5.0 Relevant Strategies and Development Policies

5.1 North Subregional Metropolitan Strategy

The NSW Government has prepared the draft North Subregional Strategy. The Subregional Strategy when finalised will guide land-use planning until 2031in the Hornsby and Ku-ring-gai local government areas. Key directions include:

- Improving access to a variety of housing choice in response to demographic trends
- Strengthening the subregion's Major Centre of Hornsby and enhancing local centres such as Epping and Gordon
- Improving public transport access to, from and within the subregion
- Managing rural and resource lands to protect them from inappropriate and incompatible uses
- Protecting the valuable environment and lifestyle of the subregion

The Metropolitan Strategy established a target of 21,000 additional homes within the North Subregion to 2031. The draft North Subregional Strategy aims to concentrate and strengthen the major centre, towns, villages and neighbourhoods and establish a balanced approach to accommodating more residential growth in existing urban areas over the next 25 years. The draft North Subregional Strategy notes

> *"Through the subregional planning process the two councils which comprise the North Subregion have reviewed the housing target and agreed on its distribution between the two local government areas."*

The housing targets for Ku-ring-gai Local Government Area (LGA) up to 2031 are 10,000 extra dwellings. The Draft Subregional Strategy notes that:

> *" Housing growth within the North Subregion over the next 25 years will be almost largely accommodated through urban consolidation. Greater housing choice will provide housing options for the changing (and ageing) population and provide more affordable forms of housing for those who work in the subregion.*

It further notes that:

> *"Future residential development will be focussed around centres, particularly along major transit routes. Concentrated housing growth in centres will allow for improved hosing choice, ensure that higher densities are located in close proximity to services and transport and lead to the creation of more interesting and vibrant places."*

The proposed development is consistent with the key directions in the Metropolitan Strategy and will assist in meeting the housing targets for Ku-ring-gai LGA.

5.2 NSW State Plan (2009)

The NSW Government has released the revised **NSW State Plan**. The State Plan is the NSW Government's long term plan to deliver the best possible services to the people of NSW.

It sets strong targets for better service delivery across the public sector in NSW. The priorities in the State Plan are a result of extensive consultation with the community, business and stakeholder groups.

The objectives and priorities of the State Plan are mirrored in the aims of the Metropolitan Strategy. Some relevant targets and priorities in the State Plan include:

Speed up planning decisions by:

Meeting planning benchmarks for timely processing of major project determinations and planning proposals.

Increase the number of jobs closer to home by:

Increasing the percentage of the population living within 30 minutes by public transport of a city or major centre in Metropolitan Sydney.

Improving housing affordability by:

Increasing the supply of affordable housing for low to moderate income households. In Sydney Metropolitan and Central Coast, provide capacity for 640,000 new dwellings between 2004-2031, including 445,000 in existing urban areas.

By increasing residential densities on the subject site, which is close to Pymble railway station, the proposal is consistent with the State Plan.

5.3 Urban Transport Statement

The **Urban Transport Statement** was released by the NSW State Government in November 2006. It contemplates a $660 million package of new and accelerated initiatives to address Sydney's present and future transport needs. The Statement is an action plan that responds to the growing transport challenges in Sydney as our population of 4.1 million is forecast to grow to more than 5 million within 20 years. It addresses the State Plan's key priorities of easing traffic congestion and increasing public transport use.

In summary, the Statement outlines a new direction for the planning and delivery of transport services in Sydney, with $660 million for new and accelerated projects along our busiest transport corridors and in areas that require improved services in the future.

The Statement provides for continuing a balanced investment in both road and rail, with investment in steady improvements across the whole transport system. It supports development in Sydney's new growth centres while also announcing projects

to improve congestion in existing built up areas where population growth will continue.

The Urban Transport Statement is consistent with the NSW State Plan, the Metropolitan Strategy, released in December 2005, and the State Infrastructure Strategy.

5.4 Planning for Bushfire Protection 2006

Planning for Bush Fire Protection 2006 is a revised NSW Rural Fire Service (RFS) publication outlining the required bush fire protection measures for development applications located on land that has been designated as bush fire prone.

Planning law in NSW now requires new development on bush fire prone land to comply with the provisions of Planning for Bush Fire Protection 2006.

Planning for Bush Fire Protection 2006 is intended for use by councils, town planners, NSW fire authorities, developers, planning and bush fire consultants, surveyors, and building practitioners (including accredited certifiers). The document incorporates legislative provisions and performance criteria, together with options for achieving compliance when building in a bush fire prone area. The document provides for a performance based approach to development through focusing on safer outcomes rather than simply meeting prescriptive requirements.

This approach to planning allows for considerable flexibility and innovation that links the bush fire hazard for a site with the implementation of appropriate bush fire protection measures. These bush fire protection measures must be addressed in any development applications located on bush fire prone land.

By incorporating bush fire protection measures into a development the 6 objectives of *Planning for Bush Fire Protection 2006* are addressed:

1. afford occupants of any building adequate protection from exposure to a bush fire;
2. provide for a defendable space to be located around buildings;
3. provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;
4. ensure that safe operational access and egress for emergency service personnel and residents is available;
5. provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ); and
6. ensure that utility services are adequate to meet the needs of fire fighters (and others assisting in bush fire fighting).

As the subject site is on bush fire prone land a Bushfire Hazard Assessment (See **Appendix 25**) has been prepared to ensure compliance with Planning for Bush Fire Protection 2006.

5.5 Development Near Rail Corridors and Busy Roads Interim Guidelines

This Guideline has been prepared to assist in reducing the health impacts of rail and road noise and adverse air quality on sensitive adjacent development.It assists in the planning, design and assessment of development in, or adjacent to, rail corridors and busy roads.

It supports specific rail and road provisions of the State Environmental Planning Policy (Infrastructure) 2007 (the 'Infrastructure SEPP'). The key objectives of these provisions are to:

- protect the safety and integrity of key transport infrastructure from adjacent development; and
- ensure that adjacent development achieves an appropriate acoustic amenity by meeting the internal noise criteria specified in the Infrastructure SEPP.

As noted in the Guideline, major roads and rail operations generate noise and vibration, and people living and working near major transport corridors can be adversely affected. In addition, major roads can impact on air quality due to the volume of traffic they carry. An aim of the Guideline is to assist in reducing the health impacts of rail and road noise and adverse air quality on sensitive adjacent development.

As noted above, the Infrastructure SEPP commenced on 1 January 2008 to facilitate the effective delivery of infrastructure across the State. One of the aims of the Infrastructure SEPP is to identify matters to be considered in the assessment of development adjacent to particular types of infrastructure.

The Infrastructure SEPP refers to guidelines which must be taken into account where development is proposed in, or adjacent to, specific roads and railway corridors under clauses 85, 86, 87, 102 and 103.This Guideline fulfils that purpose. For certain development near rail corridors, the Infrastructure SEPP also prescribes a requirement for concurrence from the rail authority, including specific matters that it must take into account before deciding whether to provide concurrence.

The Guideline notes that:

> *"Strategic planning should ensure that residential and other sensitive developments are sited so that the direct impacts of rail corridors and busy roads can be avoided or appropriately managed. By following the strategic planning and design recommendations in this Guideline, the need for mitigation measures at the site planning or building construction stage can be reduced or avoided all together."*

The Guideline further notes that:

> *"The need to provide environmentally sustainable and affordable housing for a growing population with smaller household sizes will require renewal of existing urban areas. This should only occur where adverse noise and air quality impacts of the road can be minimised and good quality high amenity residential developments are created.*
>
> *Ideally, new housing should be located near a centre, within walking distance of frequent public transport and away from direct traffi c and adverse noise levels."*

Sections 5 and 6 of the Guidelines provides design recommendations and mitigation measures for residential development adjacent to railway corridors.

The site's northern boundary adjoins the railway corridor and therefore the concurrence requirements of Railcorp and the provisions of this Guideline are relevant to the proposed residential flat housing development. As noted in **Section 7.3** of this EA, consultation with Railcorp has been undertaken to identify their requirements, as outlined in this Guideline. In accordance with Railcorp's requirements, development within 20 metres of the railway corridor has been designed to prevent any potential damage to the rail infrastructure/facilities. For instance Protective measures (such as glass balustrades, window stays, and operable louvers) will be incorporated at detailed design stage to windows and balconies within the 20m setback zone from the boundary of the rail corridor. In addition, fencing along the rail corridor is to be installed to prevent access to the rail corridor and also to inhibit any graffiti.

Additionally an acoustic assessment (**Appendix 28**) has been undertaken to ensure that the proposed development achieves an appropriate acoustic amenity by meeting the internal noise criteria specified in the Infrastructure SEPP.

5.6 Ku-ring-gai DCP 2010

Council on 8 June 2010 adopted the Ku-ring-gai Development Control Plan (Town Centres) 2010 (DCP). The DCP provides detailed controls to guide the design and assessment of development on land in and around the St Ives, Turramurra, Pymble, Gordon, Lindfield and Roseville centres. The DCP came into operation on 11 June 2010 and applies to all land covered by the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

The DCP in Part 4 also provides general controls for development including:

- Development near rail Corridors and Busy Roads;
- Landscape
- Biodiversity and Bush Fire Management
- Earthworks; Green Buildings
- Materials, Finishes and Colours
- Sustainability of Building Materials
- Roof Terraces and Podiums, Vehicle Access
- Basement Carparking and Visitor Carparking
- Parking for people with a disability
- Bicycle Parking and facilities
- Building Services
- Construction Demolition and Disposal

- Waste Management
- Land Contamination; and
- Social Impact.

Other relevant parts of the DCP that have been taken into account in the design of the proposed development include:

- Part 5 Water Management
- Part 6 Riparian land Controls
- Part 7 Biodiversity Controls
- Part 8 Vegetation Presentation
- Part 9 Heritage and Conservation Areas.

