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**From:** "John Sindel" <jsindel@bigpond.net.au>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 10/02/2011 9:39 pm  
**Subject:** Concept Plan (MP08\_0207) & Project Application (MP10\_0219, Pymble  
**Attachments:** J SINDEL Planning Objection MP08\_0207 & MP10\_0219.pdf

Dear Sir/Madam,

I object to this proposal attached please find my letter giving reasons.

Yours faithfully

John Sindel

15 Albion Avenue  
Pymble NSW 2073  
Thursday 10 Feb 2011

ATTENTION: Director Metropolitan Projects  
Major Projects Assessment  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Sir/ Madam,

**RE: Concept Plan (MP08\_0207) & Project Application (MP10\_0219)**  
**Residential development at Avon, Beechworth and Arilla Roads, Pymble**

**I OBJECT TO THIS PROJECT**


The number of units proposed (355) and the height of the buildings (11 and 9 storeys) are not appropriate for this residential area.

The proposed heights are far outside the planning limits that apply to the site as discussed in the Environmental Assessment.

Comparison with other developments on the Highway corridor or near the railway tunnel is not valid.

Vehicular traffic movements in the local streets will be considerable, contrary to the forecast. At certain times every day the traffic is already fully congesting local streets even before the development near the railway tunnel are occupied.

Yours faithfully



John Sindel

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**From:** Kelly Wilkinson <kelsw@live.com>  
**To:** Simon Truong <simon.truong@planning.nsw.gov.au>  
**CC:** <assessments@planning.nsw.gov.au>  
**Date:** 11/02/2011 8:45 am  
**Subject:** Online Submission from Kelly Wilkinson (object)  
**Attachments:** Wilkinson submission - Avon, Beechworth and Arilla Roads, Pymble.pdf

Please see attachment for our submission.

Name: Kelly Wilkinson

Address:  
9 Arilla Road

Pymble NSW 2073

IP Address: - 203.108.177.162

Submission for Job: #2919 MP08\_0207 - Concept Plan for 5 residential building envelopes of 4 to 11 storeys in 5 stages for up to 355 units with underground car parking and landscaped open space/riparian rehabilitation

[https://majorprojects.onhiive.com/index.pl?action=view\\_job&id=2919](https://majorprojects.onhiive.com/index.pl?action=view_job&id=2919)

Site: #1833 Avon, Beechworth and Arilla Roads, Pymble  
[https://majorprojects.onhiive.com/index.pl?action=view\\_site&id=1833](https://majorprojects.onhiive.com/index.pl?action=view_site&id=1833)

Major Projects Assessment  
Department of Planning  
GPO Box 39  
Sydney NSW 2001

11 February 2011

Attn: Director Metropolitan Projects

**MAJOR PROJECT PROPOSED AT AVON, BEECHWORTH AND ARILLA ROADS,  
PYMBLE (MP08\_0207 AND MP10\_0219)**

We object to the proposed development for the reasons detailed in this submission.

First and foremost, it is questionable as to whether the subject applications should indeed be assessed as a Major Project under Part 3A of the *Environmental Planning & Assessment Act 1979* (EP&A Act) as:

- *State Environmental Planning Policy No 53 – Metropolitan Residential Development* (SEPP 53) no longer applies to any of the subject sites, and from what I can tell, there are no savings or transitional provisions applicable to applications lodged before the SEPP was amended, and
- The stated Capital Investment Value (CIV) is applicable to the development as it is currently proposed, which grossly exceeds several development standards relevant to the subject sites (i.e. floor space ratio (FSR) and number of storeys). Therefore the CIV would likely be less than the \$100 million threshold for residential, commercial or retail projects under Schedule 1 of the *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP) if the proposed development complied with the relevant development standards.

Key issues with the proposed development:

- The number of dwellings proposed, which will substantially increase the number of residents in the area and severely affect the amenity of the existing residents, particularly with regard to traffic implications.
- The bulk/scale of the proposed development and the number of storeys proposed (up to 11 storeys), which is inconsistent with both SEPP 53 (previously applicable to the subject sites) and the *Ku-ring-gai Local Environmental Plan (Town Centres) 2010* (Ku-Ring-Gai LEP), which permits between five and seven storeys. If approved, the proposed buildings will

cause unacceptable visual impact, affect privacy and overshadow adjoining properties, and therefore impact the amenity of the surrounding residents, particularly those along Avon Road and Arilla Road.

- The impact on the Commonwealth-protected Blue Gum High Forest (a Critically Endangered Ecological Community) including the proposed regeneration/reconstruction works.
- The size of the proposed development, which will result in an increased hard surface area, increasing the amount of run-off produced, which will flow into the watercourse that dissects the subject sites and traverses several properties southwest of the sites. This is discussed in further detail below.
- The impact the proposed development will have on traffic, which is currently functioning at a near-unacceptable level and will be worsened if the proposed development is approved. This is discussed in further detail below.
- The impact the construction of each stage of works will have on existing residents, particularly with regard to construction traffic, noise and dust that will be produced. This was very poorly managed during the construction of the Meriton development (at the junction of Pymble Avenue, Everton Street and Avon Road – not 300m from the subject sites). This is discussed in further detail below.

### *Traffic and transport*

Eight people permanently reside in our home, with an additional two frequently staying with us. Between us we have eight cars, two of which are not necessarily needed to get to work (i.e. they could utilise public transport). The remaining six cars are required to get our family members to work because the location of their workplace has limited/insufficient public transport services available, or because their car is needed for frequent use throughout the day.

The purpose of such information is to point out that even though we are within walking distance of Pymble Station, the majority of the people in our household need their cars to get to work or for frequent use during the day – we would rarely utilise the services of the train line. This should be closely analysed and carefully considered when looking to permit 355 additional dwellings smack-bang in the middle of an existing residential area, where it is not uncommon for a household to have more than two cars, and is an area that is already overloaded with traffic and dealing

with roads incapable of accommodating the existing demand, let alone anything further. It needs to be recognised that a number of those who will reside in the proposed development will not utilise the nearby train services and will own cars, and therefore will place further demand on the existing roads – contrary to what the Proponent considers will result from the proposed development ‘...when the new apartments [are] built, traffic would actually be reduced during peak hours because residents would be able to walk to the area’s two major destinations - Pymble Ladies College and Pymble Station...’ (North Shore Times dated 4 February 2011). The vicinity of the proposed development to Pymble Station should not be a reason to justify permitting such a large number of dwellings on the subject sites.

