained on site, particularly in respect of Sydney Blue Gums. 	Appendix N
Traffic Generation, Road Capacity and Car Parking	
<ul style="list-style-type: none"> Address the potential of the proposal to impact upon the local road network, particularly in respect to the Pacific Highway and Beechworth Road intersection, and the Pacific Highway and Livingstone Road intersection. The new connecting road across the site between Beechworth Road and Avon Road would assist in alleviating local traffic congestion. Further assessment is required in relation to the capacity of the local road network and road intersections to accommodate the additional traffic to be generated by the increase in density. The further assessment should also detail the potential implications for the local road network of not providing the new cross site road. The amount of carparking proposed for the Concept Plan and Stage 1 Project Application is considered excessive and incompatible with the objectives of Metropolitan Plan 2036. 	Section 8.5; Appendix Q
Contributions, Works-In-Kind Offsets and Provision of Infrastructure	
<ul style="list-style-type: none"> Further clarification and consideration of Section 94 Contributions and provision of infrastructure for the site is required. The EA and plans have not clearly identified proposed infrastructure works that are to be provided as a direct result of the proposal either on site or within the public road reserve. Specifically, the EA notes that a connecting link for pedestrians will be established in lieu of the identified connecting road between Avon and Beechworth Road, however no details have been provided for these works or with respect to the staging of these works. Section 94 Contributions should be reassessed in accordance with Councils submission and the recently adopted Town Centres Section 94 Plan. Any works proposed to be offset against monetary Section 94 Contributions should be clearly identified and justified. In addition, Railcorp's submission has identified the need to provide upgrades to the access path between the site and Pymble Station, and upgrades to the pedestrian underpass to Pymble Station, and these matters should be considered in the PPR and the timing and extent of any public benefit works should be identified. 	Section 8.6

4 Further Assessments Undertaken

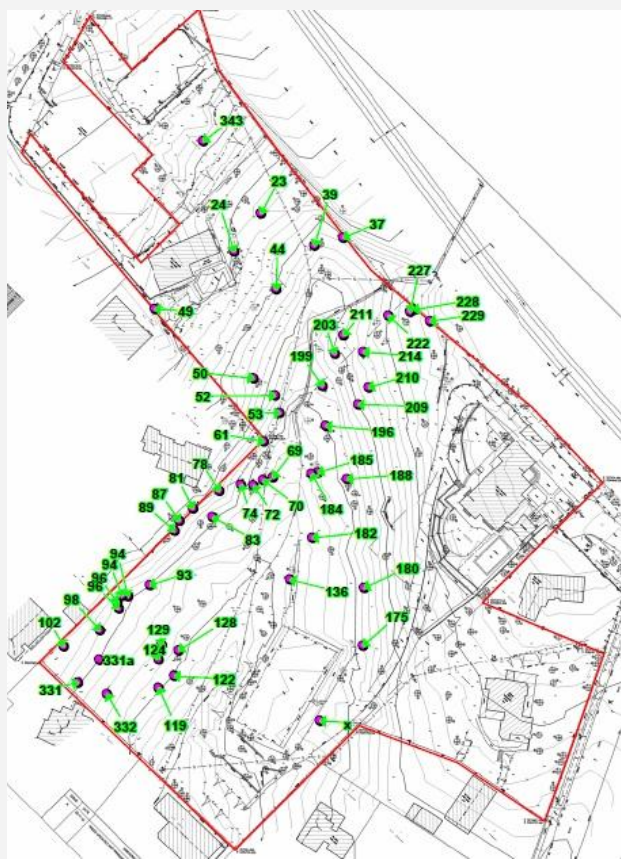
Following the receipt of the Preferred Project Requirements from DPI, additional investigations were undertaken in the following regards:



- Ecological assessments.
- Hydraulic investigations.
- Bushfire Investigations.
- Acoustic assessments.
- Traffic analysis.
- Heritage assessment.

The additional technical studies are located in the appendices of this report as indicated in **Section 1.4**. The findings of the report provide clarification of the key site attributes and are summarised as follows:

TABLE 4 – ASSESSMENT OF KEY ATTRIBUTES

SITE ATTRIBUTE	TECHNICAL STUDY FINDINGS
Vegetation corridor and EEC	<p>Further flora and fauna assessments have been undertaken by Anne Clements and Associates and provided in Appendix K. The report concludes:</p> <ul style="list-style-type: none">▪ The site contains the critically endangered ecological community (EEC) of Blue Gum High Forest in the Sydney Basin Bioregion as listed under the NSW Threatened Species Act (TSA). This consists of a small group of trees (52) exceeding 30m without a native understorey. These are largely restricted to the upper section of the site to the north and west.▪ The Blue Gum High Forest is not listed under the Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC Act).▪ Much of the Blue Gum High Forest habitat was lost at the time of residential occupation of the site since the 1930s.▪ Given the community persisting on the site has been previously reduced to 52 native canopy trees with some ferns persisting under dense exotic weed growth, the loss of 3 Blue Gum High Forest is not considered likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.

SITE ATTRIBUTE	TECHNICAL STUDY FINDINGS
	<p data-bbox="403 226 1118 248">FIGURE 9 – LOCATION OF NATIVE CANOPY AND SUB CANOPY TREES</p>  <p data-bbox="403 1162 1383 1265">A Vegetation Management Plan (VMP) has been prepared to conserve and enhance native vegetation and establish a long term ecologically viable Blue Gum High Forest ecosystem. A conservation area has been identified in which the VMP works will take place.</p>
<p data-bbox="164 1305 327 1328">Drainage Line</p>	<p data-bbox="403 1305 1383 1444">A drainage line is located on the site entering from the north. The Stormwater and Riparian Report prepared by NPC (refer Appendix J) finds that based on the NSW Office of Water policy and a detailed site inspection, the drainage line located on the site is not shown as a blue line on the 1:25,000 topographic map for the area. Accordingly:</p> <ul data-bbox="403 1480 1383 1675" style="list-style-type: none"> <li data-bbox="403 1480 1383 1512">▪ The drainage line is not defined as a river under the <i>Water Management Act 2000</i>. <li data-bbox="403 1547 1383 1579">▪ Subsequently, the application does not require allocation of a riparian corridor. <li data-bbox="403 1615 1383 1675">▪ Referral of this application to the NSW Office of Water and associated Activity Permit is not required.

SITE ATTRIBUTE	TECHNICAL STUDY FINDINGS
	<p>FIGURE 10 – NSW OFFICE OF WATER 1:25,000 TOPOGRAPHIC MAPPING OF THE SITE</p> 
<p>Bushfire Asset Protection Zone</p>	<p>The Bushfire Assessment prepared by Australian Bushfire Protection Planners and provided in Appendix N gives an assessment of bushfire risks associated with the proposed development and identifies appropriate management measures.</p> <p>While the site is not recorded as a bushfire hazard, Council's Bushfire Prone Land Map shows that the southeastern section of the site contains the vegetation buffer zone to Category 1 Bushfire Prone Vegetation located on the Pymble Ladies College site (to the south east). An inspection of the site has confirmed this to be the case.</p> <p>FIGURE 11 – EXTRACT, COUNCIL BUSHFIRE PRONE LAND MAP</p>  <p> Category 1 Bushfire Prone Vegetation 100m wide buffer zone to Category 1 vegetation </p> <p>A separation of more than 25 metres from Building 1 to the closest to the mapped bushfire prone vegetation is considered appropriate. This exceeds the minimum width of Asset Protection Zone required by <i>Planning for Bushfire Protection 2006</i>. Additionally, a 10m wide landscaped buffer zone must be provided between all proposed buildings and the</p>

SITE ATTRIBUTE	TECHNICAL STUDY FINDINGS
	<p>rehabilitated Blue Gum High Forest vegetation.</p> <p>A number of other bushfire management measures have been incorporated into the draft Statement of Commitments.</p>
<p>Acoustic Assessment</p>	<p>An Acoustic Report has been prepared by Sebastian Giglio and provided in Appendix R to address the indoor rail noise goals of the Infrastructure SEPP.</p> <p>Potential acoustic issues that are covered in this report include:</p> <ul style="list-style-type: none"> ▪ Indoor noise intrusion from rail passbys; and ▪ Ground-induced vibration from rail passbys in the residential buildings. <p>The Acoustic Report has found:</p> <ul style="list-style-type: none"> ▪ Apartments for Building 4 and Building 5 will require alternative ventilation in order that occupants can keep the windows closed if they so desire. The actual glazing requirements are relatively modest. A number of possible systems for alternative ventilation were presented in the Acoustic Report and will be incorporated into the detailed design of Building 4 and 5 at Development Application stage. ▪ Measurements of rail vibration also indicated relatively low impact and no special considerations are contemplated. <p>In conclusion it has been found that rail noise levels are not particularly high at the site and that the requirements of the DPI can be met in a relatively straightforward manner.</p>
<p>Access Road</p>	<p>The Traffic and Parking Assessment prepared by Varga Traffic Planning (refer Appendix Q) assesses the implications of providing an additional road link between Avon Road and Beechworth Road. This assessment concludes that while this road would provide flexibility for residents on the site, it would represent a duplication of the existing road link between Avon Road and Beechworth Road via Mayfield Avenue and Arilla Road.</p> <p>The only traffic generated by the site which would benefit from this through-site link would be less than 15 vehicles per hour combined. Accordingly, it is concluded in the Traffic and Parking Assessment that the route is not necessary to accommodate traffic flows generated by the site and there will be no material benefit to local traffic in the area.</p>
<p>Traffic volumes</p>	<p>The Traffic and Parking Assessment (Appendix Q) provides an assessment (through SIDRA modelling) of the impacts of the proposed development on key intersections surrounding the site and identified in the Preferred Project Requirements being Pacific Highway / Livingstone Road, Pacific Highway / Beechworth Road North and Avon Road and Arilla Road intersections.</p> <p>The Traffic and Parking Assessment concludes that all intersections will continue to operate at level of service 'A', with no appreciable change in total average vehicle delay. Accordingly, the proposed development will not have any unacceptable traffic implications in terms of road network capacity and no road improvements or intersection upgrades are necessary.</p>
<p>Heritage</p>	<p>A Heritage Impact Statement (HIS) has been prepared by OCP Architects (refer Appendix P) to assess the impact of the proposed development on the heritage</p>

SITE ATTRIBUTE	TECHNICAL STUDY FINDINGS
Significance	<p>significance of the buildings 1 and 5 Avon Road and nearby heritage items 11 and 19 Avon Road and 11 Arilla Road. The report states that 1 and 5 Avon Road are listed as heritage items of local significance under the KPSO. However, the current Draft Ku-ring-gai Local Environment Plan (Local Centres) 2012 proposes to list only 1 Avon Road.</p> <p>In summary, the HIS provides an assessment of significance and concludes:</p> <ul style="list-style-type: none"> ▪ 1 Avon Road: It would be difficult to integrate 1 Avon Road into the overall development given that the site is considerably undulating, with No 1 being at the highest point of the site and at its natural entry point for any new development in the upper sections of the overall site. The retention of the building would prevent the natural entry to the upper site, and also force the development further north, which would result in the interface of the new multi storied Buildings 4 and 3 to be too near each other effecting the landscape qualities and residential living attributes of the new units. It would also result in pushing the Building 3 further north and hence affect the existing suburban residences at Beechworth Road resulting in less landscape buffer qualities being available. ▪ 5 Avon Road: The building in recent years has become the victim of considerable vandalism; a number of fires; is currently in a dilapidated state; and is structurally unsound. The building is in such a poor state that it would require virtual reconstruction, with only a small amount of reusable heritage fabric. Hence the option of its retention is not economically feasible or virtual total reconstruction desirable from a heritage perspective. ▪ 11 and 19 Avon Road: The new development effect on the existing heritage items No 11 and No 19 Avon Road has been ameliorated by considerable landscape buffers that have kept the identified vegetation corridor and bush fire protection zones and by setting the developments away from Avon Road. The proposal has ensured that no Sydney Blue Gum High Forest or Sydney Red Gum is removed. Also stepping the building blocks levels so that its lower levels are nearest Avon Road. <p>The HIS provides recommendations which have been incorporated into the proposed design including the following:</p> <ul style="list-style-type: none"> ▪ 1 and 5 Avon Roads to be recorded prior to demolition, following the guidelines of the NSW Office of Environment and Heritage's (Heritage Office) for archival recording. ▪ 1 Avon Road: The following items being preserved and integrated as far as possible into the new development: <ul style="list-style-type: none"> – The eastern inter war dry laid sandstone boundary wall together with the small fountain (at the southern end of site near the entry gates). – The front sandstone fence (repaired as necessary), vehicle and pedestrian and gate posts. – Salvage all sandstone building blocks and paving and reuse within the new development. ▪ 5 Avon Road: Preserve the two mature palm trees in the front yard, adjacent to Avon Road.

SITE ATTRIBUTE	TECHNICAL STUDY FINDINGS
	<ul style="list-style-type: none"> Prepare an Interpretation Strategy for the development that incorporates the history and images of Buildings 1 and 5 Avon Roads.

In accordance with the Preferred Project Requirements, a coordinated approach to design amendment has been adopted incorporating the various findings of these additional investigations.

The Preferred Project design has been amended with consideration of:

- Appropriate vegetation management and the inclusion of appropriate landscaping to complement the built form;
- Inclusion of appropriate bushfire protection zones between the proposed buildings and adjacent bushfire prone vegetation;
- Management of stormwater and appropriate use of stormwater devices in the vegetation corridor;
- Provision of shared pedestrian links to ease access to the local road network and Pymble Station;
- Appropriate heritage recommendations which have been incorporated into the Architectural Plans including retention of landscape features; and
- In accordance with the Acoustic Report, alternative ventilation systems will be incorporated into the detailed design of Building 4 and 5 at Development Application stage.

Figure 12 combines overlays of environmental hazard and conservation constraints which apply to the site as discussed above, including:

- 100m buffer zone to bushfire prone vegetation;
- Category 3 riparian drainage corridor (identified in Ku-ring-gai Water Management Development Control Plan No 47); and
- Blue Gum High Forest canopy trees.

These environmental constraints and management areas have been used to guide the location and design of buildings in the Preferred Project. Unlike the original scheme, the environmental consultants for the Preferred Project have been careful to cooperate and deliver a cohesive assessment of ecological, bushfire and landscape issues. As described by Anne Clements and Associates in the Flora and Fauna Assessment in **Appendix K**:

Extensive consultation and exchange of information through several meetings, both onsite and offsite, have taken place between Anne Clements and Anne Baumann of Anne Clements and Associates, Graham Swain of Australian Bushfire Protection Planners Pty Limited, Ross Shepherd of Site Image Landscape Architects and Mark Tooker of NPC stormwater management consultants. The findings and conclusions of the relevant reports were also exchanged and discussed between consultants, prior to final submission.

Table 5 shows how this has been done, indicating the responses in the Flora and Fauna Assessment to concerns raised by public agencies in the Environmental Assessment.