In relation to the subject site, the DCP specifically provides in **Section 3.C6** that the proposed development should be designed in accordance with the general controls and design guidelines under SEPP 53, stating

> *1.This section applies to the land comprising Nos 1A, 1, 5 and 7 Avon Road, No 1 Arilla Road, No 12 Mayfield Avenue and Nos 2-8 Beechworth Road, Pymble (identified as Site 2 Development controls and design guidelines—six SEPP 53 sites in Ku-ring-gai):*
>
> *2.Development for the purposes of medium or high density residential development on these sites must be in accordance with the design principles and control drawings for Site 2 and the general controls and guidelines in the Development controls and design guidelines—six SEPP 53 sites in Ku-ring-gai dated January 2003, prepared by the Department of Planning.*
>
> *3.If a development application is made in respect of part of this site:*
>
> *i) The consent authority must take into consideration the effect that the proposed development will, or is reasonably likely to have on the ability to develop the remainder of the site in the manner described in Development controls and design guidelines—six SEPP 53 sites in Ku-ring-gai, and*
>
> *ii) The consent authority must not grant development consent to the development application if the consent authority is of the opinion that the granting of consent would, or would be reasonably likely to, have a significantly adverse effect on the ability to develop the remainder of the site in the manner described in Development controls and design guidelines—six SEPP 53 sites in Ku-ring-gai.*

The relevant DCP 2010 controls are addressed below.

Streetscape

The number of buildings on the site has been deliberately limited in order to maximise the retention of significant trees, deep soil planting and the landscaped setting, which are critical elements in the local streetscape character and residential amenity in Pymble.

As the Ku-ring-gai Sites Report did not set building footprints that allowed for the retention of the heritage items on the site they have not been incorporated within the proposal. The design of the proposed buildings has taken into account surrounding heritage items, as discussed in the Heritage Impact Statement in **Appendix 22**. This report concludes that:

> *"The overall development proposal for Site 2, which would necessitate the proposed demolitions, appears to have taken into account the topography of Site 2 by placing the proposed higher buildings on the lower ground of the site. This would tend to lessen the impact of the taller buildings on the surrounding streetscape.*
>
> *The progressive stepping back of the Avon Road façade and the modulation of the facades with a variety of building elements so as not to have long expanses of flat walls would, in our opinion, reduce the apparent bulk and scale of the proposed Stage 1 building, especially from Avon Road. The pattern of horizontal and vertical architectural elements within the facades would, in our opinion, go some way towards relating the proposed building to the surrounding built environment. The proposed roof gardens would tend to further reduce the apparent scale and bulk of the building by blurring and softening the edges of the higher apartments. The materials and colour palette of the proposed Stage 1 building appears, in our opinion, to be appropriate to the surrounding streetscape as discussed above.*

Visual and Acoustic Privacy

In the design of the proposal, great care has been taken to locate the buildings primarily toward the northern section of the site, adjacent to the railway, and away from the majority of neighbouring properties to the south and west of the site. Where possible, windows and balconies of buildings, are generally oriented away from neighbouring properties. The vegetation in the riparian corridor and the retention of the mature trees adjacent to the proposed buildings provides an effective screen for privacy for most neighbours to the west of the development.

In relation to acoustic privacy and train noise, the Acoustic Report in **Appendix 28** concludes that:

> *"a number of building facades will require sound-rated glazing in order to achieve indoor rail noise levels that satisfy the acoustic requirements of the Department of Planning Guideline document. Sound-rated windows have been recommended; each of these rooms will also require alternative fresh air ventilation. A number of possible systems for alternative ventilation were presented in the Report.*
>
> *In conclusion it has been found that rail noise levels are not particularly high at the site and that the Director General Requirements can be met in a relatively straightforward manner."*

Solar Access and Design for Climate

The shadow diagrams for the proposal attached in **Appendix 19 and 20**, indicate that, where it is possible, the main living areas and substantial areas of private open space of neighbouring properties receive at least 3 hrs of direct sunlight for the vast majority of the year using an alternate site design to the Ku-ring-gai Reference Plan.

As detailed in the Design Statement for Stage 1 in **Appendix 7**, the layout of the apartment buildings within the proposal has been typically designed to maximise natural lighting, solar heating and ventilation. It is important to note in this regard that there is more than just one way to design a building that fulfils ESD objectives. The proposal incorporates greater building separation than permitted by the Ku-ring-gai Reference Plan, thus allowing greater penetration of sunlight between buildings and larger communal open spaces with greater solar access.

Crime Prevention

The Stage 1 building fronting Avon Road incorporates balconies off living areas oriented to the street and also overlooking entry points where possible.

The shared ground floor foyer entries provided serve as main entries to all dwellings for each building. This is considered safer as they are more frequently used than an entry serving only a few dwellings. As a result, better passive surveillance of the entry area is achieved. An intercom system will be provided for each building allowing residents to control and monitor the entry of visitors. Access to each floor can also be controlled via key card access to each floor using the lift and stairs. An intercom system can also be installed that will allow residents to identify visitors and control their access.

Accessibility

As noted in the Access Report (see **Appendix 34**) the access and adaptability review of the development demonstrates compliance with the relevant objectives and requirements of SEPP 65 and Council's DCP.

Bicycle parking areas are provided in the basement parking levels with easy access via the access ramps to Avon Road, Arilla Road or Beechworth Road, as relevant.

Bus and rail services are in close proximity to the site, centred around Pymble Station.

Where possible, pedestrian paths are separated from driveways. Making the internal roads access driveways rather than public streets ensures that these driveways only service resident and visitor traffic rather than through traffic. This ensures that the environment within the development is attractive and safe for pedestrians, cyclists and motorists with convenient access and parking for residents and visitors. The design presented in the subject proposal is, in fact, considered to be a safer solution by avoiding potentially heavy through traffic generated by PLC School utilising the Avon Rd / Beechworth Rd link that is now not proposed.

Disabled access is achieved to all buildings and car parking and to communal open space where possible. There is level access from both the entry points to Stage 1 on Avon Road. The pedestrian entry at the northern end is level to the ground floor

(RL140.00), as is the entry to the basement garage (RL136.70). Note that the footpath slopes at approximately 1:10 across the site due to the grade of Avon Road.

From the north end of Avon Road, there is level access through the gate and into the lobby. Two lifts provide accessible paths of travel to all levels of the development. There is barrier free access to all the apartment entries.

Eight accessible car spaces are provided in the garage. Six are on Basement Level 1, and two on Basement Level 2.

There are six adaptable units provided in Stage 1. There are three on the ground level and one each on levels 1,2, and 3.

Visual Bulk

Residential character and the amenity of neighbours has been preserved by reducing the number of flat buildings on the site from the 9 buildings required under the Ku-ring-gai Reference Plan to 5 buildings in the current proposal. In addition, the decision was taken to place higher priority on preserving the amenity of neighbours than adding a new public street through the site linking Avon Road with Beechworth Road. By not including this new street, it has been possible to locate more buildings adjacent to the railway, in the centre of the site and away from the majority of neighbouring dwellings to the south and west of the site. The higher proposed building elements are located the furthest away from adjoining properties whilst building elements that are closer to adjoining properties are lower in order to reduce bulk and overshadowing.

The reduction in the number of buildings and elimination of public streets through the site creates greater opportunity to preserve more mature trees on the site. The lower elevation of the centre of the site and the greater number of mature trees between 35m and 50m in height also assist in reducing the apparent scale and bulk of the proposed buildings as well as screening them from adjoining properties.

With the notable exception of the 23m setback from the railway, in most instances, setbacks from adjoining properties have been increased and separation between proposed buildings on the site have also been increased, when compared to the Ku-ring-gai Reference Plan. This allows for better privacy to neighbours and better screen landscaping opportunities both between proposed buildings and neighbouring properties and also between proposed buildings on the site. Heights of proposed buildings gradually fall across the site towards the low point of the site in the southern corner.

It is not practicable to try to make a flat building exactly the same scale as a dwelling house. What has been done along the Avon Road frontage with the Stage 1 building is to restrict the height to 4 storeys at the street frontage with 5 and 6 storey elements set back from the street to provide transition from higher buildings deeper back in the site to the dwellings fronting Avon Road. Given that the Town Centres LEP sets a maximum height for the section of the subject site adjacent to Avon Road as being 17.5m or 5 storeys with a maximum height of 23.5m or 7 storeys in the remainder of the site, this is considered to be consistent with the desired future character for the area and providing a reasonable transition in scale from the proposed apartment buildings to the 1 and 2 storey dwellings fronting Avon Road on adjoining properties.

No buildings are proposed to be located on any boundaries.

Taking into account the above, it is considered that the proposal has been designed in a manner that is totally consistent with the design principles of the Ku-ring-gai Sites Report relating to visual bulk. Indeed, it is considered that in varying the building envelopes of the Ku-ring-gai Reference Plan, the proposal actually is more responsive to the these design principles and the characteristics of the site than the Ku-ring-gai Reference Plan envelopes.

