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Michael Woodland
Director
Urban Assessments
Department of Planning
GPO Box 39
Sydney NSW 2000

4th September 2008

Dear Mr Woodland,

**SEPP 53 – Metropolitan Residential Development
Schedule 4 Amendments allowing multi unit housing**

(1) Part 4 Ku-ring-gai

(b) site 2 – the land comprising Nos 1, 1a, 5 and 7 Avon Road, No 1 Arilla Road, No 12 Mayfield Avenue and Nos 2-8 Beechworth Road, Pymble (being the land shown edged in heavy black on Sheet 3 of the Ku-ring-gai Reference Plan)

APPLICATION BY MR JIM NEALE FOR DEVELOPMENT APPLICATION REQUIREMENTS

Review, Site Inspection and Directions for Preparation of a Development Application

We seek your advice on the following and the attached sketches.

We invite the Department's representatives to an inspection of the site. Many of the development issues and proposed solutions can best be understood on site.

We will be seeking the Minister's directions through the Director of the Department of Planning for preparation of a development application.

**Consultation with the Ku-ring-gai Planning Panel
and Ku-ring-gai Council Planning Staff**

On the 27th August 2008, Jim Neale and Peter Dalton consulted with the Ku-ring-gai Planning Panel and Ku-ring-gai Council Planning Staff on site.

Representing the Panel was Elizabeth Crouch and Bill Tsakalos. Representing the Planning Staff was Michael Miocic, Director Development & Regulation and Corrie Swanepoel, Manager Development Assessment.

The site was inspected and the information and content of drawings 2804/sk1,2,3, & 4 presented and described to the Panel and Planning Staff representatives.

We expressed the view that the concept was consistent with the Town Centres policy being developed by the Panel.

We advised that all carparking except visitors would be multi storey underground and comply with Ku-ring-gai DCP standards.

Questions were asked and answered.

It was acknowledged that the Minister is the Consent Authority but that Council would be asked to comment on any development application. We are of the view that it is the Planning Panel which should be asked to comment on the development application in accordance with the Environmental Planning and Assessments (Ku-ring-gai Planning Panel) Order 2008.

We concur with Michael Miocic's advice during the meeting that a number of SEPP 1 applications would need to be prepared.

Mr Miocic also expressed the view that the proposed road connecting Beechworth and Avon Roads was of concern (also see below).

The Panel and Staff were informed that discussions had been held with Ms Islem Boylu of the Department and we would be presenting this concept to the Department.

Consistency with Ministers Directions and Departmental Policies

We are of the view that this proposal is consistent with the Minister's Directions and Departmental Policies except with respect to the SEPP 53 Review of Schedule of 4 Sites prepared by McKenzie Land Planning Service Pty Ltd and the planning concept set out in the Ku-ring-gai Reference Plan. We do not support that planning concept for the reasons set out below.

The Site is within the Pymble Town Centres boundary and we believe this proposal is consistent with the intent of the Environment Planning and Assessment (Ku-ring-gai Planning Panel) Order 2008, the Ku-ring-gai Planning Panel Reasons for Appointment, the Ministers Local Planning Directions – 19 July 2007 and both SEPPs 53 and 65.

We also believe it is consistent with the planning strategies presented by the Ku-ring-gai Planning Panel on 20th August 2008.

SEPP 1 Amendment to SEPP 53

We advise that we will be seeking to exercise the right under SEPP 53 Schedule 4 Amendments allowing multi unit housing (9) State Environmental Planning Policy No 1 – Development Standards to amend the Amendment No 7. Sheet 03 of 14 prepared by PlanningNSW.

POSSIBLE SEPP 1 APPLICATIONS

Property Boundary

Jim Neale owns Nos 1, 1a and 5 Avon Road, No 1 Arilla Road & Nos 4 and 8 Beechworth Road.

He does not own the other properties identified in SEPP 53 site 2, and those property owners are not a party this application.

Please refer to attached plan 2804/sk1 – SEPP 53 Boundary compared with Neale Boundary.

The property owned by Jim Neale constitutes approximately 90% of the SEPP 53 land. The 4 small sites not owned by Jim Neale are houses located on normal residential blocks and all of them have separate street access.

Jim Neale does not expect to acquire any of the other SEPP 53 properties associated with Site

2, and does not anticipate that the owners of the remaining properties will participate in this development application.

The proposed development application will only be for Mr Neale's property.