FIGURE 12 – CONSOLIDATED ENVIRONMENTAL CONSTRAINTS MAP (SOURCE: ANNE CLEMENTS AND ASSOCIATES)

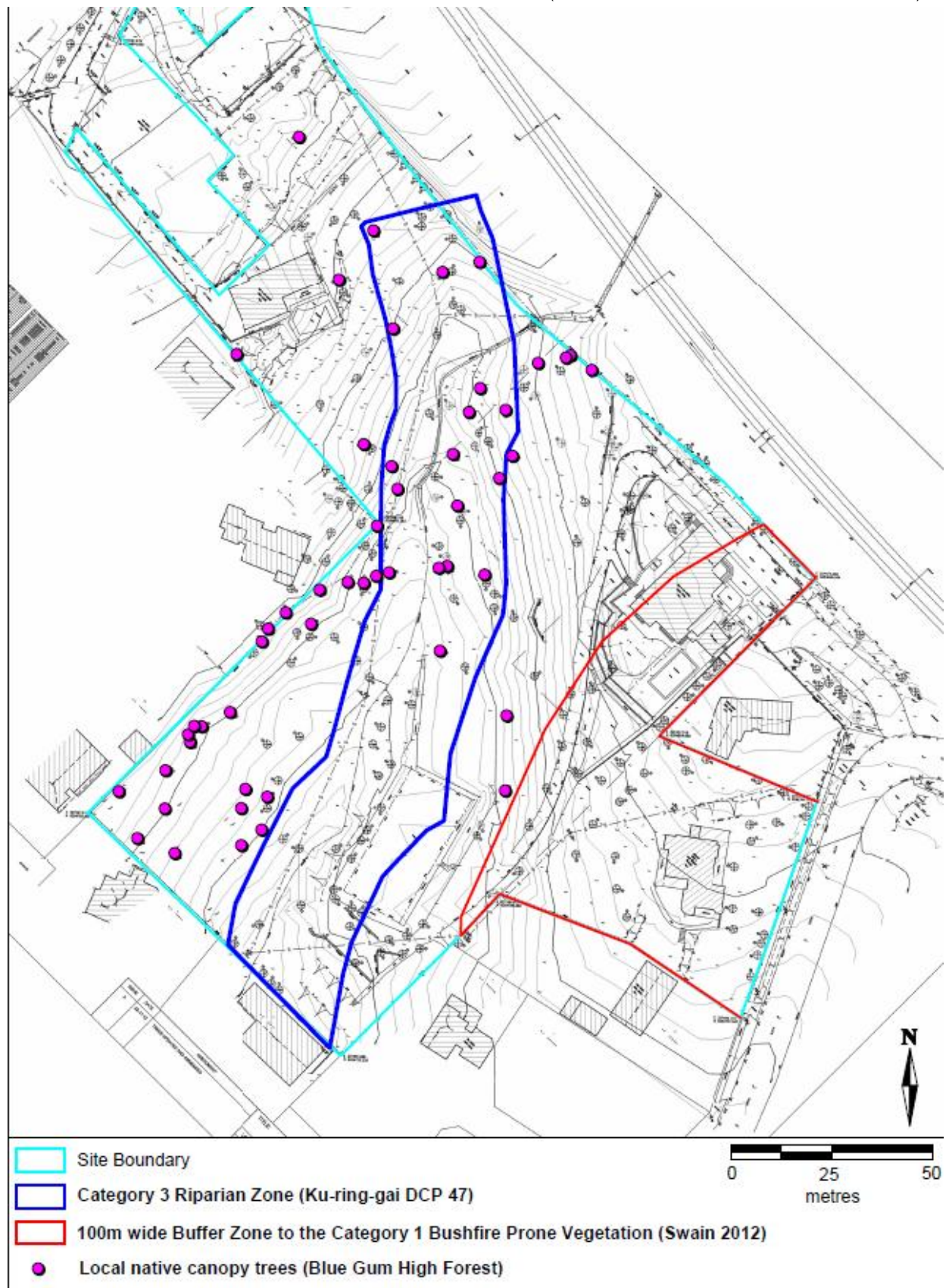


TABLE 5 – AGENCY SUBMISSIONS ON ECOLOGICAL ASSESSMENT AND RESPONSES IN FLORA AND FAUNA ASSESSMENT (SOURCE: ANNE CLEMENTS AND ASSOCIATES, APPENDIX K)

AGENCY	ISSUE	ADDRESSED IN FLORA AND FAUNA ASSESSMENT
Department of Planning	Environment constraints	Section 2.6
DECCW, Ku-ring-gai Council	Insufficient information on the native vegetation component onsite and the extent of weed invasion not determined.	Section 2.2 with data recorded in two long transects at right angles the gully.
DECCW, Ku-ring-gai Council	Insufficient information on accurate locations of native trees, characteristic of Blue Gum High Forest.	Section 2.5, locations shown on Plan and overlaid on recent and historic aerial photographs
DECCW, Ku-ring-gai Council	Removal of trees discussed, but not impacts of the removal of the critically endangered ecological community.	Clearly identify the environment constraints in Chapter 2, assess the proposed in terms of impact on the listed critical endangered ecological community <i>Blue Gum High Forest</i> identified on the Site.
DECCW, Ku-ring-gai Council	Failure to identify potential direct and indirect impacts on <i>Blue Gum High Forest</i> from increased urbanisation.	Assessed impact in Chapter 3 and proposed amelioration by implementation of the Vegetation Management Plan in Chapter 4.
DECCW, Ku-ring-gai Council	Inadequacy of the VMP.	VMP (Chapter 4) directed to conservation and enhancement of the existing highly modified Blue Gum High Forest.
Ku-ring-gai Council	VMP fails to consider the DECC best practice guidelines for Blue Gum High Forest.	Chapter 4
Ku-ring-gai Council	Inadequacy of the Arborist report based on a 2002 survey.	Extensive additional survey to locate remnant native trees; and to locate and assess the viability of the planted exotic and non-local native trees amongst the dense weed growth with the landscape architect. The existing landscape trees are shown on the Landscape Plans submitted with the development application.
Ku-ring-gai Council	Inadequacy of landscape plans	The updated flora related issue report provides accurate data and clarifies the environment opportunities to inform the landscape plans.
Ku-ring-gai Council	Protection of remnant native trees	The protection of the remnant native trees in the Conservation Area is discussed under Objective 1 of the VMP (Chapter 4). The protection of trees near proposed buildings and during construction works have carefully considered on the landscape plan.

5 Design Development

A number of design options were considered during the development of the Preferred Project scheme. The design evolved as further investigations on the site were undertaken and information became available to the consultant team.

The following section documents two of these options which were considered and provide commentary prepared by Marchese and Partners to describe the analysis of the options.

In summary, the two options were considered to be unsuitable on the site due to:

- Inappropriate bulk, scale and height;
- Orientation of buildings;
- Proximity of buildings to the boundary; and
- Associated amenity impacts.

This section also considers the development of the Preferred Project scheme and compares it to other option and the original scheme proposed in the Environmental Assessment.

5.1 OPTION 1

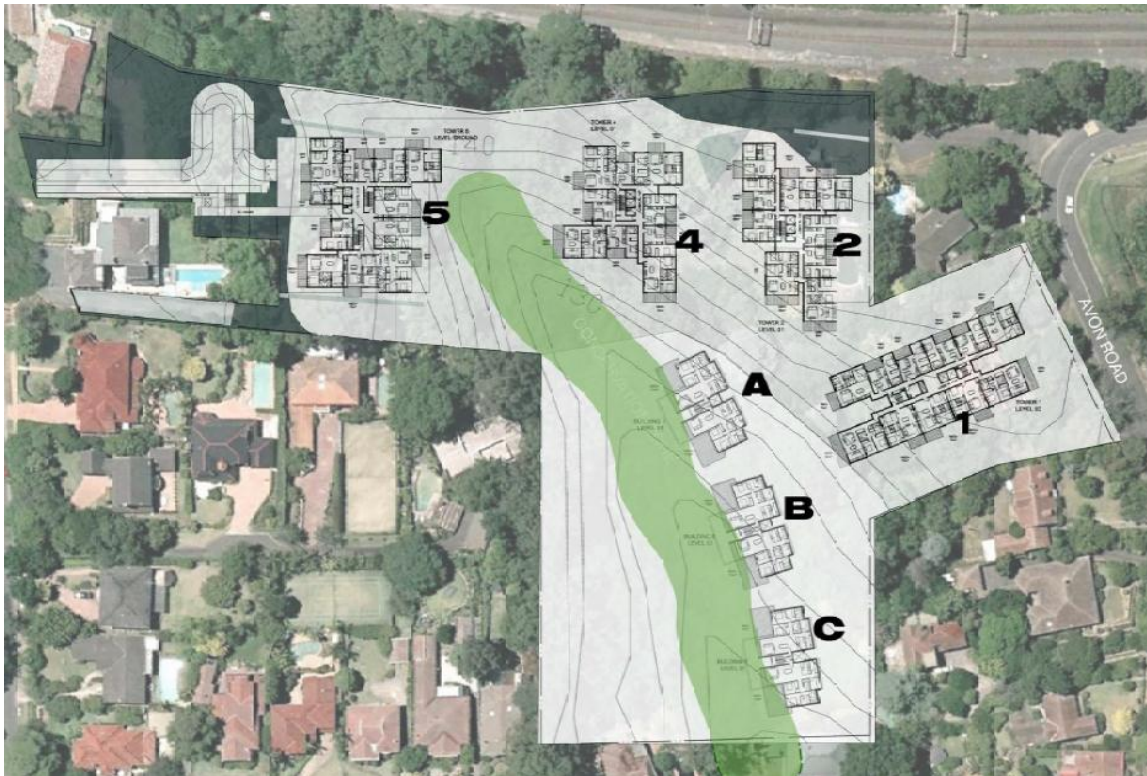
Option 1 is based on a set of parameters that were determined by the information that was provided in the previous Part 3A Submission. It was assumed that the Conservation Area was deemed to be accurate.

This Option addressed all of the issues raised in the Preferred Project Requirements relating to; proximity of buildings to neighbours, orientation of these buildings, bulk and height of buildings.

Generally heights were reduced to address the DPI Preferred Project Requirements. Buildings A, B and C were inserted to replace Building 3 in the previous scheme.

This scheme produced approximately 310 apartments with a FSR of 1:1.

FIGURE 13 – ALTERNATIVE OPTION 1



This Option was deemed inappropriate as it significantly encroached upon the revised Conservation Area (information was received from the ecologist subsequent to this Option being presented).

There were also concerns regarding the FSR of this option.

This scheme was deemed as not suitable by the Developer and the Consultant Team.

5.2 OPTION 2

Option 2 was based on a set of revised parameters including information received from the Ecologist regarding the revised Conservation Area.

This Option also addressed all of the issues raised in the Preferred Project Requirements relating to; proximity of buildings to neighbours, orientation of these buildings, bulk and height of buildings.

Generally heights were reduced to address the DPI Preferred Project Requirements and Buildings A and B were inserted to replace Building 3 in the previous scheme.

This scheme produced approximately 275 apartments with a FSR of 0.9:1.

FIGURE 14 – ALTERNATIVE OPTION 2



This Option was deemed inappropriate, as it required a new Building 6 where there had previously been no building. It was considered that the impact of Building 6 on the adjoining residential properties on Beechworth Road was unacceptable.

It was also concluded that the impact of Building 5 on the adjoining residence was also unacceptable. There was also concern regarding the scale of Building 4 and its “length” on its western façade.

This scheme was deemed as not suitable by the Developer and the Consultant Team.

5.3 PREFERRED SCHEME

The following key changes are proposed to the proposal:

- The proposal has been reduced in bulk form and scale in the following ways:
 - Building 2 has been deleted from the proposal.
 - Building heights have been reduced to 5-9 storeys.
 - The GFA has been reduced to 22,442sqm and the FSR has reduced to 0.94:1.
 - Car parking has been reduced to 324 spaces.
- The buildings have been orientated away from adjacent residencies reducing overlooking from balconies and windows to maintain privacy and residential amenity of existing and proposed residents.
- Building 1 has reduced built form immediately adjacent to neighbouring properties on Avon Road to the south. This will improve amenity for adjacent residents and improve the streetscape when viewed from Avon Road.
- The building footprints have been relocated to be wholly outside of the identified conservation area and APZs.

- The residential buildings provide appropriate amenity with 67% of the units achieving cross flow ventilation and 80% achieving 3 hours solar access on the winter solstice.
- The proposed landscape and conservation works simulate a natural environment along the drainage line to enhance habitats and water quality. This will contribute to the long term improvement in water quality and environmental quality of the streams downstream of the site and also provide a significant passive recreational feature for local residents.
- While the proposal will result in the removal of three Sydney Blue Gums, this is not considered likely to place the community at risk of extinction and the proposal provides for management of mature vegetation and retention of significant trees. This will provide for increased visual amenity for existing and future residents.
- The proposal creates a carefully balanced landscaped and vegetated area in public and private areas from what is currently an overgrown and inaccessible area.
- Public pedestrian pathways through the site have been introduced to increase access to Avon Road and Beechworth Road and to enhance pedestrian access to Pymble railway station. Residential amenity will be increased through residential terraces and access paths.
- Reduced car parking provision is made based on the proximity of the site to public transport particularly Pymble railway station.

The key numeric attributes of the previous proposal and the preferred project are summarised at **Table 6**.

TABLE 6 – COMPARISON OF PREVIOUS AND PREFERRED PROPOSAL

PROPOSAL ELEMENT	PREVIOUS PROPOSAL	PREFERRED PROJECT
Site Area	24,915sqm	23,667sqm The site area has been reduced by deletion of 1 Arilla Road (Lot 7 in DP 15541).
Gross Floor Area	34,892sqm ¹	22,442sqm ²
Floor Space Ratio	1.4:1	0.94:1
Number of Apartments	355	273
▪ 1 bed	153	132
▪ 2 bed	154	118
▪ 3 bed	48	23
Site Coverage	30%	19.6%
Conservation Area	3,600sqm	8,430sqm

¹ It is assumed the gross floor area figure provided in Environmental Assessment has been calculated in accordance with the *Ku-ring-gai Local Environmental Plan (Town Centres) 2010*. In the event it was calculated in accordance with the *Ku-ring-gai Planning Scheme Ordinance*, it is estimated this would equate to approximately 36,636sqm under the Town Centres LEP.

² Calculated in accordance with the definition of gross floor area provided in the *Standard Instrument (Local Environmental Plans) Order 2006*

Deep Soil Area	12,500sqm	16,390sqm
Building Height		
▪ Building 1	5-6 storeys	4-6 storeys
▪ Building 2	6 storeys	DELETED
▪ Building 3	9-11 storeys	6-7 storeys
▪ Building 4	8-11 storeys	6-9 storeys
▪ Building 5	8-9 storeys	6-8 storeys
Car Parking	Total Approximately 500	Total 324 (including 297 resident spaces and 27 visitor spaces)

In order to retain consistency with the Environmental Assessment, building identification numbers are retained despite the deletion of Building 2. **Table 7** shows the building references for the amended scheme.