The proposed development is considered to be consistent with relevant Site Specific Design Principles in the Ku-ring-gai Sites Report, which are also assumed to be underlying objectives of the Ku-ring-gai Reference Plan, for the following reasons:

- The subject proposal has not incorporated the new public streets required in the Reference Plan as it is considered that, given that the site has been identified as containing remnant BGHF, the need to add to the local road network is a much less important design principle than maximising the number of significant trees on the site, maximising deep soil zones and landscaped area. Keeping the amount of hard paved area to a minimum reduces runoff into the watercourse and assists in improving stormwater filtration and water quality in the riparian watercourse. Reducing the number of buildings on the site from 9 to 5 allows for the opportunity to add a considerable amount of additional landscaped area in the south-west corner of the site that connects to the riparian zone. The greater the amount of contiguous landscaping around the riparian watercourse area, the greater the value and ecological functioning of this zone. It also presents a greater opportunity to create pleasant landscaped spaces immediately adjacent to the riparian zone for enjoyment by residents and visitors.
- As stated above, it is considered that extending the local road network into the site conflicts with more important design principles relating to maximising unbuilt upon area, deep soil planting and retention of trees. This is particularly important given the presence of the riparian zone and remnant BGHF on the site. The rehabilitation of the BGHF is likely to be more effective if the new public streets in the Ku-ring-gai Reference Plan are not constructed on the site. In this regard, reference is made to Clause 1(7) of Schedule 4 of SEPP 53, which permits variations to the Ku-ring-gai Reference Plan if it is necessary in order to conserve threatened ecological communities, such as BGHF. It should also be noted that Ku-ring-gai Council would ultimately be responsible for the maintenance of this new public street and it has advised that it does not want this street to be constructed. The submitted Traffic and Parking expert report in **Appendix 26** also does not support the case for new public streets through the site. Given that Design Principle 2 inherently conflicts with Design Principle 1 above, the wording of this clause makes it clear that Design Principle 1 must take priority, thus we regard Design Principle 2 as not relevant in this case.
- Refer to comments responding to Design Principle 2 above and advice from Ku-ring-gai Council that it does not want new public streets through the site. The creation of new public streets throughout the site necessitates a greater amount of native tree removal than making these streets access driveways, as proposed. This reduces the quality of BGHF that can be provided on the site due to a reduced area of deep soil planting and a reduction in the potential BGHF tree canopy. Such compromises do not appear to be justified or necessary. Thus we regard Design Principle 3 as not relevant in this case.

- A transitional scale has been used within the proposed development to link the higher density development on the northern side of the railway (Clyde Gardens and Avondale) to existing dwellings south and west of the site. This can be clearly seen in the West Elevation, East Elevation and Section A-A in the Concept Plan drawings attached as **Appendix 8**. Section A-A in particular clearly shows that the gutter RL for Clyde Gardens is RL 174.6 and the highest proposed building on the development site (the Stage 4 building) has a roof RL of RL 172.0. This then steps down to the Stage 2 building roof RL of RL160.0 and then stepping down again to the Stage 3 building roof RL of RL155.0. The height of the Stage 3 building then progressively steps down towards the south-western end of the site where the majority of adjoining single dwelling properties are located. In contrast, the Ku-ring-gai Reference Plan building envelopes achieve this transition in scale across the site far less effectively than the proposal.
- The character of Avon Road and Beechworth Road is effectively reinforced by the proposal by adopting the established setback on Avon Road and with proposed landscaping. In fact, a greater amount of landscaping and deep soil planting is able to be achieved on the site compared to the Ku-ring-gai Reference Plan building envelopes. The proposal therefore more successfully achieves this Design Principle.
- Given the above, it is clear that, notwithstanding the non-complying elements in the proposal, the development otherwise achieves the relevant underlying objectives of the deemed development standards in the Ku-ring-gai Reference Plan, where they do not conflict with the overriding objective identified in Clause 1(7) of Schedule 4 of SEPP 53 - to ensure the continued conservation of the critically endangered ecological community of BGHF.

Riparian Land Controls

The Council's Riparian Land Controls under DCP 2010 have been prepared in order to ensure the protection and remediation of the urban streams within the local government area. The natural drainage channel, that is referred to in the BECD's of the Ku-ring-gai Sites Report as a "riparian zone" is not, in fact a riparian zone for the purposes of the Water Management Act as the proposal is a Project Application under Part 3A of the EPA Act. The natural drainage course is also not mapped as a watercourse on the Lands Department topographical map. However, it is identified under Ku-ring-gai Council's Riparian Policy as a Category 3 Riparian Zone - Bank Stability and Water Quality. The Category 3 status is also mapped in the Town Centres LEP.

For Category 3, Table 1 of the Policy, entitled *"Summary of riparian management objectives"* indicates that a core riparian zone with a minimum width of 10m measured from the top of both banks of the watercourse. The Policy notes that the core riparian zone cannot be considered as part of the bushfire protection zone. This conflicts with the need to develop the land in accordance with the requirements of SEPP 53 and the need to ensure that the property complies with the requirements of Planning for Bushfire Protection 2006, which would require the whole site to be managed for bushfire mitigation.

Requiring strict compliance with the Riparian Policy in regard to bushfire management would make it impossible to develop the site in accordance with SEPP 53. This conflict means that the provisions of SEPP 53, as a SEPP, override the provisions of this policy. The development facilitates the weeding of the riparian area and restoration and replanting with BGHF species, albeit in a managed and modified form that facilitates an overall improvement in the biodiversity potential of the site, the water quality of the drainage course and the continued survival of a BGHF vegetation community on the site. It also reduces the risk of bushfire to the subject site and adjoining sites. Refer to the submitted VMP for further detail in **Appendix 18**.

Whilst the Riparian Policy has admirable objectives, it is simply not ethical to set riparian requirements for a highly modified, previously cleared and weed infested residential property that inevitably conflict with bushfire hazard reduction requirements and not vary these riparian requirements as necessary where the constraints of the site do not allow for strict compliance. The solution offered in the subject proposal aims to obtain the best workable and achievable result for both ecological outcomes and bushfire hazard reduction.

In accordance with the Riparian Policy, no development is proposed within the "riparian zone" which is in fact extended in the proposal beyond that provided under the BECD's of the Ku-ring-gai Sites Report, particularly in the south-west corner of the site. The proposal is considered to facilitate and meet the aims of the Riparian Policy which cannot be implemented on the site unless the development is approved.

Biodiversity Controls

As required under the Biodiversity controls in DCP 2010 a flora and fauna assessment of the site has been carried out by Aquila Ecological Surveys and is included in **Appendix 24**.

This report concludes:

> *"A flora and fauna assessment has been undertaken of the proposed residential development site at 1, 1a & 5 Avon Road, 1 Arilla Road and 4 & 8 Beechworth Road, Pymble. It was found that the State listed critical endangered ecological community, Blue Gum High Forest, occurs on part of the site, as single trees or groups of trees without an intact understorey are included in the definition of this community.*
>
> *It was also found that the State-listed threatened fauna species Powerful Owl, Grey-headed Flying-fox, Eastern Freetail-bat and Common Bent-wing Bat are likely to occasionally inhabit the subject site. Of these, the Grey-headed Flying-fox is also listed federally.*
>
> *An assessment of the likely impacts of the proposed development was undertaken with reference to the draft guidelines for threatened species assessment of Part 3A activities. From this assessment process it was concluded that the objectives of the draft guidelines would be met. The proposed development provides the opportunity to eradicate the extensive weeds that have invaded the site and plant the degraded drainage line with native riparian plants. Whilst the proposal will result in the loss of eight Blue Gums, three Turpentines and one Blackbutt it is proposed to replace these trees*

with a much greater number of these and other Blue Gum High Forest plant species, as detailed in the Vegetation Management Plan prepared by Urban and Rural Management (2009). ***By clearing the site of weeds and maintaining it as required by the Bushfire Hazard Assessment Report, the remnant trees retained in the development have a better chance of survival than in the present degraded environment.*** *(Our emphasis)"*

Vegetation Presentation

In relation to Vegetation Presentation, Landscape Concept Plans for the overall site and for the Stage 1 development are included in **Appendix 17**. The remediation of the site, its landscape treatment and ongoing management, is an important aspect of the proposal.

At present, the site is highly degraded and largely infested with weeds. This requires considerable remediation in order to remove the invasive weed species. The park like character of the site and the vistas to/over the existing trees are important characteristics of the site that are intended to remain largely intact following development of the site.

For the amenity of the residents it is therefore very important to repair, maintain, and improve the landscape of the site so that the outlooks and screening to adjacent properties are retained and enhanced.

Water Management

A stormwater and flood study has been prepared by MYD Consulting Engineers (refer **Appendix 13**) to determine the 100 year ARI water surface levels (WSL) and to assess the impact of the proposed development on the flooding conditions.

By minimising the number of buildings proposed on the site to 5 buildings, deep soil and on-site filtration of water has been maximised. The Stormwater Report concludes that with on-site detention, stormwater leaving the site will be retained at pre-development conditions and velocity and water depth will be improved. It was also found that water quality downstream would not be adversely affected, provided the recommendations of the report are implemented.

Waste Management:

The development has been designed to include garbage chutes in each building and waste collection facilities in the basement level. The development has also been designed to enable waste collection, by Council and/or contractor, to occur fully entirely within the basement area. A Waste Management Plan has been prepared by the project architects and is attached in **Appendix 33.**

5.7 Local Development Contributions

The subject site is covered by the Ku-ring-gai Council Section 94 Contributions Plan 2004-2009 Residential Development (Amendment 2) which came into force on 30 July 2008.This Plan first commenced operation on 30 June 2004. It was amended in 2007 and Amendment 1 commenced operation on 19 October 2007. A second minor amendment to bring occupancy rates into line with the Town Centres Development Contributions Plan to allow differential rates for dwelling houses, medium and high

density dwellings was co-exhibited with the Town Centres Development Contributions Plan and came into operation on 30 July 2008.

The Contributions Plan enables Ku-ring-gai Council to levy development contributions where anticipated new development and growth of the resident population will increase the demand for these services and facilities over and above those already available in the Local Government Area.

Facilities for which contributions are collected for include:

- Community facilities.
- Recreation facilities and open space.
- Traffic, pedestrian and cycleway facilities and public domain improvements.
- Plan Administration

A maximum contribution of $20,000 per unit can be levied. The Department of Planning in consultation with Ku-ring-gai Council's Section 94 Contributions Planner will place an appropriate conditions on any approval granted in relation to the contributions for the proposed development.

