

1 Agency Submissions

AGENCY	ISSUE	DETAILS	RESPONSE
Ku-ring-gai Council	Major Project Status	Given that there were no savings and transitional provisions included in the amendments to the Major Development SEPP to save applications that had been lodged under the provisions of the SEPP but not determined, it is Council's view that the application has lapsed and cannot be determined by the Minister as it is no longer a project to which Part 3A applies.	The project is an existing Part 3A project which is saved by transitional provisions provided in Schedule 6A of the <i>Environmental Planning and Assessment Act 1973</i> . This is discussed further in Section 3.3 of the PPR.
		The only reason the proposal can be considered under part 3A is due to the increased CIV resulting from a total disregard of the planning controls in the Ku-ring-gai (LEP (Town Centres) 2010.	Refer above.
	Fails the objects of the Act	The proposal fails to provide for the orderly and economic development of the land, by isolating a number of sites, sites which are the most suitable parts of the site for the development.	The proposal is consistent with the visions of the Town Centres LEP and SEPP 53 under which it was lodged. The site is in close proximity to Pymble railway Station and Pymble town centre and is considered to be appropriate location for the reduced residential scheme presented in this PPR.
		It also fails to protect the environment, by isolating an area of criticallyendangered ecological community.	The proposed development requires the removal of three Blue Gum High Forest (BGHF) trees. This has been assessed in the Flora and Fauna Report provided in Appendix K. The critically Ecologically Endangered Community (EEC) will be protected by the Vegetation Management Plan (VMP) provided in Appendix K. Buildings have therefore been setback further from the EEC.
	Non-compliance with Town Centres LEP 2010	Has the potential to undermine the KLEP and the planning for the town centres and set a precedent for other development.	Precedent is not a relevant consideration. The application was lodged under Town Centres LEP. This is discussed further in Section 3.2 and Section 3.3 of the PPR.
	Inadequacy of plans and	Flora & Fauna Assessment Report: Failure to assess impacts on Blue Gum High Forest (BGHF) Community, and Tree 100, fails to	A comprehensive Flora and Fauna Report is provided in Appendix K of the PPR. This assesses the impacts of the proposal on

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	information provided	identify all trees on the site.	vegetation on site including the BGHF.
		Vegetation Management Plan: Failure to consider Department of Environment and Climate Change best practice guidelines for BGHF.	A Vegetation Management Plan provided in Appendix K has been prepared with reference to DECCW best practice guidelines for BGHF.
		Arboricultural Report: Report was prepared in 2002 and should be updated. Further the report fails to identify the quantum of vegetation to be removed and feasibility of tree and vegetation retention. Further it doesn't reference Australian Standard 'Protection of trees on development sites As 4970– 2009'.	All trees proposed to be removed are identified on the Landscape Plan provided in Appendix L. The three BGHF required to be removed is also identified in the Flora and Fauna Report.
		Landscape Plans: Landscape plans for stage 1 fail to indicate the area/s of low water/ indigenous planting required to meet BASIX certificate commitments, fails to provide external levels either proposed or existing, there is no information on the adequacy or depth of soil over basement areas where tree and screen planting is indicated, and existing vegetation to be retained and or removed is not identified in number, position or species on the detailed landscape plans. The scale is too small for both plans. The areas marked on concept plan as deep soil are incorrect, as they include areas over basement. The plans fail to show the extent of excavation and fill and no detail is provided on width or accessibility of pedestrian paths through site, or to communal areas.	A revised Landscape Plan has been prepared by Site Image and is provided in Appendix M.
		Heritage Reports: No archaeological investigation or assessment of the potential archaeology of the site is provided. The Aboriginal Heritage Advice is a preliminary assessment, and no consultation has been undertaken with Aboriginal stakeholders as required. The HIS is limited and does not assess the impact of the development on the nearby heritage items or suggest any ways of mitigating the impacts.	An Archaeological investigation was lodged with the application in 2010 which concluded that no additional Aboriginal archaeological investigation of the proposed development area appears to be warranted. Accordingly, no further report has been prepared. A Heritage Impact Statement is provided in Appendix P which assesses the impact of the development on local heritage items

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			including 1 and 5 Avon Road.
		Site Plans: There is no detailed site plan for Stage 1 and the Concept Plan fails to show pedestrian accessways, differentiation of trees to be retained, and trees to be planted, and fails to identify communal open space areas.	<p>The site plans provided for the Project Application and Concept Plan showing these details are provided in Appendix F and Appendix G.</p> <p>The pedestrian links are shown on the Landscape Plans provided in Appendix L.</p>
		Site Survey: Fails to accurately identify trees on the site and an additional bend in the riparian zone.	A site survey identifying trees on site is provided in Appendix E. All trees proposed to be removed are shown on the Landscape Plans.
		Traffic Report: Fails to consider cumulative impacts and applies an inappropriate traffic generation rate, "metropolitan sub-regional centre".	The Traffic and Parking Assessment provided in Appendix Q. The report considers the impact of the proposed development on the existing traffic in the local area and Council's preferred traffic rate of 0.4 vph.
		Bushfire Report: Lack of clarity in compliance tables, incorrect map of bushfire prone land, and failure to specify Fire and Rescue NSW stations.	An updated Bushfire Report is provided in Appendix N. This provides assessment of bushfire prone land and specifies Fire and Rescue NSW stations.
		Water Management Reports: No stormwater concept plan, detail on site detention, or water quality measures, are provided. No MUSIC model was provided as required by Town Centres DCP 2010.	A Stormwater and Riparian Report is provided in Appendix J. The proposal conforms to the requirements of the Ku-ring-gai Council Water Management DCP 47.
		MYD: No plan showing the stations for the HEC-RAS model, and lack of detail about reshaping the riparian zone and location of the onsite detention.	A Stormwater and Riparian Report is provided in Appendix J which addresses the management of stormwater across the site. On site detention requirements are also provided. This has been developed in consultation with the landscape design and flora and fauna management.
		Development Contributions Report: Underestimation of the contributions.	Development contributions have been calculated for the Project Application and are discussed further in Section 8.6 of the PPR.