TABLE 7 – BUILDING NUMBERS

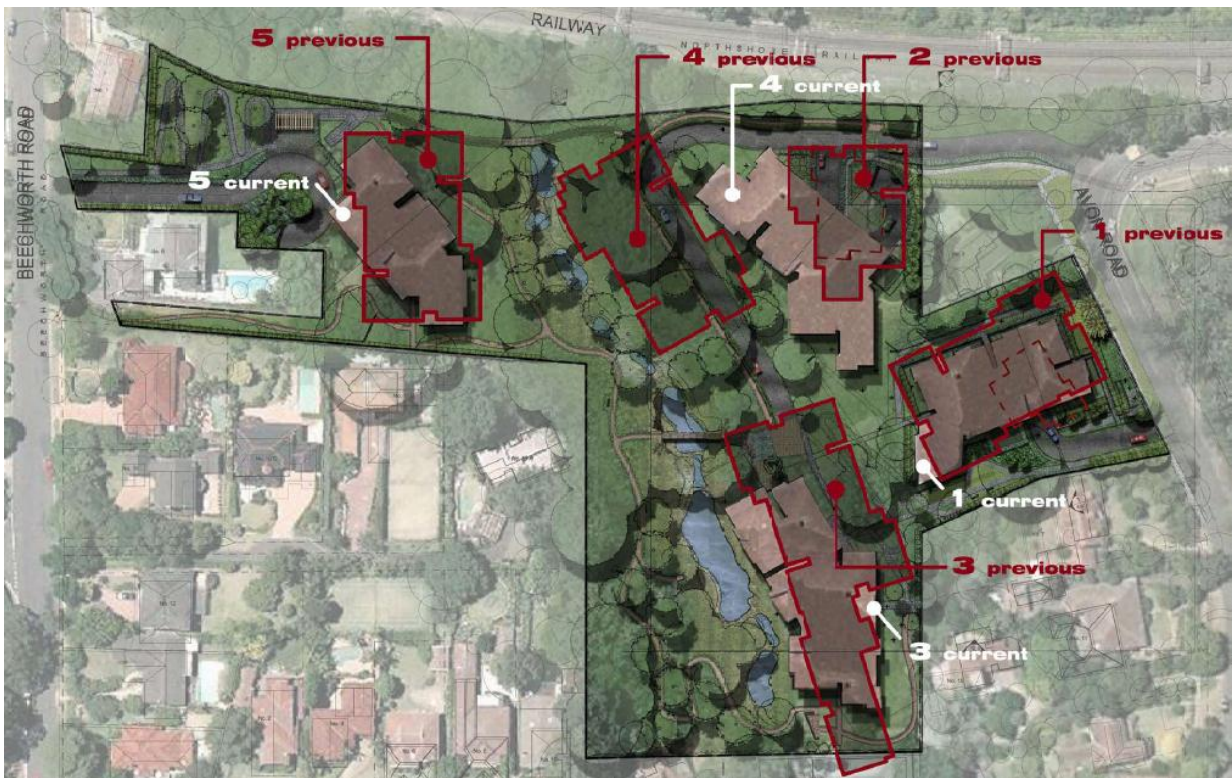
ORIGINAL APPLICATION BUILDING NUMBER	AMENDED SCHEME BUILDING NUMBER
1	1
2	N/A
3	3
4	4
5	5

Images comparing the previous proposal and preferred project are included at **Figure 15** and **Figure 16**.

FIGURE 15 – PREVIOUS SCHEME



FIGURE 16 – OVERLAY OF PREVIOUS AND PREFERRED PROJECTS



6 The Preferred Project

This Section describes the preferred project and the aspects of that project for which Concept Plan and Project Approval are sought.

6.1 OVERVIEW

The preferred project involves the following key changes to the previously submitted project:

- Apartment numbers have been reduced from 355 to 273.
- Floor space ratio (FSR) has been reduced from 1.4:1 to 0.94:1.
- Gross floor area (GFA) has been reduced from 34,892sqm to 22,442sqm.
- Building heights have been reduced from 5-11 storeys to 5-9 storeys.
- Car parking has been reduced from approximately 500 to 324 spaces.
- Deep soil areas have been increased from 12,500sqm to 16,390sqm.
- Conservation area has been increased from 3,600sqm to 8,430sqm.
- Less bulky and more site responsive building forms have been adopted, with apartments oriented away from surrounding houses and private yards.

The preferred project is illustrated at **Figure 17** and described in detail below.

FIGURE 17 – PREFERRED SCHEME



The following amendments have been made to individual buildings to increase the amenity of existing and future residents and to fully respond to the sites characteristics:

- **Building 1:** Ground level parking storey deleted and side setbacks increased.
- **Building 2:** Has been deleted.

- **Building 3:** Part nine, part three storey building consolidated into a single 6/7 storey building with reduced footprint.
- **Building 4:** Relocated east out of remnant bushland area, into previously cleared area, and reduced from 11 to 9 storeys.
- **Building 5:** Building footprint reduced and height reduced by two metres.

6.2 CONCEPT PLAN

Concept Plan approval is sought for:

- 22,442sqm of gross floor area³ for residential use;
- 273 dwellings;
- Building envelopes described in Drawing Nos. MP02.01-MP02.08 and MP07.01-07.02 prepared by Marchese and Partners International and included at **Appendix F** (note that the remainder of drawings in **Appendix F** are provided for indicative or assessment purposes);
- The provision of car parking at the following rates:
 - 1 space per studio, one-bedroom or two-bedroom apartment;
 - 2 spaces per three-bedroom apartment; and
 - 1 space per 10 dwellings for visitor use;
- The Vegetation Management Plan included in the Flora and Fauna Assessment included at **Appendix K**;
- The Landscape Concept Plan prepared by Site Image (Drawing Nos. MP-001 to MP-004) and included at **Appendix L**, including vehicle and pedestrian access paths as shown on Drawing MP-001; and
- Stormwater Concept Plan described in Figure 7 of the Stormwater Management Report included at **Appendix J**.

³ Calculated using the definition of 'gross floor area' contained in the *Standard Instrument (Local Environmental Plans) Order 2006*, being:
the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:
 (a) *the area of a mezzanine, and*
 (b) *habitable rooms in a basement or an attic, and*
 (c) *any shop, auditorium, cinema, and the like, in a basement or attic,*
but excludes:
 (d) *any area for common vertical circulation, such as lifts and stairs, and*
 (e) *any basement:*
 (i) *storage, and*
 (ii) *vehicular access, loading areas, garbage and services, and*
 (f) *plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
 (g) *car parking to meet any requirements of the consent authority (including access to that car parking), and*
 (h) *any space used for the loading or unloading of goods (including access to it), and*
 (i) *terraces and balconies with outer walls less than 1.4 metres high, and*
 (j) *voids above a floor at the level of a storey or storey above.*

6.3 PROJECT APPLICATION

Project Approval is sought for:

- Demolition of all buildings on the site;
- Detailed design and construction of Building 1, being a four to six storey (including the basement) residential flat building, containing 44 dwellings, comprising 16 one-bedroom apartments; 21 two-bedroom apartments; 7 three-bedroom apartments and a single basement car parking level containing 55 parking spaces, as detailed in the architectural plans prepared by Marchese and Partners International and included in **Appendix G**;
- Implementation of landscape works detailed in Landscape Drawing No DA-001 included in **Appendix M**;
- Implementation of the Vegetation Management Plan (**Appendix K**) insofar as it applies to the landscaped area detailed in Landscape Drawing No DA-001 (**Appendix M**); and
- Implementation of the Stage 1 Stormwater Drainage Plan and Erosion and Sediment Control Plan, shown in Figure 9 and Figure 10 respectively of the Stormwater Management Report (**Appendix J**).

Figure 18 to Figure 21 show elevations of Building 1, and **Figure 22** and **Figure 23** are photomontages of the proposal, as viewed from Avon Road.

FIGURE 18 – BUILDING 1, EAST ELEVATION



FIGURE 19 – BUILDING 1, SOUTH ELEVATION



FIGURE 20 – BUILDING 1, NORTH ELEVATION



FIGURE 21 – BUILDING 1, WEST ELEVATION



FIGURE 22 – BUILDING 1 AS VIEWED FROM AVON ROAD TO THE NORTHEAST



FIGURE 23 – BUILDING 1 AS VIEWED FROM AVON ROAD TO THE SOUTHEAST



6.4 ARCHITECTURAL DESIGN

An Architectural Design Statement has been prepared by Marchese and Partners to accompany the revised architectural plans (refer **Appendix I**). An excerpt is included below:

The proposal achieves an appropriate built form which responds to the existing landform and ecology, including the significant stand of Sydney Blue Gum High Forest trees.

The built form of each of the buildings has been carefully considered to ensure that they respond to the ecological constraints of the site, the surrounding neighbours and the desire to create a unique 'residential living environment' for the future residents.

The proposed buildings relate to the site's existing contours by stepping with the challenging topography of the site. Careful sculpting of the buildings ensures that the basement parking levels are screened from view by 'laminating' the outer edges with residential apartments.

The buildings are broken down in their scale both vertically and horizontally. Devices such as enclosed balconies that form 'winter gardens' and extruded slab definitions assist in modulating the buildings further reducing the appearance of bulk and scale.

The built form is less bulky and apartments have been oriented away from surrounding houses and private yards.

The proposed development has been carefully considered with respect to the surrounding natural and built environment. The design of the building is modern and of a high standard with good quality articulation and form.

The design incorporates a number of design characteristics, which contribute to the overall aesthetics of the building. These include:

- *Morphing of building forms with the sloping nature of the site to ensure that buildings sit comfortably within the topography.*

- *Strong horizontal and vertical architectural elements on all elevations in the building breaking down its massing whilst maintaining detailing which emphasizes a vertical form and symmetry.*
- *A careful composition of building elements, colours and materials (including rendered walls, masonry base and glazed wintergardens contribute to the desired character of the vicinity.*

With regard to the proposed 'winter garden' balconies, while these will allow for partial enclosure of balconies, they have not been included in the calculation of gross floor area as their principal purposes is to be used as balconies, which are explicitly excluded from the definition of gross floor area.

6.5 TENURE

The project forms a staged development with the intention to provide a community title with four separate strata titles. The identified vegetation corridor will form one common lot remaining in private ownership with the responsibility for management of this area being shared amongst the strata lots.

6.6 LANDSCAPING

6.6.1 CONCEPT PLAN

Landscaping proposed in the concept plan includes:

- Improved existing boundary with trees retained where possible and vegetated areas and conservation area upgrading.
- The feature entry walls at 1 Avon Road are being retained and partially re-built in order to address the reconfigured entry road and pedestrian pathway.
- Feature stone retaining walls along the railway land boundary are being substantially retained and rebuilt in locations, including reinstatement of the landscape feature close to the entry walls.
- Dedicated pedestrian set-down location for Buildings 3, 4 and 5 has been made adjacent driveways to provide a quality landscape address and forecourt for residents and visitors.
- Garden and lawn areas are provided adjoining residential buildings.
- Ground floor apartments are suitably afforded garden courtyards where opportunity presents.

Figure 24 shows the landscape concept plan for the site. **Figure 25** provides an artist's impression of the rehabilitated bushland as it relates to the future built form and landscaping.

FIGURE 24 – LANDSCAPE MASTER PLAN

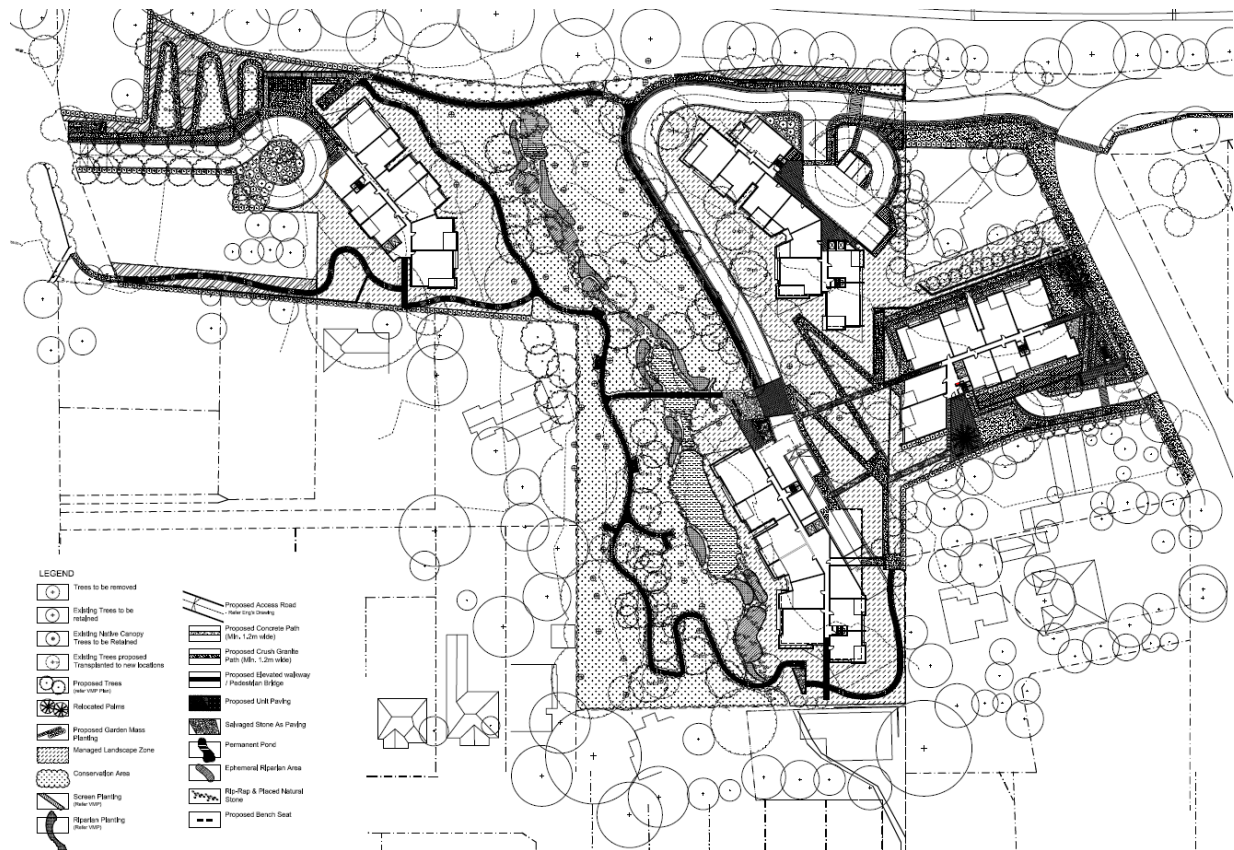


FIGURE 25 – ARTIST'S IMPRESSION OF THE REHABILITATED BUSHLAND



The landscape areas are designated as conservation area (as identified in the VMP), general landscaped area associated with each building and a buffer area between the two and reflecting bushfire buffer areas. These landscape areas are identified in **Figure 26**.