The Section 94 Contribution below has been calculated in accordance with the unit mix provided by the project architect's (see **Schedule 1**). Based on Ku ring gai Council's Contributions Plan, in force at the date of calculation, the following contributions would be applicable:

Table 5 Section 94 Calculation

Number of Units	Contribution per bedroom	Section 94 Contribution
153 x 1 bedroom units	$11,100.54	$1,698,382.62
154 x 2 bedroom units	$15,749.49	$2,425,421.46
48 x 3 bedroom units at	$19,639.42	$942,692.16
Total Gross		**$5,066,496.24**
Deduction for 5 x 5+ bedroom existing dwelling houses	$36,527.42	**$182,637.10.**
Total Net Contribution		**$4,883,859.14***

*The above was calculated in accordance with the Contributions Plans that were in force in Ku-ring-gai as at the date of calculation (October 2010) and may not be applicable at the date of consent".

There is no Voluntary Planning Agreement proposed as part of the development.

6.0 Director General's Requirements

The Director General of the Department of Planning issued the Environmental Assessment Requirements (DGR's) for the) for the project on 11 February 2009. A copy of the DGR's is contained in **Appendix 1**.

Below is a summary of the individual matters listed in the DGR's and where these are addressed in the report or supplementary material.

Table 6 Assessment against the Director General's requirements

General Requirements		
1	Executive Summary	See EA
2	Description of the proposal Site description	Section 3.0 of EA
3	Assessment of environmental impacts	Section 8.0 of EA
4	Statement of validity	See EA
5	Consultation	Refer to Section 7.0 of EA
Key Issues		
Relevant EPI's and Policies		
6	EP&A Act	Refer to Section 4.8 of EA
7	SEPP 53	Repealed - Refer to Section 4.1 of EA
8	SEPP 55	Refer to Section 4.4 of EA
9	Ku-ring-gai Planning Scheme Ordinance	Repealed
10	Ku-ring-gai Council's Town Centres LEP	Refer to Section 4.8 of EA
11	Ku-rin-gai DCP 2010	Refer to Section 5.6 of EA
12	North Subregional Metropolitan Strategy	Refer to Section 5.1 of EA
13	NSW State Plan	Refer to Section 5.2 of EA
14	Urban Transport Statement	Refer to Section 5.3 of EA
15	Planning for Bushfire protection 2006	Refer to Bushfire Hazard Assessment in Appendix 25 of EA and Section 5.4 and 8.12 of EA

16	Development near Rail Corridors Interim Guidelines	Refer to Section 5.5 and 8.17 of EA
17	Infrastructure SEPP	Refer to Section 4.3 of EA
Environmental assessment		
19	Built form	Refer to Section 8.2 of EA, Design Statements in Appendix 6,Photomontages in Appendix 9
20	Urban Design	Refer to photomontages in Appendix 11 and Section 8.3 of EA
21	Isolated sites	Refer to Section 8.4 of EA
23	Aboriginal heritage/Archaeology	Refer to Aboriginal Heritage Report in Appendix 23 and Section 8.5 of EA
24	Heritage	Refer to Statement of Heritage Impact in Appendix 22
25	Environmental and Residential Amenity (ie acoustic and visual privacy and SEPP 65)	Refer to SEPP 65 assessment by architects in Appendix 7 and Acoustic Assessment in Appendix 28
26	Transport and accessibility Transport/traffic study	Refer to Traffic Report in Appendix 26
27	Rail Impacts	Refer to Section 8.17 and 7.3 of EA and Acoustic Assessment in Appendix 25
28	Bushfire	Refer to Section 8.12 of EA and Bushfire Hazard Assessment Report in Appendix 25
29	Flora and fauna	Refer to Section 8.13 of EA and Ecological (Flora and Fauna) report in Appendix 24
30	Landscape	Refer to Section 8.14 of EA, VMP in Appendix 18 and Landscape Plans in Appendix 17

31	Geotechnical and Hydrological	Refer to Geotechnical report in Appendix 15
32	Construction Impacts	Refer to Section 8.19 of EA
33	Ecologically Sustainable Development (ESD)	Refer to EA Section 8.16 and Basix/ABSA Certificate in Appendix 12
34	Drainage and Flooding	Refer to Stormwater and Flood Report in Appendix 13
35	Contamination	Refer to contamination report in Appendix 27 and discussion of SEPP 55 in Section 4.4 of EA
36	Utilities	Refer to reports in Appendix 16

7.0 Consultation

7.1 NSW Department of Planning

Several meetings have been held with the Department of Planning (DoP) and the applicant's consultants to discuss the proposed development prior to and during preparation of the application. At a meeting held on 1 September 2009 the project architects presented a variety of sketch options for the site including various options for 3 to 8 buildings on the site. At this meeting the project architects indicated that the maximum height adopted for these options is that no building be higher than Clydesdale/Avondale developments.

A further meeting was held with the DoP on 13 October 2009.

7.2 Ku-ring-gai Council

Over many years (dating back to 1980) the site has been subject to public consultation through Ku-ring-gai Council and the Department of Planning.

The site or parts of it have been the subject of various Development Applications requiring public exhibition since 1980. Attached in **Appendix 30** is a summary/chronology of this consultation, prepared by the owner of the site.

The town planners for the current Part 3A Application have contacted Ku-ring-gai Council to arrange a meeting with them to present and discuss the current proposal. However, to date, Council has failed to respond to this request for a meeting.

7.3 Rail Corp

A meeting was held with RailCorp on 2 November 2009 (minutes attached in **Appendix 31**) to present the proposal and request feedback on the design, in particular, the proposed setbacks from the railway corridor. At this meeting Railcorp advised:

- that protective measures would be required to windows and balconies within the 20m setback zone from the boundary of the rail corridor.
- RailCorp will provide details of enclosure techniques used in similar situations. Some examples included glass balustrades, window stays, and operable louvres.
- The extent of protective measures (levels above railway RL) is to be confirmed. AMW to provide a cross-section drawing to RailCorp.
- Comment should be made in the application about existing drainage from the railway corridor to the site. Civil engineering and landscaping to take into account water run-off during storm events. RailCorp suggested baffles or alike to contain the water and prevent erosion.

- RailCorp is seeking to avoid potential issues with future residents if and when overland flow occurs from the rail corridor.

- RailCorp advised that potential corrosion by electrolysis from RailCorp infrastructure should be noted - especially stages 2, 4,& 5.

- Some protective measures include: increased density to concrete structure, non-metallic piping (rather than copper).

- Geotechnical report will be required for stages 2, 4, & 5. Rock anchers (temporary and permanent) will not be permitted into rail corridor.

- During construction scaffolding exposed to the rail corridor will require mesh protection to prevent building materials coming into the rail corridor. Crane over-swinging the rail corridor will not be permitted.

- Derailment protection risk assessment will require a risk assessment. This is likely to be a condition of an EA to the detailed application to stages 2, 4, & 5. Note that derailment risk is assessed by the distance from the tracks to any built form.

- Derailment protection measures include the strengthening of structural elements deemed to be subject to increased risk.

- Fencing along the rail corridor is to be installed to prevent access to the rail corridor and also inhibiting any graffiti.

- Railcorp offered the suggestions of planting in front of the fence. Pailing type fences may also be suitable but not as effective in reducing noise.

- Additional survey information may be required to locate the tracks (for the derailment assessment). The surveyor should contact RailCorp in order to comply with the appropriate protocol for access to the rail corridor.

7.4 NSW Dept of Environment, Climate Change and Water

In relation to consultation with the NSW Department of Environment, Climate Change and Water, the town planners for the applicant contacted DECC's officer, Mr Richard Bonner on 2/11/09 and requested a meeting to present the proposal and seek comments from this department. It was also suggested that the meeting occur on-site. However, Mr Bonner declined the request on 4/11/09 after discussing the matter with DOP officers. He stated that the DECCW had already made their comments in regard to the DGR's and that there was nothing to add at this stage. These commented from the DECC were incorporated into the DGR's and the DGR matters have been addressed within the body of this report in full.

7.5 Neighbouring Residents

The site has a long history of consultation with Ku-ring-gai Council including community input. See comments in **Section 7.2** above and **Appendix 30**.

The local community is aware that the site has recently been rezoned as part of the Ku-ring-gai Town Centres LEP to allow for high density residential flat buildings. The proposal will be notified by the Department of Planning NSW in accordance with the requirements of Part 3A of the Environmental Planning and Assessment Act,1979. This will include the availability of all submitted documentation on the Department's website for downloading and analysis by any potentially affected or concerned residents.

The development has been designed to be generally compliant with all relevant planning controls for the site. Accordingly, it is a form of development that is anticipated for the site.

7.6 Consultation Strategy

Consultation has been undertaken with various stakeholders, which has guided the process and the design of the development. During the preparation of the application, State and local agencies were contacted for comments and input into the proposal. Comments from those agencies who responded have been addressed in the EA or the design of the proposal.

Further consultation can take place as part of the formal exhibition of the Project Application under Part 3A of the Act, as detailed in the Consultation Strategy which is included in **Appendix 32.**

8.0 Environmental Assessment

8.1 Planning and Policies

With regard to the applicable planning provisions, the subject site is zoned Residential R4 High Density Residential under the Ku-ring-gai Town Centres LEP 2010. Residential flat housing became permissible on the site in 2002 pursuant to the provisions of Amendment 7 to SEPP 53.

The density changes of properties located on the Pacific Highway or near transport hubs that were brought about by Ku-ring-gai LEP 194 and the commencement of the operation of the Ku-ring-gai Planning Panel and their development of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 (Town Centres LEP) have influenced change in more recent times in the planning provisions governing the density and height of sites such as the subject site. As a statutory planning instrument, the (Town Centres) LEP, perhaps more appropriately, does not set a very specific set of building footprints and envelopes across the site that must be complied with, as was done in the Ku-ring-gai Reference Plan. Instead, the LEP sets basic density and height controls across the site leaving the detailed site layout and building design to the applicant to best determine, based on detailed site analysis.

