



KU-RING-GAI COUNCIL SUBMISSION

**MP 08 0207 - Concept Plan and
MP 10 0219 - Project Application**

Preferred Project Report

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

March 2013

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EXECUTIVE SUMMARY

The proposal is a Preferred Project Report seeking for 4 residential flat buildings on land zoned part R2 Low Density Residential, E4 – Environmental Living and R3 – Medium Density Residential. The site is about 500m from Pymble railway station and opposite Pymble Ladies College. Otherwise it is immediately surrounded by low density residential development. The site fronts both Avon Rd and Beechworth Rd Pymble and includes steep lands falling to a gully containing a watercourse and Blue Gum High Forest, a critically endangered ecological community. It contains a heritage item and is located within the vicinity of a number of other heritage items.

The proposal is not permissible under the above zones, identified in the applicable environmental planning instrument, Ku-ring-gai LEP (Local Centres) 2012, which was only made by DPI at the end of January, and came into effect on 8 February. The proposal is also inconsistent with the aims of the plan and the objectives for the zones under this instrument.

While Council acknowledges that there are a number of improvements over the original plan, especially in relation to ecological outcomes, there are good strategic reasons for the existing zoning of the site, as outlined in the main body of this submission. The proposal should recognise the changed planning regime, and be assessed against the current instrument, rather than the original proposal.

In addition, Council would like to raise a number of other concerns, without prejudice. The key concerns relate to matters of documentation, site isolation, layout and design, bulk and scale, amenity, landscaping and character, heritage, environmental performance of the buildings, access within the site and in the local area and the staging of the development.

It is recommended that the Concept Plan and Stage 1 Project Application proposals not be supported in their present form. Development on the site should be permissible under the KLEP and meet the objectives of the applicable zones.

BACKGROUND

The Director-General's requirements (DGRs) for the project require the proponent to address the permissibility and the provisions of all relevant plans and policies including SEPPs, the KPSO, LEPs and DCPs. However, the planning for this site has a complex background with several changes in legislation relating to development of this site. The history is set out in Table 1 below:

Date	Event	Controls
1971 - 2010	Ku-ring-gai Planning Scheme Ordinance (KPSO) zones the site as 2(c) Residential	Main permitted use – dwelling house Height - 8m ceiling height (2 storeys) FSR – 0.3:1 to 0.4:1
2002	High density residential development is permitted on the site under State Environmental Planning Policy 53 – <i>Metropolitan Residential Development</i> . At this time the location also included the current proposed site plus 1 Arilla Road, 7 Avon Road, 12 Mayfield Ave and 2 and 6 Beechworth Road Pymble (See Attachment 1 for lots included at various stages). A document outlining the development controls for the site as a whole accompanied the SEPP inclusion. The overall site was 29,749 m ² . Nine buildings and several new streets were shown in the guidelines. Most of the riparian land was to be retained, but there was no consideration of the Blue Gum High Forest on the site.	Main permitted use – residential flat building Height – 3 -7 storeys - 3-4 storeys fronting Avon Rd FSR of 0.6:1 (in draft guidelines – Council does not have a copy of the final guidelines) or 0.8:1 (according to the proponent).
2007	Listing of Blue Gum High Forest as a critically endangered ecological community under the NSW Threatened Species Conservation Act.	Part 5a of the EP&A Act triggered.
October & December 2008 February 2009	Proposal for the subject site (including 1 Arilla Road, but not 7 Avon or 12 Mayfield), declared a 'Major Project' to which Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (the Act) applies. Director General's requirements (DGRs) issued.	
May 2010	Ku-ring-gai LEP (Town Centres) 2010 made, under the direction from the Minister to translate the provisions of SEPP 53 into the town centres plan for this site. SEPP 53 excluded from Local Centres.	Main permitted use - residential flat building Height – part 17.5m (5 storeys) and 23.5m (7 storeys) FSR – 0.8:1
November 2010	Environmental Assessment (including plans and studies) for the concept plan and project lodged. 5 residential flat buildings, restoration of some of the Blue Gum High Forest and riparian area	<i>Seeking the following:</i> <i>Use – Residential flat buildings</i> <i>Height - 5-11 storeys</i> <i>- to 6 storeys on Avon Rd</i> <i>FSR - 1.4:1</i>
December 2010 to Feb 2011	Project application and concept plan publicly exhibited. 321 public submissions and 8 agency submissions were received.	

April 2011	DoPI advises proponent that a Preferred Project Report (PPR) is required to address issues raised as a result of the exhibition (referred to as 'DPI 2011' in this submission).	
June 2011	SEPP 53 repealed. LEP (Town Centres) 2010 remains the applicable local instrument.	
July 2011	LEP (Town Centres) 2010 declared invalid by the Land and Environment Court. Applicable local planning instrument reverts to KPSO.	Main permitted use - dwelling house Height - 8m ceiling height (2 storeys) FSR – 0.3:1 to 0.4:1
October 2011	Repeal of Part 3A of the Act. Proposal becomes a 'transitional project' under Schedule 6A of the Act.	
May/ June 2012	Public exhibition of draft Ku-ring-gai LEP (Local Centres) 2012, which provides for a draft zoning of Part R3 – Medium Density Residential, part E4 – Environmental Living and part R2 – Low Density Residential	Main permitted uses - R3 -medium density residential (townhouses) and -E4 and R2 - dwelling house Height - R2 and E4 – 9.5m - R3 – 11.5m (3 storeys) FSR - R3 - 0.8:1 - E4 – 0.2:1 to 0.4:1 - R2 – 0.3:1 to 0.4:1
October/ November 2012	Extension granted to permit lodgement of the preferred project report by 30 November 2012.	
November 2012	PPR lodged. Site excludes 1 Arilla Road. KPSO is the relevant instrument, but Section 79C also applies to the draft Local Centres LEP.	
25 January 2013	Gazettal of Ku-ring-gai LEP (Local Centres) 2012 (KLEP) - Effective 8 February 2013. Site zoned Part R3 – Medium Density Residential, part E4 – Environmental Living and part R2 – Low density residential, as exhibited. Savings provision included.	Main permitted uses - R3 -medium density residential (townhouses) and - E4 and R2 -dwelling house Height - R2 and E4 - 9.5m - R3 - 11.5m (3 storeys) FSR - R3 - 0.8:1 - E4 – 0.2:1 to 0.4:1 - R2 – 0.3:1 to 0.4:1
January/ February 2013	PPR on public exhibition. 4 residential flat buildings, retains riparian corridor, vegetation management plan for the Blue Gum High Forest to be retained, public pathway between Avon and Beechworth Roads, improvements to pedestrian access to station.	<i>Seeking the following: Use – Residential flat buildings (in all 3 zones) Height – 4-9 storeys FSR - 0.94:1</i>

Table 1 Summary of planning history for subject site

The following comments on the PPR result from an assessment of the PPR by officers with expertise in planning, development assessment, engineering, traffic and transport, ecology and water, landscape, heritage and development contributions. In addition, Council engaged an independent urban design consultant, Michael Zanardo, to assess the proposal. Mr Zanardo's comments are included at **Attachment 2** for your information, however please note that Council's integrated submission takes precedence in the event of any inconsistency.

PERMISSIBILITY

The DGRs require the proponent to address the permissibility and the provisions of all plans and policies including SEPP 53 – Metropolitan Residential Development, environmental planning instruments and relevant DCPs.

As noted above, the Ku-ring-gai Planning Scheme Ordinance (KPSO) was in force for most of the time during which this project has been with the Department, though overridden by SEPP 53 for half of the period since the declaration of the major project. The KPSO was the applicable instrument at the time the Preferred Project Report was lodged.

Under Clause 25A residential flat buildings are prohibited in the low density residential zone which applies to the site and its immediate surrounds.

The Ku-ring-gai LEP (Local Centres) 2012 (KLEP) was gazetted on 25 January 2012 and came into effect on 8 February 2013. The KLEP is the most relevant planning instrument against which to assess the proposal, for the following reasons:

- At the time of lodgement of the PPR, the draft Ku-ring-gai LEP (Local Centres) 2012 (KLEP) had been exhibited and was with the Department of Planning and Infrastructure for gazettal. The only comments received as a result of the exhibition of the draft LEP for this site sought a down-zoning of the lands now zoned R3, and a reduced FSR. This was not supported in the report to Council or by the meeting of Council, which adopted the controls for the site as exhibited. At the time of lodging the PPR the LEP was immanent, and in relation to this site, certain.
- There was a large time delay between completion of the Environment Assessment and the Preferred Project Report, with an extension required to be issued to allow lodgement of the latter. During this time, significant planning changes occurred including the repeal of SEPP 53 – Metropolitan Residential Development, the gazettal and repeal of KLEP (Town Centres) 2012 and the gazettal of the KLEP.
- During this time, the proposal was amended substantially through the deletion of one building and a reduction in the height of the remaining buildings. Additional information comprising numerous specialist reports was also required to be submitted with the Preferred Project Report. Further, the amended proposal no longer includes No. 1 Arilla Avenue. The current proposal is substantially different than the original proposal.
- The fact that the Department of Planning has made the KLEP with low to medium residential and environmental zoning and controls for this site, despite the previous lodgement of an EA under Part 3A (at the time), and its previous identification as a "Minister's targeted site" under SEPP 53.

Any assessment of this transitional project should therefore give considerable weight to the KLEP.

Rationale for KLEP zoning and controls

Under Clause 2.3 of the KLEP, the site is zoned:

- part R3 - Medium Density Residential along Avon Road,

- part E4 - Environmental Living towards the middle of the site, and
- part R2 – Low Density Residential along Beechworth Road.

Other controls include:

- 1 Avon Rd and 6 Beechworth Rd are identified as heritage items in Schedule 5 and on the Heritage Map.
- FSRs, heights and minimum lot sizes as standard for the zones, including reduced FSRs and increased minimum lot sizes apply to the E4 - Environmental Living zone (see table 1)
- The site is identified for its biodiversity and riparian values on the maps associated with the Natural Resource clauses, 6.5 and 6.6.

The zoning and controls that apply to the site are based on the following:

- The listing of the critically endangered ecological community, Blue Gum High Forest, in addition to the presence of a watercourse, and the steep topography of much of the site severely constrains the development potential of the site, supporting the E4 Environmental Living zone
- The re-listing of 1 Avon Rd as a heritage site and retention of 6 Beechworth Rd as a heritage site, combined with the approved zoning, recognises that the site is not required to meet the dwelling targets for Ku-ring-gai agreed with the Minister of Planning
- The heritage value of these properties and others within the vicinity of the site further constrain redevelopment, supporting the low density residential /environmental zoning within the site
- The areas closest to the railway station and shopping centre, with substantial existing development on a gentler topography, namely sites fronting Avon Rd, can support some redevelopment, at a scale consistent with the protection of the heritage and natural values of the site and the locality. Accordingly, these properties are zoned R3 Medium Density Residential. Note the R3 zone includes the heritage site at 1 Avon Rd, a very large dwelling which could be converted to multiple dwellings.
- The R3 zone covers 4 properties in this locality, covering an area of 5,319 m2 (excluding 1 Avon Rd). It is considered that the development of this part of the site for multi dwelling housing (townhouses) at an FSR of 0.8:1, and the adaptive re-use of 1 Avon, can have an acceptable impact on the streetscape and amenity of nearby residents while protecting the heritage and natural values of the site and locality. This scale of development can also be catered for by the existing road network.

Project proposal

The PPR proposes residential flat buildings as follows:

- Buildings 1 (44 units) and 4 (89 units) located roughly in the R3 – Medium Density Residential zone,
- Buildings 3 (77 units) and 5 (63 units) located roughly in the E4 – Environmental Living zone,
- Access to Building 5 through the R2 – Low Density Residential zone.

The overall concept is for four buildings, Buildings 1, 3, 4 and 5 (Building 2 having been deleted from the proposal).

Residential flat buildings are not permissible in any of the above zones and therefore the proposal is prohibited development.

Clause 1.2(2) of the KLEP outlines the particular aims of the KLEP. The proposed development is inconsistent with the following aims:

Aims and objectives (clause 1.2)

(e) to protect, enhance and sustainably manage the biodiversity, natural ecosystems, water resources and ecological processes within the catchments of Ku-ring-gai

- It is not possible to accurately assess whether the proposal sufficiently protects ecological processes especially the riparian lands

(f) to recognise, protect and conserve Ku-ring-gai's indigenous and non-indigenous cultural heritage

- The proposal entails demolition of a heritage item (No. 1 Avon Road) and adverse impacts on a number of other heritage items, and therefore does not protect Ku-ring-gai's cultural heritage

(j) to protect the character of low density residential areas, and the special aesthetic values of land in the Ku-ring-gai area

- The scale of the proposed buildings, together with the inadequate building separation and setbacks, below and above ground result in a poor transition between high density development and existing low density development. In this regard, the proposal does not protect the character of adjoining low density residential areas and will have an adverse impact on the Avon Road streetscape.

The proposed development also fails to meet the KLEP objectives of the relevant zones.

The objectives of the R3 - Medium Density Residential zone are as follows:

- to provide for the housing needs of the community within a medium density residential environment
- to provide a variety of housing types within a medium density residential environment
- to enable other land uses that provide facilities or services to meet the day to day needs of residents
- to provide a transition between low density residential housing and higher density forms of development

Building 1 is adjoined by Nos. 3 and 7 Avon Road which are zoned for medium density development. The proposal fails to provide a transition between high and low density development as the proposed high density development will abut single dwelling houses.

The objectives of the E4 Environmental Living zone are as follows:

- to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values
- to ensure that residential development does not have an adverse effect on those values
- to prevent further fragmentation of ecological communities, biodiversity corridors or other significant vegetation or habitat

The proposed development is inconsistent with the aims of the Environmental Living zone as it entails high impact development (Buildings 3 and 5) within an environmentally sensitive area. The site contains Blue Gum High Forest, an Endangered Ecological Community, as well as a watercourse. While rehabilitation and water sensitive urban design works are proposed, there is insufficient detail provided to be confident that the process of construction and the location of building 3 in particular, will not result in significant adverse damage to the riparian

lands. Further, the scale of the buildings is out of keeping with the character and aesthetics of the environment zone.

The objectives of the R2 – Low Density Residential zone are as follows:

- to provide for the housing needs of the community within a low density residential environment
- to enable other land uses that provide facilities or services to meet the day to day needs of residents
- to provide housing that is compatible with the existing environmental and built character of Ku-ring-gai .

Pedestrian and vehicular access to the proposed Building 5 (which comprises 63 dwellings) is proposed via land zoned R2 – Low Density Residential. The proposed pathway and driveway are ancillary to the residential flat building and are not permissible in the R2 – Low Density Residential zone. Pedestrian and vehicular traffic for such a large number of dwellings will result in adverse amenity impacts to properties at Nos. 2, 6, 8A and 10C Beechworth Road.

Recommendation

It is recommended that the proposal not be supported as it is inconsistent with the strategic planning for Ku-ring-gai and is prohibited by the applicable environmental planning instruments and does not meet the objectives for the applicable zones.

IMPROVEMENTS OVER ORIGINAL PROPOSAL

The proponent has sought to address a number of the shortcomings of the original proposal. The following aspects of the PPR are particularly to be commended:

- the deletion of one building from the original proposal and the re-siting of buildings 4 and 5, which has resulted in significantly better environmental outcomes than the original proposal;
- protection of the vast majority of the Blue Gum High Forest on the site and the submission of vegetation management plan, proposing works to rehabilitate over 8,000m² of the riparian and Blue Gum High Forest area;
- a more sensitive approach to water management, including rehabilitation of the watercourse;
- the provision of public pedestrian access through the site;
- the use of the natural setting.

It is also acknowledged that:

- additional information has been provided in relation to a number of matters;
- the height of the buildings and the overall density have been reduced;
- the angling of buildings somewhat reduces amenity impacts on neighbouring dwellings.

INADEQUATE INFORMATION

Schedule 2 of DPI 2011 identified a list of clarifications and additional information required, to enable accurate assessment of the proposal. In many instances, the information supplied is still inadequate. It is recommended that a project of this nature and scale be checked before release to the public, as the inadequacies and inconsistencies create unnecessary confusion

and results in difficulty or inability for local residents to make an informed submission. Council notes that it has also resulted in the use of considerable additional time and resources to make a professional assessment of the proposals.

The following lists some of the information that is missing or inadequate, and where there are inconsistencies. This is by no means a comprehensive list. Additional matters where plans are inconsistent or the information is inadequate in other respects are also identified in the discussion later in this submission.