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		Waste Management Plan: Fails to include quantities or destinations of construction waste and for separation of waste on site.	A Waste Management Plan has been provided in Appendix S and addresses construction waste.
		Plan Integration: The individual reports and plans on which the overall plan is based conflict with each other.	A consolidated landscape plan showing vegetation management, bushfire protection zones and stormwater and riparian details is provided in Appendix F.
	Isolated Sites	<p>The development scheme results in the isolation of 2 & 6 Beechworth Rd, 12 Mayfield Rd and 3 Avon Rd. The allotments concerned would not be developable as envisaged by the controls and therefore the proposal fails to comply with DGR 4.</p> <p>Diagrams have not been provided to demonstrate how the isolated sites could be reasonably developed, so as to be consistent with the built outcome of the controls of the KLEP.</p> <p>Little weight should be given at the attempts to consolidate the allotments as the information tendered relates to discussions pre 2005 (and most pre 2002)</p> <p>The isolation issue discussed above also creates many amenity issues for adjoining development.</p>	<p>Information relating to the attempts to consolidate the adjacent sites was submitted with the original proposal and is considered appropriate to demonstrate measures undertaken in this regard.</p> <p>The sites are currently occupied by existing development and this has been considered in relation to amenity impacts on existing residents during the development of the PPR. It is not therefore considered necessary to show how these sites may be developed in future.</p>
	Site Planning	Fails to adequately address the severe site constraints and identified appropriate development platforms, resulting in significant intrusion to the BGHF.	The impacts in relation to the BGHF have been considered in the Vegetation Management Plan and Landscape Plans provided. All building footprints are now located away from EEC vegetation with the exception of two trees which are assessed in the Flora and Fauna Report.
	Bulk and Scale	The non-compliance with the FSR and height standards in the KLEP is reflected in the visual dominance of the built form, both to surrounding streets and to neighbouring development. R4 Zoning is due to the appropriate RFB form as opposed to town house	While the proposed building and FSR is above the draft KLEP controls, the proposed built form has been substantially reduced from the original scheme with consideration to amenity of neighbouring properties and visual appearance of the development

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		development in R3.	<p>in its local context.</p> <p>This is discussed further in Section 6 of the PPR.</p>
		The failure to step the height of the buildings down with the fall of the site.	The heights of the buildings have been amended to appropriately accommodate the site topography. This is demonstrated in the Architectural Plans provided in Appendix F which provides the RLs of each building.
		Existing screening vegetation is weed infestation and is proposed to be removed, and basement locations close to the boundary will prevent replanting.	Revised Landscape Plans are provided in Appendix L and Appendix M.
		Ecological Impacts	Inappropriate building location having negative long term impacts on the BGHF community.
		The retention and restoration of the western area of the site is strongly supported.	The vegetation corridor is protected and managed through the Vegetation Management Plan.
		The VMP proposes revegetation not regeneration which is contrary to the best practice guidelines. Mulching is also inconsistent with the bushfire report.	The Vegetation Management Plan includes mulching. The Bushfire Report does not restrict this as the site is not classified as bushfire prone and accordingly, this is considered appropriate.
		It is recommended that the VMP be extend to a minimum of 5 years.	The Vegetation Management Plan (Appendix K) provides management measures to be in place for the next 5 years.
		Riparian Protection	The watercourse running through the site should be defined as a river.
		Stormwater devices appear to be located within the core riparian zone.	<p>The drainage line on the site is not identified as a river under the Water Management Act 2000. This is discussed further in Appendix J and Section 8.4 of the PPR.</p> <p>Location of stormwater devices are shown in the stormwater management plans provided in Appendix J.</p>

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	Bushfire	The bushfire report has not considered the hazard to the east.	A Bushfire Report is provided in Appendix N which assesses all bushfire risks surrounding the site including that associated with the Pymble Ladies College to the east.
		Access to the site in many instances does not comply with Planning for Bushfire Protection 2006.	Access to the site complies with Planning for Bushfire Protection 2006 as discussed in Appendix N.
	Setbacks	Setbacks should be increased to provide for appropriate screening vegetation.	Revised Landscape Plans are provided in Appendix L.
	Visual and Acoustic Privacy	Increase in the noise and loss of privacy for the residents of 6 Beechworth Rd.	An Acoustic Report is provided in Appendix R assessing the impact of the development on local residents. Building 5 has been orientated away from 6 Beechworth Road to avoid direct overlooking and represents an improved amenity arrangement.
		Significant overlooking of the open space areas of 2, 6, 10A & 10B Beechworth Rd, 3,7 and 15 Avon Rd.	As discussed above, the buildings have been reorientated to allow for increased amenity of surrounding residents.
	Overshadowing	Insufficient information has been provided to enable a comprehensive assessment of the development's impact upon adjoining properties.	Shadow Diagrams are provided in Appendix F. Sections through adjacent dwellings are also provided in Appendix F.
	Visual Impact	A view line analysis is required to accurately assess the impacts on the streetscape and the locality.	Photomontages have been prepared (refer Appendix F) which demonstrated how the proposed development will be viewed from the street.
	Landscape and Deep Soil	Inadequate provision (and unachievable in the case of substantial trees over basements) for screen planting.	Revised Landscape Plans are provided in Appendix L.
	Open Space	While the site has retained areas within the BGHF, these areas are accessed via stairs, and are therefore not accessible to those with a disability	The site consists of steep and challenging topography which restricts the ability to provide disabled access across the site. However, through the design of the pedestrian pathways disabled