The identification of the subject site in the Town Centres LEP 2010 as suitable for residential flat development is reflective of its location near the Pymble town centre and railway station and the very large size of the site. It is also reflective of the transition currently occurring in the area around Pymble with the introduction of a number of new apartment developments adjacent to Pacific Highway and in Avon Road and Clydesdale Place, just to the north of the site.

The Site Analysis undertaken by the project team identifies the existence of remnant regrowth BGHF on the site, particularly adjacent to the small creek/drainage line bisecting the site, allows for the opportunity to thoroughly weed this area and re-plant with species consistent with BGHF in order to ensure the continued survival of BGHF on the site as well as removing the spread of weeds both on-site and seeds of noxious species being carried to properties downstream and ultimately to the Lane Cove River. Given the significant extent of weed infestation and the size of the site, this will require significant funds to implement. The development of the site creates the opportunity to fund this work without creating an unreasonable financial imposition on the property owner.

8.2 Built Form

In terms of built form, the number of buildings on the site has been deliberately limited in order to maximise the retention of significant trees, deep soil planting and the landscaped setting, which are critical elements in the local streetscape character and residential amenity in Pymble.

The residential character and the amenity of neighbours has been preserved by reducing the number of flat buildings on the site from the 9 buildings required under the Ku-ring-gai Reference Plan to 5 buildings in the proposal. In addition, the decision was taken to place higher priority on preserving the amenity of neighbours than adding a new public street through the site linking Avon Road with Beechworth Road. By not including this new street, it has been possible to locate more buildings adjacent to the railway, in the centre of the site and away from the majority of neighbouring

dwellings to the south and west of the site. The higher proposed building elements are located the furthest away from adjoining properties whilst building elements that are closer to adjoining properties are lower in order to reduce bulk and overshadowing.

The reduction in the number of buildings and elimination of public streets through the site creates greater opportunity to preserve more mature trees on the site. The lower elevation of the centre of the site and the greater number of mature trees between 35m and 50m in height also assist in reducing the apparent scale and bulk of the proposed buildings as well as screening them from adjoining properties.

With the notable exception of the 20m setback from the railway, in most instances, setbacks from adjoining properties have been increased and separation between proposed buildings on the site have also been increased, when compared to the Ku-ring-gai Reference Plan. This allows for better privacy to neighbours and better screen landscaping opportunities both between proposed buildings and neighbouring properties and also between proposed buildings on the site. Heights of proposed buildings gradually fall across the site towards the lowpoint of the site in the southern corner.

It is not practicable to try to make a flat building exactly the same scale as a dwelling house. What has been done along the Avon Road frontage with the Stage 1 building is to restrict the height to 4 storeys at the street frontage with 5 and 6 storey elements set back from the street to provide transition from higher buildings deeper back in the site to the dwellings fronting Avon Road. Given that the Town Centres LEP sets a maximum height for the section of the subject site adjacent to Avon Road as being 17.5m or 5 storeys with a maximum height of 23.5m or 7 storeys in the remainder of the site, this is considered to be consistent with the desired future character for the area and providing a reasonable transition in scale from the proposed apartment buildings to the 1 and 2 storey dwellings fronting Avon Road on adjoining properties.

All buildings are proposed to be set back well from the boundaries.

Taking into account the above, it is considered that the proposal has been designed in a manner that is consistent with the design principles of the Ku-ring-gai Sites Report relating to visual bulk and built form. Indeed, it is considered that in varying the building envelopes of the Ku-ring-gai Reference Plan, the proposal actually is more responsive to the these design principles and the characteristics of the site than the Ku-ring-gai Reference Plan envelopes.

8.3 Urban Design

The proposed development is a well mannered and sympathetic design form that fits well into its environment. In terms of the urban design concept, the project architects have advised:

> *"The design concept is to produce high quality apartment housing in a landscaped, park like, environment, responding to the immediate context of residences around the site as well as the larger locality of Pymble and the North Shore.*
>
> *An important consideration in the development is that of scale. Being larger than normal residences all apartments must take scale into consideration in order to appropriately relate to the context, individual residents, visitors, and people who reside or are users of spaces nearby the building. In order to respond appropriately to this, the stage 1 development utilises several different strategies in order to present an appropriate scale.*

First, the mass of the building is articulated due to the compositional strategy of the apartment modules. This compositional strategy avoids long expanses of flat walls which are potentially difficult to relate to adjoining view points. As presented, the articulation of the development demonstrates the numerous modules that make up the building.

Second a semi-abstract tree motif has been introduced in to the balcony structure. The subtle tree motif acts to provide support to the balconies as well as enclosure for the residents of the apartments. Rather than the ubiquitous open glass balconies, a user-adaptable system of bi folding aluminium screens is provided to allow a variability of privacy. A prefabricated steel balustrade is located within the aluminium screens. As a contrasting alternative, there are concrete and hybrid balustrade treatments including a small proportion of balconies are glass with a partial concrete upturn.

From the outside the fine elements of the screen and balustrades are analogous to the fine branches and leaves of the eucalypts and angophoras on the site and in the area. The thicker support elements function as the trunk and branches providing the structure and contrast to the finer elements.
Third a differentiation of material and texture is used to provide a vertical stratification as well as human scaled elements in accessible areas. A clear palette of materials and architectural language gives definition and character to each part of the building. However, the palette and language is carefully ordered to ensure a cohesive assemblage.

The vertical stratification of the proposal roughly follows the classical tripartite order of heavy base, middle, and lighter top. At the ground level heavy masonry and stone elements are used in massive forms. The middle layer is lighter with a textured render. The balcony forms inhabit the middle layer becoming finer and lighter at high levels. The top layer is predominately glass forms to the perimeter. The balconies have some solid elements but are kept separate from the roof form. Rooftop gardens and terraces bring plants and vegetation to the top of the building further softening the edges.

A further consideration in the design of the proposal is the use of an apartment module. Using a long aspect rectangular base form (8.5x17.5m), the apartment module allows the efficiencies of a repeated element while providing suitable flexibility for different apartment layouts (studio, 1 bedroom, 2 bedroom, 3 bedroom, and adaptable 1, 2, and 3 bedrooms). The long frontage also offers a superior amenity to the residents as the critical rooms (such as living spaces and bedrooms) are located along the perimeter, typically with direct access to a balcony. On corner apartments, the living areas occupy the corner segment so that residents can enjoy the amenity of two aspects.

All plant is concealed within the overall building form, allowing an animated roofline contrasting elements of built form with the roof garden.

8.4 Orphan Sites

As noted previously, Clause 1(4)(b) of Schedule 4 of SEPP 53 states the following:

> *"(b) the consent authority must not grant development consent to the development application if the consent authority is of the opinion that the granting of consent would, or would be reasonably likely to, have a **significantly adverse affect** on the ability to develop the remainder of the site **in the manner described** in the Ku-ring-gai Reference Plan or the Ku-ring-gai Sites Report." (our emphasis)*

The intent of the above clause is to encourage development that allows all of the properties identified as being within the land described as "Site 2" in Clause 1(1)(b) of Schedule 4 to be developed in the manner described in the Ku-ring-gai Reference Plan. It is important to note the use of the words *"in the manner described"* rather than words commonly used in LEP's such as *"in accordance with"*. This suggests some leeway in terms of the manner of developing this land provided it has the same basic character (ie based on the Ku-ring-gai Sites Report, that of a residential flat development comprising of a number of residential flat buildings of between 3 and 7 storeys).

Whilst in an ideal world, it is preferable to develop properties in a contiguous group that have been identified as being suitable for residential flat development together to achieve greater economies of scale in construction and design, not all landowners are prepared to allow their land to be developed at the same time, or even at all. The applicant has been able to acquire a number of properties forming almost all of the sites identified in SEPP 53 as "Site 2". The properties that are included in the description of Site 2 but that have not been able to be acquired by the applicant (ie "orphan sites") are the following:

- 7 Avon Road;
- 12 Mayfield Avenue;
- 2 Beechworth Road;
- 6 Beechworth Road.

It is clear that the intent of the above clause is to facilitate the ultimate development of all identified properties for the purpose of residential flat residential development - not to obstruct it. Our interpretation of this clause is that it is aimed at encouraging development that does not include the entire site identified by SEPP 53 to be designed so that the future development of any orphan sites for the purposes of residential flat housing is still possible, notwithstanding the possibility that all of the sites may not be developed at the same time.

Under the Lot Size Map identified in Clause 2.6 of the Ku ring gai Town Centres LEP 2010 the minimum lot size for subdivision is 1200sq m. As the above sites range in size from approximately 760 sqm to 1587 sq metres, further subdivision of these lots would not be possible.

Attached as **Appendix 36** is a statutory declaration from Mr Jim Neale, the owner of the subject development site in relation to his attempts over many years to acquire the adjoining properties, in particular, Nos 2 and 6 Beechworth Rd, 12 Mayfield Avenue and No's 3, 7 and 15 Avon Rd. As indicated these property owners do not wish to sell their land for redevelopment. If a property owner does not wish to sell their land for redevelopment then their rights must be respected. They may well change their mind at a later date.

Attached in **Appendix 37** are development options for the orphan sites that adjoin the subject site. In summary,

- 7 Avon Road & 6 Beechworth Road can be developed as residential flat buildings, by themselves (within the confines of their respective sites)

- 12 Mayfield & 2 Beechworth Road are too small (less than 1200m²) and therefore cannot be developed separately. However, given the FSR for the sites is only 0.8 an argument could be made to Council for a larger residence or duplex (i.e. not a residential flat building) which could provide the appropriate yield while avoiding the 1200m² minimum site threshold.