Many of the details of the Stage 1 proposal are woven within the concept plan, making it very difficult to find the relevant information. Considering the concept plan first, and only on approval, allowing the submission of a project application/DA in line with the concept plan would be a more efficient, and likely more cost-effective way to deal with the process for all concerned.

Architectural and survey plans

- The plan drawings MP02.01 through MP02.06, which are put forward for the approval of building envelopes, incorrectly document the neighbouring properties when compared to the site survey. These plan drawings also appear to have been used to generate, incorrectly, the 'indicative elevation plans of each of the Concept Plan envelopes' (MP03.01 through MP04.04) and 'dimensioned cross section plans' (MP02.07 and MP02.08) as required by Schedule 2 of the DPI 2011.
- The location of the dwellings on No. 15 Avon Road and No.1 Arilla Road are not consistent across plans, e.g. between survey plans, building separation diagrams and architectural drawings.
- The site survey is inadequate and does not show the location of windows of adjoining properties. Consequently, it is difficult to accurately assess the visual and acoustic privacy and solar access impacts of the proposed development. The survey also fails to identify the private open space of adjoining properties as required by the Director-General's requirements.
- Inadequate information has been provided to determine the height of the buildings, as defined by KLEP (Local Centres) 2012. An RL for existing ground level is required to be shown on the elevations/sections.
- The site analysis (Drawing MP 01.02) does not show the dwelling at No. 8 Beechworth Road which is to be demolished.
- The dwelling at No. 10B Beechworth Road has been incorrectly labelled No. 10A Beechworth Road on Drawing MP 02.08.
- Dimensions are required for driveways to demonstrate that waste collection, removal and fire-fighting trucks can access the required parts of the site.
- Dimensions are required for basement head room, to ensure waste vehicles can access the waste and recycling room.
- Car parking spaces should be marked and dimensioned, to ensure that the car parking requirements are satisfied.

Diagrams and reports

- The submitted shadow diagram (Drawing MP 05.01) is illegible and does not clearly show the impacts of the proposed development on adjoining low density residential properties. In order to properly assess the impacts of the proposal against SEPP 65, a scaled plan based on a detailed site survey is required. This matter was previously raised by Council in its submission dated 4 February 2011. As stated in Council's submission, given the generous site area, adjoining low density development and site specific controls, it is reasonable to expect compliance with regard to overshadowing.
- Unit numbers and hours of solar access received are not shown in Drawings MP 06.02 to MP 06.04.
- The Access report (prepared by Accessibility Solutions) states that five accessible dwellings are proposed within Building 1, however the breakdown provided by Marchese partners shows only four accessible dwellings.
- It is unclear how the proponent has calculated the number of storeys. For example, Drawing MP 01.05 states that Building 3 is "four + one storeys," however Drawing MP 07.01 shows it to be at least seven storeys (as defined by the KPSO). It is noted that KLEP (Local Centres) 2012 does not contain any provision relating to number of storeys, only building height.
- The heritage report fails to consider the impact of the proposal on a number of nearby heritage sites, including, but not limited to, the heritage item at No. 6 Beechworth Road and 1202 Pacific Highway.

Riparian and water sensitive urban design

- Details on the design, construction, location staging and maintenance of creek remediation and WSUD elements have not been provided, therefore it is not possible to assess whether they are appropriately located, designed and sized both from water flow and water quality perspective.
- The location of the watercourse is not shown in conjunction with the contours and the footprint of building 3, making accurate assessment of the impacts impossible.
- Figures 4 and 9 by Civil Certification appear to be inconsistent with regard to the wetland, as it is shown on Figure 9 as being constructed at Stage 1 but on Figure 4 as initially being a temporary sediment basin.

Draft Statement of Commitments

The Draft Statement of Commitments (Appendix Y) appears to be incomplete. The section on residential amenity only contains hours of demolition. Hours should include excavation and construction. The section on stormwater only refers to erosion and sediment control, not ongoing water management. Fourth dot point in the bushfire section should refer to a B99 vehicle (not B9).

The Draft Statement of Commitments for stage 1 refers to Buildings 3, 4 and 5, and “During all stages of the development...”. This is just one example of the difficulty of separating the details for Stage 1 from the overall development.

Proposed road linking Avon Road and Building 3

- No sections or plans have been provided in relation to the construction of the proposed road linking Avon Road to building 3.
- The only reference in regard to the likely construction is provided under point 28 on the Landscape Design Features MP-004 plan which indicates the road to be on grade at the top and bottom of the road and on piers of up to 2m height in the “middle portion in select locations, ensuring protection of roots of adjacent trees.”
- As there has been no assessment nor detail provided there is no certainty as to the likely impacts on trees or the conservation area within proximity of this road.

Proposed public pathway, and upgrade to station

- There is no detail on the proposed public pathway through the site.
- Details of the footpath upgrade to Avon Road, referred to as drawing LSK01A, do not appear to have been included.

Landscape plans

The landscape plans do not include sufficient information to accurately assess the impacts of the concept plan and do not satisfy the requirements of Schedule 2 of DPI 2011 for the Stage 1 application.

- There is no detail on the landscape plans in relation to proposed planting;
- Trees to be retained within the landscape zones are not identified on the concept plans;
- The landscape design features diagram appears to be inconsistent with the proposed basement areas in respect of the following points:
 - 19 - retention of existing screen vegetation;
 - 22 - retention of the Nyssa sp. to Avon Road;
 - 23 - retention of screen planting appears not to be indicated and proposed screen planting to interface zone is inadequate.
- The Landscape Zones Plan and in particular, soil depth zones, indicates basement areas to buildings 1 and 4 which are inconsistent with the architectural basement footprints. The soil depth does not indicate the actual depth of soil cover over basement areas. There is no indication of planting sizes possible above the basement of Building 1, nor details of the proposed planting within the front setback. It is therefore unclear as to the potential to sustain larger shrubs / small trees in this area. This is critical in relation to the front setback to building 1 and basements of other buildings that are proposed on or adjacent to site boundaries.
- For the same reason, it is also unclear whether the commitment to transplanting the existing mature Gordonia and Canary Islands and Cocos Palms into this area is feasible. (Point 23 of Landscape Design Features)
- The Landscape Zone Plan MP-003 E (Soil Depth Zones) is not consistent, with the architectural plans in regard to the extent of basement within the front setback of Building 1. The landscape plan shows a more generous provision of deep soil than is indicated by the line of basement on the architectural concept plans.

- No detail has been provided concerning proposed plant material for Building 1, therefore the appropriateness and functionality of the proposed planting cannot be determined.

Arborist Report

- * No arborist report has been provided as supporting documentation in relation to:
- tree condition. For example, the condition of trees which are indicated to be retained but may potentially have structural or health problems, such as trees 328 a Fig (*Ficus rubiginosa*) within a courtyard of Building 1 next to the entry and 49 a very large Blue Gum adjacent to Building 4;
 - assessment of impacts of construction on trees to be retained on site, or on adjoining sites. Examples include impacts on:
 - significant trees on the subject site: 11, 245, 172, 175, 176A, 335 and 328
 - trees within adjacent properties such as 264- 267 - turpentine;
 - proposed tree protection methodologies and plans consistent with AS 4970-2009 (as amended) and with other plans and documentation. Tree protection plans consistent with environmental management, traffic management and staging plans are required to illustrate the proposed protective measures for trees to be retained, particularly adjacent to proposed works.

The arborist assessment remains substantially out of date and may not reflect the actual conditions of trees on site nor regrowth or general growth of existing trees within this very large site.

Further, no environmental management plan has been provided. This is critical in respect of environmental and tree impacts.

The fauna and flora report by Anne Clemens has provided an inventory of trees and considers the location of native trees and native tree removal. However this report does not assess all potential impacts on trees from works associated with construction.

In relation to stage 1, a *Ficus rubiginosa* is growing on a dead tree, tree 328. An assessment of the suitability for retention of this tree by an arborist is recommended as the central dead tree upon which this fig is growing is substantially decayed.

As the information is not of sufficient detail within the preferred project report, it is not possible to establish whether some trees proposed to be retained, will in fact be able to be retained without compromising tree health.

Geotechnical Report

The Geotechnical report does not appear to assess the impacts of the constructed wetland and its proximity to Building C (3).

ASSESSMENT OF DESIGN

The following comments are provided, should the Department consider approving some or all stages of the proposed development, despite the recommendation above.

Residential flat development must comply with SEPP 65 - Design Quality of Residential Flat Development. This is supplemented by the Residential Flat Design Code (RFDC). The following section uses the design principles of SEPP 65 and the provisions of the RFDC, as the basis on which to discuss the design of the concept plan proposal. Many of the design issues relate to the DGRs and/or to the Department's further requirements outlined in its letter of 2011 (DPI 2011).

Reference is also made to the KLEP which represents the future planning context that will exist around this development; and Ku-ring-gai Multi-Unit Housing Development Control Plan 55 (DCP55) as the most recently applicable residential flat building DCP. DCP55 is useful as a benchmark as it contains many of the primary controls that have shaped the majority of residential flat buildings in Ku-ring-gai over the last decade and imparted to them a certain character. Reference will also be made to the KPSO and where appropriate, SEPP 53 for historical context.

Good design is a creative process which, when applied to towns and cities, results in the development of great urban places: buildings, streets, squares and parks. Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.

Good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic and environmental challenges. The design quality principles of SEPP 65 do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

Principle 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

The documentation for the Concept Plan and the Stage 1 Project Application (for Building 1) overlap somewhat, therefore this assessment assesses the Concept Plan and Stage 1 together, with each of the four buildings (1, 3, 4 and 5) referred to specifically where appropriate.

The site is comprised of an amalgamation of five lots that, given their large area, have limited frontage to Avon Road and Beechworth Road, Pymble. The site is very steep, falling from high ground at the street frontages to a deep gully running north-east/south-west through the centre of the site. A watercourse follows the gully. The site is heavily vegetated and includes a significant community of Blue Gum High Forest. The relationship of the proposal to the ecological and riparian context is discussed under *Principle 6: Landscape*. The site is

bounded to the north-east by the North Shore Rail Line, with Pymble Station being approximately 500m walk from 1 Avon Road.

Site isolation

DGRs required the proponent to address the impact of the proposal on the development potential of the remaining sites in 'Site 2' of SEPP 53. The remaining sites comprise Nos. 2 and 6 Beechworth Road, No. 12 Mayfield Avenue and No. 7 Avon Road.

To the immediate southeast is 7 Avon Road which is zoned R3 – Medium Density Residential under the KLEP. 7 Avon Road is approximately 1,588m² in area with a frontage of approximately 24m. The frontage should be verified as KLEP 6.5(2)(a) requires that, if the lot is less than 1,800m², the street frontage must not be less than 24m for consent to be granted for multi-dwelling housing. Therefore potentially, 7 Avon Road is prevented from redevelopment, if only marginally.

To the immediate east of the site is 3 Avon Road. 3 Avon Road is zoned R3 under the KLEP and is approximately 931m² in area.

KLEP 6.5(2) requires that development consent must not be granted for multi-dwelling housing on a lot unless the lot has an area of at least 1,200m². By bounding 3 Avon Road on both of its available sides, the proposal effectively prevents this site from redevelopment as multi dwelling housing.

When dealing with isolated sites, consideration should be given to relevant Planning Principles established by the Land and Environment Court. In *Melissa Grech v Auburn Council* [2004] NSWLEC 40, Commissioner Brown found that a proponent must demonstrate that a reasonable offer has been made to purchase affected lots, based on at least one recent independent valuation.

In *Cornerstone Property Group v Warringah Council* [2004] LEC 189, Commissioner Tuor found that a co-ordinated approach to development must be undertaken, regardless of which site is developed first. Accordingly, the development potential of the sites may need to be reduced to maintain the amenity of both developments.

A potential footprint analysis for No. 7 Avon Road was provided in the EA. It showed that, developed on its own, No 7 could achieve a potential floor space ratio of 0.28:1, substantially less than the permitted floor space ratio of 0.8:1 under the R3 - Medium Density Zoning in the Local Centres LEP. No analysis has been provided under the Preferred Project Proposal, though it is acknowledged that there is a slightly greater above ground setback (but not basement) provided to No. 7 Avon Rd than in the original proposal.

Further, while an offer appears to have been made in the past to the owners of No 7 Avon Rd, it is unclear whether that offer was made to the current owner (since 2009). Further, no evidence has been provided of the offer being made on the basis of an independent valuation.

The most recent DCP for high density development, DCP 55 requires that where a proposal results in a site of less than 1200m², the proponent must demonstrate that it can be developed in accordance with the provisions of the environmental planning instrument, including the standards and controls relating to deep soil landscaping, site coverage, building setback, solar access and visual privacy. No such analysis has been provided for No. 3 Avon Road. It is acknowledged that the setback to No. 3 Avon Rd is greater than the original proposal. However, the lot is only 931m² and it is obvious that its redevelopment for medium density

under the Local centres LEP could only be achieved if the property were combined with another property.

The EA documentation shows that the proponent appears to have made an offer to the owner of No. 3 Avon Rd around 2002, though no valuation or correspondence from the owners has been included. As it is 10 years since that offer was made, Council considers it reasonable that the owners should be contacted again, to ascertain whether they would be open to a reasonable offer at this time.

Serious concerns are raised concerning isolation of this site, as well as its residential amenity. The amalgamation of 3 and 7 Avon Road with the site would be an improved outcome, assisting capable land with higher zonings to achieve their full redevelopment potential.

It is noted that the remaining sites in 'Site 2' are zoned either R2 – Low Density Residential or E4 – Environmental Living under KLEP (Local Centres) 2012. Site isolation is not an issue for these sites as they are not zoned for medium or high density development.

From a historical perspective, it is worth noting that under the KPSO the 'Site 2' properties not included within the Major Project proposal were zoned for low density development and site isolation was not an issue. Under KLEP (Town Centres) 2010, the sites were zoned R4 – High Density Residential. Under this instrument, the sites did not satisfy the site area and/or frontage requirements and would have been isolated sites.

This issue is of particular note when it is recognised that the most suitable areas of the site for redevelopment are those adjoining Avon Rd. Unlike most of the overall site, this area has few physical constraints to development, is the part of the site closest to the station and shopping area and provides a good address to the street.

Proximity to low density dwellings

Further to the south-east are 11, 15, 17 and 19 Avon Road which are zoned 2(c) under the KPSO. To the south-west are 1 Arilla Road and 12 Mayfield Avenue, zoned E4 under KLEPLC. To the west are 8A, 10C, 10B, and 10A Beechworth Road and 10 Mayfield Avenue, all zoned 2(c) under the KPSO (which applies outside the Local Centres).

Of these properties the residences at 15 Avon Road and 1 Arilla Road are in close proximity to the proposed Building 3, and 10B and 10A Beechworth Road are in close proximity to the proposed Building 5. To the north-west are 6 and 2 Beechworth Road, zoned R2 under KLEP. 6 Beechworth Road is in close proximity to the proposed Building 5.

The existing residence at 7 Avon Road is in also close proximity to the proposed Building 1. These adjacencies are discussed further below under *Principle 2: Scale*.

It is critical that the adjacencies of the proposal with the neighbouring buildings and open spaces are depicted accurately on these drawings for a proper assessment to be made (see *Inadequate Information*). All of the properties bounding the site are of a lower order zoning to the proposed development. The proposal does not fit 'comfortably' within the current planning regime, which does not provide for similar adjacent zonings (say R4), or for transitional zonings (say R3) to most of the surrounding lower density single residential properties located downhill to the west and south.

The site itself is zoned only R3, R2 and E4 under KLEP, with heights of only 9.5m and 11.5m (2-3 storeys) envisaged. Given the obvious site constraints, it is noted here that the

development permissible under the KLEP zonings is considered to be of a more appropriate density than the density proposed, regardless of design, from an urban design point of view.

Heritage context

1 Avon Road is included on the site and is a heritage items in Schedule 5 of the KLEP.

The following properties are within the vicinity of the subject site and are heritage items in Schedule 5 of the Local Centres LEP:

- 6 Beechworth Road
- 1178 Pacific Highway
- 1186 Pacific Highway
- 1202 Pacific Hwy (1 Clydesdale Place).