FIGURE 26 – LANDSCAPE AREAS

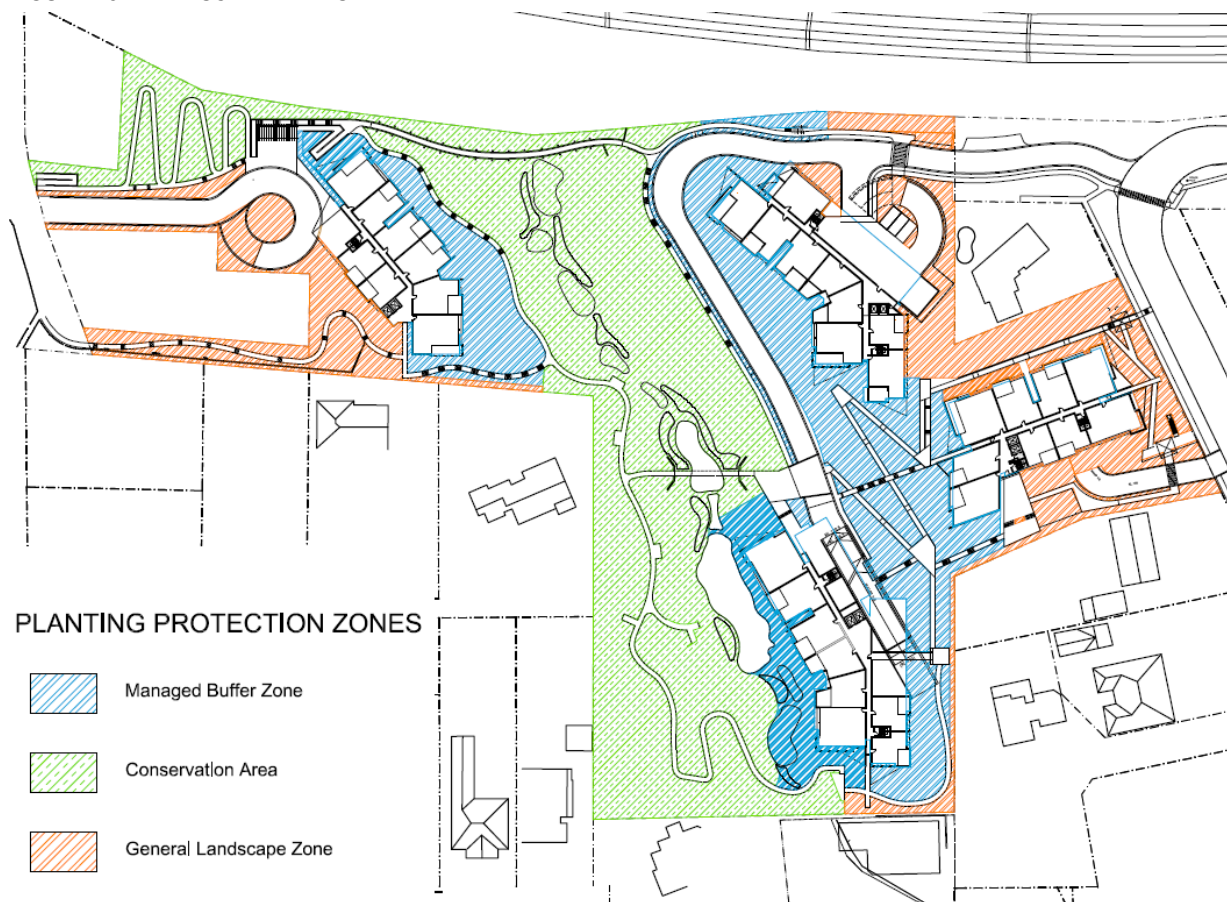


Table 8 shows a breakdown of these areas.

TABLE 8 – LANDSCAPED AREAS

LANDSCAPED ELEMENT	TOTAL AREA
Conservation Area	8,430sqm
General Landscaping	3,410sqm
Buffer Area	4,550sqm
TOTAL	16,390sqm

The total deep soil area is 16,390sqm.

The proposed landscaping has been designed to meet the objectives of Council's Riparian Policy for Category 3 streams and will create a significant bushland corridor through the site.

Concept Landscape Plans and a Landscape Report prepared by Site Image are provided in **Appendix L**.

6.6.2 PROJECT APPLICATION

The landscaping proposed to be implemented as part of the Stage 1 Project Application is shown in Drawing No. DA-001, prepared by Site Image and included in **Appendix M**. This includes:

- Large trees and shrubs along the boundary with 3 Avon Road are retained and reinforced with new shrub screening.
- Pedestrian access path is provided around Building 1 including tall screen trees. Feature trees are included on the footpath particularly at the corner of Avon Road.
- Provision of lynch gate entry structure with shelter with access driveway and semi mature tree planting to create a dense visual character.
- Boundary trees are retained adjacent to 7 Avon Road and reinforced with high and low level screening foliage.
- Retention of fig tree adjacent to the driveway to provide high level screening to 7 Avon Road.
- The conservation area is to contain vegetation consistent with the VMP.
- Establishment of the pond as described in **Section 6.8.2** to assist with stormwater management.

FIGURE 27 – BUILDING 1 LANDSCAPING



Project Application Landscape Plans prepared by Site Image are provided in **Appendix M**.

6.7 VEGETATION MANAGEMENT

Prepared to be consistent with the Landscape Plan, the proposed Vegetation Management Plan proposes to clear all weeds and regenerate the Blue Gum High Forest understorey to stabilise the valley floor.

The Vegetation Management Plan will be implemented on site for a period of at least 5 years. This will include an initial phase of seed collection, earthworks, primary weed removal and planting. Approval of the Vegetation Management Plan is proposed as part of the Concept Plan. However, it will be

implemented in a staged manner, commencing in conjunction with the commencement of works for each stage of the project, including the Stage 1 Project Application.

In summary, the Vegetation Management Plan includes the following works:

- Protection of the identified conservation area.
- Earthworks to remove introduced materials, reinstate natural soils and create water bodies.
- Enhance local native vegetation through revegetation and planting.
- Weed control.
- Monitoring and maintenance.

The Vegetation Management Plan prepared by Anne Clements and Associates is provided in **Appendix K**.

6.8 STORMWATER MANAGEMENT

6.8.1 CONCEPT PLAN

The proposed Stormwater Concept Plan includes:

- Roof runoff capture in rainwater tanks and reuse within the buildings for non-potable flushing of toilets, laundries and outdoors irrigation.
- Detention of runoff from impermeable surfaces to ensure peak flow rates remain at existing levels and do not impact the flooding behaviour on adjacent properties.
- Erosion and sediment control features during the construction stage as proposed in the Erosion and Sediment Control Plan.
- Treatment of runoff in the post development stage to maintain pollutant loads at or below existing levels.
- Enhancement of the blue gum forest and habitat, stabilisation of surfaces and improvement in runoff water quality along the watercourse.
- Use of endemic vegetation in landscaping to reduce water demand.

Concept Stormwater Plans have been prepared by NPC and are provided in **Appendix J**.

6.8.2 PROJECT APPLICATION

Stormwater controls for Building 1 include:

- 20kl rainwater tank for reuse of roof runoff.
- 125m³ detention tank to maintain peak flow rates below existing rates.
- Discharge to a constructed wetland for water quality control.
- Introduction of pond system in the drainage line to slow down runoff and create aquatic habitat features with planting to improve water quality. The pond will be designed as a wet and dry feature to accommodate variations in rainfall patterns.

Project Application Stormwater Plans have been prepared by NPC and are provided in **Appendix J**.

6.9 SEDIMENT AND EROSION CONTROL

6.9.1 CONCEPT PLAN

A Concept Erosion and Sedimentation Control Plan is provided in **Appendix J** and will be developed further during detailed design of Buildings 3 - 5.

6.9.2 PROJECT APPLICATION

Erosion and sedimentation control measures have been designed based on the industry best practice “Blue Book” guidelines and are provided in the Sediment and Erosion Control Plan for the Project Application (refer **Appendix J**).

The main principles of the proposed erosion and sediment control are as follows:

- Minimise the extent of site disturbance;
- Rapidly stabilise disturbed areas;
- Divert clean runoff around work areas; and
- Trap eroded sediment prior to discharging to a drainage line or natural waterbody.

6.10 REVISED DRAFT STATEMENT OF COMMITMENTS

The Statement of Commitments details the measures that the Proponent will implement as part of the development to mitigate potential residual environmental impacts associated with the proposal.

A draft Statement of Commitments was included as part of the original Environmental Assessment. To reflect the proposed amendments to the design for both the Concept plan and Project Application revised and consolidated draft Statement of Commitments has been prepared.

The revised and consolidated draft Statements of Commitments for the Project Application and Concept Plan form two separate documents and are provided at **Appendix X** (MP10_0219) and **Appendix Y** (MP08_0207).

7 Response to Public Submissions

The Environmental Assessment was publically exhibited from 15 December 2010 to 11 February 2011.

Submissions were received from a number of government agencies, Ku-ring-gai Council and the community. A total of 329 submissions were received.

The submissions have been examined individually to understand the issues raised. The issues raised have been identified, collated and summarised below. Responses to the summarised issues are provided in **Appendix D**. The issues have been grouped into categories where similar issues have been raised by individual submissions, and a single response provided.

7.1 RESIDENT SUBMISSIONS

During the exhibition period, 321 public submissions were received. The main issues raised in these submissions included:

- Bulk and Scale including height of buildings, number of apartments, setbacks and associated amenity impacts such as privacy.
- Traffic and transport including impact on regional and local traffic.
- Environment; including protection of threatened habitats and riparian areas and open space provisions.
- Other issues included:
 - Safety.
 - Pedestrian activity.
 - Overlooking and privacy.
 - Stormwater.

7.2 COUNCIL AND AGENCY SUBMISSIONS

Ku-ring-gai Council made a submission raising issues including:

- Major Project Status.
- Non-compliance with Town Centres LEP 2010.
- Inadequacy of plans and information provided.
- Ecological Impacts.
- Setbacks and visual privacy.
- Heritage.

Seven submissions were also received from public agencies during the exhibition period. Issues raised are identified in **Table 9**.

TABLE 9 – SUMMARY OF AGENCY SUBMISSIONS

AGENCY	SUBMISSION
Department of Environment and Climate Change (DECCW)	<p>Biodiversity:</p> <ul style="list-style-type: none"> ▪ The flora and fauna assessment is inadequate. ▪ The proposed development, particularly building 4, will significantly reduce the connectivity values of vegetation on the site. <p>Contamination: DECCW recommends that a detailed soil investigation be carried out at the site.</p>
NSW Office of Water	<p>Riparian Land:</p> <ul style="list-style-type: none"> ▪ Any APZ requirements should be located outside the riparian corridor so as not to compromise the future function, management and biological diversity of the land. ▪ Recommendation that a minimum 10m wide riparian corridor be established either side of the creek (measured from top of bank). <p>Water Licensing: A licence under Part 5 of the Water Act 1912 may be required.</p>
Railcorp	<p>Noise and Vibration: Concern that the future occupants of the development will encounter rail-related noise and vibration from the adjacent rail corridor.</p> <p>Geotechnical Stability and Integrity: a Geotechnical Engineering report is required which demonstrates that the development has no negative impact on the rail corridor or infrastructure and evaluate the stability of the embankment.</p> <p>Environmental Conditions: During all stages of the development extreme care shall be taken to prevent environmental harm within the rail corridor.</p> <p>Accessibility: The development currently lacks safe and convenient access to Pymble Station. Need to ensure that upon completion adequate pedestrian links are established.</p>
Rural Fire Service	<p>Asset Protection Zones: At the commencement of the building works and in the perpetuity the property around the buildings to a distance of 10m to the south west and the south east.</p> <p>Water and Utilities: Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.</p> <p>Access: Property access roads for community title developments should comply with section 4.2.7 of Planning for Bush Fire Protection 2006.</p>
Sydney Regional Development Advisory Committee	<p>Traffic:</p> <ul style="list-style-type: none"> ▪ The applicant is to provide electronic copies of the SIDRA analysis. ▪ Details of proposed service vehicle movements have not been included. ▪ The applicant should consider and appropriately address the provision of a new road connecting Beechworth Road to Avon Road as proposed in Ku-ring-gai Council's Planning Instruments.

AGENCY	SUBMISSION
Sydney Water	<p>Water: The site does not front an available drinking water main with sufficient capacity.</p> <p>Waste water: The wastewater mains need to be upsized.</p>
Transport and Infrastructure NSW	<p>Car Parking: Too many car parking spaces provided so close to public transport.</p> <p>Non-car travel: The Environmental Assessment does not address the DGRs to "provide an assessment of the implications of the development for non-car travel modes".</p>

The comments raised in the submissions have been considered and a number of actions have been taken as a result which include:

- Additional technical studies have been undertaken to inform a response.
- Appropriate design amendments have been made.
- Additional Statements of Commitment have been included where relevant.

A full assessment and response to resident, agency and council submissions is provided in **Appendix D**.

8 Consideration of Preferred Project Requirements

This section specifically addresses the requirements of the DPI identified in 'Schedule 1 – Key Issues' of their letter dated 19 April 2011. Each specific requirement identified in the DPI's letter is provided in shaded text boxes, after which the proponent's response is provided.

8.1 LAND AMALGAMATION AND SITE DESCRIPTION

Confirm the final configuration and area of land comprising the development site and amend/update all relevant plans and reports accordingly.

Section 2.1 of this report clearly identifies the land parcels to which this application relates, noting that 1 Arilla Road (Lot 7 in DP 15541). has now been deleted from the subject site.

The amended Architectural Plans prepared by Marchese and Partners International are provided in **Appendix F** and **Appendix G** and show the Concept Plan and Project Application confined only to these properties.

Any land to be included within the PPR site, but not currently in the ownership of the Proponent, will require the submission of an owner's consent to the Department.

All of the properties identified within the submitted Environmental Assessment as comprising the site, with the exception of 1 Arilla Road (Lot 7 in DP 15541) are under the ownership of JW Neale Pty Ltd (Receivers & Managers Appointed). A letter from the owner granting consent to the lodgement of this PPR is included at **Appendix C**.

8.2 BUILDING HEIGHT, SCALE AND CHARACTER

The heights of the Stage 4 and Stage 5 Concept Plan envelopes are considered to be excessive and should be amended to reduce the visual impacts of the overall proposal and to provide a more appropriate relationship and transition with the local urban context. In this regard, the PPR should provide a further analysis of these envelopes including options for reductions in height.