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			access is provided to each of the buildings.
		Buildings 1, 2, 4 and 5 have poor linkage with the large area of communal open space in the south western corner of the site	<p>A network of pedestrian access pathways have been incorporated into the design to allow for increased connectivity within the site and the natural vegetated and landscaped areas.</p> <p>Building 2 has now been deleted to reduce the built form accommodated on the site.</p>
	Rail Corridor	Requirement of units to keep windows closed to due to acoustics results in poor ventilation.	<p>No requirement to keep windows closed is proposed as part of this application.</p> <p>An Acoustic Report is provided in Appendix R.</p>
	Other SEPP 65 issues	Non-compliances with SEPP 65 relating to building depth, ventilation, screening, storage, and access to at grade open space.	A SEPP65 Design Statement has been provided in Appendix H.
	Traffic and Access	Four additional car spaces not required by Council controls, not included in GFA.	The parking provision results in a shortfall of 30 car parking spaces when assessed in accordance with Council's DCP No.43. This is discussed further in the Traffic and Parking Assessment provided in Appendix N.
		The vehicular access from Arilla Rd is considered undesirable.	Vehicle access from Arilla Road is no longer proposed.
		Pedestrian access through the site, linking Arilla Rd with Beechworth Rd, should be considered through/ around the riparian corridor to help engage this area as a passive recreation space.	A number of pedestrian and cycle accessways is proposed as shown on the Landscape Plan provided in Appendix L. As 1 Arilla Road no longer forms part of the site, a pathway onto this road is not possible as part of this application.
		Lack of bicycle parking.	Appropriate bicycle parking will be provided in each Development Application stage and forms a Statement of Commitment for both the Concept Plan and the Project Application.
		More dwellings on the site and the underestimation of traffic	The number of dwellings proposed has been reduced from a total of

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		generation, resulting in additional traffic impacts over that foreshadowed in the Town Centres LEP.	355 to 273 units. An assessment of traffic impacts has been undertaken in accordance with Council's preferred traffic generation rate (Appendix Q).
		Should the proposal be approved at the current proposed FSR, then the extension of Avon Rd along the railway corridor is required to improve local traffic links, and should be part of the approval.	The proposed FSR has been reduced from 1.38:1 to 0.9:1 as discussed in Sections 6.2 and 6.3 of the PPR.
	Heritage	Information provided on 1 & 5 Avon Rd is irrelevant as these sites are no longer heritage items.	Number 1 and 5 Avon Road are currently local heritage items under the Ku-Ring-Gai PSO.
		The report does not focus its attention to provide a critical analysis of the scheme or the impact of the proposed development on the nearby heritage items.	A Heritage Impact Statement has been provided in Appendix P addressing these issues.
		Future development should be informed by a view and curtilage analysis of the nearby heritage items to ensure that new buildings are planned to retain significant view corridors and curtilage.	
	Stormwater	More detail required.	Stormwater details on the amended scheme are provided in Appendix J.
Department of Environment and Climate Change	Waste Management	More detail required on 'Details of where all excavated material leaving the site is to be placed'.	A Construction Management Plan is provided in Appendix U which provides details on the procedure for excavated material.
	Developer Contributions	Only one of the two Council contributions plans that apply to the site has been calculated.	Development contributions have been calculated and discussed in Section 8.6 of the PPR.
	Biodiversity	The flora and fauna assessment is inadequate as it is difficult to determine the extent of weed infestation and only discusses impacts from the removal of trees, not removal of the endangered ecological community.	A Flora and Fauna Assessment is provided in Appendix K which provides details on removal of trees and the EEC on the site.
		Potential direct and indirect impacts on BGHF from increased	Direct and indirect impacts on the BGHF is assessed in the Flora

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NSW		urbanisation has not been considered.	and Fauna Assessment provided in Appendix K.
		The VMP should be implemented for at least 5 years, not 1 as proposed.	The Vegetation Management Plan (Appendix K) provides management measures to be in place for the next 5 years.
		<p>The proposed development, particularly building 4, will significantly reduce the connectivity values of vegetation on the site, which may in turn reduce the viability of neighbouring BGHF remnants.</p> <p>The replacement plantings will not be able to recreate an ecological community that could be classified as BGHF, given the plantings will be within garden beds, subject to edge effects and provision of asset protection zones.</p>	Impacts on the BGHF are assessed in the Flora and Fauna Assessment.
	Contamination	DECCW recommends that a detailed soil investigation be carried out at the site, with the need for groundwater investigations assessed based on the results of the soil contamination assessment (recommended as condition of consent).	As recommended, the need for a Contamination Report forms a Statement of Commitment which is provided in Appendix X.
	Carparking	Too many car parking spaces provided so close to public transport.	A reduced amount of car parking is provided which is below Council's DCP rates and in accordance with DPIs Preferred Project Requirements. This is discussed further in the Traffic and Parking Assessment.
NSW Office of Water	Riparian Land	Any APZ requirements should be located outside the riparian corridor so as not to compromise the future function, management and biological diversity of the land.	APZ are appropriately located as described in the Bushfire Report in Appendix N.
		Recommendation that a minimum 10m wide riparian corridor be established either side of the creek (measured from top of bank).	The proposed width of the vegetation corridor varies from 30m to 55m wide as shown in the Landscape Plan.
		Recommends that the pedestrian path (and any proposed buildings or structures) is located outside the riparian corridor.	As discussed in the Flora and Fauna report, the location of the pedestrian paths will not impact on the BGHF as they consist of