The following properties are heritage items in Schedule 7 of the KPSO and are within the vicinity of the subject site:

- 11 Avon Road
- 11 Arilla Road
- 19 Avon Road
- 9 Beechworth Road
- 1228 Pacific Highway (corner of Beechworth Road)

In reference to No 11 & 19 Avon Road and No 11 Arilla Rd, the Statement of Heritage Impact (SHI) (p.2) are to be removed from the heritage schedule while in other parts of the report it considers potential heritage impacts on them from the proposed development. No 11 & 19 Avon Road and No 11 Arilla Road are not within the boundaries of the KLEP. They remain as heritage items in Schedule 7 of the KPSO. Further those properties have been reviewed (Paul Davies P/L Architects and Heritage Consultants) and are recommended to be retained as heritage items in the future draft Principal LEP.

The SHI for the proposed development is dated November 2012 while the Local Centres LEP was still draft. With the gazettal of the KLEP, No 5 Avon Road is no longer a listed item. Its demolition is acceptable. Prior to any demolition, it is recommended that the building should be photographically recorded to archival standards and a copy lodged with the Gordon Library.

1 Avon Rd

1 Avon Road is proposed to be demolished. The heritage impact assessment in the proposed development is partially based on an earlier assessment undertaken in 2009 by Rappoport P/L and a follow up assessment undertaken by OCP Architects P/L. It provides the following Statement of Significance:

No 1 Avon Road, Pymble has historical significance for its association with the subdivision of a rural Pymble area and developed over a century as a suburban ideal that embraced well landscaped gardens with substantial houses adjacent to the main North Shore railway line.

Its most noted resident was James Fraser, who developed No 1 Avon Street (sic) as a residence with substantial gardens for his wife Elizabeth's retirement. Fraser owned the property from 1924 and after his wife dies in 1929, he puts the site up for auction in 1929.

Fraser is highly regarded within NSW Railways and is well remembered as the chief commissioner from 1917 to 1929.

Being setback from Avon Road it contributes less to the rest of the Avon Road street landscape. Nevertheless the building has some aesthetic significance, at a local level, as an item that retained some of its Inter-War characteristics.

In short the above statement of significance confirms that the item has historic and aesthetic significance. The above statement also reinforces its local heritage listing in the KLEP.

Clause 5.10(1) of the KLEP provides the following relevant objectives:

- (a) to conserve the environmental heritage of Ku-ring-gai*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views*

The demolition of No. 1 Avon Road, would not conserve the environmental heritage of Ku-ring-gai. The heritage item is located within the building footprint of the proposed Building 4 and cannot be retained pursuant to the current scheme. (It is noted that No. 1 Avon Road is zoned R3 - Medium Density Residential under KLEP (Local Centres) 2012 due to the substantial size of the existing dwelling which would lend itself to apartment conversion).

It is noted that some features, such as within the curtilage of the dwelling are proposed to be retained – where possible. This should be strengthened. Should the concept plan be approved, it is recommended that a condition requiring their conservation be included.

The heritage report by OCP architects includes considerable discussion on changes that were made to the house in 1938 and 1988 but it does not indicate any changes were made since it was gazetted as a local heritage item in 1989. The report does not provide any interior photographs and only provides exterior photographs.

The house was inspected externally in February 2013 as part this assessment and no interior inspection was possible. It is currently vacant and most windows and doors boarded up making it difficult to assess the building as the external proportions and joinery detail are partially covered making an assessment difficult to make. It is understood that several Council officers have previously inspected the interiors about two years ago and both the materials and level of craftsmanship are of high quality and the condition good in areas of the dwelling through which they were taken.

The heritage report submitted with the application states that the site has been rezoned by the State Government for multi-unit development since 2002 and the zoning implies that the building could be removed for the greater good of the overall site's multi-unit development, or that the building could be integrated into the overall development. The report notes that the location of the building on the site makes entry to it difficult because it is located on a highpoint and due to the topography it is a natural entry point and in rezoning the site it was envisaged by the legislators for demolition.

As the item was listed as a heritage item in the recently gazetted KLEP this cannot be considered as a justification. The NSW Guidelines for SOHI Reports requires that the following questions be addressed: 'Have all options for retention and adaptive re-use been explored?' and 'Is demolition essential?' It is inadequate to dismiss this opportunity for retention and adaptive reuse because of the assumption that the building has 'very likely been envisaged for removal by the legislators' or that 'the retention of the building would prevent the natural entry to the upper site' (it is unclear what the latter means) (SOHI p40). The following brief argument about the consequences of retention being to 'force

development further north...' does not appear to be necessarily the case. Additional investigation should be undertaken regarding the possibilities for retaining 1 Avon Road, or else, a much stronger case supported by evidence should be made for demolition (for example sketches demonstrating how the development would be 'forced' north etc).

These questions have not yet been satisfactorily or convincingly addressed. In the present submission documents, there is no evidence of the exploration for potential adaptive reuse. It could be adapted for 3 or more dwellings in accordance with the R3 zoning, or through the heritage incentives clause (Clause 5.10 of the KLEP) could be used to provide a degree of flexibility for future uses of the item to allow its incorporation into any future development.

The building has considerable local heritage significance and should be retained in any future development of the site.

Nearby Heritage items

19 Avon Road, 11 Arilla Road and 9 Beechworth Road, 1186 Pacific Highway, 1178 Pacific Highway" Grandview", 1228 Pacific Highway (corner Beechworth Road)

While there may be some amenity impacts, such as overshadowing to 11 Arilla Road, in general the proposed developments are well separated from these sites and would not be detrimental to their setting or curtilage.

No 6 Beechworth Road

This is an early Federation period house looks out over the subject site. It was constructed prior to the land resumption for the North Shore Railway Line. When constructed it faced south towards a roadway that does not currently exist, allowing views over it. The 'front elevation' then was to the south over the subject site. The Beechworth Road elevation was the rear elevation of the house at that time. Part of the existing driveway is on the Council road reserve and also provides access to No 8 Beechworth Road located to its south.

The principal living rooms and main verandah of the dwelling face south over the subject site. Building 5 has a maximum height of RL166 and will obstruct the primary views from No. 6 Beechworth Rd. The location and scale of the proposed building 5 would have a significant detrimental on the heritage value of the item. The building should be redesigned to protect the primary views and significance of the heritage site.

11 Avon Road

This is a highly intact Georgian Revival style house designed by Hardy Wilson. The proposed development does not directly adjoin it but is separated by existing houses at no 7 & 15 Avon Road. The inconsistencies in the proposal make assessment of the impact of the scale and form of the development on 11 Avon Rd difficult. The heritage report also fails to consider the impact on any views from the site.

1190 Pacific Highway

This masonry and timber house has been subdivided into two dwellings. The dwelling on the upper floor enjoys considerable views to the west over the subject site from a large verandah. It has a minor presentation to the Pacific Highway. No assessment of the impact of the height and scale of the proposal on the views from it to the west (the principal view corridor) has been submitted.

1202 Pacific Highway "Colinroobie" (2 Clydesdale Place)

This is an early grand Federation residence, located at a high point on Pymble Hill to take advantage of views to the south but primarily to the west. The recently constructed medium density flat building at 3-5 Clydesdale Place was designed so that its northern end is limited to two storeys in scale (with a maximum RL of 166.8) to minimise the impact on significant views to the west from the principal living areas and terrace area. The bulk of the proposed development is directly within the important view corridor of this item. No view analysis from this item has been submitted, nor is there any discussion of the potential impact of the scale or height of the proposal on the setting of the item.

Local heritage study

The northern Avon Rd area is described by the National Trust as: *'contain[ing] aesthetically distinctive streetscapes of mainly Inter-War period buildings that feature a general uniformity of setback from the street, architectural styles, materials, colour and form. They are enhanced by an established landscape of well maintained gardens and street plantings of indigenous and exotic tree and shrubs, which are incorporated into private front and rear yards which contributes to a high level of streetscape integrity. Of particular significance is the remnant stand of indigenous trees that provides a substantial canopy that extends from the Pacific Highway in a southerly direction along a creek line.'*

The area is not identified as a Heritage Conservation Area in the KLEP, however, Council has commissioned a peer review of the heritage study for this area, due to be considered in the near future. Regardless of the outcome of this review, the description above is a useful characterisation of this part of Avon Rd.

Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development.

In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area. DGRs required the proponent to address the height, bulk and scale of the proposal and provide justification for heights in excess of the SEPP 53 standards. Site Elevation drawings MP03.02 through MP03.04 do not show the proposed envelope elevations (although MP03.01 does), making it difficult to understand the scale relationship of the proposed buildings with the streetscape from the Concept Plan drawings.

The KPSO and its accompanying document, Development Control Plan No. 55 - *Ku-ring-gai Multi-unit Housing*, have set the standard for residential flat buildings in Ku-ring-gai with regard to character, design, quality, amenity and landscape and contain detailed controls including those related to bulk and scale.

The outcomes for desirable scale should be that the new buildings sit in reasonable relative visual scale to the existing buildings, and not be so large as to appear over-scaled or out of scale. Another measure of desirable scale might be that the proposal is in line with other recent residential flat development throughout the LGA and therefore in line with the community expectation.

Residential flat buildings in Ku-ring-gai are generally considered against the provisions of the KPSO (Part IIIA of the KPSO) and DCP 55:

- Clause 25I(8) of the KPSO, permits a maximum building height of five storeys or 13.4 metres.
- It cannot be ascertained whether Clause 25K, applies to the proposed development as the submitted cut and fill diagrams (Drawing MP 07.02) do not show sufficient detail. This clause permits buildings on a site with a slope greater than 15% to exceed the maximum height by one storey. Assuming that the clause applies, Buildings 3, 4 and 5 would still exceed the maximum number of storeys.
- Section 4.3 of DCP 55 requires street setbacks of 10-12 metres, and side and rear setbacks of 6m. The setback requirement extends both above and below ground and applies to all built elements of the development including car parking.

As stated earlier, the newly applicable instrument is the KLEP. Clause 4.3 and the accompanying Height of Buildings map permit a maximum building height of 9.5 metres for land zoned R2 – Low Density Residential/E4 – Environmental Living and 11.5 metres for land zoned R3 – Medium Density Residential. Height is defined in KLEP (Local Centres) 2012 as the vertical distance between the existing ground level and the highest point of the building.

The building that has the most direct relationship with the streetscape is Building 1.

Visual impact on public domain

Building 1 presents as half 4 storeys and half 5 storeys to the street (see DA03.01), which is similar to that required by DCP55, and is considered to be of an appropriate (and of the maximum desirable) height at the Avon Road frontage. However, DA02.02 shows that Building 1 is setback just under 9m from Avon Road at its closest. This is less than both of its neighbours at 3 Avon Street (scales¹ at approximately 11m) and 7 Avon Street (scales at approximately 18m). It is also less than setback DCP55 4.3 C-1 or C-2 would require (10-12m or 13-15m) and fails to adequately address Schedule 1 of DPI 2011.

On both of these grounds, Building 1 is considered to be too close to Avon Road to have a sensitive relationship with the streetscape. A setback of at least 11m is considered to be more appropriate. Also, the majority of the front setback to Building 1 is occupied by basement car park (see DA02.01) which prevents deep soil landscape of an adequate dimension to plant large canopy trees in this area.

Landscaped front setbacks are a key element of the desired character for residential flat buildings in Ku-ring-gai (eg DCP55 4.3 O-1). A deep soil front setback planted with trees is considered to be required for Building 1.

Turning to the other buildings, Building 3 also has the potential to create visual impact on the public domain. Whilst the height dot indicated on MP03.04 shows that the view of Building 3 from Avon Road will likely be negligible, the height dot on MP03.02 indicates that the 6-7 storey height at Building 3's south may well be visible rising well above the roofs of the houses along Arilla Road. Again, a perspective study from Arilla Road would assist in making an assessment on this aspect.

Building 4 has the potential to create visual impact on the public domain. At 6-7 storeys above the Avon Road level, Building 4 appears to be a storey higher than the original Building 2 (see MP04.02). Drawing MP03.04 indicates that Building 4 will likely be visible rising well above the roof line of 3 Avon Road and may appear out of scale. From an urban design viewpoint, 5-6

¹ Scaled from Landscape DA-001, which appears to show the neighbouring properties correctly from the survey.

storeys would be a more appropriate height for Building 4, but this would best be verified by a perspective study looking west from an easterly Avon Road approach.

Building 5's impact on the public domain (as indicated by the height dot on MP03.03) is more likely to be acceptable. However, the DPI 2011 expressed concern about the heights of Buildings 4 and 5 with regard to the visual impacts of the proposal and appropriate transition within the local context.

In addition, when calculated according to the definition of 'storey' used in the KPSO, the proposed buildings 4 and 5 have a maximum height of eight storeys (as shown in Drawing MP 07.02) which is inconsistent with Clause 25I(8) and 25K of the KPSO.

The height of the proposed buildings for the purposes of the KLEP cannot be measured exactly as insufficient ground levels have been provided. However, it appears to range from approximately 14.5 metres (Building 1) to 25.5 metres (Building 5). All buildings significantly exceed Council's controls for building height and result in adverse bulk impacts to the street and adjoining properties.

Therefore the height, scale and bulk are inconsistent with community expectations.

With regards to the appropriateness of scale relative to surrounding buildings, it has been noted above in *Principle 1: Context* that the proposal greatly exceeds the scale of both the existing neighbouring detached residential buildings, as well as the desired future character of neighbouring properties, including heritage sites, as expressed by the controls in KLEP. The principle of building separation becomes key here, as well as some recognition of a transition in the land zoning, in determining what might be a reasonable outcome in terms of scale.

Building separation

The RFDC (p26) provides guidelines for the separation of buildings of different heights. For buildings up to 4 storeys, 12m separation is required between buildings. For the fifth to eighth storeys, 18m separation is required between buildings. For the ninth storey and above, 24m separation is required between buildings. Sharing this separation equitably between neighbouring sites, it is reasonable to expect that for any given number of storeys, half of the separation distance should be provided within the subject site to the boundary. DCP55 recognises this principle by requiring a 6m setback (4.3 C-1 a) from all side and rear boundaries for its 4-5 storeys buildings.

In terms of providing transition at zoning interfaces, Clause 25L of the KPSO requires that an additional 3m setback is required for the third and fourth floors of DCP55 buildings, presumably to make the built form 'step down' in height. In practice, this resulted in a loss of floor space, so often all setbacks were increased by 3m along zoning boundaries (9m setback instead of 6m) in these scenarios. This additional 3m is considered to be a good general principle for this proposal, applicable along all side and rear boundaries. It is considered that these measures will provide built form with an appropriate (and benchmark-able) relationship with the local urban context, as well as limiting impacts on amenity.

Building 1 is 5 storeys adjacent to 3 Avon Road and the distance to the boundary is approximately 12m. This relationship is considered acceptable. Building 1 is 4-6 storeys adjacent to 7 Avon Road and the minimum distance to the boundary is approximately 10m. It is considered that at least the south-western sixth floor corner be setback 12m from the boundary.

The setback for Stage 1 for landscaping adjacent no. 7 Avon Road between the boundary, internal path and driveway remains inadequate, has an approximate width of only 1600mm. This is inadequate to allow for the establishment of substantial landscaping as a buffer and screen between the proposed development and the adjoining residential property and therefore fails adequately address Schedule 1 of DPI 2011.

In relation to the above issue the position of the dwelling at no. 7 Avon Road appears to be incorrectly illustrated on the Architectural Concept plans MP02.02 C “Detailed Concept Plan Building 1, MP02.01 C “Overall Concept Plan”, MP06.09 C Concept Plan Sepp65 distances”. The dwelling on no. 7 Avon Road appears to have been incorrectly positioned and set back substantially further from the side boundary and Avon Road boundary than indicated on the survey and landscape plans. This has implications in regard to the assessment of amenity impacts on no. 7 Avon Road.

Building 3 is 6 storeys adjacent to 15 and 7 Avon Road and the distance to the boundary is approximately 10m. DPI 2011 raised concern about the amenity impacts of Building 3 which was originally seven storeys in height. The proponent was asked to amend the setback and height of this building to reduce impacts to No. 7 Avon Road, with particular regard to be given to the elevated building platform, the minimal landscape setback and the location of the main driveway.

Under the amended proposal, Building 3 has been slightly relocated and is described as being “four + one storeys.” However, Drawing MP 07.01 shows it to be at least seven storeys.

At least the fifth and sixth floors should be set back 12m from the boundary. Building 3 is also 6-7 storeys adjacent to 1 Arilla Road and minimum distance to the boundary is approximately 10m. It is considered that the southern-most fifth and sixth floor corner be setback at least 12m from the boundary.