These the following amendments have been made in response to consideration of these comments:

- **Building 2:** Building 2 has been deleted to allow a reduced version of Building 4 to be relocated to the east. The reduction in built form and site coverage allows for a more appropriate transition into the surrounding development.
- **Building 4:** Building 4 has been relocated to the east out of the remnant bushland area and away from the drainage line, into a previously cleared part of the site. Building 4 has also been orientated away, and setback further from No. 3 Avon Road to provide a more sensitive interface to this property. The height of Building 4 has also been reduced from 11 to 9 storeys to further reduce its overall visual impact and improve its relationship to No 3 Avon Road
- **Building 5:** The building footprint of Building 5 has been reduced in height by two metres. The building has also been orientated to reduce overlooking and amenity impacts on residencies on Beechworth Road.

That analysis should also include the potential relocation and/or reconfiguration of Envelopes 4 and 5 to maximise tree retention, particularly in respect of Envelope 4, which has been identified by DECCW as having a potential detrimental impact upon the connectivity values of vegetation on site.

An options assessment of other schemes considered for the site is provided in **Section 5**. The footprints of Buildings 4 and 5 have been amended to be relocated out of the conservation area identified by the flora and fauna studies, thereby reducing the loss of significant trees and ecological connectivity. Furthermore, the overall built form revisions reduce site coverage from 30% to 17.8%, thereby retaining a significantly increased proportion of the site for tree retention and vegetation management.

Any redistribution of floorspace in respect of the above requirements is unlikely given the existing site constraints and the scale and character of existing development adjacent the site boundaries.

The proposed response to the above requirements significantly reduces the FSR of the project from 1.4:1 to 0.94:1. A more articulated and site responsive building typology has also been adopted.

8.3 BUILDING HEIGHT AND AMENITY IMPACTS

The height of the 7 storey portion of the Stage 3 Concept Plan envelope is excessive and options for reducing the height, bulk and scale should be considered to reduce the amenity impacts upon the adjacent residential properties.

The following amendments have been made to Building 3:

- Building 3 has been consolidated into a single 6/7 storey building
- The setbacks of Building 3 to 1 Arilla Road and 7 and 15 Avon Road have been increased.
- The footprint of Building 3 has been reduced and relocated outside of the identified conservation area to allow for this area to be retained and managed through the VMP.
- General landscaping and boundary planting has been provided to assist in screening the development from adjacent properties.

These amendments will improve amenity of the adjacent residential properties.

The setback and height of the Stage 1 Project Application building should be amended taking into consideration the potential impacts of height, bulk and scale upon No. 7 Avon Road. In this regard, particular consideration should be given to the height and expression of the elevated building podium, the minimal landscape setback to the adjacent side boundary and the location of the main driveway.

The following amendments have been made to Building 1:

- The ground level parking storey has been deleted to reduce the visual impacts of the podium from No. 7 Avon Road.
- The building footprint has been reduced through increased side setbacks.
- Boundary trees along the southern side of the building are retained and reinforced with a combination of new low and high level native tree species with screening foliage consistent with the VMP planting guidelines.
- A large retained fig tree assists in providing high level screening to 7 Avon Road and provides feature canopy above the entry path as a feature in views from the pedestrian entry and driveway.
- Pedestrian access walkway on the northern side of the building is set below the level of 3 Avon Road and allows planting areas to layer up in height to each side of the path.

Any redistribution of floorspace is unlikely given the existing site constraints and the scale and character of existing development adjacent the site boundaries

The proposed response to the above requirements significantly reduces the FSR of the project from 1.4:1 to 0.94:1.

Sections showing the relationship of the proposed building envelopes to adjoining properties are included at **Figure 28** to **Figure 31**.

FIGURE 28 – SECTION THROUGH BUILDING 5 AND 6 BEECHWORTH ROAD

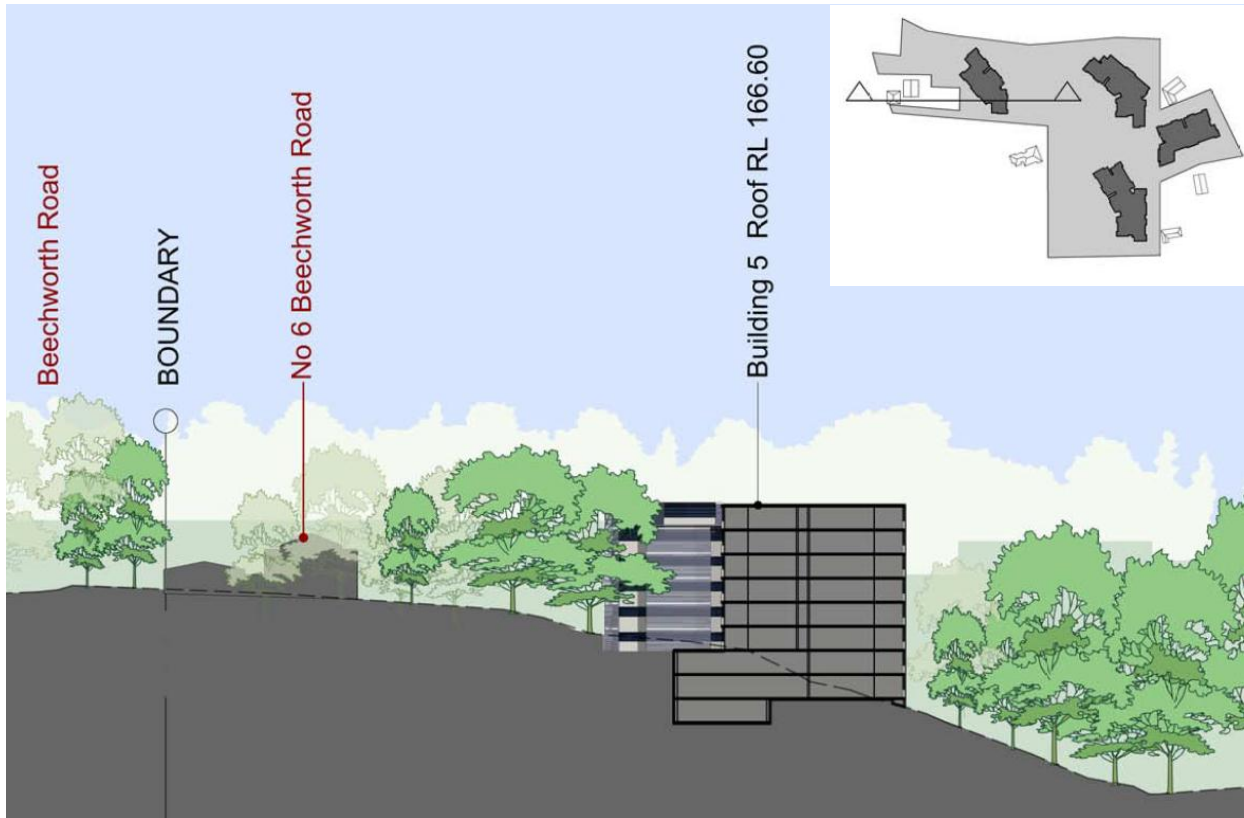


FIGURE 29 – SECTION THROUGH BUILDING 4 AND 10A BEECHWORTH ROAD

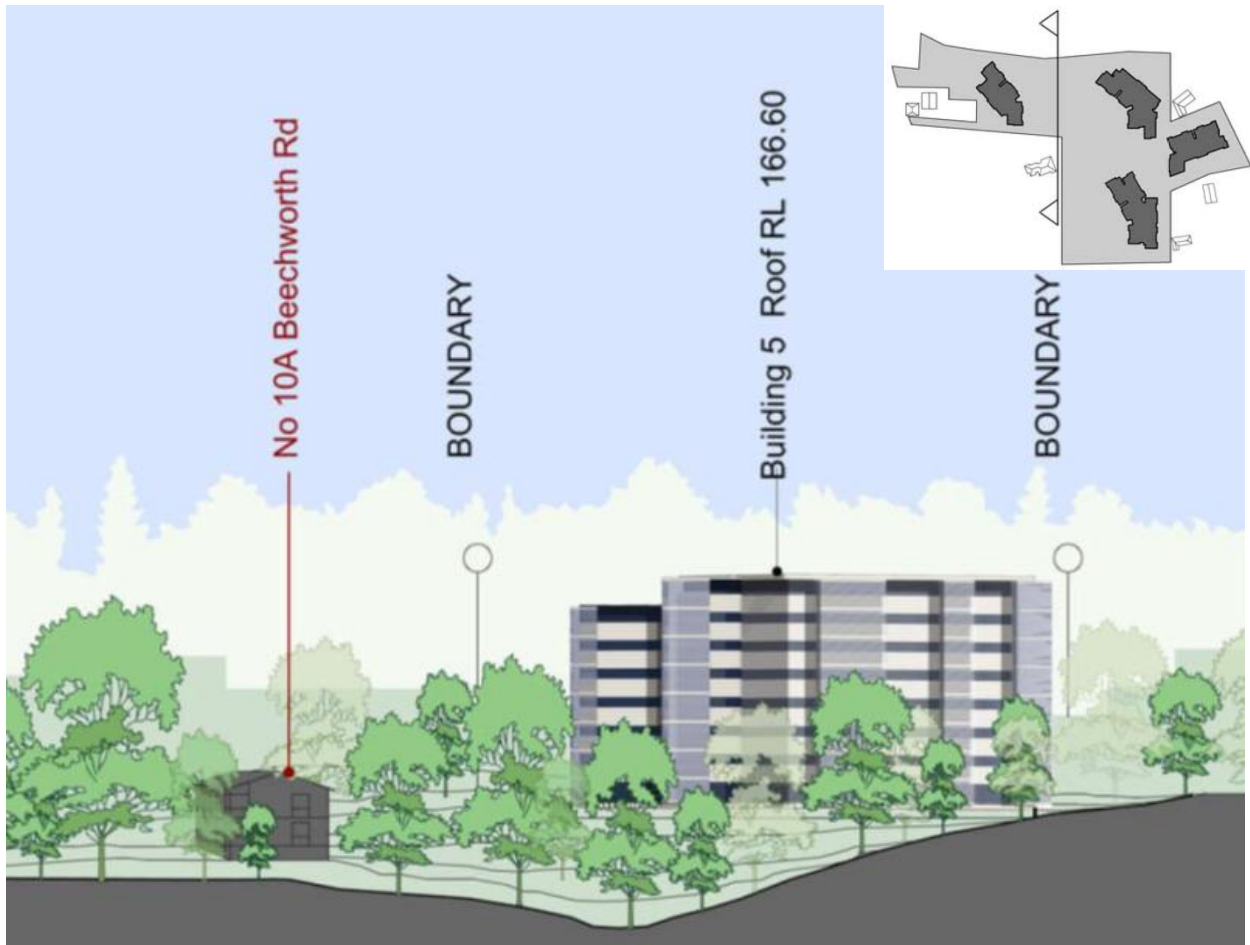


FIGURE 30 – SECTION THROUGH BUILDING 3 AND 15 AVON ROAD

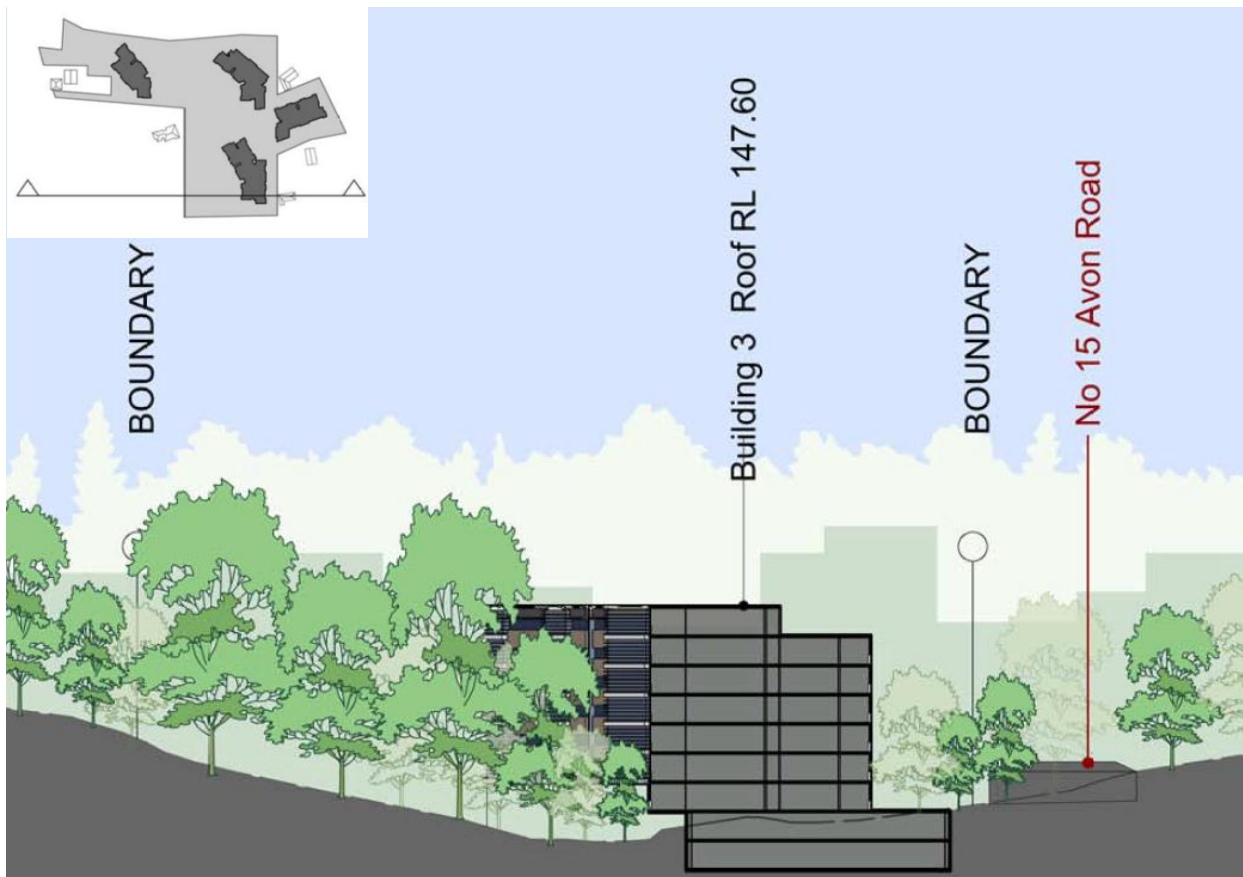


FIGURE 31 – SECTION THROUGH BUILDING 1 AND 7 AND 3 AVON ROAD



8.4 ENVIRONMENTAL CONSTRAINTS

Agency submissions have identified that a range of environmental constraints relating to vegetation corridors, riparian setbacks and bushfire risks affect the site. ... The PPR should provide a more coordinated analysis of the capacity of the site in a single document, with particular reference to the submissions from DECCW, NOW, Rural Fire Services (RFS) and Ku-ring-gai Council.