The roads surrounding the proposed development seem to be at, or at least very close to, capacity in peak periods and are already insufficient in managing the existing traffic demand, let alone catering for the upcoming residents of the Meriton development and the potential future residents of the subject development. A statement in the Parking & Traffic Report (undertaken as part of the Environmental Assessment (EA) for the proposed development) that the proposed development ‘...would have minimal impact on traffic conditions along the surrounding roads, and a negligible impact on the Pacific Highway...’ and ‘...will not affect the operation of all nearby intersections...’ (Gennaoui Consulting Pty Ltd 2009) is absolutely inaccurate and untrue. The proposed development will undoubtedly cause undue impact on all the surrounding roads, due to an increased number of vehicles using the roads as well as the three additional access roads/driveways proposed for the development. Subsequent traffic implications will severely affect the amenity of the existing residents who are already dealing with high traffic levels and incapable roads.

Current use of the roads surrounding the subject sites for on-street parking is a large part of why the proposed development cannot be accommodated within the existing road network. On-street parking is currently utilised along Avon Road, extending from Pymble Avenue to Avondale Golf Course, almost everyday, with cars parked on both sides. On-street parking along Avon Road is utilised by residents, students of Pymble Ladies College (PLC), commuters, and, as of late, construction vehicles and new residents from the Meriton development. On-street parking on both sides of Avon Road results in barely enough room for two cars to drive through at the same time (particularly when many vehicles are in fact 4WDs and when cars park just slightly too far out from the kerb), which frequently causes issues – many cars have been side-swiped and many side mirrors have been knocked off. Further, when Avon Road

is full with on-street parking, the sight-line where the road bends (outside property no.'s 7 and 11) is very poor. The risk of a head-on collision occurring at that location is high. Avon Road (and the same would apply to Pymble Avenue and Arilla Road) is not wide enough to cater for on-street parking on both sides of the road as well as accommodate the movement of more than one car between the parked cars comfortably.

As mentioned, the parking situation along Avon Road has been worsened since the Meriton development commenced construction, which added construction vehicles to the already unacceptable traffic issues, including many large trucks. On one particular day my daughter (along with many other vehicles) got stuck behind two trucks, which were travelling in opposite directions along Avon Road, meeting where the road bends outside property no.'s 7 and 11. Neither truck was able to see the other coming until they met head-on, and then they had to converse about who was in the best position to reverse out (taking into consideration all the cars that had queued up behind them) to allow the other to pass. In the meantime, vehicles continued to queue up, and until the trucks came up with an adequate solution to free up the road again! Although this was potentially a one-off situation, these sorts of occurrences are likely to become more frequent if the proposed development is approved, and therefore must be considered before 355 more dwellings are approved in the area. Responding to this point with a requirement for the Proponent to produce a Construction Management Plan (CMP) for the proposed development is not good enough as it clearly proved to be insufficient with regard to the Meriton development. It really must be recognised that the roads surrounding the subject sites cannot accommodate much more!

Further traffic issues arise where the capacity of the intersections onto Pacific Highway at Beechworth Road and Livingstone Avenue are struggling to accommodate existing demand adequately. During peak times, residents, commuters, PLC-related traffic, construction traffic from the Meriton development, and now new residents to the Meriton development are clearly placing increased demand and pressure on these intersections. Traffic queues form from Pacific Highway down Livingstone Avenue, as well as across Everton Street all the way back to the round-about at the top of Pymble Avenue, on a regular basis. This causes severe congestion in combination with the queues that form from the driveways into PLC (on Avon Road) all the way back to the round-about at the top of Pymble Avenue, as well as accommodating the two frequently used pedestrian crossings

between the Meriton development and PLC. AND, just to make the situation more complex/dangerous, there is now an additional entry onto the round-about at the top of Pymble Avenue in the form of driveway access to the Meriton development – an ingenious planning decision! Traffic queues also form from Pacific Highway down Beechworth Road as far back as over the railway bridge and at least to where the proposed driveway for the subject development will be located. Additionally, residents of the high-density development in Clydesdale Place (off Pacific Highway) add to the level of traffic in Beechworth Road as many use it to turn around in order to access the south bound lanes on Pacific Highway. The proposed development will simply add to an already complex and overloaded local road network.

The existing local traffic situation is already unacceptable. The impact the proposed development will inflict in terms of traffic is highly unlikely to '*...have minimal impact on traffic conditions along the surrounding roads, and a negligible impact on the Pacific Highway...*' or '*...not affect the operation of...nearby intersections...*' (Gennaoui Consulting Pty Ltd 2009). In my opinion, the Parking & Traffic Report is significantly deficient as it significantly underestimates the traffic situation currently and the traffic generation likely as a result of the proposed development. Additionally, the Parking & Traffic Report fails to consider the wider traffic context and the cumulative traffic impact.

If the proposed development is approved, it would be a classic case of high-density development being approved to simply meet the requirement for more houses in Sydney whilst other critical considerations, including infrastructure (particularly roads and rail networks), remain completely insufficient! Inadequate infrastructure to support the proposed development should be enough to refuse the applications. If approval is granted, the traffic implications alone will cause significant adverse impact to residents and will by no means achieve a good planning outcome.

#### *Water management*

The hard surface area that would result, should the proposed development be approved, will increase the amount of run-off that will drain into the watercourse that dissects the subject sites, flows under Arilla Road and traverses several properties in a southwest direction.



First, I question whether the existing drainage infrastructure under Arilla Road has adequate capacity to accommodate the amount of additional run-off that would be produced (i.e. is there the need for augmentation of the existing infrastructure?), and second, I question whether the properties that are located adjacent to the watercourse are at risk of localised flooding. Currently the watercourse experiences substantially higher water levels during high rain periods, and if the additional run-off is not managed properly (should the proposed development be approved), there is the risk that Arilla Road and all the properties adjacent to the watercourse will be subject to localised flooding. Further, inadequate water management e.g. increased run-off and poor quality water flowing into the watercourse will negatively impact on the ecosystems downstream.

The Proponent suggests that the watercourse should not even be considered a watercourse however, in accordance with the definition of 'river' in the Dictionary of the *Water Management Act 2000*, it is undoubtedly a watercourse.

#### *Construction period*

The impact the construction of each stage of works will have on existing residents, particularly with regard to construction traffic, noise and dust that will be produced, is of large concern. Most of this concern is raised as construction of the Meriton development has been/continues to be very poorly managed even though a CMP would have been undertaken. Therefore, responding to this point with a requirement for the Proponent to produce a CMP for the proposed development is not good enough as it undoubtedly proved to be insufficient with regard to the Meriton development.

Further issues that arose as a result of the construction of the Meriton development include:

- Trucks making deliveries to the site at inappropriate times, including during peak times and during the night, disturbing local traffic and residents.
- Road/pavement closures being undertaken (particularly on Avon Road) during inappropriate times, e.g. peak periods and on Saturdays, and being inadequately managed.

Examples of inadequate management include:

- Not notifying residents of anticipated closures; and
- Inadequate signage and provision of alternate routes e.g. encouraging vehicles to turn into PLC, drive around the round-about and exit back out onto Avon Road 10m from where vehicles entered. This is not an alternate route and is undoubtedly an inadequate solution. One road/pavement closure was made worse when it occurred for the majority of the day on a Saturday, which happened to be a home game for sport at PLC and many people were visiting the school who weren't familiar with the area – you can imagine it would be rather difficult to determine an alternate route in an area you don't know well due to the road you'd usually utilise being closed with inadequate signage provided.