Building 4 is 6 storeys adjacent to 3 Avon Road and the minimum distance to the boundary is approximately 7m. . As discussed above, No. 3 Avon Road is an isolated site which cannot be developed if the proposed scheme is approved. The proposal will therefore have adverse amenity impacts on this property as it allows for a poor transition in scale. It is considered that all floors should be a minimum of 9m from the boundary and that the fifth and sixth floors should be at least 12m from the boundary.

Building 5 is 7 storeys adjacent to 10A and 10B Beechworth Road and distance to the boundary is approximately 6m, presenting a particularly poor transition to the adjoining low density residential dwelling. It is recommended that all floors should be a minimum of 9m from the boundary and that the fifth and sixth floors be 12m from the boundary (see the front cover of the PPR for an illustration of this proximity).

Building 5 is also 6 storeys adjacent to 6 Beechworth Road and the minimum distance to the boundary is approximately 7m. Given that 6 Beechworth has its main elevation and living areas sited towards the proposed development the setback should be maximised to provide for substantial trees and plantings. DPI 2011 advised that the proposal must consider the impact on views. From a heritage and view sharing perspective, designing/ breaking up the building so that views to the south could be achieved would be a distinct improvement. At a minimum, floors one to 4 should be set back a further 2 metres from the boundary and the fifth and sixth floors should be a minimum of 12m from the boundary.

Significant concern is raised regarding the potential amenity impacts on a number of adjoining low density dwellings, where the basement carpark is close to shared boundaries leaving an insufficient landscape setback for deep soil planting. All building setbacks should be used to provide new deep soil landscape (see *Principle 6: Landscape*).

The RFDC separations should also apply between new buildings within the site. In this regard, Buildings 1 and 3 have a separation of approximately 18m which is acceptable, however Buildings 1 and 4 have a separation of approximately 9m which is insufficient. Whilst the internal layout of the buildings can assist to achieve visual privacy through the orientation of habitable rooms, the concept application for Building 4 is for an envelope, and no guarantee can be made of the future internal layout. It is recommended that Building 4 be separated at least 12m from Building 1.

Note that where increased setbacks are recommended, no assessment has been done of the potential impacts on other values, such as ecological or riparian values, from such increases. Increased setbacks in some cases may result in the need to reduce the building footprints, to protect other site values.

Principle 3: Built Form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including views and vistas, and provides internal amenity and outlook.

The KLEP, like other LEPs made under the Standard Instrument, requires that buildings maintain the prescribed height limit shown on the maps, measured in metres from ground level, regardless of the topography. This in effect causes buildings to step with the land when the land is on a slope.

In terms of maximum building height, and whether buildings should 'step down' with the topography, it is considered that they should indeed 'step down' (to be consistent with future development under Standard Instrument LEPs state-wide) unless it can be specifically demonstrated that the portion of the building that exceeds the maximum height does not cause any additional negative environmental impact. Building 1 is an example of where an additional floor is successfully 'tucked in to the slope at the rear, without adverse impact on neighbouring areas. The obvious issue here however, becomes the apparent lack of a height control setting an upper limit (but see *Principle 4: Density* for further discussion).

The building type proposed for all of the buildings can be described as the 'double loaded corridor' type. Double loaded corridor buildings typically have single lift cores, long corridors, deep floor plates, and an increased number of single orientation apartments.

In this instance, all four proposed buildings can be said to have these attributes, as well as being large. All lift cores are single with two lifts. Corridors range from approximately 30m long (Building 1) to approximately 50m long (Buildings 3 and 4). Whilst windows are provided at the ends of the corridors and at lift lobbies, providing some amenity to these spaces, corridors are shown at only 1.2m wide, making them extremely long and narrow. Corridors are particularly long due to the number of units per floor. Buildings 1 and 5 have 9 units per typical floor, whilst Building 3 has 13, and Building 4 has 14, units per typical floor.

The RFDC Rule of Thumb (p79) recommends that 'In general, where units are arranged off a double loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.' The proposal is not considered to meet the Rule of Thumb exceptions. This indicates that the buildings are too long in footprint (particularly Buildings 3 and 4) and there is a case for them to be shortened.

It appears though that some attempt has been made to counter the impacts of long double loaded corridors on apartment amenity, through the introduction of 'notches' in the plan. These

have created by either 'breaking' the building outwards to create new corners (Buildings 3, 4 and 5), or cutting a thin 'slot' into the floor plan from the perimeter (all buildings). The 'breaking' approach is considered successful as it 'opens up' the middle of the building, and provides additional corners that can assist with cross ventilation. The thin slots (approximately 1.5m wide) are not supported however, as they are too narrow and too deep to be effective in enabling cross ventilation (ideally the slot should approach a square in plan).

They are also used as opportunities to provide windows to rooms buried deep in the apartment plan. Building 1 in particular exhibits units with large studies and bedrooms of a 'battle-axe' shape, that have windows down 3m long corridors that are less than 1m wide. These windows do not provide appropriate daylight into, or outlook from, these supposedly habitable rooms.

One of the reasons rooms like these have been attempted is that the building plan is too deep. The RFDC Rule of Thumb (p87) and Control Checklist (p27) suggest that a maximum apartment building depth of 10-18m deep is appropriate. All four buildings scale at over 20m deep. This is another indication that the buildings are too large in footprint and should be narrowed.

Overall, the building type and proposed building layouts are considered to be problematic. For further discussion, see *Principle 7: Amenity* with regards to non-achievement of best practice RFDC amenity guidelines including cross ventilation, solar access, single aspect south facing apartments, depth to the rear of a kitchen, internalised studies, and naturally ventilated kitchens. It cannot be said with confidence that the envelopes proposed will provide sufficient or appropriate amenity to future dwellings within them.

Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

Floor space ratios

The PPR describes the history of the planning controls for the site over time (PPR p9). SEPP53 originally permitted multi-unit development to a height of 3-7 storeys and an FSR of 0.8:1. The document 'Development Controls and Design Guidelines - Six SEPP53 Sites in Ku-ring-gai' appears to have maintained these controls with 3-7 storeys and 0.8:1 FSR. However, Council's copy of the draft Guidelines shows a maximum FSR of 0.63:1. A copy of the final guidelines was sought from the Department of Planning and Infrastructure, to check the discrepancy, but no copy was available. Ku-ring-gai LEP (Town Centres) also permitted heights up to 7 storeys with 0.8:1 FSR.

If the PPR is correct, with the exception of the current KLEP which downzones the site, it appears that the controls for the site have been rather consistent over time. The FSR for the current proposal is stated as 0.94:1 with heights of 4-9 storeys (PPR piii). Whilst this is less than the previous proposal of 1.4:1 with 5-11 storeys, the proposal still significantly exceeds the original controls. Following on from the discussion above regarding built form 'stepping down' with the topography (see *Principle 3: Built Form*) perhaps the original 7 storey height (converted to metres) may be an appropriate way to determine an appropriate overall height for the buildings on the site (Building 4 is proposed at 9 storeys; Building 5 at 8 storeys). If the

site were less constrained, a 15% reduction in FSR (from 0.94:1 to 0.8:1) might be appropriate in light of the length and width of the proposed floor plates (also see *Principle 3: Built Form*).

However, the desired future density of the site, the map accompanying Clause 4.4 of the KLEP specifies a maximum floor space ratio of 0.2:1 for land zoned /E4 – Environmental Living, 0.3:1 for land zoned R2 – Low Density Residential and 0.8:1 for land zoned R3 – Medium Density Residential.

The proposed development has a floor space ratio of 0.94:1 and significantly exceeds both requirements. The proposed development would result in overdevelopment of the site and result in adverse impacts to the streetscape and adjoining low density development.

Transport and Access

Car Parking

For residential flat building sites in local centres, parking provision is currently required in accordance with the Ku-ring-gai DCP 55 (Development along the North Shore railway/ Pacific Highway corridor and St Ives Centre), noting the site is greater than 400m from the Pymble railway station entrance. These requirements are shown in the table below. Note however, that parking spaces in the basement (of particular concern for Stage 1) are not dimensioned. The scale of 1:300 for the A3 plans makes scaling difficult and obviously inaccurate. The basement wall is apparently at the Avon Road boundary, leaving little tolerance for backfill etc.

As a comparison, the car parking requirements under the draft Ku-ring-gai Local Centres DCP (2013 – shortly to be exhibited) are also shown in the following table, which outlines the car parking requirements for the proposal, and compares these requirements to the quantity of car parking proposed by the applicant:

Table 2. Whole site parking requirement

Land Use	Ku-ring-gai DCP 55 parking requirement	Draft Ku-ring-gai Local Centres DCP (2013) parking requirement	Proposed parking
Residential:			
132 x 1 bedroom	1 (min) x 132 = 132	0.7 (min) – 1.0 (max) = 93 (min) - 132 (max)	
118 x 2 bedroom	1 (min) x 118 = 118	1.0 (min) – 1.25 (max) = 118 (min) – 148 (max)	
23 x 3 bedrooms	2 (min) x 23 = 46	1.0 (min) – 2.0 (max) = 23 (min) – 46 (max)	
(273 total)	Total res = 296	Total res = 234 - 326	297
Visitor	1 space/4 units = 69	1 space/4 units = 69	27
Total parking required	365	303-395	324

The parking ranges for the draft Ku-ring-gai Local Centres DCP are intended to encourage the use of public transport and local services, to support local services, and to reduce car use. Judgement is to be used such that sites located in very close proximity to regular public transport and core shops/services/facilities could provide parking closer to the lower end of the range.

From the table above, the residential parking component for the whole site aligns with the provisions of Ku-ring-gai DCP 55, and the mid-high range of the draft Ku-ring-gai Local Centres DCP, and is appropriate. However, there is clearly a shortfall of 42 visitor parking spaces. For stage 1 this is even more critical given that the site frontage for Building 1 is a No Stopping zone.

Table 3. Building 1 parking requirement

Land Use	Ku-ring-gai DCP 55 parking requirement	Draft Ku-ring-gai Local Centres DCP (2013) parking requirement	Proposed parking
Residential:			
8 x 1 bedroom	1 (min) x 8 = 8	0.7 (min) – 1.0 (max) = 6 (min) - 8 (max)	
21 x 2 bedroom	1 (min) x 21 = 21	1.0 (min) – 1.25 (max) = 21 (min) – 27 (max)	
7 x 3 bedrooms	2 (min) x 7 = 14	1.0 (min) – 2.0 (max) = 7 (min) – 14 (max)	
(44 total)	Total res = 43	Total res = 34 - 49	51
Visitor	1 space/4 units = 11	1 space/4 units = 11	4
Total parking required	54	45-60	55

The assessment above reveals that, while the total parking provision satisfies the requirements of DCP55, the breakdown of residential and visitor parking does not. Clearly there is an over provision of residential parking spaces and a shortage of visitor parking spaces. Reallocation of residential spaces to visitor spaces would address this.

Bicycle parking and facilities

The Ku-ring-gai DCP 55 and draft Ku-ring-gai Local Centres DCP (2013) also require bicycle parking to be provided in residential flat buildings in accordance with the rates in the table below:

Table 4. Bicycle parking – whole site

Land Use	Ku-ring-gai DCP 55 parking requirement	Draft Ku-ring-gai Local Centres DCP (2013) parking requirement	Proposed parking
Residential:			
132 x 1 bedroom	1 space/5 units for residents (within residential car park) = 55	1 space/5 units for residents (within residential car park) = 55	8 rails indicated on car park level of Building 1
118 x 2 bedroom			
23 x 3 bedrooms (273 total)			
Visitor	1 space/10 units for visitors (within visitor car park) = 28	1 space/10 units for visitors (within visitor car park) = 28	
Total parking required	83	83	

The main concern is the lack of bicycle parking detail in relation to residential/visitor parking in all buildings (except Building 1), as it is unclear whether the required number of bicycle parking can be achieved in the space indicated on the plans. Details of bicycle rails could only be found in the car park level of Building 1.

Table 5. Bicycle parking – Building 1

Land Use	Ku-ring-gai DCP 55 parking requirement	Draft Ku-ring-gai Local Centres DCP (2013) parking requirement	Proposed parking
Residential: 8 x 1 bedroom 21 x 2 bedroom 7 x 3 bedrooms (44 total)	1 space/5 units for residents (within residential car park) = 9	1 space/5 units for residents (within residential car park) = 9	8 rails indicated on car park level of Building 1
Visitor	1 space/10 units for visitors (within visitor car park) = 5	1 space/10 units for visitors (within visitor car park) = 5	
Total parking required	14	14	8

There is evidence on the plans of 8 bicycle rails, provided within the car park level of Building 1. It is unclear, though, whether these are double sided rails, and whether they have been designed in accordance with the Austroads guidelines and AS 2890.3 (Bicycle parking facilities). The provision should be in accordance with the draft Ku-ring-gai Local Centres DCP, and designed in accordance with Austroads guidelines and AS 2890.3.

Vehicle access

The Ku-ring-gai DCP 55 provides guidance on width and size of access points, based on the number of spaces the access points connects, and the type of frontage road.

Buildings 3 and 4 are proposed to be connected to Avon Road via a 5m wide access point. The car parks connected to this access point contain a total of 199 car parking spaces. According to DCP55, this access point should be 6.0m (min) – 9.0m wide (max) to provide reasonable access to the car parks.

Building 1 is also proposed to be connected to Avon Road, but via a separate 5m wide access point servicing 55 car parking spaces. DCP55 requires that this access point be between 3.7m and 6.0m wide. The proposed access point to Building 1 therefore complies with the DCP requirements.

Building 5 is proposed to be connected to Beechworth Road through a 6m wide access point. As this access point connects a car park containing 70 car parking spaces, this is considered to be adequate.

To manage construction traffic, a works zone will be required in Avon Road for Stage 1 and for Stages 1 to 3. There would be a prohibition on heavy vehicle movements during school drop-off (8.00am to 9.30am) and pick-up (2.30pm to 4.00pm) times. This could be included as a condition of consent.

For stage 1, the gradient of the entry drive is not indicated and nor is the headroom. Section AA is supposed to be through the entry drive, but does not show any gradients or transitions. A minimum of 2.6 metres clear headroom is required for access by Council's small waste collection vehicle – this must be demonstrated on the project application plans.

The Draft Statement of Commitments for MP10_0219 states "Corners shall be designed to permit...and a B9 vehicle to pass...". This should read "a B99 vehicle".

Pedestrian Access

Public pedestrian access is proposed through the site between Avon Road and Beechworth Road, as well as new/improved footpaths at the northern vehicle access point on Avon Road. These are supported, however, see also *Principle 8: Safety and Security*, and *Staging of Development*.

Some of the plans also indicate a marked pedestrian crossing at the curve in Avon Road. While improvements to pedestrian crossing facilities in Avon Road are supported, it is unclear if (and probably unlikely that) the location meets the Roads and Maritime Services warrants for a marked pedestrian crossing. As an alternative, a pedestrian refuge should be constructed in Avon Road at the same location, along with any road widening necessary to accommodate a 2.0m wide island in accordance with Roads and Maritime Services technical directions.

Bicycle access

While Avon Road or Beechworth Road is not a designated bicycle route in the recently adopted Ku-ring-gai Bicycle Plan, the proposal should allow for bicycle access through the site in a similar manner to pedestrian access being proposed. Shared pedestrian/bicycle access should be considered where practical. Provision for cyclists would encourage bicycle use and connectivity to existing cycleways on Bobbin Head Road, and proposed cycleways in Pymble Avenue.

Traffic generation, and wider traffic/transport context

Traffic generation – whole site

The applicant's traffic consultant has applied a peak hour traffic generation rate of 0.4 vehicle trips per dwelling, in accordance with Council's request. For the whole site, this would yield a peak hour traffic generation of 109 vehicle trips during the am and pm peaks.

There are separate (and not interconnected) access points to the Beechworth Road and Avon Road frontage, the traffic distribution would be split between the two roads. As there are 63 apartments with access to the Beechworth Road frontage (with the remainder accessing the road network via Avon Road), the traffic generated onto Beechworth Road would therefore be 25 vehicle trips during the am and pm peaks, with 84 vehicle trips during the am and pm peaks generated onto Avon Road.