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			high canopy trees.
		<p>The Statement of Commitment should include the drainage line to be rehabilitated to mimic a stable natural system (monitored for min. 2 years).</p> <p>The maintenance periods should be extended for min. 2 years after the completion of works or until such a time as a min. 80% survival rate for all plantings and a max. 5% weed cover for the treated riparian corridor is achieved.</p>	The VMP (Appendix K) provides management measures to be in place for the next 5 years and considers appropriate works on the drainage line.
	Water Licensing	A licence under Part 5 of the Water Act 1912 may be required.	A licence under Part 5 of the Water Act 1912 is not required as discussed in Appendix J.
Railcorp	Property and Title Search and Survey	Applicant should supply Railcorp with a survey plan with the proposed development with respect to the rail boundary and rail infrastructure.	A survey plan has been provided in Appendix E showing the railway boundary.
	Dilapidation Survey	A joint inspection of the rail infrastructure and property in the vicinity of the project should be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during and after construction to be observed.	This forms a Statement of Commitment for the Concept Plan provided in Appendix Y.
	Noise and Vibration	RailCorp is concerned that the future occupants of the development will encounter rail-related noise and vibration from the adjacent rail corridor.	An Acoustic Report has been provided in Appendix R which assesses acoustic impacts of the rail corridor.
		Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents.	This forms a Statement of Commitment provided in Appendix Y.
	Geotechnical Stability and Integrity	The Applicant should provide a Geotechnical Engineering report to RailCorp which demonstrates that the development has no negative impact on the rail corridor or infrastructure and evaluate	A Geotechnical Report was provided with the original application which addresses these issues.

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		the stability of the embankment.	Building 1 is located over 60m to the south of the railway corridor and embankment and accordingly a Geotechnical report is not considered necessary for the Project Application. A Statement of Commitment has been included in Appendix Y requesting that a Geotechnical Report be prepared in accordance with Railcorp's comments prior to detailed design of Building 4 and Building 5.
	Balconies and Windows Design	RailCorp has concerns with the design of the balconies/windows as objects can be thrown onto the rail corridor risking passenger safety. RailCorp requests that the Applicant be required to re-design the balconies/windows to ensure that this risk is minimised.	Buildings 4 and 5 are located adjacent to the railway line and detailed design of the balconies/windows will be considered at Development Application stage for these buildings.
	Derailment and Protection of Structures	Prior to the issue of a Construction Certificate the Applicant is to provide the Rail Authority with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of A S5100.	This forms a Statement of Commitment for the Concept Plan in Appendix Y.
	Lights and Reflective Materials	The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are visible from the rail corridor must limit glare and reflectivity to the satisfaction of Rail Authority.	Buildings 4 and 5 are located adjacent to the railway line and detailed design of the use of lights, signs and reflective materials and their visibility from the railway line will be considered at Development Application stage.
	Demolition, Excavation and Construction Impacts	During demolition, excavation and construction, there is a need to ensure that there will be no adverse impact on the integrity of RailCorp's facilities, or the operation of the network.	This forms a Statement of Commitment for Construction Management Plan provided in Appendix Y.
	Crane and other Aerial operations	During construction, the use of cranes and other equipment capable of intruding into the airspace above the corridor and of operating over any overhead wiring or transmission lines must be strictly controlled.	This forms a Statement of Commitment provided in Appendix Y and is included in the Construction Management Plan.
	Environmental Conditions	During all stages of the development extreme care shall be taken to prevent environmental harm within railway corridor. Any form of	This forms a Statement of Commitment provided in Appendix Y and is included in the Construction Management Plan

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		environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.	
	Graffiti, Screening and landscaping.	To ensure that graffiti can be easily removed, the Applicant is to ensure that fencing along the rail corridor is coated with anti-graffiti paint or other coating.	This forms a Statement of Commitment for the Concept Plan provided in Appendix Y.
		To improve the comfort of future occupants, the landscaping and fencing in the plan should be designed to screen views of the rail tracks and reduce exposure to passing trains.	Buildings 4 and 5 are located adjacent to the railway line. Accordingly, landscaping and fencing to screen these views will be considered in future Development Applications for these buildings.
		There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan should be submitted to RailCorp for review.	The landscape plan has been amended and is provided in Appendix L showing the proposed plantings.
	Fencing	Appropriate fencing should be installed, at the applicant's cost, along the rail corridor to prevent unauthorised access to the rail corridor under the supervision of a Protection Officer.	Buildings 4 and 5 are located adjacent to the railway line. Accordingly, this forms a Statement of Commitment for future Development Applications for these buildings.
	Carparking	Too many car parking spaces provided so close to public transport.	The Traffic and Parking Assessment concludes that the parking provision results in a shortfall of 30 car parking spaces when assessed in accordance with DCP No.43 and satisfies the requirements specified by the RMS Guidelines and DPI's Preferred Project Requirements. Accordingly, the proposed parking provision is considered to be suitable and appropriate.
	Accessibility	The development currently lacks safe and convenient access to Pymble Station. The PCA needs to ensure that upon completion adequate pedestrian links are established.	The proponent has committed to upgrading the footpath links to Pymble station as part of the Project Application. This forms a Statement of Commitment for the Concept Plan.
	Impact on Stations	RailCorp is concerned with the impact that this development will have on Pymble Station with regard to its ability to accommodate	The number of passengers using Pymble train station is not expected to put significant strain on Railcorp services. The scheme