Road/pavement closures were largely inconvenient each time they occurred because they were very poorly managed.

#### *Further comments*

- Integration of the proposed development with the existing neighbourhood, particularly with the local road network (as required in the Director-General's Requirements dated 11 February 2009), is severely poor and will largely impact on the amenity of the existing residents.
- The cumulative traffic impact of the proposed development in combination with the existing traffic produced by residents, PLC, commuter traffic, construction traffic from the Meriton development, the new residents to the Meriton development, and the construction traffic and the future residents of the proposed development, will result in adverse impacts to the existing neighbourhood.
- None of the proposed consultation has been undertaken, as stated it would be in the Consultation Strategy (Appendix 32) that was submitted as part of the EA for the proposed development.

We understand that the subject sites were nominated specifically for higher density development by the NSW Government, and that this has been incorporated the Ku-Ring-Gai LEP, however the proposed development grossly exceeds several critical development standards (including FSR, height and number of storeys), which are

subsequently detrimental to the amenity of the existing residents – '*...a high level of residential amenity...*' (as required in the Director-General's Requirements dated 11 February 2009) will not be achieved by the proposed development.

In developing a concept plan for the subject sites, the Proponent suggests that in order to accommodate the critical environmental constraints that are applicable to the subject sites, the "best" outcome is to simply increase the number of storeys to limit the footprint of the proposed development. This is unacceptable – it is purely for the financial benefit of the Proponent and it completely disregards the development standards specifically developed for the subject sites. The proposed development is nothing but a gross overdevelopment of the subject sites, and one which will cause significant adverse impacts to the locality.

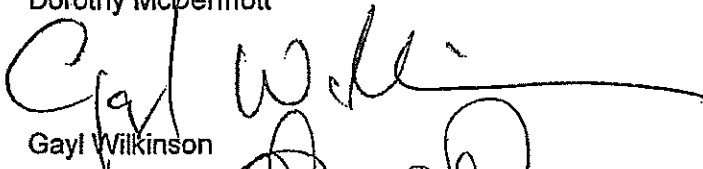
In light of the recent report produced by the Independent Commission Against Corruption (ICAC) – *The Exercise of Discretion under Part 3A of the Environmental Planning and Assessment Act 1979 and the State Environmental Planning Policy (Major Development) 2005* – and given the deficiencies and inaccuracies obvious in the documentation provided to support the EA for the proposed development, as well as taking into consideration the undoubted impact the proposed development threatens, I consider that it would be fairly difficult to justify approving the proposed development in its current form, or even granting approval with modifications.

We urge you to reject the proposed development.

Kind regards



Dorothy McDermott



Gayl Wilkinson



Graham Wilkinson

9 Arilla Road  
Pymble NSW 2073

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20th January 2011

ATTENTION: Director Metropolitan Projects  
Major Projects Assessment  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Sirs/Madam -

Re: Concept Plan (MP08\_0207) & Project Application (MP10\_0219)  
Residential development at Avon, Beechworth and Arilla Roads, Pymble

**I OBJECT TO THIS PROJECT**

As far as I am concerned the sheer number of units proposed (355) and the height of the buildings (11 and 9 storeys for two of the buildings) are absurd for a single residential area.

I note also that the proposed heights are well outside the planning limits that apply to the site as discussed in the Environmental Assessment.

There can be no valid comparison with units located on the Pacific Highway corridor or near the railway tunnel. These are either close to a main road or are nearby the station. And even the developments in Clydesdale Place for example are no more than 7 storeys high at the railway line frontage.

Regards,



(VIPIN DHIRI)

4 Jubilee Avenue

Pymble NSW 2073

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ATTENTION: Director Metropolitan Projects  
Major Projects Assessments

Re: Concept Plan (MP08\_0207) & Project Application (MP10\_0219)  
Residential Development at Avon, Beechworth and Arilla Roads, Pymble.

31 January 2011

Dear sir/madam

I wish to lodge an objection in the strongest terms to the above development proposal for the following reasons:

1. An enormous increase in traffic congestion will result without any increased traffic management planning or safety measures to support the increased traffic volume. Traffic is already at saturation point in this area.
2. The increase in traffic will pose a significant danger to pedestrians including 2,000 school children attending Pymble Ladies' College, crossing daily at a pedestrian crossing in a congested, narrow 2 lane street.
3. Traffic is already congested in this pocket due to the restricted access to the Pacific Highway. The only road outlets for this precinct are Livingstone Ave and Beechworth Rd. Each has two lanes only for left and right hand turns onto the Pacific Highway. The traffic signals allow 8 cars at most to turn on each signal change (far fewer if pedestrians are crossing the highway) . Accordingly, only one South-bound lane is available for through traffic and all traffic banks back at peak times.
4. The degradation of the local environment will increase the flood danger. This area is well known historically as having amongst the highest annual rainfalls in the Sydney Metropolitan area. These proposed buildings (on the side of a hill) will create heavy and increased water run-off.
5. Urban consolidation in this area will increase flood risk- very recently explained (24 January 2011) by Associate Professor Basant Maheshwari, a water resources researcher in the UWS School of Natural Sciences. He states land use changes could mean higher flood levels, flash flooding in unexpected areas and more frequent floods with all the changes in land uses due to on-going urbanisation.  
[http://www.unijobs.com.au/read\\_university\\_news.php?title=flood\\_safety\\_expert\\_calls\\_for\\_closer\\_analysis\\_of\\_land\\_use\\_changes\\_18083](http://www.unijobs.com.au/read_university_news.php?title=flood_safety_expert_calls_for_closer_analysis_of_land_use_changes_18083)
6. The development will have an unacceptable level of impact on views and overshadowing of adjoining sites and the public domain.
7. The height, bulk and scale of the proposed development (5 residential building envelopes of 4 to 11 storeys) is not in keeping within the context of this precinct - being single storey dwellings.

8. Escalated power demands-which may lead to blackouts and disruption as equipment becomes overloaded.
9. Commuter parking for Pymble train station, already inadequate, will be impossible.
10. Commuter and resident cars parked currently on both sides of the 2 lane Avon road restrict traffic flow such that only one lane operates in peak hour (at the northern end of Avon Road). Any increase in traffic due to this development will result in a gridlock particularly on school days.
11. Trains, buses and schools will become even more overcrowded.
12. The disruption to the community during the demolition and construction period of the project.
13. Footpaths in Arilla and Avon Rd are inadequate.
14. The heritage-listed Stationmaster's cottage off Avon Rd (next to the rail line) will be destroyed.
15. Other recent developments in Pymble Ave, the Avondale development in Clydesdale Place, major proposed development for Everton St and Pymble Ave-all need to be considered in conjunction with this new proposal for overall impacts on traffic, safety, flooding, views, shadowing and height and bulk considerations.
16. The area is part of the protected Blue Gum High forest, which will be in danger due to the environmental impact of this development.

