

**APPLICATION TO DECLARE A DEVELOPMENT TO BE A MAJOR PROJECT
UNDER CLAUSE 13 OF SCHEDULE 1 OF THE MAJOR PROJECTS SEPP
GROUP 5 - HIGH DENSITY RESIDENTIAL**

The property is held under six titles in Pymble within the Ku-ring-gai LGA, being:

1 Avon Road	Lot 1	Deposited Plan 583803	0.2356 ha
1a Avon Road	Lot 2	Deposited Plan 583803	1.1930 ha
5 Avon Road	Lot 2	Deposited Plan 205504	0.2808 ha
1 Arilla Road	Lot 7	Deposited Plan 15541	0.1277 ha
4 Beechworth Road	Lot 1	Deposited Plan 403072	
8 Beechworth Road	Lot 3	Deposited Plan 403072	0.6570 ha
Total			2.4941 ha

The site is approximately 90% of site #2 called in by the Minister under SEPP 53 in Ku ring gai. It is listed as a Major Project in Schedule 2 of the Major Projects SEPP. It excludes 2 and 6 Beechworth Rd, 12 Mayfield Avenue and 7 Avon Rd. These small sites have houses and separate street access. The site was amalgamated from 1979 to 1995. The applicant advised the Department (Matthew Prscalo), when it started to call the sites in, that he did not expect to be able to buy the other 4 sites. That is still the case. The areas of those sites is excluded from all calculations.

Since the site was called in under SEPP 53, Draft LEP 2006 (Town Centres) in which the subject site is zoned R4 has come in, SEPP Seniors Living has been gazetted, about 1,000 apartments have been built on or very near the Pacific Highway mostly under LEP 194 with a density of 1.3, and the Ku ring gai Planning Panel has been appointed.

This land is not near the Pacific Highway and therefore addresses a very different housing choice.

The applicant believes that the best way to respond to these changes is to submit a new request for inclusion as a Major Project under schedule 1.

CRITERIA

Value of Project.

This a very large site with several battleaxe accesses and a long frontage to the North Shore railway line. There is very little loss of density through setback when compared with smaller sites with a conventional proportion of road frontage. The site has many gum trees which are well in excess of 50 metres (15 storeys) in height. The site will accommodate tall buildings which will not increase the overlooking of any existing dwellings - they will overlook the railway line at the rear and the site itself at the front.

We understand that the Department wishes to reasonably exploit this potential for higher density having regard to the growing accommodation needs of Sydney, responsible budgetary constraints and the rapidly increasing costs of expanding the size of the city with new infrastructure. Assuming the density is in the range of 1.2 to 1.5 and the site is approximately 25,000 sqm there would be 30,000 - 37,500 sqm of floorspace on the site. Based on recent valuations quoting Rawlinsons' estimate of construction costs the project would cost \$70m to \$90m excluding land and GST.

(a) Local Impediments to Urban Renewal

The site has been zoned residential and within 400 metres of Pymble station ever since that station was built a hundred years ago. The local residents have been successful, through the council, in preventing development of the site. Minister Refshauge addressed this impediment by

calling the site in under SEPP 53. Minister Sartor has addressed this impediment by appointing the Planning Panel. The Chairman and other members of the Panel and representatives of the Local Council recently attended a comprehensive inspection of the site and of the plans prepared for it by architect Peter Dalton. No substantial disagreement was expressed with regard to the attached plans. The council, of course, is elected by the ratepayers. The applicant has been a ratepayer in Ku ring gai since 1968 and has observed that ratepayers will not support anything which will have them share Ku ring gai with more an increased number of people. Council will always operate to minimise density and has resorted to strategies that would be illegal and possibly criminal if they were carried out by other than a Public Authority.

- The development is in the Pymble Town Centre as High Density Residential - R4.
- Otherwise see (a) above.

(b) The development will provide a much-needed expansion of housing choice. Ku ring gai is oversupplied with conventional houses on quarter acre blocks and poorly situated apartments along the Highway. The proposed development provides no supply to these markets. It will provide larger better situated apartments and will remove excess demand in that market.

- The development will provide permanent accommodation for at least 500 people and this will inevitably lead to an increased number of local jobs. We defer to the Department's greater experience in quantifying the number of jobs so created. The construction will generate approximately 1,000 manyears of work.
- The development is in the Pymble Town Centre as High Density Residential - R4.

(c) Transport accessibility

- The site is 400 metres from Pymble railway station. Access is almost level. The site is next to PLC Girls School and the local bus service is available. Modern sewer, water and gas mains already traverse the site and power is amply provided to the area.

(d) Improved Infrastructure.

- The development will improve the efficiency of the existing infrastructure which has been recently upgraded, particularly in the case of Pymble station.
- Adding 240 dwellings to the supply will contribute significantly to housing affordability.
- If the same density is expressed as tall buildings rather than short ones 70% of the site will be returned to its original state as Blue Gum High Forest and gardens which will integrate sensibly with that forest. The applicant will legally contract that this land will be preserved from development in perpetuity and maintained by the Body Corporate. The public will benefit from improved outlook, streetscape and views from the railway line. Public ownership is a desirable objective, however no public authority is now prepared to look after the land if dedicated. No authority has had the slightest effect on the growth of graffiti, the setting of fires by drug users, and the assault of innocent citizens in public places in the immediate vicinity of the site.

(e) Environmental Sensitivity

- It is proposed that if the density can be expressed as tall buildings rather than short ones 70% of the site can be returned to its original state as Blue Gum High Forest and gardens which will integrate sensibly with that forest. The applicant will legally contract that this facility will be preserved from development in perpetuity and maintained by the Body Corporate of the proposed development.

- Part of the site is designated as part of the original Blue Gum High Forest.
- By developing the site at the same density using tall buildings instead of lower height buildings spread over several times the footprint it is possible to restore the endangered species, Blue Gum High Forest. This will provide expanded habitat for some of the fauna which still exists in nearby areas such as Sutton Forest, Avondale Golf Course, Rofe Park, Dalrymple Hay Forest and the Ku ring gai National Park.

(f) Local Council Issues

- Council issues have prevented Dent's Garden (1 and 1a Avon Rd) from being developed for over 100 years despite its appropriate zoning. The calling-in of the site and the appointment of the Panel have nearly resolved these issues and we should move forward.

Procedures

The applicant applied to Ku ring gai Council for rezoning in 1995 which, in 1998, was unanimously approved by the staff. The application was improperly (according to the Ombudsman, Irene Moss) rejected by Councillors at the end of 1998 and this contributed to the calling-in by the Minister. Council was involved in that call-in process and has been consulted in the present proceedings.

Council has had every chance to express responsible views about the development and has chosen on every occasion to improperly and irrationally oppose development.

Attached are two alternative developments at the same density by Architect Peter Dalton which show the advantages of tall buildings on the site, a site plan showing the boundaries of the site and the plan put on public exhibition by the Department in 2002.

Also attached Peter Dalton's letter of 4th September. It is superseded by this application, however it contains relevant information about density and our prior consultation with council staff and with the Ku ring gai Panel.

The project has a construction cost of over \$70m see above.

The development is permissible under the Town centres LEP, SEPP SL and SEPP 53.

The development is included in Schedule 2 to The Major Projects SEPP. This application should not be construed as consent to the removal of our site from that schedule.

The Council has defeated every development proposal for the central site since 1907 and most importantly refused medium density in the last two decades. It has not dealt with previous applications honourably. In short, that is why the site was called in by the Minister, first under SEPP 53 and now under Major Projects.

Yours faithfully,

Jim Neale.