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		the increased patronage in a safe and efficient manner. As such the Applicant is requested to contact RailCorp to negotiate possible developer contributions for this work.	has been reduced from 355 units to 270 units and Building 1 consists of 44 units and therefore this is not a considered relevant for this application.
Rural Fire Service	Asset Protection Zones	At the commencement of the building works and in the perpetuity the property around the buildings to a distance of 10m to the south west and the south east, should be maintained as an Inner Protection Area (IPA).	A minimum 10m APZs have been incorporated into the design in accordance with the Bushfire Report.
	Water and Utilities	Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.	This forms a Statement of Commitment provided in Appendix Y.
	Access	Property access roads for community title developments should comply with section 4.2.7 of Planning for Bush Fire Protection 2006.	The Bushfire Report provided in Appendix N provides an assessment of the proposal in accordance with <i>Planning for Bush Fire Protection 2006</i> .
Sydney Regional Development Advisory Committee (RTA – now RMS)	Traffic	To enable the RTA to fully assess the impacts of the total development and not only Stage 1 the applicant is to provide electronic copies of the a SIDRA analysis for the Pacific Highway and Beechworth Road, and the Pacific Highway and Livingstone Road intersections, to the Department for referral to the RTA.	A SIDRA analysis of the key intersections is provided in the Parking and Traffic Assessment in Appendix Q.
		Details of proposed service vehicle movements have not been included in the SEE or the Parking and Traffic Report. The RTA requests these details be provided by the applicant and referred to the RTA for comment.	The basement has been designed to enable Council's waste vehicles to service the building. The Bushfire Report in Appendix N details the ability of the site to be serviced by emergency vehicles.
		The RTA also advised that the applicant should consider and appropriately address the provision of a new road connecting Beechworth Road to Avon Road as proposed in Kur– Ring–Gai Council's Planning Instruments.	The viability of providing a new road link is assessed in Appendix N and Section 8.5 and found that it would result in marginal traffic benefit but significant ecological impact.
		Construction Traffic Management Plan should be submitted to Council prior to the issue of a construction certificate.	Construction traffic will be managed in accordance with the Construction Management Plan provided in Appendix U.

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		The proposed car parking areas and all ingress and egress points are to be in accordance with the relevant standards.	The ingress and egress points will be provided in accordance with the relevant standards.
Sydney Water	Water	The site does not front an available drinking water main with sufficient capacity. An extension to an existing main is required.	Sydney Water has indicated that the water mains fronting the development on Avon and Beechworth Roads cannot service the proposed development. The potable water demand has been minimised by the reuse of rainwater runoff from the roofs for non-potable water use in the apartments and external irrigation. Also the apartments will have water saving devices and appliances to further reduce the potable water demand. There are large water mains along the Pacific Highway and the mains in Avon and Beechworth Roads will be upgraded back towards the highway to provide sufficient potable water for the development. The extent of the upgrade would be determined by Sydney Water at the detailed design phase. A Statement of Commitment is included to consult with the relevant services providers for the Concept Plan.
	Wastewater	The 225mm wastewater mains need to be upsized to a 300mm wastewater main in two sections.	As above.
Transport for NSW	Carparking	Too many car parking spaces provided so close to public transport.	As stated above, the parking provision results in a shortfall of 30 car parking spaces when assessed in accordance with DCP No.43 and satisfies the requirements specified by the RMS Guidelines.
	Non-car travel	The Environmental Assessment does not address the DGRs to "provide an assessment of the implications of the development for non-car travel modes".	The Traffic and Parking Assessment (Appendix Q) provides an assessment of the public transport links and pedestrian links provided by the development.
		Bicycle racks should be provided for visitors at ground level, near entrances.	Bicycle racks will form part of the detailed design for individual Development Applications on the site. A Statement of Commitment is included to provide them in Building 1.
		The preparation of a sustainable travel plan should be included as part of the draft Statement of Commitments.	As this is a residential use, the preparation of a sustainable travel plan is not considered necessary.