Regards



Nicolas Shortis

5 Billabong Ave, Turramurra NSW 2074

24 January 2011

The Director of Metropolitan Projects  
Major Projects Assessment  
Department of Planning  
PO Box 39  
Sydney NSW 2001

①  
254  
TOTAL 8 PAGES  
INCL. OF ATTACHMENT.

Dear Sirs/Madam,

**Re: Concept Plan (MP08\_0207) & Project Application (MP10\_0219)  
Residential development at Avon, Beechworth and Arilla Roads, Pymble**

With reference to your invitation for submissions on the above mentioned project, I wish to make it known that I **STRONGLY** object to it in its present form, not because it is in my backyard, but for the following reasons:

- **Built Form**

The whole concept is just too bulky for the size of its proposed footprint and the topography of the land parcel. It is no ordinary plot of land. All the proposed residential envelopes are just too bulky especially envelope 3. The proposed height is also too high. Having buildings with more than 4 storeys tall away from the main highway and town centers is sheer environmental destruction.

The **visual impact** of this proposal is very substantial, and will be felt most by those residents living at the southern & western end and of the site due mainly to the terrain of the site. It will be like having a wall of concrete as its north-eastern neighbour. Please visit the Pymble Avenue/Avon Road development (Meriton - Ironbark), and view it from the bottom of the hill and you will appreciate the concern.

The developer will argue that there will be trees planted to block the buildings from the view of the surrounding neighbours. What guarantees do we have? Do not thrust a developer who has submitted numerous concept plans over the years for the site, which increases the number of units proposed with each new proposal with no consideration to the terrain and topography of the site.

- **Accessibility**

As this site is away from the main highway and bordered by suburban roads, the railway line and houses, access to the site and the proposed development is restricted. Most of the proposed accesses into the site are not wide enough. It will be a problem when the need arises for emergency access or evacuation. It is not as "rosy" as what the Plan shows. At the Avon Road site, the proposed entrance at 5 Arilla Road is very close to a blind corner, very dangerous. Once again, this

is not a typical site which has direct access from major highways. To access, one have to make use of suburban roads with many junctions.

- **Traffic**

The traffic study may not indicate the true number of vehicles that will be using the surrounding roads that lead to the site. Did it take into consideration the potential increase in the number of vehicles using these local roads from the following:

1. Residents of the Meriton Ironbark development located at the corner of Pymble Avenue and Avon Road once it is fully occupied?
2. Residents from the Avondale development in Clydesdale Place wishing to travel South?
3. Vehicles from future developments in the vicinity of the site, and also from future developments by Pymble Ladies College?

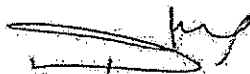
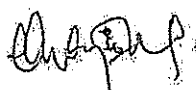
It is not a Pymble Ladies College problem as suggested by the traffic report submitted by the developer. It is a problem for all; train commuters who park their cars near the station, local residents, developers and the approving authority.

Plans should pay close attention to the "Development controls and design guidelines – six SEPP 53 sites in Ku-ring-gai" dated January 2003 prepared by the Department of Planning for Site 2, and also the Council's "Ku-ring-gai Development Control Plan (Town Centres) 2010. Only by following these adopted guidelines will we have transparency and a level playing field for all.

In summary, I strongly urged that the subject Concept Plan & Project Application be rejected as presented. It is just too massive. Traffic will be a nightmare. Train commuters and local residents will be deprived of street parking. This application should not be looked at in isolation. Future potential developments around the vicinity should be taken into consideration.

I would also request that my name not made available to the Proponent and also on the department's website.

Yours sincerely,





### 3C.6 SPECIFIC SITE CONTROLS

FOR 1A, 1, 5 & 7 AVON ROAD, N° 1 ARILLA ROAD, N° 12  
MAYFIELD AVENUE & N°S 2-8 BEECHWORTH ROAD, PYMBLE

#### Controls

- 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*.

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The *Standard Instrument* also provides the opportunity for the inclusion of local provisions either as stand-alone clauses, and/or as additions to the main clauses in the template. The KLEP 2010 has included a number of provisions within the written instrument to achieve desired local planning outcomes. These include local aims, additional zone objectives, certain permissible and prohibited land uses, development standards and other additional local provisions which are not inconsistent with the compulsory provisions.

Following is a description of the various parts of the Written Instrument

### Part 1 - Preliminary

Part 1 of the KLEP 2010 contains formal statutory information including the name of the plan, its commencement, the aims of the plan and its relationship to other planning instruments.

### Part 2 - Zoning and permitted uses

Part 2 of the written instrument provides zoning and land use details.

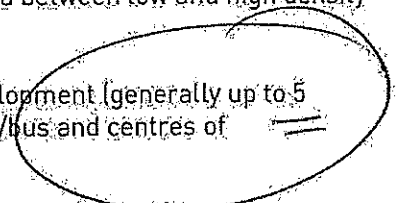
Zoning divides the land covered by the KLEP 2010 into districts or "zones" which specify the permitted and prohibited uses.

The *Standard Instrument* sets out 34 standard zones for councils to choose from when preparing a new LEP for their local government area. Councils may select zones as appropriate to the needs of their local areas, taking into account any relevant State or regional planning guidance.

For each zone, the *Standard Instrument* sets out "core" objectives for development in the zone, and requires certain permitted or prohibited land uses. The KLEP 2010 has included a number of local objectives for the zones being used as well as identifying all permitted land uses for each zone. Details of these can be found in the Land Use Table under Part 2 of the KLEP 2010.

The 'Land Zoning Map' identifies the land to which each zone applies. The zones used under the KLEP 2010 are as follows:

- **R2 - Low Density Residential:** - applies to land where primarily low density housing is to be established or maintained. The zone objectives also encourage the provision of facilities or services that meet the day-to-day needs of residents.
- **R3 - Medium Density Residential:** - to provide for medium density housing generally in the form of townhouse development of 2 to 3 storeys. The zone provides for increased housing choice and is generally used as a transition area between low and high density areas.
- **R4 - High Density Residential:** - to provide for unit development (generally up to 5 storeys). These areas are typically located closer to rail/bus and centres of retail/commercial activity.
- **B2 - Local Centre:** - to apply to the core retail commercial areas. This zone, at the core of each centre, will permit developments with a mix of retail, commercial, residential and associated community facilities.