- A second option would be to bring 2 Beechworth and 12 Mayfield into the larger (EA) site while developing the 6 Beechworth and 7 Avon Road sites independently. It would be relatively simple to develop these sites to an 0.8 FSR, by adding a building which fully or partially encroaches onto the larger (EA) site.

- A third option would be to combine all the UDAS sites into one site. This option would also easily allow further development to occur, bringing (at least) the FSR 0.8 yield into the larger site.

The attached diagrams prepared by the project architects, details this information. As is evident from the above considerations, the future development potential of these orphan sites is not unreasonably inhibited by the subject proposal. The owners of these properties have a number of options before them should they wish to redevelop their properties generally in the manner described in the Ku-ring-gai Sites Report and the Ku-ring- gai Town Centres LEP and DCP.

8.5 Aboriginal Heritage and Archaeology

It is evident from the Statement of Heritage Impact prepared by Rappoport Pty Ltd attached as **Appendix 22**, that the subject site and its surrounds have a history of more than 180 years of European settlement and occupation (See further detail in **Section 2.4** of this report). In this time, the land has been used for timber getting and cultivation for orchards and pasture. It has been progressively subdivided and developed for housing. Earthworks have been carried out to establish exotic gardens on the site and also to construct the tennis court, long disused but still evident on the site. Extensive earthworks occurred to construct the North Shore Railway in the late 1880's, just to the north of the site.

As noted in the Statement of Heritage Impact, investigations were undertaken by a group of Council's on the North Shore into potential Aboriginal archaeological sites and this investigation included land affected by the Town Centres LEP and none of this affected land, including the subject site, was found to have potential Aboriginal relics.

An Aboriginal Heritage Advice Report has also been prepared in relation to the site, by Archaeological and Heritage Management Solutions (AHMS) in August 2010 (**Appendix 23**). This Report concluded that "*there is little potential for Aboriginal objects to be identified within the proposed development area in their original depositional context, the development works have the potential to disturb or damage objects in this area.*"

The following recommendations are made by the report:

> *1. No additional Aboriginal archaeological investigation of the proposed development area appears to be warranted prior to the development; and*
>
> *2. If any Aboriginal objects are exposed during construction works, all works should immediately cease, and a suitably qualified archaeologist should be consulted for advice.*

8.6 Transport, Parking and Access

A traffic/transport report has been prepared by Gennaoui Consulting Pty Ltd and is included in **Appendix 26.**

The report notes that the proposed development is for the provision of approximately 350 residential flats within five (5) buildings. The report states:

> *"The design for Stage 1 proposes 50 units. A minimum of 52 spaces would be required for the Stage 1 development including 5 spaces for visitors; some 86 car spaces are proposed. The proposed parking layout and dimensions satisfy all the requirements of the Australian Standards.*
>
> *Vehicular access to and from the proposed development would mostly be from Avon Road and Beechworth Road. The number of vehicles likely to be generated by the proposed development has been estimated for a maximum of about 400 1 or 2 bedroom units. It has thus been estimated that these 400 units would generate about 120 vehicle trips per hour during the morning and afternoon peak hours."*

As noted in the traffic report, the traffic generated by the proposed residential development would have minimal impact on traffic conditions along the surrounding roads, and a negligible impact on the Pacific Highway which currently carries very high volume of traffic.

The report also notes that traffic generated by the proposed residential development will not affect the operation of all nearby intersections which will continue to operate at their current levels of service.

The traffic report concludes that:

> *The proposed residential development satisfies Ku-Ring-Gai Council's parking requirements and is not likely to unduly affect traffic conditions in the surrounding area. Therefore subject to the implementation of the following measures there are no parking and traffic reasons why Council should not approve this development.*
>
> - *Provision through line marking of a right turning bay at No5 Avon Road in conjunction with the Stage 1 development;*
> - *Provision of a roundabout at the bend near No1 Avon Road including a pedestrian refuge in conjunction with the Stage 2 development;*
> - *Provision of 'No Standing' signs in Arilla Rd adjacent to proposed driveway entrance to site.*

8.7 Streetscape and Public Domain

Attached in **Appendix 11** are photomontages of the proposed buildings, which demonstrate how the development fits into its environs and has minimal impact on the surrounding public domain due to the extensive landscaped setbacks and existing mature vegetation which provides an effective screening of the buildings.

In terms of streetscape, the character of Avon Road and Beechworth Road is effectively reinforced by the proposal, by adopting the established setback on Avon Road and with proposed and existing landscaping. In fact, a greater amount of landscaping and deep soil planting is able to be achieved on the site compared to the scheme put forward under the Ku-ring-gai Reference Plan building envelopes. The proposal therefore more successfully achieves this Design Principle.

A transitional scale has been used within the proposed development to link the higher density development on the northern side of the railway (Clyde Gardens and Avondale) to existing dwellings south and west of the site. This can be clearly seen in the West Elevation, East Elevation and Section A-A in the Concept Plan drawings attached as **Appendix 8**. Section A-A in particular clearly shows that the gutter RL for Clyde Gardens is RL 174.6 and the highest proposed building on the development site (the Stage 4 building) has a roof RL of RL 172.0. This then steps down to the Stage 2 building roof RL of RL160.0 and then stepping down again to the Stage 3 building roof RL of RL155.0. The height of the Stage 3 building then progressively steps down towards the south-western end of the site where the majority of adjoining single dwelling properties are located. In contrast, the Ku-ring-gai Reference Plan building envelopes achieve this transition in scale across the site far less effectively than the current proposal.

8.8 Views

The proposed buildings in the 5 stages of the development incorporate generous setbacks and separation between buildings, which allows adjacent residential buildings to maintain views of the trees and the skyline, through and across the subject site.

8.9 Overshadowing

The shadow diagrams for the proposal (see **Appendix 19 and 20**), indicate that, where it is possible, the main living areas and substantial areas of private open space of neighbouring properties receive at least 3 hrs of direct sunlight for the vast majority of the year using an alternate site design to the Ku-ring-gai Reference Plan.

In relation to the proposed buildings, the 2 hour threshold (for urban sites) is complied with for all units, however only 66% (out of the required 70%) comply with the 3 hour threshold. It should be noted that whilst Stage 1 is relatively confined due to the shape of the site, later stages are anticipated to meet and exceed this three hour requirement due to the more favourable alignment of the buildings.

Elevational shadow diagrams (**Appendix 20**) have also been prepared to demonstrate any potential shadow impacts on Nos 7 and 15 Avon Road, which adjoin the development site. These diagrams indicate that there will be no impact in September on either No 7 or 15 Avon Rd, at any time of the day. In midwinter the impact on these two dwellings will be minimal, when compared with the existing overshadowing. At 9am there will be some shadow cast on the north-eastern elevation of No 7, with only one window of the building affected. Between 12 and 3 there will be some overshadowing of part of the northeastern elevation of No 7. On No 15 Avon Rd there is some minimal shadowing from the Stage 1 building of the north-eastern elevation at 9am, and some very minor shadowing at 12 and 3pm from the Stage 3 building. In essence the elevational shadow analysis indicates that there will be some minimal overshadowing of these two adjoining properties, however the impact is considered to be reasonable and maintains adequate levels of sunlight to these properties as required by SEPP 65.

8.10 Privacy

In the design of the proposal, great care has been taken to locate the buildings primarily toward the northern section of the site, adjacent to the railway, and away from the majority of neighbouring residential properties to the south and west of the site.

Where possible, windows and balconies of buildings, are generally oriented away from neighbouring properties. The proposed vegetation in the riparian corridor provides an effective screen for privacy for most neighbours to the west of the development.

The substantial existing trees and proposed vegetation, particularly in the southern and western parts of the site will provide an effective buffer between the development site and the adjoining residential area.

In relation to acoustic privacy and train noise, the Acoustic Report in **Appendix 28** concludes that:

> *"A number of building facades will require sound-rated glazing in order to achieve indoor rail noise levels that satisfy the acoustic requirements of the Department of Planning Guideline document. Sound-rated windows have been recommended; each of these rooms will also require alternative fresh air ventilation. A number of possible systems for alternative ventilation were presented in the Report.*
>
> *In conclusion it has been found that rail noise levels are not particularly high at the site and that the Director General Requirements can be met in a relatively straightforward manner."*

8.11 Heritage

A Statement of Heritage Impact (SOHI) has been prepared by Rappaport Pty Ltd to assess the impact of the proposed residential flat development on the heritage items in the vicinity of the subject site (See **Appendix 22**). The report also addresses the impact on No 1 and No 5 Avon Road (which form part of the site) which were previously listed as heritage items. However it should be noted that No 1 and No 5 Avon Road have now been removed from being heritage listed properties under the recently gazetted Town Centres LEP 2010.

The SOHI provides the following details on the heritage status of 1 Avon Road, Pymble and 5 Avon Road, Pymble:

- *1 Avon Road, Pymble and 5 Avon Road, Pymble were previously listed heritage items under Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance;*
- *The subject properties are situated in Urban Conservation Area 18 – Avon Road, Pymble, an area identified and classified by The National Trust of Australia (NSW) in c. 1997 as a significant urban conservation area. Urban Conservation Area 18– Avon Road, Pymble is not, however, listed as a heritage conservation area under the Ku-ring-gai Planning Scheme Ordinance;*
- *The subject sites are situated within the Avon Road Urban Conservation Precinct, which precinct is an Indicative Place on the Register of the National Estate;*
- *The subject properties are not listed on the National Heritage List, the Commonwealth Heritage List or the State Heritage Register; and*
- *1 Avon Road, Pymble and 5 Avon Road, Pymble are not listed as heritage items in the Ku-ring-gai Local Environmental Plan (Town Centres) 2010. Nor are the subject properties situated within a conservation area on the heritage map attached to the Ku-ring-gai Local Environmental Plan (Town Centres) (Note: It should be noted that LEP 2010 has now been gazetted and therefore these items have been removed.)*

The SOHI report takes into account that there are several local heritage items listed in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance in the immediate vicinity of 1 Avon Road, Pymble and 5 Avon Road, Pymble, as follows:

- Macquarie Cottage, 11 Avon Road, Pymble is a listed heritage item under Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance. Designed by Hardy Wilson, this Colonial Georgian Revival cottage is registered on the Register of the National Estate and is also situated within the Avon Road Urban Conservation Precinct and Urban Conservation Area 18;
- Caprera Cottage, 19 Avon Road, Pymble is a listed heritage item under Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance and is situated in the Avon Road Urban Conservation Precinct and Urban Conservation Area 18;
- 11 Arilla Road, Pymble is a listed heritage item under Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance and is situated in the Avon Road Urban Conservation Precinct and Urban Conservation Area 18;
- 6 Beechworth Road, Pymble is a listed heritage item under Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance and is situated in the Avon Road Urban Conservation Precinct and Urban Conservation Area 18;
- 9 Beechworth Road, Pymble is a listed heritage item under Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance and is situated in the Avon Road Urban Conservation Precinct and Urban Conservation Area 18; and
- 1202 Pacific Highway, Pymble is a substantial house, also known as I Clydesdale Place, Pymble. The property is a listed heritage item under Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance.