2 Resident Submissions

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Bulk and Scale		
Number of Units	Dramatic Increase from the 1995 and subsequent proposals, with no increase in infrastructure.	The proposed built form and number of units have been substantially reduced from that originally lodged as discussed in Section 6.4 of the PPR.
Building Height	<p>There can be no valid comparison with the units located on the Pacific Highway corridor or near the railway tunnel.</p> <p>The proposed height is greater than anything in the Pymble Town Centre.</p> <p>Heights far exceed SEPP 53 Standards and the EA has not justified this.</p> <p>Control of noxious weeds is a legal obligation, not a justification for excessive height.</p> <p>Preserving the BGHF community is not appropriate or sufficient justification for the proposed height.</p>	The building heights have been reduced. This is discussed further in Section 8.2 and Section 8.3 of the PPR.
Streetscape	Grossly inconsistent with the surrounding residential area.	<p>Sections assessing the amended scheme against neighbouring properties is included in Section 6.5.3 of the PPR and photomontages are included in Appendix G.</p> <p>The reduction in built form provides for a more appropriate transition with the surrounding development.</p>
Traffic and transport		
Impact on Local Traffic	No direct access to a main road (Pacific Highway), access is restricted to two roads, therefore impact on local traffic will be enormous.	The Traffic and Parking Assessment assesses the impact on local road network and concludes that the proposed residential development will not have any unacceptable traffic implications in terms of road network

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	<p>Surrounding roads are narrow.</p> <p>The proposal is a steep walk away from the train station and too far from Turramurra and therefore the new residents will be forced to use their cars for shopping and social activities.</p> <p>The recommended roundabout will further slow local traffic and add to peak hour congestion.</p> <p>Traffic bottle neck and long delays on Avon, Arilla and Beechworth roads during peak times with PLC School.</p> <p>The construction vehicles will contribute to the congestion.</p>	<p>capacity.</p> <p>It also notes that there will not be any road improvements or intersection upgrades required to accommodate the projected additional traffic flows.</p> <p>Construction vehicles will be controlled through the Construction Management Plan.</p>
Impact on Regional Traffic	The impact on traffic increases on the Pacific Highway between Chatswood and Wahroonga should be considered and resolved prior to approval being given to this proposal.	The Traffic and Parking Assessment provides an appropriate assessment of key intersections in the local area that will be affected by the proposal. This includes the Pacific Highway.
Accuracy of Traffic Report	<p>The traffic report was last revised in November 2009 and is based upon traffic counts taken in May 2009. Since that time there have been three major changes to traffic conditions in the area. 1. The Avondale development on the Pacific Highway, resulting in increased traffic along Beechworth Road seeking to execute a U-turn to access southbound lanes on the Pacific Highway. 2. Timing of the red phase has been increased resulting in increased delays. 3. The development of a large number of apartments in Avon Road next to PLC is now completed.</p> <p>The worst case scenario traffic generation should be assessed rather than best case scenario.</p> <p>The report focus' on the traffic levels, rather than the impact at intersections.</p>	A Traffic and Parking Assessment has been prepared for the amended scheme which uses a 'worst case' scenario for traffic generation and provides up to date SIDRA testing. The impacts on key intersections have been assessed as part of this modelling.
	The traffic report described the access at 4 Beechworth Road as having	Assessment of the adequacy of access roads and site distances is

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	good sight distance, which is incorrect.	included in the Traffic Report provided in Appendix Q .
Parking	Commuter parking near the rail line already extends down Avon/Livingstone/Pymble and Orinoco Streets and additional flow of traffic will create permanent overload. The development does not provide enough parking for the residents and visitors when considering the current Ku-ring-gai ratio for car ownership (1.88).	The parking provision has been proposed based on the sites proximity to Pymble train station and Transport for NSW comments. The parking provision is assessed in the Traffic Report (Appendix Q).
	During construction the parking spaces currently used for commuter parking will be occupied by the construction zone or by trades peoples, exacerbating parking and traffic issues.	A Construction Traffic Management Plan will be prepared for the application to ensure that impacts on local residents during construction are minimised.
	Reduction in parking spaces in local shopping centres.	The proposed development provides appropriate car parking numbers for residents and visitors. Due to the proximity of the site to Pymble Town Centre it is anticipated that the impact on local shopping centre parking will be negligible.
Rail line	During peak hours the train is already full, and further increase in patronage will adversely impact the service and infrastructure.	The number of passengers using Pymble train station is not expected to put significant strain on Railcorp services. The scheme has been reduced from 355 units to 270 units and Building 1 consists of 44 units and therefore this is not a considered relevant for this application.
	The meeting minutes provided in Appendix 31 do not satisfy the requirements of SEPP (Infrastructure) 2007 for liaison and consideration for future rail infrastructure.	Railcorp's comments and relevant consideration of development in proximity to the rail corridor is considered as part of the PPR.
Environment		
Landscape	Deterioration of mature environment and loss of significant trees.	The Flora and Fauna Report provides an assessment of the vegetation and tree loss. The Landscape Plans shows the trees proposed to be removed and those to be retained.
Threatened Habitats and	The identification and assessment of the likely impact on threatened flora	The impact on the BGHF is provided in the Flora and Fauna