## Part 6 - Additional Local Provisions

The KLEP 2010 includes a number of local provisions, which have been incorporated into Part 6 of the written instrument. These include the following:

- *Clause 6.1 – Particular site requirements for multi dwelling housing and residential flat buildings* – establishes minimum street frontages for residential flat buildings and multi dwelling housing (town houses).
- *Clause 6.2 – Ground floor development in business zones* – mandates active ground floors on buildings in business zones to ensure more vibrant street frontages and better urban design outcomes.
- *Clause 6.3 – Minimum building street frontage in business zones* – requires a minimum 20 metre street frontage for all new development in the business zones to encourage site amalgamation for better architectural and urban design outcomes.
- *Clause 6.4 – Urban design excellence for Key Sites* – provides incentives, in the form of additional height and FSR, for larger development sites to provide the highest standard of urban and architectural design outcomes in areas of local strategic significance in each centre. These areas are identified on the Key Sites Map.

The clause also requires the establishment of an *Urban Design Excellence Panel* to oversee the implementation of the clause.



- *Clause 6.5 – Natural resources sensitivity – biodiversity* – sets out provisions to prevent development consent being granted unless it can be demonstrated that biodiversity and ecological processes are protected and enhanced. The areas subject to this clause are identified in the *Natural resources sensitivity – Biodiversity Map*. A specific provision is included which recognises the need for some flexibility (eg through offsetting), where all practical measures have been taken to prevent or mitigate environmental impacts.



- *Clause 6.6 – Natural resources sensitivity – riparian lands* – provides for the protection, and where practical, the re-creation of riparian zones. The waterways and adjoining lands are identified on the *Natural resources sensitivity – Riparian lands map*.
- *Clause 6.7 – Restrictions on consent for particular sex services premises* – places restrictions on sex services premises being located adjoining residential zones, community facilities, parks, schools and the like and requires consideration of the potential impact on children.

## Schedules

The *Standard Instrument* contains five schedules, although there is provision for additional schedules to be added over time.

The schedules that are referenced by clauses in the KLEP 2010 are:

- Schedule 1 - Additional permitted uses [clause 2.5];

## Online Submission from Kylie Alvaro (object)

**Against - Annex Website Submissions for job MP08 0207  
- Concept Plan for 5 residential building envelopes of 4 to  
11 storeys in 5 stages for up to 355 units with underground  
car parking and landscaped open space/riparian  
rehabilitation**

Please see attached for our submission.

Name: Kylie Alvaro

Address:  
4 Arilla Road  
Pymble NSW 2073

IP Address: - 203.108.177.162

Submission for Job: #2919 MP08\_0207 - Concept Plan for 5 residential building envelopes of 4 to 11 storeys in 5 stages for up to 355 units with underground car parking and landscaped open space/riparian rehabilitation  
[https://majorprojects.onhiive.com/index.pl?action=view\\_job&id=2919](https://majorprojects.onhiive.com/index.pl?action=view_job&id=2919)

Site: #1833 Avon, Beechworth and Arilla Roads, Pymble  
[https://majorprojects.onhiive.com/index.pl?action=view\\_site&id=1833](https://majorprojects.onhiive.com/index.pl?action=view_site&id=1833)

**Status: Actioned on 09/02/2011**

255

Major Projects Assessment  
Department of Planning  
GPO Box 39  
Sydney NSW 2001

9 February 2011

Attn: Director Metropolitan Projects

**MAJOR PROJECT PROPOSED AT AVON, BEECHWORTH AND ARILLA ROADS, PYMBLE (MP08\_0207 AND MP10\_0219)**

We object to the subject Major Project for the following reasons:

- The number of dwellings proposed, which will significantly increase the number of residents in the area and severely affect the amenity of the existing residents, particularly with regard to traffic.
- The bulk/scale of the proposed development and the number of storeys proposed, which will cause unacceptable visual impact, affect privacy and overshadow adjoining properties, and therefore impact the amenity of the surrounding residents, particularly those in Avon Road and Arilla Road.
- The impact the proposed development will have on the Blue Gum High Forest (a Critically Endangered Ecological Community), particularly as a result of the proposed regeneration/reconstruction works.
- The size of the proposed development, which will result in an increased hard surface area, increasing the amount of run-off produced, which will flow into the creek that dissects the subject sites and traverses several properties (including ours) southwest of the sites.
- The impact the proposed development will have on traffic, which is currently functioning at a near-unacceptable level and will be worsened if the proposed development is approved.
- The impact the construction of each stage of works will have on existing residents, particularly with regard to construction traffic, noise and dust that will be produced. This was very poorly managed during the construction of the development at the junction of Pymble Avenue, Everton Street and Avon Road.

Of particular concern to us and our property is the impact the proposed Major Project will have in terms of increasing the amount of run-off produced upstream. The hard surface area that will result (should the proposed development be approved) will increase the amount of run-off that will drain into the creek that flows under Arilla Road and traverses our property on the south east boundary.

We are concerned that the existing drainage infrastructure under Arilla Road does not have adequate capacity to accommodate the amount of additional run-off that will be produced, and that therefore there is a risk that all properties that are adjacent to the creek could experience localised flooding. As it is the creek experiences substantially higher/concerning water levels during high rain periods, and if the additional run-off is not managed properly (should the proposed development be approved), there is the risk that Arilla Road and all the properties adjacent to the creek will flood.

We understand that the subject sites were nominated specifically for higher density development by the NSW Government, and that this has been incorporated into Ku-Ring-Gai's LEP, however we are concerned about the scale of the proposed Major Project, and the impact it will have on traffic and water, which is likely to unreasonably affect the amenity of the existing neighbourhood.

We request that you reject the proposed Major Project.

Kind regards

A handwritten signature in black ink, appearing to read 'K. A. Alvaro'. The signature is written in a cursive, slightly stylized font.

Kylie and Ruben Alvaro

4 Arilla Road  
Pymble NSW 2073

**From:** Malcolm Grice <malcolm.grice@macquarie.com>  
**To:** Simon Truong <simon.truong@planning.nsw.gov.au>  
**CC:** <assessments@planning.nsw.gov.au>  
**Date:** 11/02/2011 6:13 pm  
**Subject:** Online Submission from Malcolm Grice (object)

I object to the proposed development for the following reasons:

- Scale

The proposed development is completely out of scale with the surrounding area and shows no sympathy for the existing locale or neighbourhood streetscape and residents

- Character

The proposed development is out of character with the immediate and surrounding area and makes no contribution to enhance the quality of life of residents

- Traffic/Parking

The proposed development in its planned phases adds 355 units and resultant car spaces and car use to an area which is already straining with the volume of traffic at key times through out the day. The peak hour traffic in the area is gridlocked already and there is no capacity for additional traffic. I already witness improvised manouvres in the surrounding intersections due to inadequate roads. I suggest that consideration be given to the effective evacuation of the area in a catastrophic bushfire.

In summary, this development application reflects all the greed and opportunism that our elected representatives are meant to protect us from.