Council undertook daily traffic counts on Avon Road and Arilla Road in March 2011, as part of scheduled traffic monitoring. The key results of the counts are shown in Table 6 below:

Table 6. Traffic conditions on surrounding roads

Road	am peak traffic flow (7.30am-8.30am)	pm peak traffic flow (3pm-4pm)
	(vehicles per hour, two way)	(vehicles per hour, two way)
Avon Road	615	415
Arilla Road	620	380

These are much higher than those noted in the applicant's traffic study, and as can be seen, are relatively high traffic flows for a local road (which typically should be around 500 vehicles per hour). This also indicates the level on traffic currently being experienced on the Arilla Road/Allawah Avenue/Mayfield Road route which connects to Beechworth Road. This route is relatively narrow and hilly, and is not ideal for additional increases in traffic.

Interestingly, the am peak hour on Avon Road and Arilla Road occurs at around 7.30am - 8.30am, which is due to drop offs at Pymble Ladies College as well as commuters. Increases in traffic at this time would increase congestion around Pymble Ladies College, and further increase traffic volumes on the Arilla Road/Allawah Avenue/Mayfield Road route.

The design principles in the draft development controls and design guidelines for the former SEPP 53 sites in Ku-ring-gai proposed the extension of the existing street along railway corridor [Avon Rd] to create new address for higher density development and to provide a local link within Pymble. Development in the area has intensified, partly on the basis that a local link between Avon Road and Beechworth Road would alleviate traffic conditions on the Arilla Road/Allawah Avenue/Mayfield Road route.

The applicant's report states that the intersection of Pacific Highway with Livingstone Road and Beechworth Road would operate at Level of Service B (minimal delays) following redevelopment. This mainly reflects conditions on Pacific Highway however queues in Livingstone Avenue are already extensive during the am peak and the school pm peak, and this proposal is expected to increase the length and duration of the queues.

Given the traffic conditions around Livingstone Ave during the am peak as a result of growth in the Pymble local centre, it is likely that residents of this proposal will seek alternatives to access Pacific Highway. As a result, it is expected that demand will place additional pressure on Everton Road/Livingstone Avenue, and Beechworth Road as access points to Pacific Highway. This highlights the need to reduce the density of the site to contain traffic impacts. In fact, under the recently gazetted Ku-ring-gai Local Environmental Plan (Local Centres) 2012, the site is zoned as a combination of E4, R2 and R3 zonings in recognition of the biodiversity of the site and the existing traffic conditions and constrained road network linkages in the area.

It is therefore recommended that the number of dwellings be reduced to those permitted in the Ku-ring-gai Local Environmental Plan (Local Centres) 2012, so as to minimise additional impacts to residents along Arilla Road, Mayfield Avenue and parts of Allawah Road. If the site was to be developed under this plan, the traffic generation is estimated to be 20-27 trips during the peak hour. This is significantly lower than the expected traffic generation rate of 109 trips during the peak hour.

Traffic generation – Building 1

As a standalone application, the traffic generation from Building 1 is expected to be 18 vehicle trips during the peak hour. This is equivalent to approximately 1 trip every 3 minutes, and is not expected to have significant additional impacts to the surrounding road network. It does, however, approach the estimated traffic generation of the full site under the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (20-27 trips during the peak hour). If this development is approved, then the remainder of the site should be redeveloped in accordance with the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 in order not to significantly increase traffic generation.

Wider Traffic/Transport Context

During the planning of the Pymble town centre (which culminated in the gazettal of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012), Council engaged Arup transport planners to undertake an area-wide traffic study of the Pymble town centre. This study examined the existing traffic situation, identified the existing problems and considered the cumulative traffic generating impacts of redevelopment under the LEP. It also considered various traffic flow and intersection improvement options around the Pymble town centre.

The 2 signalised intersections on Pacific Highway in Pymble were found to be operating at capacity in both am and pm peaks, and approach capacity on Saturday peak hour. As a consequence, Livingstone Avenue experiences significant delays during the pm peak, and the right turn bay from Pacific Highway into Livingstone Ave regularly overflows during peak periods. The study area extended as far north as the intersection of Pacific Highway and Telegraph Road, and as a result, conditions at the intersection of Pacific Highway/Beechworth Road/Bobbin Head Road were not considered. While a number of opportunities were considered during the LEP process, the close proximity of Pacific Highway and the North Shore railway line combined with limited east-west crossing opportunities presented a major barrier to providing major access improvements.

The result of the traffic modelling also indicated that traffic generation of the Pymble town centre redevelopment would further deteriorate the performance of the 2 signalised intersections on Pacific Highway in Pymble. The results also indicate that the capacity of the intersection of Livingstone Avenue/Everton Road/Orinoco Road would be exceeded during the am peak. Although limited opportunities became evident during the study (due to the constraints mentioned above), the following traffic improvement measures in the vicinity of the site were recommended:

- Minor capacity improvements at the Pacific Highway/Livingstone Avenue intersection, by widening on the northern side of Pacific Highway to provide 3 northbound lanes. However, this would only result in a minor improvement due to the fact that there are only 2 northbound lanes on the bridge over the North Shore railway line; and
- Provision of a new road between Avon Road and Beechworth Road, to improve local connectivity.

Works at Pacific Highway/Livingstone Ave intersection have been scheduled and costed in the Ku-ring-gai Contributions Plan (2010). The new road between Avon Road and Beechworth Road was expected to be provided as part of the redevelopment of this site under the former SEPP53. The study was based on a lower density than that sought in the proposal, and relied on the road between Avon and Beechworth Roads. However, the importance of the critically endangered ecological community, Blue Gum High Forest, identified after the inclusion of this site in SEPP 53, makes this road highly undesirable. The proposal to provide a pathway instead of the road in this proposal is supported. However, the proposed density cannot be supported due to the traffic implications for the local area, in particular intersections with the Pacific Highway.

Principle 5: Resource, Energy and Water Efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

Concern is raised over several aspects of the environmental performance of the proposed units. See *Principle 3: Built Form* for discussion regarding building depth. See *Principle 7: Amenity* for discussion regarding internalised rooms, solar access and cross ventilation, single-aspect apartments with a southerly aspect, depth to the rear of a kitchen, and naturally ventilated kitchens. These issues all lead to unnecessary energy consumption, and user costs, as artificial lighting and mechanical heating and ventilation are required to compensate. They also indicate a suboptimal level of amenity for the future inhabitants.

The proposed compactor for waste management will not be approved by Council's Manager, Waste, Drainage and Cleansing and adequate space must be provided in each basement for 1x240 litre container per two units for garbage and 1x240 litre container per four units for each of mixed and paper recycling (ie approximately the same number of containers as units). For example, for Building 1, the waste and recycling room does not appear large enough to accommodate the required number of containers (22x240 litres for garbage, 11x240 litres for paper and 11x240 litres for mixed recycling). The containers, when waste is compacted, are highly prone to breaking when waste is removed. The size of the basements may therefore be inadequate.

Principle 6: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise usability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management.

Ecological context

A detailed review has been undertaken of the Response to the flora related issues raised in the Department of Planning and infrastructure letter dated 19th April 2011 prepared by Anne Clements & Associates PTY, Limited. The assessment is considered to be satisfactory and in accordance with Section 5a of the *Environmental Planning & Assessment Act 1979*.

The proposed development has endeavoured to maintain and improve the onsite ecological values: Critically endangered Blue Gum High Forest and threatened species habitats which will effectively result in a net improvement of the biodiversity values of the site should the development be approved. Through the implementation of the vegetation management plan

(Chapter 4) the Blue Gum High Forest would be significantly improved ensuring its long-term viability within the site and locality.

It is recognised that it is unlikely that this rehabilitation could occur without some medium density on the site to fund it.

Riparian land

Presence of watercourse

Comments in relation to the Stormwater Management and Riparian Issues Report - November 2012 by NPC Job No. 2514

The report states:

'Based on the NSW Office of Water policy, as the drainage line through the site is not shown as a blue line on the 1:25,000 Topographic Map for the area, it is not defined as a river under the Water Management Act 2000 and does not require a riparian corridor.' (page 4)

It is important to note that the presence of the blue line on the 1:25,000 topographic map does not define whether a river is present or not. As outlined in the guidelines for controlled activities on waterfront land (<http://www.water.nsw.gov.au/Water-licensing/Approvals/Controlled-activities/Controlled-activities/default.aspx>) the topographic maps are used to define the Strahler stream order and thus the appropriate width of vegetated riparian zone. This can then be used to undertake the streamlined assessment according to the riparian corridor matrix.

Under the *Water Management Act 2000*, 'river' includes:

*"(a) any watercourse, whether perennial or intermittent and whether comprising a natural channel or a natural channel artificially improved, and
(b) any tributary, branch or other watercourse into or from which a watercourse referred to in paragraph (a) flows, and
(c) anything declared by the regulations to be a river,*

whether or not it also forms part of a lake or estuary, but does not include anything declared by the regulations not to be a river."

Council staff have inspected the site and noted that despite the further comments on page 4 of the report stating that the drainage line does not have banks, that a channel and other fluvial features such as large areas of depositional material are fairly well defined along the length of the depression, indicating that this watercourse could be defined as a river (albeit artificially modified) under the Act.

It is recommended that a condition be included for a Controlled Activity Approval be obtained for this work. If the NSW Office of Water advised otherwise, the condition could be deleted from the final set.

Impacts on riparian values

Regardless of the comments in the report stating that no river is present and Council's Riparian policy should not apply, the design has generally been based on meeting the Category 3 riparian objectives from Council's policy and the requirements for protection of the Blue Gum High Forest on the site. The concept stormwater drainage plan for Stage 1

(Civil Certification Figure 9) shows the wetland being constructed and the channel downstream of the wetland being stabilised and rehabilitated (possibly rock-lined according to the PPR) as part of the Stage 1 works.

Overall the concept combining riparian remediation with elements of water sensitive urban design to help improve overall water quality and flow conditions is supported. There are a few key areas that should be addressed prior to approval.

Note that the riparian land on this site is identified in the KLEP, and a number of matters of consideration are required to be addressed. The riparian corridor through the gully of the site is aligned differently than the riparian land in the KLEP. The line of the watercourse is not shown together with contours on maps that show the existing tennis court or the location of Building 3, making accurate assessment impossible. As far as can be ascertained, the general location of building 3 (or C as identified in the stormwater and riparian report) within the 10m nominal riparian zone is acceptable given the extensive landscaping in that area currently (existing tennis court) and the maintenance of the extensive riparian zone across other side of the channel 20-30m and over the rest of the site.

At the north end of building 3 (or C as identified in the stormwater and riparian report) the basement appears to be located too close to the proposed wetland/ current creek line. It is estimated that there is only about 1m between the edge of the proposed wetland and edge of the basement, and only 2m to the proposed building itself.

To ensure that sufficient space for planting (considering APZ requirements), access for site users and for maintenance of both the building and the wetland/watercourse is provided, this building should be located at least 5m away from the bank of the wetland/ watercourse.

Being located so close to the wetland and natural drainage line of the site it is recommended that the basement be fully tanked.

Water management

The BASIX water commitments for Stage 1 only require a 7 000 litre rainwater tank to be provided, however the MUSIC model relies on a 20 000 litre rainwater tank. A condition of consent is recommended to address this.

For Building 1, no details have been provided on the landscape plans or elsewhere in relation to the specific location of the areas of BASIX landscape commitments shown on the BASIX certificate, including area of low water or indigenous planting, (12,500sqm) area of common garden (1,855sqm), private garden areas of various units and the indigenous species area.

In addition, the details of proposed species, numbers and locations of plants for this area, to meet the above commitments, have not been provided.

The documentation states that a water sensitive urban design approach has been adopted. The design is only conceptual, although volumes are provided in the report. For building 1, the rainwater tank and on site detention tank are shown to be within the basement, although the architectural plans do not indicate that space has been allocated for them. The site levels would allow for both to be located beneath the basement.

Landscape character

Achieving a predominant landscape character in Ku-ring-gai has been a fundamental and consistent overarching theme in Council's suite of control documents. DCP55 has many clauses which work to achieve a strong landscape setting for residential flat building developments. Principal amongst these controls are building setbacks.

As mentioned above in *Principle 2: Scale*, building setbacks should be used to provide deep soil landscape at the front, sides and rear of new development. This landscape should include trees that are of the scale of the buildings themselves (4-7 storeys). Trees of this scale require a minimum deep soil dimension of 6m. As well as providing the desired landscape setting, trees and screen planting soften the transition from larger to smaller built form and provide amenity by way of visual privacy.

Drawings sequence MP08.01 onwards shows several areas where adequate deep soil in setbacks to enable large tree plantings and screen planting will not be achieved:

- The basement car park of Building 3 is built to the boundary of 15 Avon Road and is within approximately 4m of the boundary to 1 Arilla Road, and encroaches upon the majority of the south eastern corner of the site.
- The car park of Building 4 almost touches the boundary of 3 Avon Road. It also partly adjoins the boundary of 1 Avon Rd. There is potential for construction of this basement to substantially impact a number of very large locally occurring native Turpentine trees (trees 264 – 267) which are positioned very close to and along this boundary within 1 Avon Road, immediately adjacent to the western side of the dwelling. The basement is likely to structurally compromise these trees. No assessment of likely impacts from an arborist has been sighted.
- The basement car park of Building 1 extends under the front building setback (as described in *Principle 2: Scale*).
- The basement car park of Building 5 touches the boundary of 6 Beechworth Road.

Planting on structures over these areas is not desirable (and it is unclear what the available soil depths might be).

Specifically for stage 1:

- The proposed basement within the front setback of building 1 to Avon Road encroaches upon the majority of the front setback. The consequence of this encroachment is that the provision of medium to larger trees and landscaping within the front setback is not possible. This is inconsistent with the surrounding streetscape and requirements in respect of other similar developments.
- Further a larger proportion of the front setback is encumbered by paved or gravel areas and access ramps further reducing the potential for soft landscape works. The majority of the setback should be unencumbered by structures and be within a deep soil zone, planted with both canopy trees and substantial landscaped understorey.
- The driveway is located in the southern side setback, adjacent to 7 Avon Road. Apart from the above, this arrangement also places incoming and outgoing traffic close to the neighbouring residence, as well as creating an awkward building entry where the pedestrian path crosses over the vehicular path at a pedestrian crossing (see *Principle 8: Safety and Security*).
- A better option would be to locate the driveway inside Building 1 (entering from the Avon Road elevation), or at least positioned closer to the southern side of the building, in order to allow for 6m deep soil at the boundary (and the entry path to be resolved).

- The commitment to retain an existing large Nyssa (tree 335) on the Avon road frontage as an entry feature, indicated as point 22 on the Landscape design features plan MP-004 D is also not possible, if the basement footprint is as indicated on the architectural concept plans.

Basement car parks should be adjusted to generally allow 6m clear deep soil at all boundaries. Similarly, driveways in side setbacks prevent the planting of trees adjacent to boundaries. The location of driveways in side setbacks is not a pattern in Ku-ring-gai - DCP55 has a specific rule for this: 'driveways shall not be located in side setbacks as these areas are to consist of deep soil landscaping' (4.1 C-3).

The circular driveway ramp of Building 4 is approximately 3m from the boundary of 3 Avon Road and should be setback at least 6m.

The driveway of Building 5 runs along the north-east boundary of 6 Beechworth Road and is co-located with a new public pedestrian access across the site from Beechworth Road to Avon Road. This results in a poor address to Beechworth Rd.

It should be noted that all driveway widths, slopes, geometries and clearances will need to provide access for waste trucks to collect waste on site.

The details for the proposed public pedestrian path connecting Beechworth Road to Avon Road do not appear to have been provided. The path has only been shown indicatively at 1:500. This element is an important public outcome of the project and should be further elaborated.

A positive covenant is required over the pathway to ensure that the pathway is accessible, safe and maintained by the owners. The covenant would burden the owners and the beneficiary would be Council. This could be incorporated as a condition of consent.

Ground floor apartments, across all buildings, do not appear to have private open space provided at ground level. The RFDC Rule of Thumb (p49) states that 'the minimum open space for each apartment at ground level is 25m². The minimum preferred dimension in one direction is 4 metres.' The RFDC Rule of Thumb (p78) states 'Provide ground floor apartments with access to private open space, preferably as a terrace or garden'. Whilst the topography is steep in some locations and this may not always be possible, where practical it should be provided. The more detailed documentation for Building 1 shows that terraces have not been provided although it appears feasible to do so. A minimum of 25m² of private open space should be provided to these apartments.

Planning for bushfire protection

The south-eastern corner of the site is identified on Council's mapping as being Bushfire Prone Vegetation Buffer.