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species	and fauna (Including the BGHF) will need to be examined. The BGHF is grossly under direct threat.	Assessment in Appendix K .
	The recommendation that the entire site should be treated as an APZ is severely limiting to the potential regeneration of any BGHF on the site and appears unwarranted.	Appropriate APZ have been identified on site by the Bushfire Report. The proposed concept plan includes removal of 2 BGHF trees and the remaining will be protected through the Vegetation Management Plan.
	A resident confirms siting of the Powerful Owl and the Grey-headed Flying-fox surrounding the area, which have not been addressed to satisfy the requirements of the EPBC Act. Approval at this point would breach the obligations of the EPBC Act and would be illegal.	The Flora and Fauna report provides conservation management measures which aim to protect the habitats of fauna on the site. These include the checking of trees proposed for removal to be checked by a qualified fauna expert, prior to removal, to ensure that no native fauna are harmed.
	The proposal will likely lower the water table and environment which will lead to the death of the remaining BGHF.	The proposal has been considered in context of the impacts to the BGHF. The flora and fauna report provided in Appendix K states that only 2 BGHF are required to be removed.
Riparian Area	The quality of the riparian zone will be questionable. The development will likely have to reconstruct the riparian zone, not just remediate it, as construction will occur almost the entire length adjacent to it.	There is no requirement for a riparian zone as noted in the Stormwater Report however; a vegetation corridor has been identified. Appropriate measures for management and conservation have been identified and are sustainable in context of future construction of the proposed buildings.
Open Space	There are no parks or playgrounds nearby, which should be a requirement for any unit development.	The Concept Plan includes provision of public areas through the site including lawn areas. While no formal park is proposed, the landscaped areas will act as recreation areas for the residents.
	Clarification required on how the proposed 'public areas' will be maintained and what provisions will be in place so as not to become an additional burden to ratepayers.	The vegetation on site will be maintained through the VMP. It is envisaged that the public pathways and conservation zone will be on a common title owned and managed by the owners corporation.
Intergenerational Equity	The inappropriate development on such sensitive soils and biodiversity 'hotspot' is a waste in land-use planning for Climate Change mitigation and biodiversity conservation. This is not just a site specific issue but	The flora and fauna has been assessed onsite and appropriate management measures proposed which will retain the EEC vegetation and removal of trees is considered to be acceptable in context of the

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	should be considered in its cumulative effect in the Ku-ring-gai LGA biodiversity 'hotspot'.	proposed Concept Plan.
Other issues		
Safety	Increased traffic along Beechworth Road results in a considerable reduction in safety in the area, particularly for the large number of school children.	The impact of the proposed development on local traffic including Beechworth Road has been considered in the Traffic Report provided in Appendix Q .
	The new residents would be in danger of falling branches of the BGHF and could mount a case to have the trees removed, resulting in unacceptable visual amenity for the area.	As part of the VMP, an Environmental Manager will monitor the vegetation on site and any risk of falling tree branches can be identified at regular periods.
	The excavation proposed would put the surrounding properties at risk of falling trees.	The building footprints have been relocated from the vegetation corridor and few trees will be affected by the excavation for basement levels. This is discussed in the Construction Management Plan.
	If there is a fire event in Sheldon Forest, emergency egress for residents living further down Beechworth Road and access for emergency vehicles would be impacted.	Access for emergency vehicles is considered appropriate and is discussed further in the Bushfire Report.
	No account has been made for a 100% increase in water supply required to the area in the case of a fire.	Fire hydrants will be incorporated into the design in accordance with the Bushfire Report. Consultation with Sydney Water will be undertaken to ensure that adequate water supply is available in case of emergencies.
	Further adverse impact and congestion for other critical services such as ambulance and police.	As discussed in the Traffic and Parking Assessment, the proposed development would not have any unacceptable traffic implications. Accordingly, no adverse impact on access for emergency vehicles is anticipated to result from this proposal.
	The proposed entrance driveway of Stage 1 is in a dangerous location on a bend of Avon Road.	Appropriate driveway geometry is provided in the Traffic Report provided in Appendix Q .
	The type of residents to populate this development could be undesirable	There is no evidence to suggest that the residents of the development

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	to the area, potentially increasing illegal activity.	would increase illegal activity.
Pedestrian access	The paths on Avon Road are too narrow for the pedestrian morning peak.	The footpaths on Avon Road to Pymble Station are proposed to be upgraded as part of the Stage 1 Project Application.
	The local streets have no pavement or lighting to accommodate a proposal of this scale.	The pathway to Pymble Station is proposed to be upgraded as part of the Project Application works as are the lighting and finished within the Pacific Highway pedestrian underpass.
Amenity and Visual Amenity	Will be able to be seen from the surrounding residential areas and will impact views.	Photomontages are provided in Appendix F .
	Trees are not enough to hide the development, and there is concern if the trees die.	Provision of trees is addressed in the revised Landscaping Plans in Appendix L .
	The increase in cars will generate noise and vehicle exhaust pollution for surrounding residents.	The increase in local traffic is not sufficient enough to cause noticeable vehicle exhaust pollution in surrounding streets particularly given the sites proximity to the station. The increase is within RMS environmental capacity targets for local roads.
	The increase in cars will generate more light, impacting the amenity on residential streets.	As above.
	There will be intolerable construction noise. The requirement for CMP was insufficient to appropriately manage the nearby Meriton development.	An Acoustic Report discussing the implications of construction noise is provided in Appendix O .
	Unacceptable view loss from 10A and 10B Beechworth Road and surrounding properties.	Sections through 10 Beechworth Road are provided in Appendix F .
	Reaching 'saturation level' in this area of Pymble. Development should be spread to other areas along major arterial roads and public transport.	The site is currently largely vacant and heavily vegetated. The proposal is generally consistent with the anticipated development under SEPP 53 and the Town Centres LEP under which this application was lodged.