We do not seek the deletion of the properties which Mr Neale does not own from SEPP 53.

Building Footprints project beyond boundary of Jim Neale's property

2804/sk2 shows the SEPP 53 planning concept in relation to Jim Neale's property boundaries.

The SEPP 53 building footprints penetrate into No 7 Avon Road, No 12 Mayfield Road and No 6 Beechworth Road which are not owned by Jim Neale.

This makes those footprints non-viable in terms of this proposal.

Deletion of Through Road connecting Beechworth and Avon Roads

Unreasonable impact on future residents

This proposed road will impose on the future residents of this development, which is likely to generate about 40 traffic movements in the peak hour, unacceptable morning and afternoon peak hour traffic generated by Pymble Ladies College which generates about 2,500 such movements and which are adequately catered for by the existing roads.

Destructive impact on screening trees

The proposed road will impact on the root zone of the screening trees along the northern boundary adjoining the railway cutting, and in most cases would require the removal of these trees.

This proposal will necessitate the removal of trees which completely shield the development site from a view into the railway line cutting. Removal of those trees will expose the buildings on the high side of the railway line, which already tower over the proposed development, to an uninterrupted view of the proposed development and vice versa.

These trees are essential for visual screening between the railway and the future apartments.

Relocating the proposed Through Road to the south of its shown location would reduce the area available for development and impact on the riparian zone.

Proposed road passes through property not owned by Mr Neale

Mr Neale does not own either No 2 or No 6 Beechworth Road. The Reference Plan shows the road connecting to Beechworth through No 2.

While Mr Neale owns the land between these two properties relocating the proposed road to this location would reduce the area for development of apartments.

Proposed entrance to Beechworth Road close to Railway Bridge is dangerous

The proposed entrance of the road to Beechworth is too close to the railway bridge and sight lines because of differences of level makes this proposal dangerous.

Proposed road not necessary for access to apartments buildings

The development of apartments on the property owned by Jim Neale does not require this road (see 2804/sk3 & 4). Vehicular access to the apartments can be provided by dead end roads off Avon and Beechworth Roads.

View expressed at meeting with Ku-ring-gai Planning Panel

Mr Michael Miocic, Director Development & Regulation expressed concern about the reasonableness of the through road at our meeting on site with the Ku-ring-gai Planning Panel

Accordingly Jim Neale seeks the removal of the Through Road and does not accept the conclusion of the McKenzie Land Planning Service report 6.0 Cumulative Traffic Effects – 6.1 Sites 1 and 2.

Ku-ring-gai Reference Plan Building Form and SEPP 65 Design Quality Principles

Riparian Zone SEPP 65 Principle 6 Landscape

The riparian zone represents a major environmental asset and only by reducing building and road footprints can this asset be best restored.

The deep soil zones adjoining the “creek” are major assets of the site even though currently degraded by extensive weed infestation. The water flowing onto the site comes from a concrete pipe laid under the railway line which drains the Pacific Hwy and contains pollutants.

This area of the site and elsewhere was developed in the 1920s and 1930s as an “exotic” landscape garden including an orchard. Previously the property had been used as a dairy farm.

Many of the blue gums along the western boundary were planted in the 1930s. The other eucalypts are regrowth with the exception of one aged eucalypt which is on the boundary of No 8 Beechworth.

Many non-native trees from the Dent Garden remain but the understorey consists of heavy penetration of weeds including privet, lantana, bamboo and morning glory.

Notwithstanding the horticultural history of the riparian zone Mr Neale is committed to revegetating the creek line and adjoining deep soil zones with species consistent with the Blue Gum High Forest after removal of the weeds. He intends to ensure, by legal means, that this riparian portion of the property remains in its new form in perpetuity.

The site layout in the SEPP 53 Reference Plan does not maximise the riparian zone. The 15 storey scheme shown on 2804/sk4 allows for increased protection of this riparian zone.

Apartment Yield and Site Density – SEPP 65 Principle 4 Density, Principle 9 Social Dimensions

We believe the density we propose is consistent with the Government’s Ku-ring-gai Town Centres strategy currently being developed under aegis of the Ku-ring-gai Planning Panel which is intended to encourage development of higher density housing within walking distance of the railway stations.

Mr Neale’s property is within approximately 500 metres reasonably level walk of Pymble Railway Station.