The submitted bushfire report recommends that the south-eastern corner of Building 1 be constructed to comply with BAL 29 pursuant to the specifications of Australian Standard 3959 – 2009. The report states that the design and maintenance of the landscaped gardens to the complex shall comply with the prescriptions of an Inner Protection Area pursuant to the specifications of Planning for Bushfire Protection 2006. Whilst the report states that a landscape plan prepared by Site Image was sited during preparation of the report, it does not specify which revision of the plan was sited, nor does it certify that the plan meets the requirements for an Inner Protection Area.

The proponent notes that community title subdivision is intended, however, it does not form part of this proposal. The report makes reference to advice from the RFS concerning community title developments and refers to a Community Management Plan.

The Statement of Commitments for the Project Application states that an Evacuation Plan will be incorporated into the Community Management Plan. The Statement of Commitments should be amended to require the Community Management Plan to also include details of a regime and responsibilities for bushfire management.

Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

Solar access

The RFDC Rules of Thumb (p85) recommend that both the 'living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in midwinter'.

A good test to use in making an assessment of this guideline is to verify whether the living rooms and private open spaces in question receive direct sunlight at 12 noon. If they do not, they likely cannot receive the required 3 hours sunlight (unless they have a second orientation available, for example, a cross through living room).

It is considered that the Solar Access diagrams MP06.01 through MP06.04 are highly inaccurate. Building 1 appears to only have 15 of 44 (34%) units receiving 3 hours direct sunlight between 9am and 3pm in midwinter to both their living rooms and private open spaces. Similarly, Building 3 has 19 of 77 (25%); Building 4 has 16 of 89 (18%); and Building 5 has 12 of 63 (19%).

These figures are vastly less than the RFDC 70% best practice guideline and do not satisfy the DPI 2011 requirement to demonstrate the envelopes are capable of meeting the solar access requirements. These figures also do not take into account any overshadowing from neighbouring buildings, or the topography, which may reduce the figures further. Shadow Diagram MP05.01 shows that for instance Building 4 overshadows Building 1 from 10am onwards.

Section 4.5 of DCP 55 requires development to retain at least three hours of sunlight between 9am and 3pm on 21 June to the habitable rooms and the principal portion of the outdoor living areas of adjoining houses in lower density zones.

MP05.01 shows that overshadowing of neighbouring properties is of concern. The dwellings and rear gardens of 7 Avon Road, 15 Avon Road and 10B Beechworth Road in particular all appear to be affected, however, inadequate information has been provided to properly assess the impacts of the proposal – for shadow diagrams, the lack of adequate detail on the site survey and inconsistency of location of the dwellings at 15 Avon Rd and 1 Arilla Rd across plans.

The number of hours and percentage open space should be calculated to determine the extent of the impact, although it appears it may be significant. Addressing these concerns may require greater upper level setbacks than described in *Principle 2: Scale* for building separation. It is recommended that future diagrams employ a 'sun's eye view' technique to properly account for solar access and overshadowing.

The RFDC Rules of Thumb (p85) also recommends to 'Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total unit proposed. Building 1 has 8 of 44 (18%) of apartment which are single orientation south. This aspect of solar access is also not considered acceptable.

Natural ventilation

The RFDC Rules of Thumb (p87) recommends that 'Sixty percent of residential units should be naturally cross ventilated'. The discussion at *Principle 3: Built Form* described that reliance on the 'thin slots' for cross ventilation is an acceptable solution. Again, it is considered that the Cross Ventilation diagrams MP06.05 through MP06.08 are incorrect. It is likely that Building 1 only has 20 of 44 (45%) of units that are naturally cross ventilated. Similarly, Building 3 has 34 of 77 (44%); Building 4 has 37 of 89 (42%); and Building 5 has 35 of 63 (56%). With the exception of Building 5, these figures are significantly less than the RFDC 60% best practice guideline and do not satisfy the DPI 2011 requirement to demonstrate the envelopes are capable of meeting the cross ventilation requirements.

The RFDC Rule of Thumb (p87) recommends that 'Twenty five percent of kitchens within a development should have access to natural ventilation'. Building 1 has 6 of 44 (14%) kitchens that it is possible to provide with a window; Building 3 has 10 of 77 (13%); Building 4 has 6 of 89 (7%); and Building 5 has 6 of 63 (10%). Again, these figures are considered to represent a substandard level of amenity. Also, there are many habitable rooms within the proposed development, namely bedrooms (or large studies that could be used as bedrooms), that are internalised in the unit plans and are not acceptable. These include those rooms which rely on the 'thin slots' for their window. Building 1 has 20 internalised rooms; Building 3 has 27; Building 4 has 23; and Building 5 has 21. The poor design of these rooms is seen to be a direct consequence of the building depth, as described in *Principle 3: Built Form*.

In addition, there are several other aspects of the proposal that would not satisfy the RFDC amenity best practice guidelines. The RFDC Rule of Thumb (p69) recommends that 'The back of the kitchen should be no more than 8m from a window'. Building 1 has 8 of 44 (18%) kitchens that are greater than 8m from a window; Building 3 has 10 of 77 (13%); Building 4 has 17 of 89 (19%); and Building 5 has 1 of 63 (2%). These apartments are not considered to be acceptable as their primary habitable room is provided substandard daylighting and natural ventilation.

Privacy

Section 4.5.2 of DCP 55 states that windows should be offset from those of neighbouring buildings to minimise the opportunity for direct overlooking. The minimum required separation between windows and balconies of a building and any neighbouring building depends on the height of the proposed building and whether or not the rooms are habitable.

Insufficient survey data (i.e. in terms of window placement and the uses of rooms) has been provided to determine the required separation between the proposed buildings and adjoining dwellings. In addition, the location of adjoining dwellings is inconsistent across the submitted documentation. Concern is therefore raised regarding potential privacy impacts between the following buildings:

- Building 1 and No. 13 Avon Road (12.5 metre separation)
 - Building 3 and No. 15 Avon Road (11.5 metre separation)
 - Building 5 and No. 10B Beechworth Road (11 metre separation)
- (separation distances are based on Drawing MP 02.07 and should be clarified).

For stage 1, the location of the common open space area adjacent to the private open space of no. 7 Avon Road has the potential to impact on the amenity of no 7 Avon Road as the landscape buffer along this boundary is not wide. There should be greater separation and landscape buffer planting provision between this area and no.7 Avon Road.

Principle 8: Safety and Security

Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The pedestrian access from Avon Road to Building 1 (and to Building 3 if the most direct route is taken) is compromised by having to cross the driveway of Building 1 at a pedestrian crossing. This arrangement poses an unnecessary safety issue and should be avoided. As described in *Principle 6: Landscape*, this can be resolved by reorganising the driveway to be within, or closer to, the Building 1. A similar issue occurs at Building 4 the pedestrian access from the Avon Road cul-de-sac crossing the driveway near its top. Perhaps a better arrangement here would be to have pedestrian access via the north side of Building 1. Access to Building 3 (and to a lesser extent Building 5) is considered circuitous, but this understood to be due to the nature of the siting. Whilst efforts have been made in the landscape plan to ameliorate this (ramped alternatives to stairs; landings with seating; etc) providing comfortable and safe access to these 'inboard' buildings should have particular attention paid to them in design development, including lighting strategies. The 'undercroft' entry areas of Building 3 (MP08.03) and Building 4 (MP08.09) are considered questionable as safe pedestrian access points and, again, particular attention should be paid to providing strong, visible, positive address points to the buildings. The more direct entries to Buildings 1 and 5 are preferred.

Principle 9: Social Dimensions and Housing Affordability

Good designs respond to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs. DGRs also require the proposal to provide for housing choice and affordability by providing a mix of unit sizes and types and appropriate levels of accessibility and adaptability. As a local comparison Clause 25N of the KPSO requires that consent must not be granted for multi-unit housing unless at least one dwelling in ten comprises manageable housing. Manageable housing is defined as having a bedroom, kitchen, dining area and bathroom on the ground floor.

Whilst the architectural plans do not use the term manageable housing, the proposed development includes some accessible dwellings, being dwellings that have been designed to allow a wheelchair to enter and move about.

According to the Apartment Size and Mix data prepared by Marchese Partners, the proposed development includes four accessible dwellings, all of which are situated in Building 1 and contain one bedroom. The accessible dwellings therefore comprise 9% of the dwellings in Building 1 and 1.5% of the total number of dwellings.

It is noted that the Access report states that the proposal includes five accessible dwellings, though the Apartment Size and Mix data prepared by Marchese Partners shows only four. If the Access report is correct, accessible dwellings comprise 10% of dwellings in Building 1. A condition of consent could be used to address this matter.

Concern is also raised regarding the mix of accessible dwellings as all accessible dwellings in Building 1 contain one bedroom. It is recommended that a mix of sizes in accessible dwellings be provided to allow for greater housing choice.

Whilst indicative designs for Buildings 3, 4 and 5 do not show accessible apartments, it is considered that they can be accommodated through conversion of typical unit types, similar to Building 1. It is recommended that the accessible apartments be comprised of a mix of unit sizes and layouts and provided at a minimum rate of 10% in line with DCP55 and the KPSO. This should also flow through to accessible car parking provision at a rate of one space per accessible unit. DCP55 also makes provision for at least 70% of apartments to be visitable. This would require that 70% of apartments in each building be provided with a bathroom that has a distance of 1250mm clear in front of the toilet pan, unobstructed by a door. Building 1 currently shows 18 of 44 (41%) units with visitable bathrooms.

As described in *Principle 3: Built Form*, all building corridors are shown at 1200mm wide. The Access report (p12) states that a turning area is required at the end of the corridor to satisfy the BCA and that corridors are required to be a minimum of 1250mm wide for visitability. DCP55 requires corridors of a minimum 1500mm wide (4.5.4 C-5ii). It is considered that corridor widths should be increased. There does not appear to be a BCA compliance report made as part of the submission. Particularly for the longer Buildings 3 and 4, fire egress provisions should be verified as these are likely to change the shape of the building to accommodate them.

Principle 10: Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

DPI 2011 required the proponent to address design quality through presentation of the building to the street, use of colours, materials/finishes and landscaping which are consistent with heritage values, safety by design and public domain.

No materials palette or schedule appears to have been submitted with the proposal. Whilst the elevations DA03.01 through DA03.04, and photomontages DA05.01 to DA05.02 indicate a seemingly acceptable neutral palette of materials, and the SEPP65 Design Verification Statement mentions rendered masonry walls, masonry base and glazing, specifics should be provided for the project application and for any future Development Applications.

STAGING OF DEVELOPMENT

Neither the vegetation management plan in ecological report, nor the stormwater and riparian plans provide details of what aspects of the works would be included with any particular stage. The only exception appears to be the stormwater connection to the temporary sediment basin for building 1. From an ecological (and cost) perspective, the ecological rehabilitation of the 'conservation area' should start from the top of the site, therefore logically, with stage 1. However, this does not appear to be included in the stage 1 proposal. The Vegetation Management Plan and the stormwater plans and details should specify the extent of works at each stage.

The PPR p56 states that 'due to the public hazard associated with the construction, the proposed pathways will be provided at the completion of the project.' The timing of the construction of this element should be firmly fixed, as the project is large and staged, and the 'completion of the project' may be a long time into the future, or it may never occur at all.

However, this is inconsistent with the statement of commitments, which states that the public pathway is to be provided prior to the occupation of any building on the site. This is supported.

While the inclusion of the upgrade to the access to the railway station as part of stage 1 is supported in principle, the draft Statement of Commitments refers to a plan "LSK01A – Avon Road Pedestrian Link to Pymble Station" which does not appear to be with the documentation (it is not in Appendix L as the PPR states). The extent and location of the proposed new path on Council land are therefore unknown. In addition, the timing of the upgrade should be specified in the Statement of Commitments or conditions of consent.

Should the Department approve the proposed concept plan, it is recommended that separate development applications be lodged with Council concerning construction of Buildings 3, 4 and 5, and the community title subdivision. The development applications should rectify the inconsistencies and issues noted above.

DEVELOPMENT CONTRIBUTIONS

Statement of Commitment

The commitment to pay contributions in accordance with Council's Contributions Plan prior to the release of the construction certificates is noted.

The use of the plural 'certificates' is noted as it implies staged development. *Ku-ring-gai Contributions Plan 2010* does allow for this, if specifically requested as part of the application.

Allocation of Credits and Inflation

In the Preferred Project Report, the proponent provides estimates at the base date of the Contributions Plan for each building but includes no credit in any of these. Credit is calculated in bulk as a separate figure. This is impractical.

Firstly, it should be noted that many quarters have elapsed since the preparation, exhibition and adoption of the Contributions Plan. Ku-ring-gai Council has provided calculated contributions effective 28 February 2013 to the current quarter which is the December Quarter 2012. The March Quarter inflation figures will not be issued until the end of April (Consumer Price Index) and early May (Housing Price Index) at which point these figures will require

inflation prior to payment. If the Department does not utilise these figures in drafting a condition, it is formally requested that any such condition contain a statement that the figures are at the base date of the Contributions Plan and subject to inflation.

Further, Ku-ring-gai Council objects to the credit arising from the three dwellings on the site being allocated as a lump sum unless there is one condition for the whole development (Scenario A), as this could create significant problems in the case of a staged development – particularly if there were long period between stages or if the stages were on-sold or construction subcontracted. *Ku-ring-gai Contributions Plan 2010* allows Council to allocate credits across the stages as it sees fit from a practical management viewpoint. In the case of the subject development, three of the existing buildings are also effectively located on the sites of three of the four proposed buildings which would allow three out of four proposed buildings to receive a direct credit (Scenario B). An alternative, but equally valid, methodology would be to distribute the credit evenly across the site so that each of the four buildings receives a quarter of the total credit for the three existing dwelling houses (Scenario C). Calculations for both alternative scenarios have been provided for the Department's convenience. Ku-ring-gai Council has no preference for which one is utilised but notes that the latter option (Scenario C) would best facilitate any future option of subcontracted staged development or subdivision and on-sale of stages to later developers.

Calculation of contributions

Contributions calculations have been prepared as follows:

Scenario A: One consent condition for the whole of the project;

Scenario B: Credit of one 3+ bedroom dwelling house for three of the four new buildings based on the location of the current dwelling house.

Scenario C: Credits of 25% of the total credit of three large dwelling houses for each of the four new buildings.

Please note that in the event of Scenario A being reflected in the consent, no partial or staged payment of contributions will be contemplated by Ku-ring-gai Council without a formal modification to the consent to present four distinct conditions capable of separate inflation on payment since it is unlikely that all four will be paid in the same quarter.