The SOHI concludes:

> *"We are of the opinion that the authority which implemented the inclusion of Site 2 under SEPP 53 would have considered the potential heritage impact of the demolition of the subject dwellings as a precursor to the development of a residential flat housing complex there. This is borne out by the production of the development controls and design guidelines contained in the Ku-ring-gai Sites Report. In terms of the Sites Report and the building envelope drawings contained in it, the subject dwellings are nominated as items to be demolished. In order to respect the de facto heritage significance which remains in the subject properties and their environs, it is, in our opinion, essential that high-quality design principles be implemented for any development proposal for the subject sites. It is our opinion that the design proposal by Ancher Mortlock Woolley achieves that requisite level of design."*

8.12 Bushfire

The subject site is classified as bushfire prone land and therefore a Bushfire Hazard Assessment Report (**Appendix 25**) has been prepared by Building Code & Bushfire Hazard Solutions Pty Limited. This report concludes that:

"Given that the property is deemed a bushfire prone property under Kuring gai Council's Bushfire Prone Land Map any proposed development including the buildings would need to meet the requirements and the intent of Planning for Bushfire Protection – 2006 and of the construction requirements of AS3959 – 2009 'Construction of buildings in bushfire-prone areas'. The determination of any bushfire hazard must be made on a site-specific basis that includes an assessment of the local bushland area and its possible impact to the subject property.

The subject site includes 1, 1A & 5 Avon Road, 4 & 8 Beechworth Road and 1 Arilla Road Pymble (Lots 1 & 2 DP 583803, Lot 2 DP 205504, Lot 7 DP 15541 and Lots 1 & 2 DP 403072). The subject site abuts the north shore rail corridor to the northeast and is surrounded by Avon Road, Arilla Road Beechworth Road and residential allotments to the remaining three aspects.

The land identified as being within the Category 1 Vegetation is located south within Pymble Ladies College and southwest within private residential allotments. The hazard was determined to be Remnant to both aspects in accordance with PBP 2006. The required Asset Protection Zones from Remnant vegetation with a 4 degree down slope is 10 metres. The location of the proposed buildings is such that a >50 metre Asset Protection Zone is provided utilizing maintained land within the subject site, surrounding developed residential allotments and hard surfaced road infrastructure.

The highest Bushfire Attack Level to the proposed residential buildings was determined to be 'Low' requiring no minimum construction Level under AS 3959 – 2009 'Construction of buildings in bushfire-prone areas'.

In accordance with the bushfire safety measures contained in this report, and consideration of the site specific bushfire risk assessment it is my opinion that when combined, they will provide a reasonable and satisfactory level of bushfire protection to the subject development. I am therefore in support the proposed development."

8.13 Flora and Fauna

A flora and fauna assessment of the site has been carried out by Aquila Ecological Surveys and is included in **Appendix 24**.

This *report describes the vegetation on the site as follows:*

> *"Most of the flatter, upper areas of the site consist of dwellings and associated hard surfaces with surrounding landscaped areas vegetated with lawns and a range of introduced cultural plants eg citrus trees, exotic conifers, jacarandas, etc.*
>
> *Running through the middle of the site is a creek and gully where weed growth has become rampant. Old survey plans indicate the whole of the site was cleared in the past for the purpose of landscaped gardens. This clearing, landscaping and subsequent weed invasion has badly degraded the pre-existing vegetation and resulted in particularly heavy growth of Morning Glory (Ipomoea indica), Lantana (Lantana camara), Wandering Jew (Tradescantia albiflora), Japanese Honeysuckle (Lonicera japonica), Blackberry (Rubus ulmifolius) and Small- and Large-leaf Privet (Ligustrum sinense & L.lucidum.*
>
> *As far as native vegetation is concerned, there are a number of remnant canopy trees in the gully. These are mostly Sydney Blue Gum (E.saligna) with a few Blackbutt (Eucalyptus pilularis) and Smooth-barked Apple (Angophora costata). These species grow to about 35m tall with a projective foliage cover of around 50%. In areas where Lantana forms a dense shrub stratum and Wandering Jew and Morning Glory are suppressed, some native ferns persist. Most common is Giant Maidenhair Fern (Adiantum formosum) and Rainbow Fern (Calochlaena dubia) with a few Christella dentata also present. Some Tree Ferns (Cyathea australis and C.cooperi) also occur. C.cooperi is not regarded as native to the Sydney area. "*

The report concludes:

> *"A flora and fauna assessment has been undertaken of the proposed residential development site at 1, 1a & 5 Avon Road, 1 Arilla Road and 4 & 8 Beechworth Road, Pymble. It was found that the State listed critical endangered ecological community, Blue Gum High Forest, occurs on part of the site, as single trees or groups of trees without an intact understorey are included in the definition of this community.*
>
> *It was also found that the State-listed threatened fauna species Powerful Owl, Grey-headed Flying-fox, Eastern Freetail-bat and Common Bent-wing Bat are likely to occasionally inhabit the subject site. Of these, the Grey-headed Flying-fox is also listed federally.*

An assessment of the likely impacts of the proposed development was undertaken with reference to the draft guidelines for threatened species assessment of Part 3A activities. From this assessment process it was concluded that the objectives of the draft guidelines would be met. The proposed development provides the opportunity to eradicate the extensive weeds that have invaded the site and plant the degraded drainage line with native riparian plants. Whilst the proposal will result in the loss of eight Blue Gums, three Turpentines and one Blackbutt it is proposed to replace these trees with a much greater number of these and other Blue Gum High Forest plant species, as detailed in the Vegetation Management Plan prepared by Urban and Rural Management (2009). By clearing the site of weeds and maintaining it as required by the Bushfire Hazard Assessment Report, the remnant trees retained in the development have a better chance of survival than in the present degraded environment. (Our emphasis)"

8.14 Landscape

Landscape Concept Plans for the overall site and for the Stage 1 development are included in **Appendix 17**. The remediation of the site, its landscape treatment and ongoing management, is an important aspect of the proposal. The existing mature trees across the subject site provide a vital asset to the site. These trees have regrown in the last 50 years and are species that would have populated the original forests in the locality. They provide benefits to both residents of the development and to the neighbouring residents.

A drainage corridor also occupies the lowest level of the site and a Sydney Water sewer main runs the full length of this corridor.

At present, the site is highly degraded and largely infested with weeds. This requires considerable remediation in order to remove the invasive weed species. The park like character of the site and the vistas to/over the existing trees are important characteristics of the site that are intended to remain largely intact following development of the site.

For the amenity of the residents it is therefore very important to repair, maintain, and improve the landscape of the site so that the outlooks and screening to adjacent properties are retained and enhanced.

Taylor Brammer Architects were engaged to provide Landscape Concept plans for the site. A design statement prepared by Tayler Brammer notes:

"The landscape proposal retains the natural attributes of the site by retaining many of the existing indigenous trees, removing the weed growth and creating a new and sustainable environment. The natural drainage line bisects the site and provides a focus and form to the site. This natural drainage line creates an opportunity for the development of native ecosystems that mirror the natural vegetated values of the area, enhancing the canopy, mid storey, lower storey and ground cover layer into a complex and sustainable ecological stratum. This

design approach offers an opportunity for the integration of the landscape design to the site so as to provide an amenity across the site, preserving and maintaining many existing trees on site, removing weed species and in the place of the weed species creating extensive native flora diversity and fauna habitat.

The landscape works will be facilitated through an integration of the various disciplines involving the hydraulic, engineering, vegetation management and architectural outputs in a coordinated approach. Through this approach, the landscape proposal seeks to retain the natural attributes of the site by retaining many of the existing indigenous trees, removing the weed growth and creating a new and sustainable environment

Selected native trees are retained, with the proposed planting reflecting an increased ecological diversity that is currently not present on site. The majority of the existing vegetation on site is retained outside the footprints of the proposed buildings and additional cultural plantings are proposed to the surrounds of the new built form to provide suitable settings for use by residents that reflect the character of cultural plantings of the Pymble area. "

The Landscape Concept for the site was based on the recommendations of the Vegetation Management Plan (VMP) prepared for the whole of the site (See **Appendix 18**). As detailed in the VMP, the landscape concept proposes "*to create a park-like landscape*" with a generous ratio of deep soil areas to total landscape area of approximately 62% (65% including roof terraces). In creating this environment the Vegetation Management Plan proposes:

- clearing the site of weed species and promoting the planting of native trees (which would have populated the area prior to European settlement)
- planting the drainage line with native riparian species.

As summarised in the VMP, the landscape design for the site is as follows:

"This park-like landscape increases the amenity to not only the residents of the development but the surrounding neighbourhood. Pedestrians are able to access the site via paths and boardwalks which meander throughout the site."