The planning concepts shown on 2804/sk 3 & 4 both contain 188 three bedroom apartments. We believe the final yield will be between 190 and 220 units.

The FSR for both schemes is approximately 1.3 to 1.

We are of the view that this is consistent with the yield and density strategies of the Town Centres strategy as presented in the Community Consultation on 20th August 2008.

The SEPP 53 Review of Schedule of 4 Sites prepared by McKenzie Land Planning Service Pty Ltd, Table 3 Housing and transport characteristics of target sites indicates a Potential total number of dwellings for Site 2 of 300.

We would assume that these calculations have been done on the basis of small apartments.

Many, and probably the majority, of the buyers for apartments on Mr Neale's property will not be seeking "small" apartments. They will want to buy 3 bedroom apartments.

We do not support the assumptions underlying Table 3 for Site 2.

Not adapted to topography – SEPP 65 Principle 1 Context

The Reference Plan planning concept building form is not effectively adapted to the steepness of the land.

The attached sketches show the contours in 5 metre intervals. The land is steeply falling from the property boundaries to the creek line.

The Reference Plan building footprints are not effectively adapted to the fall of the land.

The building footprints and design layout shown in 2804/sk 3 & 4 allow for building form to step in both directions along the long and short axis of the building footprint.

This proposed footprint adapts more effectively to the natural topography of the site.

Planning Efficiency of Building Footprint – SEPP 65 Principle 3 Built Form and Principle 5 Resource, energy and water efficiency, Principle 7 Amenity

Many of the SEPP 53 Reference Plan footprints do not provide efficient and cost effective planning opportunities. They would require multiple lifts and fire escape stairs. In addition the "L" shaped configuration makes for inefficient internal planning.

The very small 4 storey footprints shown at the southern end of the site are not economically viable

The proposed building footprints shown in 2804/sk 3 & 4 require only one lift and one firestair per building and maximise each apartments access to light and air. They are efficient, cost effective and adapted to the site topography.

Jim Neale proposes that the building footprint be changed accordingly.

Footprint, Overshadowing, Overlooking, Landscape Area and Height of Buildings – SEPP 65 Principle 1 Context and Principle 4 Density

The riparian zone and landscape area benefit by ensuring that the building and road footprint is reduced to the minimum.

2804/sk3 shows a scheme with a maximum height of 8 storeys.

2804/sk3 shows a scheme with a maximum height of 15 storeys.

Both schemes contain 188 three bedroom apartments and have an FSR of 1.3:1

The numbers in the corners of the building footprint state the number of stories for that section of the building. The number in the centre of the footprint shows the total number of apartments in the building.

The number of stories steps up and down to reduce overshadowing and overlooking of adjoining suburban residences.

It is important to note that any shadows cast on No 7 Avon Road and No 12 Mayfield Road is cast on SEPP 53 properties approved for higher density housing.

The 2804/sk3 eight storey scheme results in approximately 65% landscape area.

The 2804/sk4 fifteen storey scheme results in approximately 80% landscape area.

The SEPP 53 planning scheme has approximately 360 metres of road. The 8 storey scheme has approximately 170 metres of road (approx 53% less) and the 15 storey scheme has approximately 100 metres of road (approx 72% less).

The area between the buildings and over the underground carparking is proposed to be developed as Garden Plaza, thereby contributing to the landscape area.

It is very obvious that the 15 storey scheme results in a significantly reduced footprint for both buildings and roads with the resultant benefit that the Blue Gum Forest Creek Restoration zone can be significantly increased.

We understand that 15 stories are consistent with the current thinking of the Ku-ring-gai Planning Panel.

Minister's Direction

We will be seeking the Minister's directions through the Director of the Department of Planning for preparation of a development application based upon the above proposal and the proposed SEPP 1 Amendments.

Meeting

We look forward to meeting with at 10.00 am Tuesday 16th September and to inviting you to inspect the site.

Attachments

2804/sk1 SEPP 53 Boundary compared with Neale Boundary.

2804/sk2 SEPP 53 planning concept in relation to Jim Neale's property boundaries.

2804/sk3 scheme with a maximum height of 8 storeys.

2804/sk3 scheme with a maximum height of 15 storeys

Aerial photo of site

Yours sincerely,

Peter Dalton

Cc Ku-ring-gai Planning Panel
Michael Miocic, Director Development & Regulation
Corrie Swanepoel, Manager Development Assessment.
Jim Neale.