Further technical assessment has been undertaken in relation to ecology, drainage, bushfire and heritage. As discussed at **Section 4**, these environmental constraints, and resultant management areas, have been mapped and used to guide the location and design of buildings in the Preferred Project. Unlike the original scheme, the environmental consultants for the Preferred Project have been careful to cooperate and deliver a cohesive assessment of ecological, bushfire and landscape issues. As described by Anne Clements and Associates in the Flora and Fauna Assessment in **Appendix K**:

Extensive consultation and exchange of information through several meetings, both onsite and offsite, have taken place between Anne Clements and Anne Baumann of Anne Clements and Associates, Graham Swain of Australian Bushfire Protection Planners Pty Limited, Ross Shepherd of Site Image Landscape Architects and Mark Tooker of NPC stormwater management consultants. The findings and conclusions of the relevant reports were also exchanged and discussed between consultants, prior to final submission.

The specific issues raised in agency submissions are addressed further in **Appendix D** and below.

The Council, NSW Office of Water (NOW) and Department of Environment Climate Change and Water (DECCW) have identified the natural drainage line on site as a "river" and accordingly, issues relating to the Core Riparian Zone and rehabilitation of the riparian corridor are important considerations...

Further analysis may require a review of the submitted Flora and Fauna Assessment, Vegetation Management Plan (VMP), and Landscape Plan, and should map the required bushfire Asset Protection Zone (APZ) and the required Core Riparian Zone (CRZ) on one diagram together with the location of building footprints and other key infrastructure such as drainage works and pathways.

A number of technical studies have been prepared to respond to requirements relating to environmental constraints. A response to DPI's comments following the findings of these studies are summarised in the following section.

8.4.1 FURTHER ANALYSIS

DRAINAGE LINE

In order to fully address the comments relating to environmental constraints, a Stormwater Management and Riparian Report has been prepared by NPC and provided in **Appendix J**.

The report provides a review of the NSW Office of Water's new procedures for identifying 'water front land' under the Water Management Act 2000 (WM Act). A review of the relevant topographic mapping under the WM Act (see extract at **Figure 10**) has demonstrated that there are no "rivers" identified on the site. Further, site investigations have confirmed that there is a drainage line located on the site but that this does not constitute a "river" under the WM Act for the following reasons:

- The drainage line was heavily modified due to weed invasion and the concentration of flows from the upstream urban catchment at the pipe culvert under the railway corridor.
- Due to the limited upstream catchment of 5ha, the drainage corridor does not exhibit bank features other than at the railway culvert outlet which because of its concentration of flows and its location away from the natural low point has eroded a small area around the pipe culvert outlet.
- The drainage corridor is not a natural feature. In the lower two thirds of the site there is a broad area through which the flows pass.

Accordingly, the report concludes:

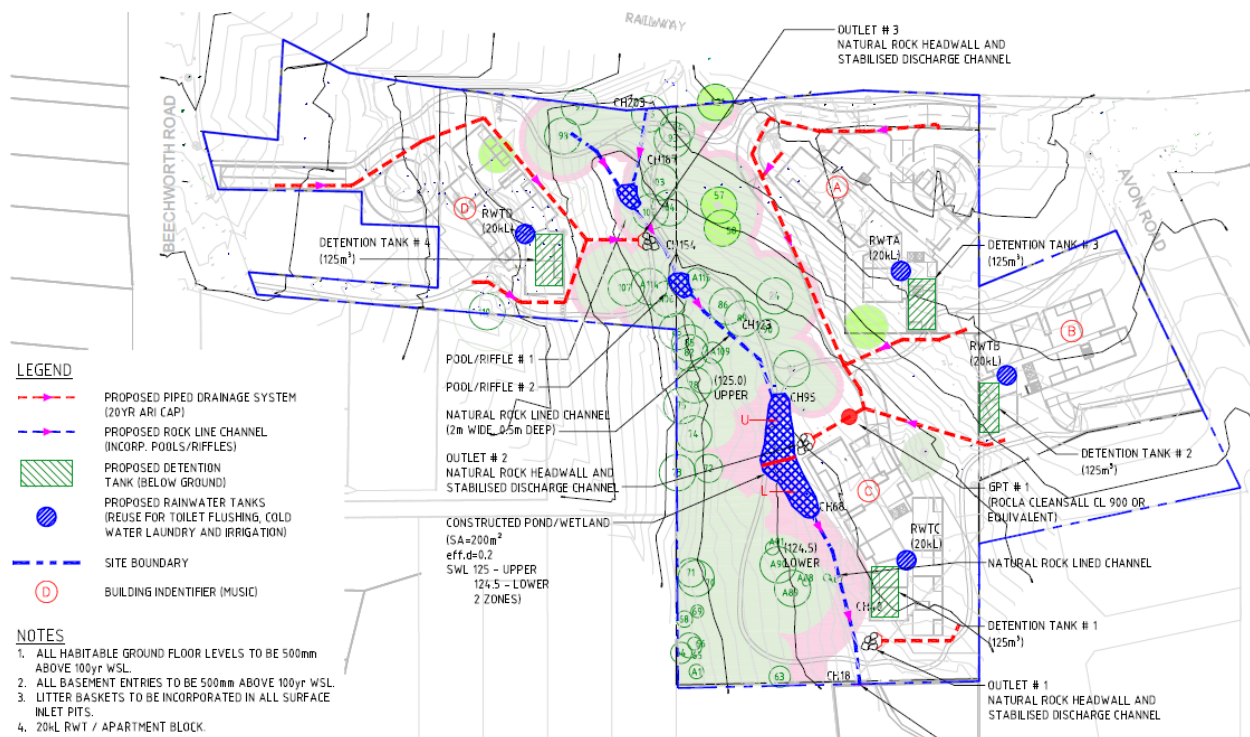
As such, no riparian corridor is required on the site. Also, no approval is required under the Water Management Act 2000 for works in the drainage line.

Ku-ring-gai Council's Riparian Policy aims to ensure the long term viability and sustainability of the creeks and riparian zones. Under this policy, Council has nominated the site as the lowest importance category being Category 3. This category is primarily concerned with providing basic bank stability and protection and enhancement of water quality. The nominated riparian corridor width is 10m from the top of bank on each side with no buffer width requirement.

As this drainage line does not have banks and is not classified as a river, the Ku-ring-gai Council's Category 3 classification of the drainage line in its Riparian Policy is not considered applicable to the subject site and proposed development.

Nonetheless, the outcomes of the proposed development as demonstrated through the Landscape Plan (refer **Appendix L**) and the proposed WSUD features would mean that the Council's Riparian Policy objectives for a Category 3 watercourse would be satisfied. The proposed stormwater management is shown in **Figure 32**.

FIGURE 32 – PROPOSED STORMWATER MANAGEMENT



BUSHFIRE AND ASSET PROTECTION ZONES



As discussed in **Section 4**, the site is not recorded as a bushfire hazard on Council's Bushfire Prone Land Map. However, the south-eastern section of the site contains the vegetation buffer zone to Category 1 Bushfire Prone Vegetation located on the Pymble Ladies College site (to the south east).

Accordingly, appropriate Asset Protection Zones (APZ) have been identified and included in the design as follows:

- A separation of more than 25 metres from Building 1 to the closest to the mapped bushfire prone vegetation is proposed which exceeds the minimum width of APZ required by *Planning for Bushfire Protection 2006*.
- A 10m wide landscaped buffer zone can be provided between buildings and the rehabilitated Blue Gum High Forest vegetation.
- A number of other bushfire management measures have been incorporated into the Statement of Commitments.

FIGURE 33 – BUSHFIRE PRONE LAND MAP



-  Category 1 Bushfire Prone Vegetation
-  100m wide buffer zone to Category 1 vegetation

These APZs are mapped in the Bushfire Report prepared by Australian Bushfire Protection Plans and provided in **Appendix N**. Additionally, APZs are also included on the Architectural Plans provided in **Appendix F** and the Landscape Plans provided in **Appendix L** along with the identified conservation area.

Bushfire management measures which will be incorporated into the development in accordance with the Bushfire Report are:

- Design and maintenance of the landscaping.
- Specifications for construction of buildings in bushfire prone areas.
- Installation of hydrants.
- Minimum pavement width to permit fire and rescue vehicles.

VEGETATION

The findings of the additional flora and fauna assessments undertaken by Anne Clements and Associates is summarised in **Section 4** and below.

- The site contains the critically endangered ecological community (EEC) of Blue Gum High Forest in the Sydney Basin Bioregion as listed under the NSW Threatened Species Act (TSA). This consists of a small group of trees (52) exceeding 30m without a native understorey. These are largely restricted to the upper section of the site to the north and west.
- The Blue Gum High Forest is not listed under the Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC Act).
- No threatened species are anticipated to due to extent of weed invasion on the site.
- Many of the trees recorded are protected under the Ku-ring-gai Council Tree Preservation Order. There are species recorded that are exempt from this Order.

All building footprints have been relocated outside of the main vegetation corridor. The proposal when will result in the loss of 3 of the 52 Sydney Blue Gums, located on 4 and 8 Beechworth Road. Two of the trees are within the proposed building footprint of Building No. 5 (Tree numbers 23, 24) and one is on the edge of the proposed driveway for Building 5 (Tree number 343).

These trees are identified on the Tree Removal and Retention Plan and Landscape Plan provided in **Appendix L** along with all other trees proposed to be removed.

FIGURE 34 – BUILDING FOOTPRINTS AND IDENTIFIED VEGETATION CORRIDOR



In terms of acceptable loss of canopy trees of Blue Gum High Forest in the Sydney Basin Bioregion, the Flora and Fauna Assessment refers to evidence discussed in the Judgement of *Murlan Consulting Pty Limited v Ku-ring-gai Council and John Williams Neighbourhood Group Inc* [2007] NSWLEC 374. In this judgement of the NSW Land and Environment Court hearing, it was accepted that development impacts should not exceed 5% loss of the BGHF community.

In terms of the local occurrence of communities, the loss of 3 of the 52 characteristic trees of Blue Gum High Forest would constitute 5.769%. In assessment of this impact, the Flora and Fauna Report states:

The proposal to remove 3 of the 52 canopy trees is not likely to remove, modify, fragment or isolate the existing Blue Gum High Forest habitat on the Subject site or reduce the long-term survival of the community.

The importance of the small part of the Blue Gum High Forest habitat to be removed in this locality to the long term survival of the ecological community, is not likely to be changed by the proposed action.

The Flora and Fauna Assessment concludes that the proposed development is acceptable providing the following compensatory measures are included:

- *Conserve and enhance the critically endangered ecological community Blue Gum High Forest in the Sydney Basin Bioregion on the Subject site as part of the ecological sustainable development; and*
- *Implement a vegetation management plan for the onsite conservation areas in consultation with the Council.*

In accordance with these recommendations, a Vegetation Management Plan (refer **Appendix K**) has been prepared to conserve and enhance native vegetation and establish a long term ecologically viable Blue Gum High Forest ecosystem. The Vegetation Management Plan also responds to the submissions which are discussed further in **Appendix D**.

FIGURE 35 – PROPOSED LANDSCAPING AND DRAINAGE WORKS

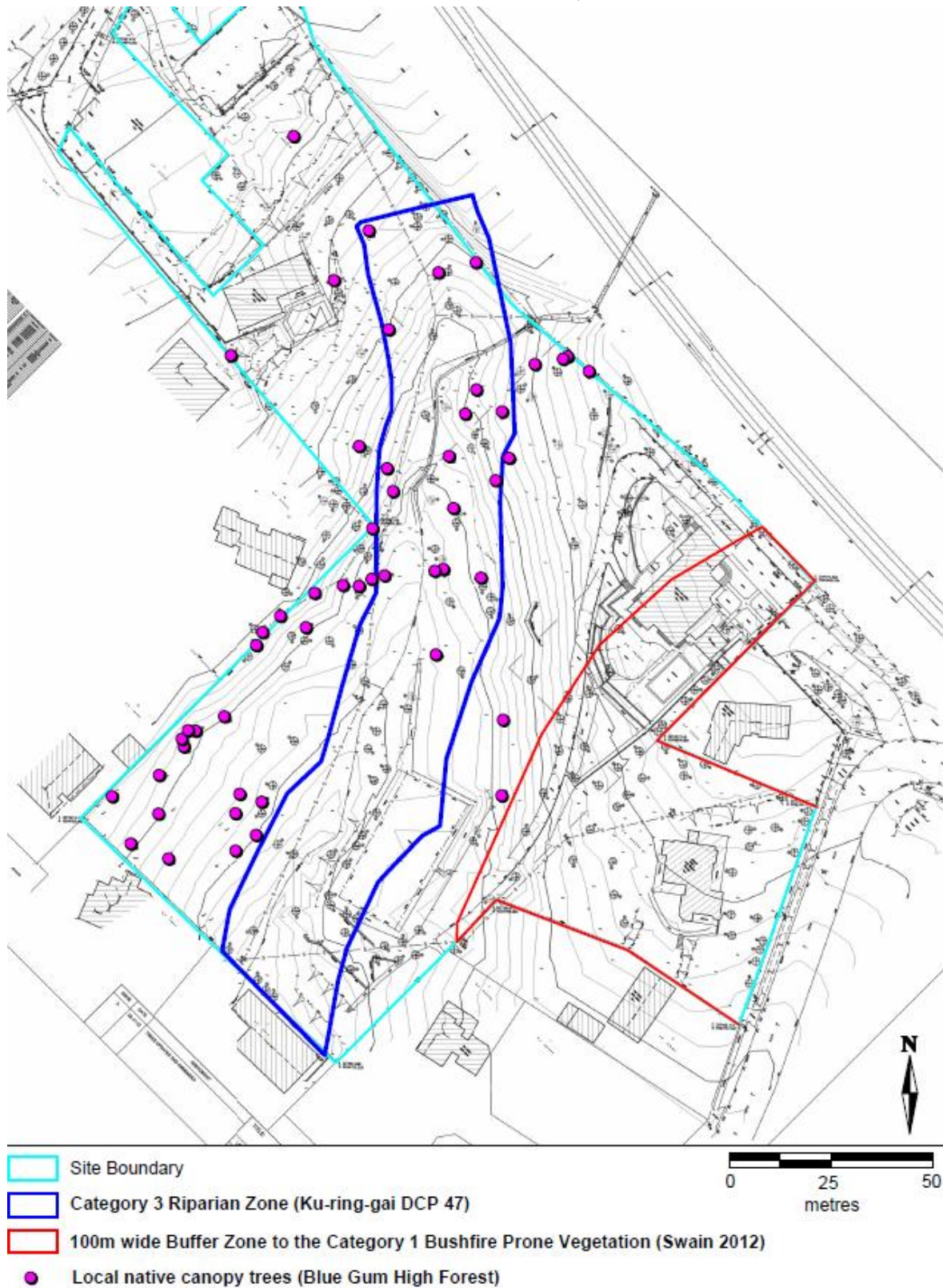


This Vegetation Management Plan (VMP) has been prepared to conserve and enhance the degraded Blue Gum High Forest in a conservation area.