Yours sincerely,

Malcolm

Name: Malcolm Grice

Address:  
15 Beechworth Road

Pymble

NSW 2073

IP Address: - 203.210.68.145

Submission for Job: #2919 MP08\_0207 - Concept Plan for 5 residential building envelopes of 4 to 11 storeys in 5 stages for up to 355 units with underground car parking and landscaped open space/riparian rehabilitation

[https://majorprojects.onhiive.com/index.pl?action=view\\_job&id=2919](https://majorprojects.onhiive.com/index.pl?action=view_job&id=2919)

Site: #1833 Avon, Beechworth and Arilla Roads, Pymble  
[https://majorprojects.onhiive.com/index.pl?action=view\\_site&id=1833](https://majorprojects.onhiive.com/index.pl?action=view_site&id=1833)

257

**From:** Mark Marriott <markm@banditchippers.com.au>  
**To:** "plan\_comment@planning.nsw.gov.au" <plan\_comment@planning.nsw.gov.au>  
**CC:** 'Mark Marriott' <memarriott@optusnet.com.au>, Sue Marriott <smarriott@ba...  
**Date:** 18/01/2011 9:38 am  
**Subject:** PROJECT OBJECTION  
**Attachments:** Objection - Mark Marriott.pdf

Please find attached my letter Objecting Strongly to a massive development proposed for residential Pymble in Sydney.

Thank you,

Mark Marriott  
5 Jubilee Ave,  
Pymble, NSW, 2073



257

Attention: Director Metropolitan Projects  
Major Projects Assessment  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

55 Jubilee Ave  
Pymble, NSW, 2073

January 2011

Dear Sirs/Madam -

Re: Concept Plan (MP08\_0207) & Project Application (MP10\_0219)  
Residential development at Avon, Beechworth and Arilla Roads, Pymble

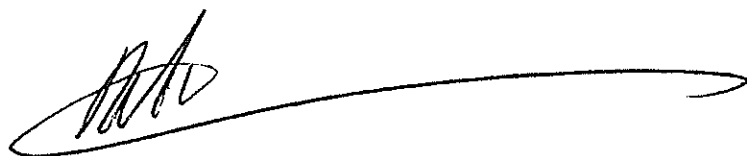
**I OBJECT TO THIS PROJECT**

As far as I am concerned the sheer number of units proposed (355) and the height of the buildings (11 and 9 storeys for two of the buildings) are absurd for a single residential area.

I note also that the proposed heights are well outside the planning limits that apply to the site as discussed in the Environmental Assessment.

There can be no valid comparison with units located on the Pacific Highway corridor or near the railway tunnel. These are either close to a main road or are nearby the station. And even the developments in Clydesdale Place for example are no more than 7 storeys high at the railway line frontage.

Regards,



Mark Edward Marriott

18/1/2011.

*This is INSANITY!*  
*You CANNOT BE*  
*SERIOUS!!*

(257)

ST

13  
17/1/11

Attention: Director Metropolitan Projects  
Major Projects Assessment  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001.

January 2011

5 Jubilee Ave  
Pymble, NSW, 2073

Dear Sirs/Madam -

Re: Concept Plan (MP08\_0207) & Project Application (MP10\_0219)  
Residential development at Avon, Beechworth and Arilla Roads, Pymble

**I OBJECT TO THIS PROJECT**

As far as I am concerned the sheer number of units proposed (355) and the height of the buildings (11 and 9 storeys for two of the buildings) are absurd for a single residential area.

I note also that the proposed heights are well outside the planning limits that apply to the site as discussed in the Environmental Assessment.

There can be no valid comparison with units located on the Pacific Highway corridor or near the railway tunnel. These are either close to a main road or are nearby the station. And even the developments in Clydesdale Place for example are no more than 7 storeys high at the railway line frontage.

Regards,



Mark Edward Marriott

18/1/2011.

*This is INSANITY!*  
*You CANNOT BE*  
*SERIOUS!!*

258

**From:** "Michelle Key" <michellekey@iinet.net.au>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 13/02/2011 4:44 pm  
**Subject:** Concept Plan  
**Attachments:** CONCEPT PLAN.JPG

Dear Sir/Madam,

Please see the attached objecting to the proposed development between Avon, Arilla and Beechworth Road.

Kind regards,

Michelle and Brenton Key

3 Linden Ave

Pymble NSW 2073

January 2011

ATTENTION: Director Metropolitan Projects  
Major Projects Assessment  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Sirs/Madam -

**Re: Concept Plan (MP08\_0207) & Project Application (MP10\_0219)**  
**Residential development at Avon, Beechworth and Arilla Roads, Pymble**

**I OBJECT TO THIS PROJECT**

As far as I am concerned the sheer number of units proposed (355) and the height of the buildings (11 and 9 storeys for two of the buildings) are absurd for a single residential area.

I note also that the proposed heights are well outside the planning limits that apply to the site as discussed in the Environmental Assessment.

There can be no valid comparison with units located on the Pacific Highway corridor or near the railway tunnel. These are either close to a main road or are nearby the station. And even the developments in Clydesdale Place for example are no more than 7 storeys high at the railway line frontage.

Regards,

Michelle Key  
3 Linden Ave  
Pymble NSW 2073

259

**From:** "Natalie Cronin" <nataliecronin@bigpond.com>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 12/02/2011 12:11 am  
**Subject:** Part 3A submission MP08\_0207 and MP10\_0219  
**Attachments:** Part 3A Submission MP08\_0207 MP10\_0219.DOC

Please find attached my submission on Part 3a Major Projects proposals, MP08\_0207 and MP10\_0219.

Thankyou

Regards  
Natalie Cronin  
55 Miowera Road  
North Turramurra NSW 2074

Major Projects Assessments  
Department of Planning  
23-33 Bridge Street  
Sydney NSW 2000

*MP08 0207 – Concept Plan for 5 residential building envelopes of 4 to 11 storeys in 5 stages for up to 355 units with underground car parking and landscaped open space/riparian rehabilitation – 1, 1A, 5 Avon Road, 1 Arilla Road, 4 & 8 Beechworth Road, Pymble*

*MP10 0219 – Stage 1 construction of a 4 to 6 storey residential flat building – 1, 1A, 5 Avon Road, 1 Arilla Road, 4 & 8 Beechworth Road, Pymble*

Dear Sir/madam

I am writing to strongly object to the above proposals under Part 3A Major Projects for the following reasons:

Inconsistency with SEPP 53 and Town Centres LEP

This site was one of six in Ku-ring-gai identified under SEPP53 for multi unit housing. After gazettal of the Town Centres LEP, the NSW Minister for Planning removed them from SEPP 53. As a result, the sites were to come under the planning controls of the Town Centres LEP with the Minister no longer the consent authority.

However, the height of this 11 storey concept plan grossly exceeds both SEPP 53 and the Town Centres LEP planning controls and once again the Minister will potentially be the consent authority. The site is zoned for 5 to 7 storeys in the Town Centres LEP and up to 7 storeys under SEPP53.