Scenario A: Development as a whole

273 dwellings: 132 x 1 bedroom; 118 x 2 bedroom; 23 x 3 bedroom;
Credit for 1 x 3+ dwelling house

Ku-ring-gai Contributions Plan 2010		
Section 94 Contributions Calculator		
DA Number:	<input type="text"/>	Date: 28-Feb-13
REV or MOD Number:	<input type="text"/> <div style="display: inline-block; border: 1px solid black; padding: 2px;"> <input type="radio"/> REV <input checked="" type="radio"/> MOD </div>	
CPI&HPI Index Quarter:	December-2012	
Select Development Area:	<input type="text" value="Pymble Town Centre"/>	
Property Address:	<div style="display: flex; border-bottom: 1px solid black;"> <div style="border-right: 1px solid black; padding: 2px 10px;">Pymble</div> <div style="border-right: 1px solid black; flex-grow: 1;"></div> <div style="flex-grow: 1;"></div> </div> <div style="display: flex; font-size: small; margin-top: 2px;"> <div style="width: 20%;">Suburb</div> <div style="width: 40%;">Street</div> <div style="width: 40%;">Number</div> </div>	
	Proposed (Total) Development	Existing (Credited) Development
Dwelling Houses:		
2 bedrooms (or less)	<input type="text"/>	<input type="text"/>
3 bedrooms (or more)	<input type="text"/>	3
Units, Townhouses, Villas		
Studios/Bedsits	<input type="text"/>	<input type="text"/>
1 bedroom	132	<input type="text"/>
2 bedrooms	118	<input type="text"/>
3+ bedrooms	23	<input type="text"/>
Seniors Living	<input type="text"/>	<input type="text"/>
Other Residential		
New lot subdivision	<input type="text"/>	<input type="text"/>
Non private dwelling	<input type="text"/>	<input type="text"/>
Retail: Square metres of GLFA	<input type="text"/>	<input type="text"/>
Business: Square metres of GFA	<input type="text"/>	<input type="text"/>

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Section 94 Development Contributions - Centres

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and Local sporting facilities	\$3,176,587.26
Local recreational and cultural, Local social facilities	\$455,603.12
Local Roads, Local Bus Facilities & Local Drainage Facilities (New Roads and Road Modifications)	\$637,968.41
Local roads, Local bus facilities & Local drainage facilities (Townscape, Transport & Pedestrian facilities)	\$1,784,037.31
TOTAL CONTRIBUTIONS	\$6,054,196.10

Scenario B: Each building as a separate and distinct stage**Building One**

44 dwellings: 16 x 1 bedroom; 21 x 2 bedroom; 7 x 3 bedroom;
Credit for 1 x 3+ dwelling house

Ku-ring-gai Contributions Plan 2010			
Section 94 Contributions Calculator			
DA Number:	<input type="text"/>	<input type="button" value="▼"/>	Date: 28-Feb-13
REV or MOD Number:	<input type="text"/>	<input type="radio"/> REV <input checked="" type="radio"/> MOD	
CPI&HPI Index Quarter:	December - 2012		
Select Development Area:	<input type="text" value="Pymble Town Centre"/> <input type="button" value="▼"/>		
Property Address:	<input type="text" value="Pymble"/> <input type="button" value="▼"/>	<input type="text" value="Building One - Scenario B"/>	<input type="text"/>
	Suburb	Street	Number
	Proposed (Total) Development	Existing (Credited) Development	
Dwelling Houses:			
2 bedrooms (or less)	<input type="text"/>	<input type="text"/>	
3 bedrooms (or more)	<input type="text"/>	<input type="text" value="1"/>	
Units, Townhouses, Villas			
Studios/Bedsits	<input type="text"/>	<input type="text"/>	
1 bedroom	<input type="text" value="16"/>	<input type="text"/>	
2 bedrooms	<input type="text" value="21"/>	<input type="text"/>	
3+ bedrooms	<input type="text" value="7"/>	<input type="text"/>	
Seniors Living	<input type="text"/>	<input type="text"/>	
Other Residential			
New lot subdivision	<input type="text"/>	<input type="text"/>	
Non private dwelling	<input type="text"/>	<input type="text"/>	
Retail: Square metres of GLFA	<input type="text"/>	<input type="text"/>	
Business: Square metres of GFA	<input type="text"/>	<input type="text"/>	

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Section 94 Development Contributions - Centres

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and Local sporting facilities	\$532,744.29
Local recreational and cultural, Local social facilities	\$76,409.03
Local Roads, Local Bus Facilities & Local Drainage Facilities (New Roads and Road Modifications)	\$105,814.41
Local roads, Local bus facilities & Local drainage facilities (Townscape, Transport & Pedestrian facilities)	\$299,200.25
TOTAL CONTRIBUTIONS	\$1,014,167.98

Building Three

77 dwellings: 0 x studios; 44 x 1 bedroom; 23 x 2 bedroom; 10 x 3 bedroom;
No credit as area of construction vacant and credit otherwise allocated

Ku-ring-gai Contributions Plan 2010			
Section 94 Contributions Calculator			
DA Number:	<input type="text"/>	<input type="button" value="▼"/>	Date: 28-Feb-13
REV or MOD Number:	<input type="text"/>	<input type="radio"/> REV <input checked="" type="radio"/> MOD	
CPI&HPI Index Quarter:	December - 2012		
Select Development Area:	<input type="text" value="Pymble Town Centre"/> <input type="button" value="▼"/>		
Property Address:	<input type="text" value="Pymble"/> <input type="button" value="▼"/>	<input type="text" value="Building Three - Scenario B"/>	<input type="text"/>
	Suburb	Street	Number
	Proposed (Total) Development	Existing (Credited) Development	
Dwelling Houses:			
2 bedrooms (or less)	<input type="text"/>	<input type="text"/>	
3 bedrooms (or more)	<input type="text"/>	<input type="text"/>	
Units, Townhouses, Villas			
Studios/Bedsits	<input type="text"/>	<input type="text"/>	
1 bedroom	44	<input type="text"/>	
2 bedrooms	23	<input type="text"/>	
3+ bedrooms	10	<input type="text"/>	
Seniors Living	<input type="text"/>	<input type="text"/>	
Other Residential			
New lot subdivision	<input type="text"/>	<input type="text"/>	
Non private dwelling	<input type="text"/>	<input type="text"/>	
Retail: Square metres of GLFA	<input type="text"/>	<input type="text"/>	
Business: Square metres of GFA	<input type="text"/>	<input type="text"/>	

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Section 94 Development Contributions - Centres

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and Local sporting facilities	\$897,713.90
Local recreational and cultural, Local social facilities	\$128,754.92
Local Roads, Local Bus Facilities & Local Drainage Facilities (New Roads and Road Modifications)	\$182,863.73
Local roads, Local bus facilities & Local drainage facilities (Townscape, Transport & Pedestrian facilities)	\$504,174.75
TOTAL CONTRIBUTIONS	\$1,713,507.30

Building Four

89 dwellings: 0 x studios; 39 x 1 bedroom; 45 x 2 bedroom; 5 x 3 bedroom;
Credit for 1 x 3+ dwelling house

Ku-ring-gai Contributions Plan 2010			
Section 94 Contributions Calculator			
DA Number:	<input type="text"/>	<input type="button" value="▼"/>	Date: 28-Feb-13
REV or MOD Number:	<input type="text"/>	<input type="radio"/> REV <input checked="" type="radio"/> MOD	
CPI&HPI Index Quarter:	December -2012		
Select Development Area:	<input type="text" value="Pymble Town Centre"/> <input type="button" value="▼"/>		
Property Address:	<input type="text" value="Pymble"/> <input type="button" value="▼"/>	<input type="text" value="Building Four - Scenario B"/>	<input type="text"/>
	Suburb	Street	Number
	Proposed (Total) Development	Existing (Credited) Development	
Dwelling Houses:			
2 bedrooms (or less)	<input type="text"/>	<input type="text"/>	
3 bedrooms (or more)	<input type="text"/>	<input type="text" value="1"/>	
Units, Townhouses, Villas			
Studios/Bedsits	<input type="text"/>	<input type="text"/>	
1 bedroom	39	<input type="text"/>	
2 bedrooms	45	<input type="text"/>	
3+ bedrooms	5	<input type="text"/>	
Seniors Living	<input type="text"/>	<input type="text"/>	
Other Residential			
New lot subdivision	<input type="text"/>	<input type="text"/>	
Non private dwelling	<input type="text"/>	<input type="text"/>	
Retail: Square metres of GLFA	<input type="text"/>	<input type="text"/>	
Business: Square metres of GFA	<input type="text"/>	<input type="text"/>	

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Section 94 Development Contributions - Centres

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and Local sporting facilities	\$1,043,224.66
Local recreational and cultural, Local social facilities	\$149,624.85
Local Roads, Local Bus Facilities & Local Drainage Facilities (New Roads and Road Modifications)	\$208,033.18
Local roads, Local bus facilities & Local drainage facilities (Townscape, Transport & Pedestrian facilities)	\$585,896.61
TOTAL CONTRIBUTIONS	\$1,986,779.30

Building Five

63 dwellings: 0 x studios; 33 x 1 bedroom; 29 x 2 bedroom; 1 x 3 bedroom;
Credit for 1 x 3+ dwelling house

Ku-ring-gai Contributions Plan 2010			
Section 94 Contributions Calculator			
DA Number:	<input type="text"/>	<input type="button" value="▼"/>	Date: 28-Feb-13
REV or MOD Number:	<input type="text"/>	<input type="radio"/> REV <input checked="" type="radio"/> MOD	
CPI&HPI Index Quarter:	December - 2012		
Select Development Area:	<input type="text" value="Pymble Town Centre"/> ▼		
Property Address:	<input type="text" value="Pymble"/> ▼	<input type="text" value="Building Five - Scenario B"/>	<input type="text"/>
	Suburb	Street	Number
	Proposed (Total) Development	Existing (Credited) Development	
Dwelling Houses:			
2 bedrooms (or less)	<input type="text"/>	<input type="text"/>	
3 bedrooms (or more)	<input type="text"/>	<input type="text" value="1"/>	
Units, Townhouses, Villas			
Studios/Bedsits	<input type="text"/>	<input type="text"/>	
1 bedroom	33	<input type="text"/>	
2 bedrooms	29	<input type="text"/>	
3+ bedrooms	1	<input type="text"/>	
Seniors Living	<input type="text"/>	<input type="text"/>	
Other Residential			
New lot subdivision	<input type="text"/>	<input type="text"/>	
Non private dwelling	<input type="text"/>	<input type="text"/>	
Retail: Square metres of GLFA	<input type="text"/>	<input type="text"/>	
Business: Square metres of GFA	<input type="text"/>	<input type="text"/>	

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Section 94 Development Contributions - Centres

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and Local sporting facilities	\$702,904.42
Local recreational and cultural, Local social facilities	\$100,814.30
Local Roads, Local Bus Facilities & Local Drainage Facilities (New Roads and Road Modifications)	\$141,257.10
Local roads, Local bus facilities & Local drainage facilities (Townscape, Transport & Pedestrian facilities)	\$394,765.70
TOTAL CONTRIBUTIONS	\$1,339,741.52

Scenario Three: Each building as a separate, distinct stage with credit evenly shared**Building One**

44 dwellings: 16 x 1 bedroom; 21 x 2 bedroom; 7 x 3 bedroom;
Credit for 25% of 3 x 3+ dwelling houses

Ku-ring-gai Contributions Plan 2010			
Section 94 Contributions Calculator			
DA Number:	<input type="text"/>	<input type="button" value="▼"/>	Date: 28-Feb-13
REV or MOD Number:	<input type="text"/>	<input type="radio"/> REV <input checked="" type="radio"/> MOD	
CPI&HPI Index Quarter:	December -2012		
Select Development Area:	<input type="text" value="Pymble Town Centre"/> <input type="button" value="▼"/>		
Property Address:	<input type="text" value="Pymble"/> <input type="button" value="▼"/>	<input type="text" value="Building One - Scenario 3"/>	<input type="text"/>
	Suburb	Street	Number
	Proposed (Total) Development	Existing (Credited) Development	
Dwelling Houses:			
2 bedrooms (or less)	<input type="text"/>	<input type="text"/>	
3 bedrooms (or more)	<input type="text"/>	<input type="text" value="0.75"/>	
Units, Townhouses, Villas			
Studios/Bedsits	<input type="text"/>	<input type="text"/>	
1 bedroom	<input type="text" value="16"/>	<input type="text"/>	
2 bedrooms	<input type="text" value="21"/>	<input type="text"/>	
3+ bedrooms	<input type="text" value="7"/>	<input type="text"/>	
Seniors Living	<input type="text"/>	<input type="text"/>	
Other Residential			
New lot subdivision	<input type="text"/>	<input type="text"/>	
Non private dwelling	<input type="text"/>	<input type="text"/>	
Retail: Square metres of GLFA	<input type="text"/>	<input type="text"/>	
Business: Square metres of GFA	<input type="text"/>	<input type="text"/>	

☐ Show Amounts at Index in Original Approval

Section 94 Development Contributions - Centres

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and Local sporting facilities	\$537,912.71
Local recreational and cultural, Local social facilities	\$77,150.31
Local Roads, Local Bus Facilities & Local Drainage Facilities (New Roads and Road Modifications)	\$106,905.94
Local roads, Local bus facilities & Local drainage facilities (Townscape, Transport & Pedestrian facilities)	\$302,102.94
TOTAL CONTRIBUTIONS	\$1,024,071.90

Building Three

77 dwellings: 0 x studios; 44 x 1 bedroom; 23 x 2 bedroom; 10 x 3 bedroom;
Credit for 25% of 3 x 3+ dwelling houses

Ku-ring-gai Contributions Plan 2010			
Section 94 Contributions Calculator			
DA Number:	<input type="text"/>	<input type="text"/>	Date: 28-Feb-13
REV or MOD Number:	<input type="text"/>	<input type="radio"/> REV <input checked="" type="radio"/> MOD	
CPI&HPI Index Quarter:	December-2012		
Select Development Area:	<input type="text" value="Pymble Town Centre"/>		
Property Address:	<input type="text" value="Pymble"/>	<input type="text" value="Building Three - Scenario C"/>	<input type="text"/>
	Suburb	Street	Number
	Proposed (Total) Development	Existing (Credited) Development	
Dwelling Houses:			
2 bedrooms (or less)	<input type="text"/>	<input type="text"/>	
3 bedrooms (or more)	<input type="text"/>	<input type="text" value="0.75"/>	
Units, Townhouses, Villas			
Studios/Bedsits	<input type="text"/>	<input type="text"/>	
1 bedroom	<input type="text" value="44"/>	<input type="text"/>	
2 bedrooms	<input type="text" value="23"/>	<input type="text"/>	
3+ bedrooms	<input type="text" value="10"/>	<input type="text"/>	
Seniors Living	<input type="text"/>	<input type="text"/>	
Other Residential			
New lot subdivision	<input type="text"/>	<input type="text"/>	
Non private dwelling	<input type="text"/>	<input type="text"/>	
Retail: Square metres of GLFA	<input type="text"/>	<input type="text"/>	
Business: Square metres of GFA	<input type="text"/>	<input type="text"/>	

☐ Show Amounts at Index in Original Approval

Section 94 Development Contributions - Centres

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and Local sporting facilities	\$882,208.66
Local recreational and cultural, Local social facilities	\$126,531.07
Local Roads, Local Bus Facilities & Local Drainage Facilities (New Roads and Road Modifications)	\$179,589.13
Local roads, Local bus facilities & Local drainage facilities (Townscape, Transport & Pedestrian facilities)	\$495,466.68
TOTAL CONTRIBUTIONS	\$1,683,795.54

Building Four

89 dwellings: 0 x studios; 39 x 1 bedroom; 45 x 2 bedroom; 5 x 3 bedroom;
Credit for 25% of 3 x 3+ dwelling houses

Ku-ring-gai Contributions Plan 2010			
Section 94 Contributions Calculator			
DA Number:	<input type="text"/>	<input type="button" value="▼"/>	Date: 28-Feb-13
REV or MOD Number:	<input type="text"/>	<input type="radio"/> REV <input checked="" type="radio"/> MOD	
CPI&HPI Index Quarter:	December - 2012		
Select Development Area:	<input type="text" value="Pymble Town Centre"/> <input type="button" value="▼"/>		
Property Address:	<input type="text" value="Pymble"/> <input type="button" value="▼"/>	<input type="text" value="Building Four - Scenario C"/>	<input type="text"/>
	Suburb	Street	Number
	Proposed (Total) Development	Existing (Credited) Development	
Dwelling Houses:			
2 bedrooms (or less)	<input type="text"/>	<input type="text"/>	
3 bedrooms (or more)	<input type="text"/>	<input type="text" value="0.75"/>	
Units, Townhouses, Villas			
Studios/Bedsits	<input type="text"/>	<input type="text"/>	
1 bedroom	39	<input type="text"/>	
2 bedrooms	45	<input type="text"/>	
3+ bedrooms	5	<input type="text"/>	
Seniors Living	<input type="text"/>	<input type="text"/>	
Other Residential			
New lot subdivision	<input type="text"/>	<input type="text"/>	
Non private dwelling	<input type="text"/>	<input type="text"/>	
Retail: Square metres of GLFA	<input type="text"/>	<input type="text"/>	
Business: Square metres of GFA	<input type="text"/>	<input type="text"/>	

☐ Show Amounts at Index in Original Approval

Section 94 Development Contributions - Centres

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and Local sporting facilities	\$1,048,393.08
Local recreational and cultural, Local social facilities	\$150,366.13
Local Roads, Local Bus Facilities & Local Drainage Facilities (New Roads and Road Modifications)	\$209,124.71
Local roads, Local bus facilities & Local drainage facilities (Townscape, Transport & Pedestrian facilities)	\$588,799.30
TOTAL CONTRIBUTIONS	\$1,996,683.22

Building Five

63 dwellings: 0 x studios; 33 x 1 bedroom; 29 x 2 bedroom; 1 x 3 bedroom;
Credit for 25% of 3 x 3+ dwelling houses

Ku-ring-gai Contributions Plan 2010			
Section 94 Contributions Calculator			
DA Number:	<input type="text"/>	<input type="button" value="▼"/>	Date: 28-Feb-13
REV or MOD Number:	<input type="text"/>	<input type="radio"/> REV <input checked="" type="radio"/> MOD	
CPI&HPI Index Quarter:	December - 2012		
Select Development Area:	<input type="text" value="Pymble Town Centre"/> <input type="button" value="▼"/>		
Property Address:	<input type="text" value="Pymble"/> <input type="button" value="▼"/>	<input type="text" value="Building Five - Scenario C"/>	<input type="text"/>
	Suburb	Street	Number
	Proposed (Total) Development	Existing (Credited) Development	
Dwelling Houses:			
2 bedrooms (or less)	<input type="text"/>	<input type="text"/>	
3 bedrooms (or more)	<input type="text"/>	<input type="text" value="0.75"/>	
Units, Townhouses, Villas			
Studios/Bedsits	<input type="text"/>	<input type="text"/>	
1 bedroom	33	<input type="text"/>	
2 bedrooms	29	<input type="text"/>	
3+ bedrooms	1	<input type="text"/>	
Seniors Living	<input type="text"/>	<input type="text"/>	
Other Residential			
New lot subdivision	<input type="text"/>	<input type="text"/>	
Non private dwelling	<input type="text"/>	<input type="text"/>	
Retail: Square metres of GLFA	<input type="text"/>	<input type="text"/>	
Business: Square metres of GFA	<input type="text"/>	<input type="text"/>	

☐ Show Amounts at Index in Original Approval

Section 94 Development Contributions - Centres

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and Local sporting facilities	\$708,072.84
Local recreational and cultural, Local social facilities	\$101,555.58
Local Roads, Local Bus Facilities & Local Drainage Facilities (New Roads and Road Modifications)	\$142,348.63
Local roads, Local bus facilities & Local drainage facilities (Townscape, Transport & Pedestrian facilities)	\$397,668.39
TOTAL CONTRIBUTIONS	\$1,349,645.44

Please note that these contributions are fixed at the time of calculation except for inflation as specifically allowed for by the Contributions Plan. Any changes to unit mix would trigger a recalculation of the contributions.