CONSOLIDATED MAPPING

The findings of the above environmental investigations have been consolidated into a single plan by Anne Clements and Associates (see **Figure 36**).

FIGURE 36 – CONSOLIDATED ENVIRONMENTAL CONSTRAINTS MAP (SOURCE: ANNE CLEMENTS AND ASSOCIATES)

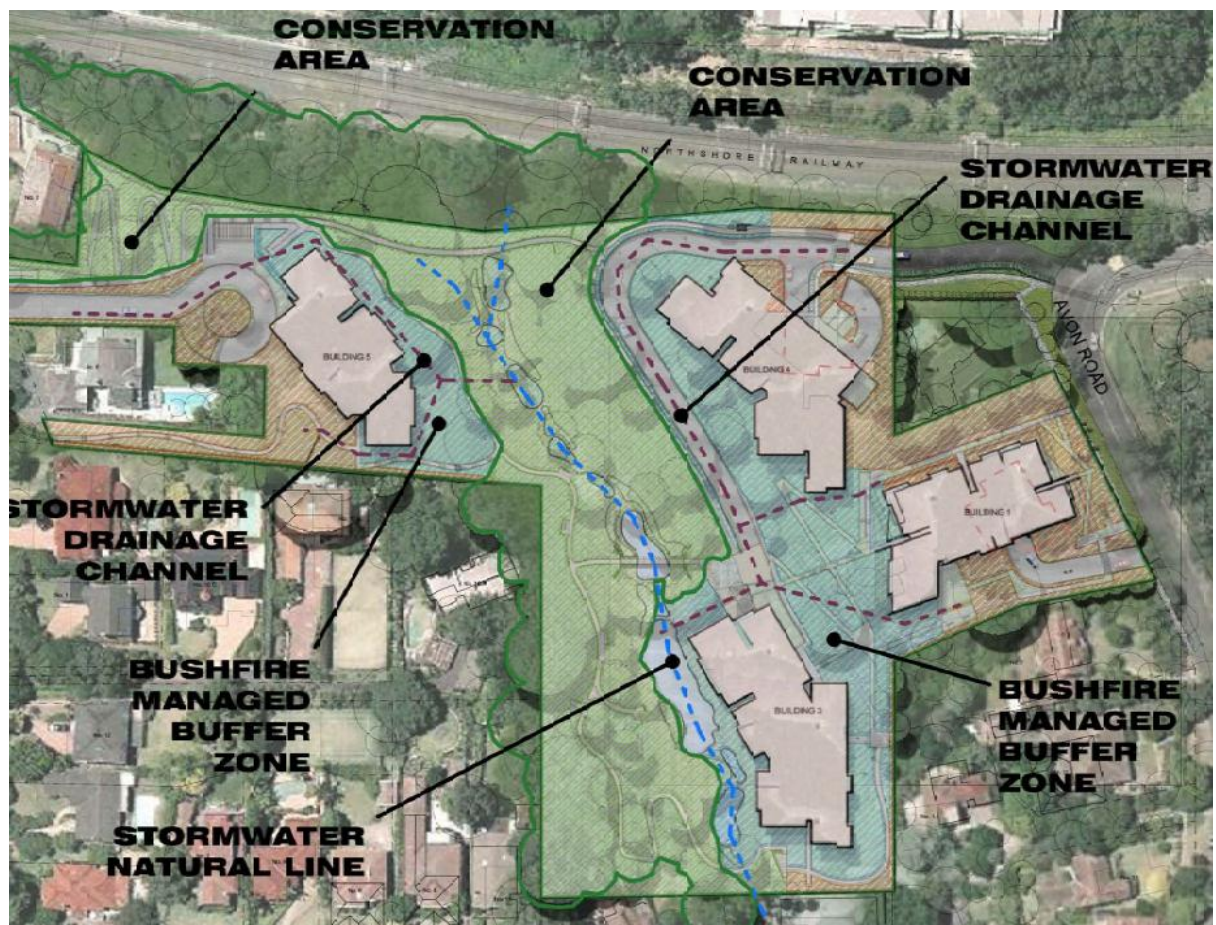


In response to this mapping, an iterative process between the project design team and the environmental consultant team developed the building footprints, landscape management zones and pathway / driveway locations indicated at **Figure 37** and **Figure 38**.

FIGURE 37 – PROPOSED BUSHFIRE BUFFER ZONES



FIGURE 38 – CONSOLIDATED ENVIRONMENTAL INVESTIGATION MAP



The PPR should consider options for relocating the Stage 3 and 4 Concept Plan envelopes clear of the CRZ.

Notwithstanding the advice of NPC that the drainage line does not constitute a 'river' and hence there is no CRZ, as noted above, all building footprints including Building 3 and 4 have been relocated outside of the main conservation area as shown in the **Figure 34**.

The PPR should clearly identify the trees to be removed and trees to be retained on site, particularly in respect of Sydney Blue Gums.

A Tree Schedule prepared by Site Image identifying the trees to be removed and trees to be retained is provided in **Appendix L** and considered above.

8.5 TRAFFIC GENERATION, ROAD CAPACITY

Agency submissions note the potential of the proposal to impact upon the local road network, particularly in respect to the Pacific Highway and Beechworth Road intersection, and the Pacific Highway and Livingstone Road intersection.

Further assessment is required in relation to the capacity of the local road network and road intersections to accommodate the additional traffic to be generated by the increase in density above the density contemplated by the Ku-ring-gai Town Centres LEP. Justification is required for the application of the 'high density residential' traffic rate of 0.29 vehicles trips per dwelling from the RTA's Traffic Generating Guidelines. Council indicate that the 'medium density residential' rate of 0.4 vehicles trips per dwelling is more appropriate.

The Traffic and Parking Assessment details the RMS Guidelines relating to traffic generation rates in respect of 'high density residential flat building' as follows:

Definition:

A high density residential flat building refers to a building containing 20 or more dwelling. This does not include aged or disable persons housing. High density residential flat buildings are usually more than 5 levels, have basement level car parking and are located in close proximity to public transport services. The building may contain a component of commercial use.

Factors:

The above rates include visitors, staff, service/delivery and on-street movements such as taxis and pick-up/set-down activities.

The proposed development provides for over 20 units per building and the buildings are generally above 5 storeys high. Application of this rate (0.2 vehicles per dwelling) yields a traffic generation potential of 79 vehicles per hour.

It is noted that Council have indicated that a rate of 0.4 vehicles trips per dwelling is more appropriate to the local urban context. However, this rate is not ordinarily applied to high density development which is readily accessible by public transport. As the site is located 520m from Pymble Railway Station and this rates is therefore not considered appropriate.

However, the Traffic and Parking Assessment provides a comparison of these two rates and concludes that there is relatively minor difference of less than 10 vehicles per hour per building. Given that the difference has little implication for the site, Council's higher rate has been used in assessment of the road network capacity, notwithstanding that it is a misapplication of the RMS Guidelines.

The traffic implications of the development for the local areas have been assessed by Varga Traffic Planning using the SIDRA capacity analysis program, who concluded that:

- *Pacific Highway / Livingstone Road intersection will continue to operate as Level Service 'B' with increases in total average vehicle delays of less than 2 seconds per vehicle.*

- *Pacific Highway / Beechworth Road North intersection will continue to operate as Level Service 'B' with increases in total average vehicle delays of less than 3-4 seconds per vehicle.*
- *Avon Road and Arilla Road will continue to operate at level of service 'A', with no appreciable change in total average vehicle delay.*

Accordingly, even using the excessive rate of 0.4, the proposed development will not have any unacceptable traffic implications in terms of road network capacity and no road improvements or intersection upgrades are required.

Submissions identified that the new connecting road across the site between Beechworth Road and Avon Road would assist in alleviating local traffic congestion. Further assessment should also detail the potential implications for the local road network of not providing the new cross site road.

The potential to provide a road link between Beechworth Road and Avon Road has been assessed by Varga Traffic Planning who noted:

- *The link would provide flexibility for residents of the proposed development.*
- *The link would be a duplication of the existing road link between Avon Road and Beechworth Road via Mayfield Avenue and Arilla Road.*
- *The only traffic generated by the site which would benefit from this through-site link would be traffic approaching Building 5 from the north and departing Buildings 1, 3 and 4 to the north which will generate less than 15 vehicles per hour combined.*

Accordingly, while the access road would provide some flexibility for the residents on the site, the route is not necessary to accommodate traffic flows generated by the site and there will be no benefit to the local traffic in the area.

Furthermore, providing the access road would result in major site impacts to meet relevant standards for access roads. These would include significant vegetation loss, excavation and retaining walls due to the sites steep topography. Accordingly, it is unnecessary given that less than 15 vehicles per hour would benefit from the road.

However, a number of pedestrian links, including a direct through site link from Beechworth to Avon Road, are provided throughout the site.

The amount of car parking proposed for the Concept Plan and Stage 1 Project Application is considered excessive and incompatible with the objectives of Metropolitan Plan 2036.

The following Concept Plan parking rates will require 324 car parking spaces (297 resident and 27 visitors) in association with the preferred project, which is significantly less than the 500 spaces originally proposed:

- 1 space per studio, one-bedroom or two-bedroom apartment;
- 2 spaces per three-bedroom apartment; and
- 1 space per 10 dwellings for visitor use;

Relative to Council's DCP provisions and RMS Guidelines, the Traffic and Parking Assessment concludes that these rates:

- *Results in a shortfall of 40 car parking spaces when assessed in accordance with DCP No.43;*
- *Falls within the range of the minimum and maximum parking requirements specified by the former Town Centres DCP 2010; and*
- *Satisfies the requirements specified by the RMS Guidelines, resulting in a surplus of approximately 35 spaces.*

A comparison of the proposed car parking against the relevant provisions is provided in **Table 10**.

TABLE 10 – CAR PARKING PROVISIONS

DCP NO.43	TOWN CENTRES DCP	RMS GUIDELINES	PROPOSED CAR PARKING
364	288 - 373	289	324

Accordingly, the proposed parking provision is considered to represent an average of Council's and the RMS' car parking requirements (364 and 289 respectively), balancing Council's desire to satisfy parking demand on site with the State Government's desire to reduce car dependency in transit oriented locations.

8.6 CONTRIBUTIONS, WORKS-IN-KIND OFFSETS AND PROVISION OF INFRASTRUCTURE

The EA and plans have not clearly identified proposed infrastructure works that are to be provided as a direct result of the proposal either on site or within the public road reserve.

The EA notes that a connecting link for pedestrians will be established in lieu of the identified connecting road between Avon and Beechworth Road, however no details have been provided for these works or with respect to the staging of these works.

The proposed pedestrian pathways within the site are described in the Landscape Plans provided in **Appendix L**. These include access to Avon Road and Beechworth Road and provide linkages to individual buildings. A pathway between Avon Road and Beechworth Road forms part of the Concept Plan. This is shown on the Landscape Plans provide in **Appendix L** and **Appendix M**.

Due to the public hazard associated with construction, the proposed pathways will be provided at the completion of project. The Landscape Report prepared by Site Image and included in **Appendix L** provides the following description of the pathways:

Across the top boundary against the railway lands, a cross-site link pathway will be created with an elevated boardwalk so that this public amenity is provided with minimal impact on the natural vegetation below. This public access walkway will provide a vista through the tree trunks and regeneration areas towards the lower site open space of the riparian ponds – providing a local feature with strong educational value in terms of revealing the extent of quality of natural regeneration of this important environmental area.

Pathways will have a minimum width of 1.2 metres.

Further clarification and consideration of Section 94 Contributions and provision of infrastructure for the site is required.

Railcorp's submission identifies the need to provide upgrades to the access path between the site and Pymble Station, and upgrades to the pedestrian underpass to Pymble Station.

In accordance with Railcorp's submission and DPI's Preferred Project Requirements, the proponent formally commits to provide the following works to increase pedestrian access to public transport:

- Footpath upgrades to Pymble Railway Station (subject to Council agreement and in accordance with the upgrades plan provided in **Appendix L**):
 - Remove existing old footpath in front of Pymble Ladies College from the Proposed Development along Avon Road to near where the existing pedestrian crossing is located. Replace with Council specified footpath 1.2m wide to allow safe access for accessible units. Remove old concrete footpath to tip.
 - Demolish kerb and gutter either side of the Avon Road corner near the proposed development site and construct two new wide pram ramps to Council Specifications.

- Construct new Council specified footpath 1.2m wide along the Avon Road extension towards the Development Site.
- Upgrade of Pedestrian Railway Underpass (subject to Railcorp agreement):
 - Lighting Upgrade: Remove existing light fillings and upgrade existing pedestrian underpass lighting by increasing the Lux output and installing protection cages over lights.
 - Repaint Walls and Roof: Repair and repaint walls and roof of the underpass a light bright colour to assist better light reflection.
 - Upgrade Pavement: Paint existing hotmix pavement with 3 coats of pavement paint to the full length of the pedestrian underpass. Allow to be completed in halves so that pedestrians can pass safely.

The Preferred Project Requirements seek clarification to the Section 94 Contributions payable for the development and any public works which are to be undertaken.

It is proposed that Section 94 contributions will be paid in accordance with the Section 94 Contributions have been calculated for the Stage 1 Project Applications based on the amended design scheme.

The Ku-ring-gai Section 94 Contributions Plan 2010 applies to the site which is located within the Pymble Town Centre and Business Park areas. Applicable contributions for the Project Application and Concept Plan are included in the following sections.

8.6.1 PROJECT APPLICATION

Based on the 44 units provided in Building 1, the following Section 94 contributions apply to the Project Application.

TABLE 11 – SECTION 94 CONTRIBUTIONS BUILDING 1 (44 UNITS)

DWELLING TYPE	AMOUNT	NO. DWELLINGS	TOTAL
Studio	\$14,093.40	0	\$0.00
1-bedroom	\$16,541.12	16	\$264,657.92
2-bedroom	\$23,124.13	21	\$485,606.73
3-bedroom	\$28,715.12	7	\$201,005.84
Building 1 Total		44	\$951,270.49

Section 94 contributions for Building 1 will be paid prior to the issue of a construction certificate.

8.6.2 CONCEPT PLAN

Based on the indicative unit numbers for Building 3, 4 and 5, Section 94 contributions have been calculated and are shown in the following tables.