8.15 Stormwater / Flooding / Hydrological Issues

A stormwater and flood study has been prepared by MYD Consulting Engineers (refer **Appendix 13**) to determine the 100 year ARI water surface levels (WSL) and to assess the impact of the proposed development on the flooding conditions.

By minimising the number of buildings proposed on the site to 5 buildings, deep soil and on-site filtration of water has been maximised. The Stormwater Report concludes that with on-site detention, stormwater leaving the site will be retained at pre-development conditions and velocity and water depth will be improved. It was also found that water quality downstream would not be adversely affected, provided the recommendations of the report are implemented.

In relation to stormwater management, the Stormwater and Flood study notes that:

> *"The stormwater measures taken for this project will reduced the total outflow form the site from the implementation of onsite detention tanks. The onsite detention tanks have been designed accordance to Ku-ruing-gai Council requirements reducing the flow to 1 in 5 yrs ARI. It has been proposed that three Ceptors be installed to control the pollution from the developed area entering the downstream waterways."*

8.16 ESD

With regard to the ESD, the project architects have advised that:

> *"The development is designed to respond to and respect the requirements of both BASIX and the Residential Flat Design Code SEPP 65. Therefore, a number of different environmentally sustainable technologies and strategies are provided. Passive environmental considerations include deep balconies with user adjustable shading devices to control solar gain, naturally ventilated circulation areas, high-efficiency roof and wall insulation, and the use of thermal mass to retain heat. The internal circulation spaces have been pushed through to the building perimeter allow natural air to flow through the corridors. Further energy efficiencies are gained by a centralised 5-star hybrid gas solar hot water system, high efficiency variable refrigerant volume (VRV) air conditioning plant, and dedicated service zones in order to reduce service runs.*
>
> *A dedicated area on the roof is set aside for the installation of photovoltaic panels or evacuated tube solar collectors. CO controlled variable speed ventilation with energy efficient BCA Section J compliant motors are proposed for the garage. A tank is provided for rainwater harvesting for irrigation to the landscaping. Water efficient fixtures and high efficiency appliances are also proposed for the development. Refer to the BASIX certification submitted with this application."*

A copy of the Basix certificate and ABSA Assessment for Stage 1 are attached as **Appendix12.**

8.17 Rail Impacts

The proposed residential flat development has been designed to comply with the requirements of Railcorp, as identified at the recent consultation meeting (Refer to **Section 7.3**); and the Guideline document entitled *"Development Near Rail Corridors and Busy Roads -Interim Guidelines."*

With regard to stormwater management and potential impacts on railway land, the following is noted in the Stormwater and Flood study prepared by MYD Consulting Engineers (see **Appendix 13**):

> *"With the designed stormwater drainage there is no additional flow to the railway corridor.*
>
> *The flow discharged below the railway line will not be affected as there are no proposed blockages or backwater affects from the downstream condition. In the design it was assumed that the total flow upstream from the railway line will pass freely through the existing culvert below the railway line, therefore there will be no adverse affects to the railway corridor."*

In relation to acoustic requirements of the building (due to the proximity to the railway corridor) an Acoustic assessment (refer to **Appendix 28**) has been undertaken. This assessment concludes that rail noise levels at the site are not particularly high. The report recommends that a number of building facades will require sound-rated glazing in order to achieve indoor rail noise levels that satisfy the acoustic requirements of the Department of Planning Guideline document. Sound-rated windows have been recommended; each of these rooms will also require alternative fresh air ventilation. A number of possible systems for alternative ventilation are presented in the Acoustic Assessment Report.

At a consultation meeting with Railcorp in November 2009 it was indentified that protective measures would be required to windows and balconies within the 20m setback zone from the boundary of the rail corridor (such as glass balustrades, window stays, and operable louvers).These measures will be incorporated into the detailed design of the buildings within the 20 metre railway setback. In addition boundary fencing will be provided to further protect the railway infrastructure/facilities.

8.18 Geotechnical Impacts

A Geotechnical Assessment has been prepared by Jeffery and Katauskas Pty Ltd and is included in **Appendix 15**. The report concludes that the site is suitable for the development proposed.

8.19 Construction Impacts

The Avon Road Development has been conceived to provide high quality residential apartments within a landscaped-park environment. For this reason, it is important for the construction of the development to protect and remediate the existing natural features of the site. A Construction Management Plan (CMP) has been prepared and is included in **Appendix 10.** As noted in the CMP, the following measures are proposed in order to ameliorate the potential impacts of the development during the construction phase:

1. The buildings and built form have been located away from significant features on the site.

In the concept plan the arrangement of the buildings allows the bulk of the development to be both situated away from the lower scale residences to the south of the site, and also away from the drainage line running through the centre of the site. Most of the significant trees lie in this drainage line and therefore outside of a readily definable construction zone. Further details of the protective measures will be provided with the detailed project applications for stages 3-5.

2. The development is staged reducing the impact at any one time.

The development is planned to be a staged construction. This allows the remaining site to be protected during construction phases. The order of construction also allows a slower movement into the centre of the site - where the more significant landscape elements are. In stage 1, construction is limited to the northwest corner of the site, allowing erosion control on the south and east edges and good distances to the significant trees in the drainage line area.

3. Remediation of the landscape of the site is required from the earlier stages.

As the site is largely overrun by invasive weed species, a significant amount of remediation will be required in the early stages. Much of the existing ground cover is to be removed from the site in order to prevent further spread of the invasive plant matter. These early works are important to protect and enhance the existing screening and outlook trees on the edges of the site and within the drainage zone. A comprehensive Vegetation Management Plan [VMP] is submitted with this application in order to detail the procedure and protective measures required during any remediation or construction works.

8.20 Utiities

All relevant utility services are available to the subject site. Connection to services will occur as part of the construction schedule. Consultation is underway with the service authorities to establish appropriate timing for the connection of services to the development – see **Appendix 16** for details of consultation.

9.0 Draft Statement of Commitments

A draft Statement of Commitments has been prepared which contains all the necessary identification of issues and mitigation measures to be implemented during the construction phase of the development. This has been prepared as a requirement by the Director General but also in recognition that such considerations need to be made to minimise any adverse impacts associated or arising from construction activities on the site.

A draft Statement of Commitments for the site is provided in **Appendix 38**.

10.0 Conclusion

The proposed development of 355 residential apartments at 1, 1A and 5 Avon Road, 4 and 8 Beechworth Road and 1Arilla Road, Pymble is permissible with the Minister's consent under Part 3A of the EP&A Act and provides a high quality development, which exhibits a high standard of architectural excellence.

The identification of the subject site in the Town Centres LEP 2010 as suitable for high density residential development is reflective of its excellent location near the Pymble town centre and the railway station, other community facilities and the very large size of the site. The proposal to redevelop the site for apartments is clearly consistent with State Government urban consolidation initiatives, as outlined in the Major Projects State Environmental Planning Policy. It is also reflective of the transition currently occurring in the area around Pymble with the introduction of a number of new apartment developments adjacent to the Pacific Highway; and in Avon Road and Clydesdale Place, just to the north of the site.

The proposed residential flat development is a well mannered and sympathetic design form that fits well into its environment and provides an appropriate transition between the existing lower scale residential development and the higher new apartment buildings to the north of the railway line. In relation to design, the project architects note that:

> *"The design concept is to produce high quality apartment housing in a landscaped, park like, environment, responding to the immediate context of residences around the site as well as the larger locality of Pymble and the North Shore."*

The residential character and the amenity of neighbours has been preserved by reducing the number of buildings on the site from the 9 buildings required under the Ku-ring-gai Reference Plan to 5 buildings in the current proposal. In terms of built form, the number of buildings on the site has been deliberately limited on the site in order to maximise the retention of significant trees, deep soil planting and the landscaped setting, which are critical elements in the local streetscape character and residential amenity in Pymble.

The proposed redevelopment of the site provides the opportunity to clear the site of invasive weeds and improve stormwater quality in the drainage corridor running through the site, by planting it with native riparian species. Large numbers of existing mature trees will be preserved, including a number of blue gums that are currently under threat from the weedy condition of the site. These trees will screen and soften the proposed buildings and provide a leafy setting for the development. In addition, around 62% of the site will remain as landscaped area, which provides a considerable benefit to the amenity of the residential neighbours and the streetscape.

The proposed development provides a high quality development, which exhibits a high standard of architecture and excellent residential amenity..The design adopts both strong urban design principles that ensure the development is consistent with the surrounding developments.

The proposal creates a high level of residential amenity through it attractive design, orientation, natural ventilation and visual outlook. Future residents of the development will enjoy good access to excellent public transport, and a variety of recreational, cultural, and retail services within the Pymble area.

In addition, the decision was taken to place higher priority on preserving the amenity of neighbours than adding a new public street through the site linking Avon Road with Beechworth Road. By not including this new street, it has been possible to locate more buildings adjacent to the railway, in the centre of the site and away from the majority of neighbouring dwellings to the south and west of the site. The higher proposed building elements are located the furthest away from adjoining residential properties, whilst building elements that are closer to adjoining properties are lower in order to minimise impacts on any residential neighbours. The proposed buildings have generous setbacks and effective screen planting and retention of significant trees, which combined will ensure that overshadowing and overlooking are minimised.

The Environmental Assessment Report has demonstrated that the development is an appropriate residential development in terms of floor space, building height, quality of design and finishes, provision of open space, access to natural light, traffic, parking and waste management.

The proposal is in the public interest as it will provide for greater housing supply and choice in an area which has good proximity to a range of shops, facilities and public transport links.

In summary the proposed development is a well conceived response to all relevant planning controls, constraints and opportunities presented by the site and results in a development that is in the public interest. This report demonstrates that the merits of the proposed development are satisfactory and it is therefore recommended that approval of the application be granted.