CONCLUSIONS AND RECOMMENDATIONS

Permissibility

The proposal is not permissible under the applicable environmental planning instrument, Ku-ring-gai LEP (Local Centres) 2012, which was only made by DPI at the end of January, and came into effect on 8 February. The proposal is also inconsistent with the aims of the plan and the objectives for the zones under this instrument (pp. 7 – 10).

Inadequate Information

There is a significant lack of detail and a number of inconsistencies in the plans and documentation that make accurate assessment of the proposal extremely difficult. An itemised list is included at pages 10 - 14 of this submission, with additional items identified in the main discussion and below.

Site isolation

The site amalgamation poses difficulties for the potential redevelopment of 3 and 7 Avon Road, both of which are zoned R3- Medium Density Residential (p. 16). This issue has not been adequately considered:

- It appears that reasonable offers based on independent valuations have not been made to 3 and 7 Avon Rd within a reasonable time period prior to the lodgement of the PPR;
- The proponent has failed to demonstrate that 3 and 7 Avon Rd can be developed in accordance with the KLEP, or that the proposal has been designed to take this into consideration.

Ecological

The actual location of the riparian corridor should be investigated.

Building 3 should be set back from the riparian land, by at least an additional 5m (p.35).

The basement of Building 3 should be fully tanked.

The stormwater and riparian management plan and the vegetation management plan should identify the works proposed at each stage.

A controlled activity approval should be obtained (p. 34).

Traffic and access

The traffic generation of the proposal would cause additional impact to surrounding local roads particularly during the morning peak, where the school and commuter peaks coincide and intersections already perform very poorly. Should the proposal be approved in its current form, the absence of the extension of Avon Road along the railway corridor would result in considerable increase in traffic flows along the Arilla Road/Allawah Avenue/Mayfield Road route, and additional delays and queue lengths in Livingstone Avenue (at the traffic signals at Pacific Highway (pp.27 -32). Development on the site should comply with Ku-ring-gai Local Environmental Plan (Local Centres) 2012 to minimise additional traffic impacts. If Building 1 is approved, the remainder of the site should be developed in accordance with Ku-ring-gai Local Environmental Plan (Local Centres) 2012 to minimise the additional impacts.

A number of access issues are unsatisfactory in their current form:

- Some car parking spaces in Building 1 need to be reallocated from residential parking to visitor parking spaces, to comply with DCP 55;
- There is lack of identified bicycle parking for all buildings except building 1. For building 1, there is a lack of detail in relation to residential/visitor parking, with no identified bicycle parking in the visitors area
- The width of the access point to Buildings 3 and 4 is inadequate for the number of car parking spaces it services. A width of 6-9 metres is required, which however would have the potential to result in negative impacts on the ecological values of the site. There is inadequate information on this roadway;
- Bicycle access should be provided through the site from Avon Road to Beechworth Road;
- Clarification (on plan) is required as to which pathway/s will be accessible to the public. A positive covenant should be required to ensure the provision of the public pathway/s through the site. Its/their staging prior to the occupation of any buildings on the site, should be referenced consistently, or required by consent conditions.
- Provision of details of the footpath upgrade between the site and Pymble Station need to be provided. They should include a pedestrian refuge to be constructed in Avon Road, as well as localised road widening to accommodate it.

A works zone will be required during construction in Avon Road for Stage 1 and for Stages 1 to 3 with a prohibition on heavy vehicle movements during school drop-off (8.00am to 9.30am) and pick-up (2.30pm to 4.00pm) times. This could be included as a condition of consent.

The Draft Statement of Commitments for MP10_0219 states “Corners shall be designed to permit...and a B9 vehicle to pass...”. This should read “a B99 vehicle”.

There is insufficient information regarding the number of accessible units. The plans should demonstrate the inclusion of a minimum of 10% of the units as accessible. Corridors should be widened to 1.5m.

A BCA compliance report should be undertaken to ensure that the buildings do not need to be redesigned to meet fire egress provisions.

Density

Because of the constraints of the site and the traffic considerations, Clause 4.4 of the KLEP and its associated map specifies a maximum floor space ratio of 0.2:1 for land zoned E4 – Environmental Living, 0.3:1 for land zoned R2 – Low Density Residential and 0.8:1 for land zoned R3 – Medium Density Residential. SEPP 53 provided for new roads across the site to reduce the traffic issues, yet still recognised that the site was nevertheless constrained, with an overall FSR of 0.63 to 0.8:1. Further, this control was put in place prior to the listing of Blue Gum High Forest as a critically endangered community.

The proposed floor space ratio of 0.94:1 significantly exceeds both requirements and would result in overdevelopment of the site, in adverse impacts to the streetscape and adjoining low density development.

Heritage

The demolition of 1 Avon Rd is not supported as it has local heritage significance. The main building should be retained and the potential for adaptive re-use of the building considered (pp.18-20).

The heritage features within the curtilage of 1 Avon Rd that are to be kept should be clearly identified.

The location and scale of the proposed building 5 would have a significant detrimental on the heritage value of 6 Beechworth Rd. The building should be redesigned to protect the primary views and significance of the heritage site (p.20)

The heritage report fails to adequately consider the impact of the proposal on the heritage significance of:

- 11 Avon Rd. (p. 20)
- 1190 Pacific Highway (p.20)
- 1202 Pacific Highway (p.21).

Bushfire

Amend the Statement of Commitments to require the Community Management Plan to include details of the regime and responsibilities for bushfire management.

Safety

The proposal will result in conflicts between vehicles and pedestrians at a number of points. Some redesign of driveway and path locations is recommended (p.40).

The access to buildings 3 and 4 via undercrofts is not consistent with the principles of CPTED. Direct entries are preferred.

Design

Note that where increased setbacks are recommended in the summary below, no assessment has been done of the potential impacts on other values, such as ecological or riparian values, from such increases. Increased setbacks in some cases may result in the need to reduce the building footprints, to protect other site values.

All buildings

- Buildings should step down the site, following the topography.
- The double loaded corridor type performs poorly from both an environmental performance and amenity perspective. The proposed depth of the buildings creates unacceptable internalised rooms, such as the bedroom/studies at the end of the ventilation slots. The proposed slots are not an acceptable solution to provide daylight or ventilation. Building depths should be reduced in line with the RFDC Rule of Thumb of 10-18m.
- The corridors are too long and narrow, (30 – 50m, at 1.2m wide) with single liftwells accessing from 9 to 14 units per typical floor. The RFDC Rule of Thumb for a maximum of 8 units should be applied and corridors widened to 1.5m.
- The number of units provided with solar access to living rooms and balconies is highly unacceptable. The solar access diagrams are inaccurate, and it is likely the proposal provides solar access for 3 hours at a rate of 18% to 34% of the units within a particular building. Provide solar access diagrams which employ a 'sun's eye view'

technique which demonstrate compliance with the RFDC Rule of Thumb for solar access to living rooms and private open spaces of a minimum of 70% of units. Topography and neighbouring buildings must be taken into account (p.38)

- Overshadowing of neighbouring dwellings and private open spaces should be investigated more thoroughly and, particularly the impacts on 7 Avon Road, 15 Avon Road and 10B Beechworth Road. A minimum of 3 hours solar access to the adjoining dwellings is recommended.
- Too many apartments have kitchens located more than 8m from a window. Not enough units have kitchens provided with natural ventilation (p.39)
- There are not enough units with good natural cross ventilation. Apart from Building 5, only 42-25% of the units have adequate cross ventilation, to meet the 60% good practice Rule of Thumb in the RFDC. Narrow daylight/ventilation slots are a poor design response for this issue.
- Provide a minimum of 25m² of private open space at ground level for all ground floor apartments.
- Space must be provided in each basement for 1x240 litre container per two units for garbage and 1x240 litre container per four units for each of mixed and paper recycling (ie approximately the same number of containers as units). The size of the basements may therefore be inadequate (p. 33).

Building 1

- Building 1 is too close to Avon Road to have a sensitive relationship with the streetscape. A setback of at least 11m would be more appropriate.
- The majority of the front setback to Building 1 is occupied by basement car park (see DA02.01). The basement carpark should also be set back from the Avon Rd boundary. A setback of 11 metres would be acceptable.
- Survey diagrams should show windows and private open space areas of adjoining dwellings. Separation distances and the potential impacts on the privacy of 3 Avon Road need clarification.
- Building 1 is 4-6 storeys adjacent to 7 Avon Road and the minimum distance to the boundary is approximately 10m. It is considered that at least the south-western sixth floor corner be setback 12m from the boundary.
- The setback for Stage 1 for landscaping adjacent to 7 Avon Road between the boundary, internal path and driveway remains inadequate (pp.23-24). (See also comments on location of dwelling at 7 Avon Rd on plans)
- The location of the common open space area adjacent to the private open space of no. 7 Avon Road has the potential to impact on the amenity of no 7 Avon Rd. A greater separation and landscape buffer planting should be provided between this area and no.7 Avon Road.
- The separation between buildings 1 and 4 is inadequate and should be increased to 12m.
- Building 1 has too many apartments that are single-aspect with a southern orientation.
- The gradient of the entry drive is not indicated and nor is the headroom. Section AA is supposed to be through the entry drive, but does not show any gradients or transitions. A minimum of 2.6 metres clear headroom is required for access by Council's small waste collection vehicle. This must be demonstrated on the project application plans.
- The architectural plans should show the rainwater tank and OSD tanks beneath the basement.
- Details should be provided on the landscape plans in relation to the specific location of the areas of BASIX landscape commitments shown on the BASIX certificate,

including area of low water or indigenous planting, (12,500sqm) area of common garden (1,855sqm), private garden areas of various units and the indigenous species area. Details of proposed species, numbers and locations of plants for this area, to meet the above commitments, should also be provided.

- Locate the driveway inside Building 1 (entering from the Avon Road elevation), or at least position it closer to the southern side of the building, in order to allow for 6m deep soil at the boundary and for the entry path to be resolved.
- A materials palette should be provided.

Building 3

- The building is located too close to the watercourse – or perhaps even within it. It should be set back from the watercourse by at least an additional 5m (p.35).
- The floor plate of building 3 is too large and has too many units per floor.
- Survey diagrams should show windows and private open space areas of adjoining dwellings. Separation distances and the potential impacts on the privacy of No. 15 Avon Road need clarification.
- Building 3 has the potential to create an adverse visual impact on the public domain (pp. 22). A perspective study from Arilla Road would assist in making an assessment on this aspect. (See also inconsistency in location of 1 Arilla Rd).
- The inconsistency between the description of building as “four + one storeys” and seven storeys shown on Drawing MP 07.01 should be clarified.
- The proposed separation from 15 and 7 Avon Road and the distance to the boundary is inadequate. At least the fifth and sixth floors should be set back 12m from the boundary. (p. 24)
- The combination of the height of the building and the proposed separation from 1 Arilla Road and the distance to the boundary results in poor transition and adverse amenity impacts on 1 Arilla Rd. The southern-most fifth and sixth floor corner should be set back at least 12m from the boundary. (p. 24)
- The basement carpark should be set back at least 6 metres from the boundaries of 1 Arilla Rd and 15 Avon Rd.

Building 4

- The floor plate of building 4 is too large and has too many units per floor.
- Building 4 has the potential to create an adverse visual impact on the public domain and may appear out of scale. A perspective study looking west from an easterly Avon Road approach would assist in making this assessment.
- The height, scale and bulk are inconsistent with KLEP and with community expectations and do not provide a transition to the adjoining lower density developments.
- The combination of height and setbacks from Building 4 to the boundary with 3 Avon Rd will result in a poor transition and adverse amenity impacts to 3 Avon Rd which will not be able to redevelop as outlined in *Isolated Sites*. All floors should be a minimum of 9m from the boundary and the fifth and sixth floors should be at least 12m from the boundary. (p.24)
- The basement carpark should be setback at least 6 metres from the boundary of 3 Avon Rd, and sufficiently setback from the turpentine trees (trees 264 – 267) along the boundary of 1 Avon Rd to ensure their ongoing health, as justified by an arborist’s report.
- The circular driveway ramp should be setback at least 6m from the boundary of 3 Avon Rd.

Building 5

- The height, scale and bulk are inconsistent with KLEP and with community expectations and do not provide a transition to the adjoining lower density developments.
- Survey diagrams should show windows and private open space areas of adjoining dwellings. Separation distances and the potential impacts on the privacy of No. 10B Beechworth Road need clarification.
- The combination of height and setbacks from Building 5 adjacent to 10A and 10B Beechworth Road Rd present a particularly poor transition to the adjoining low density residential dwelling. It is recommended that all floors should be a minimum of 9m from the boundary and that the fifth and sixth floors be 12m from the boundary. (p. 24)
- The combination of height and setbacks from Building 5 to 6 Beechworth Rd, a heritage listed site, will affect the primary views from the heritage site and therefore its heritage significance. A minimum setback of a further 2 metres from the boundary for the lower floors, and designing/ breaking up the building so that views to the south could be achieved would be a distinct improvement.
- The basement car park should be setback in line with the final above ground portion of the building adjacent to the boundary of 6 Beechworth Road.
- Consider redesigning the driveway which runs along the north-east boundary of 6 Beechworth Rd adjacent to 6 Beechworth Rd (p.37).

The proposal does not fit 'comfortably' within the current planning regime, which does not provide for similar adjacent zonings (say R4), or for transitional zonings (say R3) to most of the surrounding lower density single residential properties located downhill to the west and south.

The site itself is zoned only R3, R2 and E4 under KLEP, with heights of only 9.5m and 11.5m (2-3 storeys) envisaged. Given the obvious site constraints, the development permissible under the KLEP zonings is considered to be of a more appropriate density than the density proposed, regardless of design, from an urban design point of view.

Development Contributions

Pages 42 to 52 of this submission outlines 3 contribution scenarios. It is recommended that the proponent identify which option is proposed.

Finally

Some aspects of the proposal are to be commended, in particular the protection and enhancement of the Blue Gum High Forest, rehabilitation of the watercourse, the provision of public access through the site and the use of the natural setting. However, these benefits are outweighed by the significant adverse impacts on local traffic, on adjoining sites, on local heritage values and on the streetscape and by the poor internal amenity for future residents.

Any redesign of the proposal should recognise that the planning regime has changed, and the reasons for these changes. Any redesign should be based on the Ku-ring-gai LEP (Local Centres) 2012 as the applicable planning instrument.