There is no justification for this proposal to be assessed as a site of State or Regional significance. It is simply a cluster of unit blocks that blatantly exceeds all planning controls, no doubt to profit from impressive views.

The recent ICAC inquiry into Part 3A recommended that the Planning Assessment Commission become automatically responsible for all private state-significant development applications that exceed local development rules by more than 25 per cent. It also recommended that the types of development projects that can be determined by the planning minister using the special powers should also be restricted to development applications that would be permitted under current land zoning.

Inappropriate and excessive scale and bulk

Planned heights of up to 7 storeys under SEPP 53 and the Town Centres LEP were already totally inappropriate for the surrounding 2 storey residential zoning, especially given the downhill slope. It's evident from the nearby Meriton development on Avon Road that development of this scale on the ridgeline, looms above the residential homes below it.

Eleven storeys would be grossly intrusive and beyond the heights allowed anywhere in Ku-ring-gai, even under the Town Centres LEP.

Impact on riparian zone

The site contains a riparian zone which will no doubt be affected by the size of the development. Deep soil excavation for the buildings and removal of vegetation will affect run off and water flows, possibly even leading to flooding downhill.

Impact on critically endangered Blue Gum High Forest

The site contains critically endangered Blue Gum High Forest (BGHF) which is protected under both State and Federal legislation. It forms part of an important east- west bio-linkage. There is no evidence that the Department of Environment, Climate Change and Water has been consulted on this proposal, even though it contains a critically endangered ecology.

The developer states in his application that “the site has many gum trees which are well in excess of 50 metres (15 storeys). Although he says that 70% of the site can be returned to BGHF and gardens he admits that trees will have to be removed and talks of “revegetation” planting. In reality the sheer size and scale of development, with equipment, vehicles, cranes and on site construction sheds will inevitably lead to large scale destruction of mature BGHF. The extent of deep soil excavation required for a development of this size will affect water flows, tree roots and access to sun.

Ku-ring-gai is littered with examples of development sites being stripped of all vegetation, including those containing critically endangered BGHF. Despite talk of replanting, developers do not like tall trees that block views, drop leaves and don’t conform with a certain look. Once gone, BGHF trees will never be replaced!

Yours sincerely

Natalie Cronin  
55 Miowera Road  
North Turramurra  
Sydney NSW 2074

11 February 2011

260

**From:** Neil Brawley <neil\_brawley@hotmail.com>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 10/02/2011 8:41 pm  
**Subject:** Re: Concept Plan (MP08\_0207) & Project Application (MP10\_0219)  
**Attachments:** Avon road units.pdf

Please find attached PDF letter objecting to:  
Concept Plan (MP08\_0207) & Project Application (MP10\_0219)

Neil Brawley +61 0425 344 138



ATTENTION: Director Metropolitan Projects  
Major Projects Assessment  
Department of Planning  
GPO Box 39  
Sydney NSW 2001

Dear Sirs/Madam

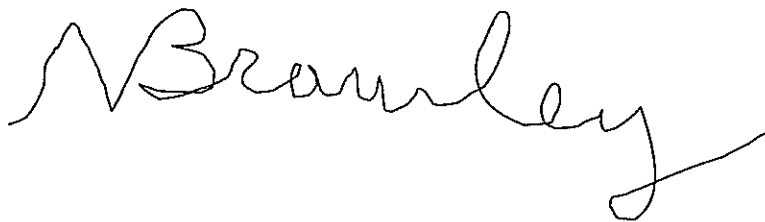
Re: Concept Plan (MP08\_0207) & Project Application (MP10\_0219)  
Residential development at Avon, Beechworth and Arilla Roads, Pymble

I OBJECT TO THIS PROJECT

There has been a lot of development in this area in recent times which has increased the population. My concerns are that this increase will put more strain on the overly stressed sewage system in this area. I live in Kimbarra Rd. and the sewage has overflowed into the creek beside my house. The water board worked like mad to flush the creek so they would not have to evacuate the nearby residents. I understand that the sewage system in this area is very old and badly needs upgrading.

As far as I am concerned the sheer number of units proposed is absurd for this area. At certain times of the day the wait to get on the Pacific Highway from Beechworth Rd. can be as much as 10 minutes. How long is that going to be if residents from another 355 units join the queue?

Regards,

A handwritten signature in black ink, appearing to read 'NBrawley', with a long horizontal stroke extending to the right.

Neil Brawley  
10 Kimbarra Rd.  
Pymble 2073

**From:** Paul Cooper <plovettcooper@optusnet.com.au>  
**To:** <simon.truong@planning.nsw.gov.au>  
**CC:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 23/02/2011 1:00 pm  
**Subject:** Fwd: MP08\_0207/MP10\_0219 : Avon/Beechworth site

Simon,

I followed this up with a 'phone call yesterday but I understand you are away sick.

I am concerned that I am not receiving any current news on this matter which the residents in the area ( and many others) are extremely concerned about.

Perhaps another officer could respond in your absence? What I am seeking is a full schedule of the steps in the process from here with a timeline.

Secondly I seek to know the views of NSW Planning on the many serious issues raised during the exhibition period. We are also interested to hear whether you agree that a number of issues require, as a minimum, further studies and analysis before any valid decision could be taken ( for example: Blue Gum High Forest protection, Traffic impacts, Bush Fire risk and Riparian Zone issues).

I look forward to an immediate response.

regards

Paul Cooper  
( Convenor, Pymble Action Group for the Environment)

0434 144 456

Begin forwarded message:

> From: Paul Cooper <plovettcooper@optusnet.com.au>  
> Date: 15 February 2011 6:50:49 PM  
> To: simon.truong@planning.nsw.gov.au  
> Subject: MP08\_0207/MP10\_0219 : Avon/Beechworth site  
>  
>  
> Simon,  
>  
> Now that the exhibition period is over I would be interested to  
> know what the process is from here that you will follow in relation  
> to this application.  
>  
> Thanks and regards  
>  
> Paul Cooper  
>  
> (Convenor, Pymble Action Group for the Environment)

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**From:** Paul Cooper <plovettcooper@optusnet.com.au>  
**To:** <simon.truong@planning.nsw.gov.au>  
**Date:** 15/02/2011 6:10 pm  
**Subject:** MP08\_0207/MP10\_0219 : Avon/Beechworth site

Simon,

Now that the exhibition period is over I would be interested to know what the process is from here that you will follow in relation to this application.