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	Local Streets will be congested as a result of 2 large developments, private schools, and the railway station (those who use the train won't be able to park near the station).	Adequate resident and visitor parking is provided in the basement levels of each proposed buildings while encouraging the use of public transport. The parking provision is in accordance with RMS requirements. Local roads will remain within RMS environmental capacity guidelines.
Sunlight	<p>Winter overshadowing to some parts of windows and gardens to 10A, 10B and 10C would be the order of 100% to beyond midday.</p> <p>Concern on overshadowing public open space, including the riparian area.</p>	Shadow diagrams are now provided in Appendix F .
Overlooking and Privacy	Significantly reduced privacy of 10A Beechworth Road.	As discussed in Section 8.2 of the PPR, the preferred scheme results in improved amenity for the surrounding residents.
	Reduced privacy at 7, 11, 15, and 21 Avon Road.	
Setbacks	Inadequate setbacks to 6, 8A, 10, 10A, 10B, and 10C Beechworth Road.	Sections showing the amended scheme and adjacent dwellings are given in Appendix F .
	Inadequate setback to Avon Road, detracting from the character of the streetscape.	
Inadequate Information	The impact on overshadowing and impact on views has not been adequately addressed.	Shadow diagrams are now provided in Appendix F .
	Nor were the assessment of bushfire management, traffic, and storm water management in the context of Pymble's history with severe weather.	Bushfire, traffic, and storm water management has been development and provided in the technical studies appended to the PPR.
	The professional reports were narrow and short sighted, and had inaccuracies (particularly the traffic report) which did not reflect realities.	Additional technical studies (including traffic) have been carried out as part of the development of the preferred project scheme. The key findings of these studies are provided in Section 4 .
	No evidence of consultation with the Commonwealth regarding the	Consultation with the Commonwealth is not necessary as discussed in

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	BGHF, as per the DGRs.	the Flora and Fauna Assessment provided in Appendix K .
	Conflicting times of demolition and construction in the CMP and Statement of Commitments.	Construction hours are clarified in Construction Management Plan provided in Appendix U .
Education Infrastructure	The additional 355 new dwellings will house families who will not be supported by the current education infrastructure (reference to the full PLC).	The preferred project now presents a reduced scheme of 270 units. Building 1 contains 44 units which will not significantly increase educational demand. Numerous schools can be accessed from the site.
Concept Plan	Residents objection for the approval of a 'concept plan', as there is no guarantee further detail on the proposal will work and the envelope would be locked in.	Development Applications for buildings 3, 4 and 5 of the Concept Plan will be subject to detailed design and lodged with Council for assessment to ensure that an appropriate development is delivered generally in accordance with the Concept Plan.
Residential Market	There is already an excess of modern apartment style accommodation in the locality, following the construction of many new unit developments. There seems little point in approving further development in this neighbourhood until there is investment in new facilities such as cafes, parks and shops. This development is an unnecessary duplication.	The proposed (reduced) residential scheme is appropriate in context of the sites location in Pymble town centre and proximity to public transport links.
	Concerns of decreased property values.	Property values are not a valid consideration in the determination of this application.
Stormwater	Such a large increase in hard surfaces will mean rapid flows of stormwater down the hill presenting dangers of flooding, particularly during high rainfall.	Stormwater management has been assessed in the report prepared by NCP and provided in Appendix J .
Sewerage	Concern that the proposal put an unreasonable strain on the sewerage system which is old and badly needs upgrading.	A Statement of Commitment has been made to consult with all service providers in determining any necessary services upgrades.
Architectural Design	The scheme is not visually appealing.	The scheme has been comprehensively redesigned. Photomontages have been prepared which demonstrates the visual appearance of the proposed buildings to the street.

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		This is discussed further in Sections 5.3 and 6.4 of the PPR.
Structural Stability	Concern with the proposed demolition and excavation works and the potential to cause landslip and subsidence on 10A Beechworth Road and surrounding properties.	The risk of landslide has been addressed in the Geotechnical Report submitted with the original application.
Heritage	Concern over the unnecessary loss of the 'Chief Railway Commissioner's Residence'.	A Heritage Impact Statement has been prepared by OCP Architects and assesses the impact of removing 1 Avon Road, the Chief Railway Commissioner's Residence. The report concludes that building has undergone considerable changes during its history and has minimal visual contribution to the residential character of Avon Road due to its setback from the street. Hence its removal will not greatly affect the existing street character of Avon Road.
	Tree screening is not enough to protect the heritage item at 11 Avon Road.	The Heritage Impact Statement concludes that the effect on the existing heritage items No 11 Avon Road has been ameliorated by considerable landscape buffers that have kept the identified vegetation corridor and bush fire protection zones and by setting the developments away from Avon Road.
	The demolition of two contributory items (1 and 5 Avon Road) situated in the Urban Conservation Area18 - Avon Road, Pymble under the National Trust of Australia (NSW) is unacceptable for the character of the area. Appropriate weight isn't given to the NTA conservation area classification.	Items 1 and 5 Avon Road are listed in Ku-Ring-Gai KPSO and consideration of their listings and the impact of the proposal on their heritage significance is provided in the Heritage Impact Statement.
State or Regional Significance	The project is not of State or Regional Significance and therefore to assess the application under Part 3A of the Act is illegal.	The project is an existing Part 3A project which is saved by the transitional Part 3A provisions as discussed in Section 3.3 of the PPR.
Public Exhibition	The public exhibition process has failed to meet the statutory obligations as not all of the documents listed on the Department of Planning's website have been available for review at Ku-ring-gai Council chambers. Also this was over the Christmas period and was too short. These	The application was placed on public exhibition by the DP&I in accordance with their policies.

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	documents were also inconsistent, in error, misleading or incomplete.	
Services	This application coincides with a reduction in services in the area (the Turramurra post office will close on 28 January 2011).	The site is located within 600m of the Pymble town centre where services are provided for future residents of the development.