BUILDING 3

TABLE 12 – SECTION 94 CONTRIBUTIONS BUILDING 3 (77 UNITS)

DWELLING TYPE	AMOUNT	NO. DWELLINGS	TOTAL
Studio	\$14,093.40	0	\$0.00
1-bedroom	\$16,541.12	44	\$727,809.28

2-bedroom	\$23,124.13	23	\$531,854.99
3-bedroom	\$28,715.12	10	\$287,151.20
Building 3 Total		77	\$1,546,815.47

BUILDING 4

TABLE 13 – SECTION 94 CONTRIBUTIONS BUILDING 4 (89 UNITS)

DWELLING TYPE	AMOUNT	NO. DWELLINGS	TOTAL
Studio	\$14,093.40	0	\$0.00
1-bedroom	\$16,541.12	39	\$645,103.68
2-bedroom	\$23,124.13	45	\$1,040,585.85
3-bedroom	\$28,715.12	5	\$143,575.60
Building 4 Total		89	\$1,829,265.13

BUILDING 5

TABLE 14 – SECTION 94 CONTRIBUTIONS BUILDING 5 (63 UNITS)

DWELLING TYPE	AMOUNT	NO. DWELLINGS	TOTAL
Studio	\$14,093.40	0	\$0.00
1-bedroom	\$16,541.12	33	\$545,856.96
2-bedroom	\$23,124.13	29	\$670,599.77
3-bedroom	\$28,715.12	1	\$28,715.12
Building 5 Total		63	\$1,245,171.85

TOTAL SITE

The total contributions based on the indicative unit mix of Building 3, 4 and 5 are **\$5,572,522.94**.

However, the Section 94 plan allows for a credit to reflect the existing three dwellings on the site. Assuming that these dwellings each have three or more bedrooms, the following credit applies:

CREDITS

TABLE 15 – SECTION 94 CREDITS

DWELLING TYPE	AMOUNT	NO. DWELLINGS	TOTAL
3+-bedroom	-\$35,761.81	3	-\$107,285.43
Credit total		3	-\$107,285.43

Deducting \$107,285.43 from the Section 94 contributions it is estimated that a total contribution of **\$5,465,237.51** will be payable. However, the final Section 94 contributions payable for each building will be based on the final unit numbers of each building and the Section 94 rates at the time of payment. These will be calculated and paid prior to the release of the Construction Certificate for each building.

9 Additional Requirements

The DPIs letter of 19 April 2011 at 'Schedule 2 – Additional Information Required/Comments' specifies additional information which is to be submitted in addition to the revised architectural plans and supporting documentation.

TABLE 16 – ADDITIONAL INFORMATION REQUIREMENTS

REQUIREMENT	REFERENCE
Electronic copies of the a SIDRA analysis for the Pacific Highway intersections are required for detailed assessment as indicated in the RTA's submission.	An electronic version of the SIDRA analysis has been provided to the DPI, and the results are analysed in Appendix Q .
A schedule of calculations for the overall site coverage of the development and the deep soil area. It is noted that the deep soil area is the area of open space on site with no structures below ground level	A schedule of calculations for the overall site coverage is provided in Appendix F and provided in Section 5.3 . Deep soil areas are provided in Section 6.6 .
A report indicating that the buildings in Envelopes 2, 3, 4 and 5 are capable of meeting the solar access and cross ventilation requirements of SEPP 65 and the Residential Flat Design Code (RFDC). A plan indicating that the buildings in Envelopes 2, 3, 4 and 5 are capable of meeting the building separation requirements of SEPP 65 and the RFDC.	Plans showing compliance with solar access and cross ventilation requirements of SEPP 65 is provided in Appendix H . The plans show 80% overall solar access and 67% overall cross ventilation which complies with SEPP 65 requirements. An RFDC compliance assessment is provided in Appendix I .
Confirmation that all access roads comply with Section 4.2.7 of "Planning for Bush Fire Protection 2006".	The Bushfire Report provided in Appendix N states that internal access driveways are longer than 100 metres specified by Planning for 'Bush Fire Protection 2006'. However the buildings that the internal driveway network service is not exposed to a risk from bushfire. The capacity to turn fire appliances within the site has been designed into the driveway layout with turning heads or turning circles provided for Fire & Rescue Urban Pumper type appliances.
The Bushfire Mapping shall be amended in accordance with Council's submission dated 4 February 2011.	A Bushfire Assessment and allocation of APZs is provided in Appendix N .
The future intended use of the battleaxe access to Arilla Road should be clarified.	1 Arilla Road no longer forms part of the subject site as described in Section 2.1 .
Separate Revised Statements of Commitments should be provided for the Concept Plan and the Stage 1 Project Application as separate documents to the PPR, and where appropriate, provide a response to the requirements of other agencies and the Department's key issues. DECCW has indicated that no commitment has been made in relation to undertaking a detailed contamination assessment of the site	Revised and consolidated Statements of Commitments for MP10_0219 (Project Application) is provided in Appendix X . Revised and consolidated Statements of Commitments for MP08_0207 (Concept Plan) is

REQUIREMENT	REFERENCE
and possible remediation works (if required) prior to the commencement of excavation works on site, and this matter should be given consideration.	provided in Appendix Y .
The Landscape Masterplan should be amended to detail proposed pedestrian linkages across and through the site, particularly in respect of providing access to the communal open space at the south - western corner of the site.	Proposed pedestrian linkages are shown on the Landscape Plans provided in Appendix L . These include access to Avon Road and Beechworth Road and provide linkages to individual buildings.
Indicative elevation plans of each of the Concept Plan envelopes including existing ground levels.	Elevation plans of each of the Concept Plan envelopes is provided in Appendix F .
Dimensioned cross-section plans detailing the relationship between the following existing and proposed buildings; <ul style="list-style-type: none"> No. 15 Avon Road and Envelope 3 No. 6 Beechworth Road and Envelope 5 No. 1 OA Beechworth Road and Envelopes 4 & 5 No. 7 Avon Road and Envelope 1. 	Cross-section plans for each of these existing and proposed buildings are given in Appendix F . These are discussed further in Section 8.3 .
Plans detailing the indicative extent of cut and fill required across the site and adjacent to site boundaries and details should be provided of the potential impacts on the CRZ.	The proposed cut and fill is shown in the plans provided in Appendix F .
The Concept Plan and Stage 1 plans should clearly identify the communal open space areas and include a schedule of the amount of communal open space available to individual buildings.	The communal open space is shown on the Landscape Plans provided in Appendix L . Approximately 450sqm of communal open space is provided to each building, providing specific open space amenity area and outdoor activity area for the benefit of residents.
A Stormwater and Drainage Management Concept Plan should be provided for the proposal as required by the DGR's, and shall include a consideration of the quality of stormwater runoff, management of environmental flows and identify that stormwater devices and infrastructure will be located outside of the CRZ.	Stormwater and Drainage Management Concept Plans are provided in Appendix J .
A plan of the Concept Plan envelopes 1, 2, 3, 4 and 5 showing the height above ground level in storeys at the corner of each of the envelopes	A plan of the Concept Plan envelopes showing height above ground level is provided in Appendix F .
STAGE 1 PROJECT APPLICATION	
A site plan locating the Stage 1 development in relation to the whole site shall be provided and should detail all site works proposed to be undertaken with Stage 1.	A site plan locating the Stage 1 development is provided in Appendix F and Appendix G . Stage 1 works are detailed in Section 6.3 .

REQUIREMENT	REFERENCE
Amended landscape plan identifying existing and proposed levels around the building and soil depths over basement levels and within planter boxes.	Landscape Plans provided by Site Image are provided in Appendix M . The plans provide levels around the building and the identified soil depths.
Appropriate plans and a solar access report shall be provided verifying that the Stage 1 building complies with the solar access and cross ventilation requirements of SEPP 65 and the RFDC.	Plans showing compliance with solar access and cross ventilation requirements of SEPP 65 is provided in Appendix H . An RFDC compliance assessment is provided in Appendix I .
A schedule of unit sizes and balcony sizes (and dimensions) demonstrating compliance with minimum size requirements of SEPP 65 and the RFDC.	A schedule of unit sizes and balcony sizes is provided in Appendix F . An RFDC compliance assessment is provided in Appendix I .
CLARIFICATION	
355 units are proposed in the EA but Concept architectural plans show 350 units.	273 units are now proposed within the Concept Plan, 44 of which are proposed in Stage 1.
The number of storeys identified in the EA for buildings are inconsistent with those shown in the Concept architectural plans.	The number of storeys in each building are shown in Appendix G and described further in Section 6 .
The deep soil zones identified in the landscape plans are inconsistent with other plans.	Deep soil zones are identified on the landscape plan in Appendix M and in Appendix F .

10 Conclusion

This Preferred Project Report relates to the 'Concept Plan' and Stage 1 'Project Application' (MP08_0207 and MP10_0219) made by James Woodward Neale for land at 1, 1A and 5 Avon Road, 4 and 8 Beechworth Road, Pymble lodged with the Department of Planning and Infrastructure in December 2010.

There has been a complex history of site specific planning controls affecting the site. However, on 1 December 2008 the project was declared to be a 'Major Project' to which Part 3A of the Act applies. With the repeal of the Part 3A of the Act, the project now constitutes a 'transitional Part 3A project' under Schedule 6A of the Act, and an extension was granted to permit lodgement of the PPR by 30 November 2012.

On 19 April 2011 the DPI wrote to JW Neale advising that a Preferred Project Report is required to address various issues relating to height, building layout, environmental constraints, residential amenity, traffic generation and car parking. The DPI also identified additional information required to be submitted with the Preferred Project Report.

At the time of lodgement of the Concept Plan and Project Application, the proponent was James Woodward Neale.

On 23 June 2011, Bank of Western Australia Limited ('BankWest') enforced its registered mortgages on land relevant to the Major Projects MP 08_027 & MP10_0219 being 1, 1A and 5 Avon Road and 4 and 8 Beechworth Road, Pymble (the site) through the appointment of Stephen Parbery and Brett Lord of PPB Advisory as Receivers and Managers. Following this appointment, Stephen Parbery and Brett Lord were deemed to be the Proponent of the Concept Plan and Project Application. On 30 September the DPI formally acknowledged the Receivers as the rightful proponent to continue to progress Major Projects MP 08_027 & MP10_0219.

On 10 October 2012, BankWest assigned all its right title and interest in the registered mortgages over 1, 1A and 5 Avon Road and 4 and 8 Beechworth Road, Pymble to Secured Global Opportunity Limited ARBN 158 527 176 ('Secured Global'). Secured Global has appointed Brett Lord and Marcus Ayres as Receivers and Managers in respect of its registered mortgages over the Site and as such they will continue progressing Major Projects MP 08_027 & MP10_0219.

In addressing the DPI's requirements, various consultants were engaged by the receiver to carry out further investigations relating to the environmental constraints of the site. In response to the findings of these studies, and the issues raised by the DPI a revised scheme was designed by Marchese and Partners Architects and a new landscape concept for the site was jointly developed by Site Image landscape architects, Anne Clements & Associates environmental and botanical consultants, NPC drainage engineers and ABPP bushfire planners.

The revised scheme responds to the Preferred Project Requirements as follows:

- Building 2 has been deleted.
- Building heights have been reduced from 5-11 storeys to 4-9 storeys.
- Apartment numbers have been reduced from 355 to 273.
- Site coverage has been decreased from 30% to 19.6%
- Floor space ratio has been reduced from 1.4:1 to 0.94:1.
- All buildings have been relocated from environmentally sensitive areas of the site.
- Conservation area has been increased from 3,600sqm to 8,430sqm.
- Less bulky and more site responsive building forms have been adopted, with apartments oriented away from surrounding houses and private yards.

A revised and consolidated draft Statement of Commitments for both the Project Application and the Concept Plan has been prepared to reflect the revised design and the recommendations of the technical studies.

With specific regard to the issues raised in the DPI's letter of 19 April 2011:

- All buildings have been reduced in size, located out of sensitive parts of the site and redesigned to adopt a more site responsive typology.
- Buildings 1, 3 and 4 have been reduced in height and Building 2 has been deleted. All buildings have been reduced in size, redesigned and sited to orient apartments away from sensitive neighbours.
- Existing environmental constraints, including drainage, ecological communities, railway noise and bushfire hazard have now been accurately identified and building works relocated to protect natural features.
- Additional traffic modelling has been undertaken, and demonstrates that the Level of Service will not be reduced at any intersection as a result of the project and that a road link across the site would not provide any significant traffic benefit.
- A series of publicly accessible pedestrian walkways are proposed throughout the site including a link between Avon and Beechworth Road.
- The proposed rate of car parking provision balances Council's desire to satisfy parking demand on site and the State Government's desire to reduce car dependency in transit oriented locations.
- Section 94 contributions will be paid in accordance with Council's adopted plan.

The PPR also provides the additional information requested in the DPI's letter.

While significant concerns were raised in relation to the adequacy of environmental investigations and the density and design of the original proposal for the site, significant additional investigations have been undertaken and substantial modifications have been made. The Preferred Project now involves a substantial reduction in the intensity of development, but nevertheless provides a significant contribution to the supply of transit oriented housing in the locality.

All of the issues raised in the DPI's correspondence of 19 April 2011 have now been suitably addressed and the project will not result in any unreasonable adverse environmental effects.

Sydney

Level 23, Darling Park Tower 2
201 Sussex Street
Sydney, NSW 2000
t 02 8233 9900
f 02 8233 9966

Melbourne

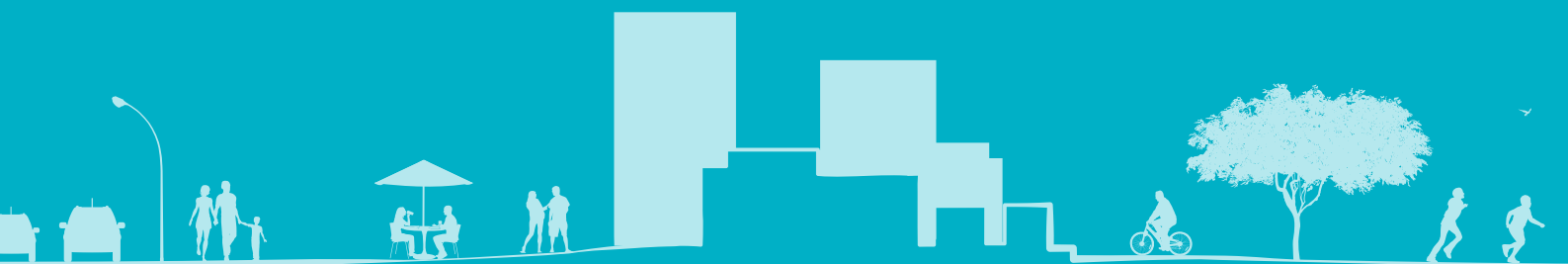
Level 12, 120 Collins Street
Melbourne, VIC 3000
t 03 8663 4888
f 03 8663 4999

Brisbane

Level 7, 123 Albert Street
Brisbane, QLD 4000
t 07 3007 3800
f 07 3007 3811

Perth

Level 1, 55 St Georges Terrace
Perth, WA 6000
t 08 9346 0500
f 08 9221 1779



Australia • Asia • Middle East
urbis.com.au
info@urbis.com.au