Thanks and regards

Paul Cooper

(Convenor, Pymble Action Group for the Environment)

261

21 Avon Road  
PYMBLE 2073

7 February 2011

Major Projects Assessment  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

**Attention: Director Metropolitan Projects**

Dear Sir,

**Re: Concept Plan (MP08\_0207) & Project Application (MP10\_0219) – Proposed Residential Development at Avon, Beechworth and Arilla Roads, Pymble**

I write this submission in my capacity as convenor of Pymble Action Group for the Environment (P.A.G.E.). This group of local residents in the precinct surrounding this site (i.e. between PLC School and Sheldon Forest on the west side of the Pacific Highway) has been active for around 14 years. Our main focus has been to persuade first Ku-ring-gai Council and now you that the numerous proposals for this site over the years have all shared one common factor: that is they represent excessive development for this site in this particular area of Sydney.

In support of this contention I have set out below, in summary form, our key arguments. In the second part of the letter will be found more detail in relation to certain arguments.

## **1. INAPPROPRIATE AND EXCESSIVE BULK AND SCALE**

In the letter sent by the Director General to this developer on 11 February 2009 (containing the "DGRs" for the Environmental Assessment ("EA")) he states: "I would like to take this opportunity to remind you of the Department's concerns regarding the height and form of the proposal in the vicinity of the rail corridor ..."  
The concern is reflected again in DGR2, paragraphs 1 and 2.

Despite this, the application proposes 9 and 11 storey buildings and an FSR of 1.39:1! Not only this but such buildings are as little as 5 metres from adjoining residences ( e.g. building #5 and #3).

The proposal gives the impression that the tall trees on the site will screen all buildings from the surrounding area. As the analysis of this point in Part 2 shows this is not the case.

When this developer properly addresses your explicit concerns perhaps you might have something you could legitimately consider. Until that time you must surely reject the proposal.

## **2. NON-COMPLIANCE WITH PLANNING REQUIREMENTS**

The application does not adequately address the key requirements of NSW Planning: (i) as to height, bulk and scale; and (ii) as to impact on adjoining residences and public domain. The building heights and FSR of the proposal do not comply with either the SEPP 53 or Town Centres LEP requirements.

The proposal attempts to justify non-compliance. We would have thought that where there are planning instruments expressly applicable, any attempt to justify non-compliance can only fail. What a legitimate application must do therefore is comply.

In any event the argument the developer uses is based on a false premise (see [3] below).

## **3. CONSTRAINED SITE**

The developer argues that the site is constrained for a number of reasons with the result that buildings can only be placed on a portion of the site. As a result the buildings must be higher than otherwise would be the case. We ask "why is this so?" Why not have smaller buildings on a limited part of the site?

The fallacy in the argument is the premise: the unstated premise is that there is some unwritten FSR to which this developer is entitled. But this is not so. The maximum FSR under the 2003 SEPP 53 guidelines for this site is 0.63:1. The maximum FSR under the Town Centres LEP is 0.8:1. This proposal exceeds both of these by 120% (that is the proposal is more than double the permitted size) and 74% respectively. But the key point here is that these are maximums not minimums. There is no difficulty at all in NSW Planning confirming the constraints on the site and then reducing the applicable FSR to below either 0.63:1 or 0.8:1 (whichever in fact applies) so that the buildings on the permitted parts of the site are not incompatible with the surrounding area nor too close to adjoining residences.

We do not see why this proposal does not follow this rather obviously correct approach especially when the Director General instructed that this was the approach to take.

## **4. CONCEPT PLANS ONLY**

The application seeks to obtain approval for such a large building envelope based merely on concept plans. This causes us great concern. We are concerned that NSW Planning is being asked to approve building envelopes based not on plans but a concept. The difficulty is if the concept is found to be unworkable when it becomes a plan it will be too late to alter the concept because the concept will be what has been approved. What will result is that Planning NSW will have to compensate the developer if the concept is not implemented. This would appear to be an unacceptable financial risk for a government department to accept. The solution is to require full plans now before any approval is given.

## **5. CANCER EFFECT**

Such a gross disproportion between the proposed buildings and the current single residences in the area will have the effect over time of degrading the amenity and hence the value of the latter; and so high density will spread outwards into the degraded areas. This process will continue until there is only high density in the entire area. This would be an abuse of the planning process because future planning outcomes would be the result of economic factors instead of decisions consciously made by NSW Planning.

## **6. BLUE GUM HIGH FOREST**

At DGR 10 the Director General states: "The Blue Gum High Forest is listed as a critically endangered threatened ecological community under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Commonwealth Department of Environment, Water, Heritage and the Arts should be consulted to ascertain whether the proposed development triggers the need for an assessment and approval under the EPBC Act."

This statement confirms that the site comprises Blue Gum High Forest ("BGHF").

It requires the applicant to consult the Commonwealth under its legislation. It appears that this has not been done. Nowhere in the EA is there a reference to any consultation with the Commonwealth despite this being a mandatory DGR requirement. Please advise when this matter has been addressed by the applicant to your satisfaction.

The EPBC Act in particular refers to the biodiversity value of BGHF. Further, the 2000 Environment Baseline Study Report referred to the particular need to retain all incidents of BGHF in order to maintain critical east-west bio-linkages between the Lane Cove national park and Ku-ring-gai Chase national park.

Even though the status as BGHF is not challenged by the applicant, the applicant proposes to remove at least 12 BGHF trees (see EA vol. 3 at 8.13 (p 95)). Surely as a starting point it must be the case that no removal whatsoever of a threatened item could be permitted. That being so the proposal must be rejected in its current form since its viability is predicated on the removal of trees that is prohibited by NSW and Commonwealth law.

Buildings 3 and 4 intrude into the core riparian zone. The required Asset Protection Zones for those buildings also intrude. Clearly these matters would require rectification before any approval could validly be given since, amongst other things, the riparian zone is there to ensure the survival and future enhancement of the BGHF.

We also question whether very tall buildings next to the riparian zone will allow the vegetation to survive at all because of overshadowing and also because of the impacts of construction and future occupancy by a very large number of people. We see these impacts as far greater than any weed infestation that may or may not exist currently on the site.

## **7. BUSHFIRE HAZARD**

The site is located in a large residential precinct which is effectively a cul-de-sac. There are two exits only. If this proposal proceeds then the number of residences in the cul-de-sac will be almost doubled to around 750. The precinct is surrounded by bushland on three sides (Sheldon Forest, Avondale Golf Course and PLC School) and the railway on the fourth side. Accordingly we are most concerned that in the event of a bushfire residents, particularly the elderly, may not be able to get out. We suggest that this risk should be assessed by the Rural Bushfire Service before any planning decision is made.

Similarly, emergency access into the area and the site will be difficult (see Part 2).

## **8. HERITAGE**

It is a misconception to think that just because an area is not listed (correctly or not, and we would say not (see Part 2)) as an urban conservation area, development proposals can ignore heritage issues as this one does.

Set out in Part 2 of this submission are a number of arguments on heritage and its relevance to this area of Pymble and this site in particular.

## **9. TRAFFIC**

The area between PLC School and Sheldon Forest is a cul-de-sac. If its population is doubled the traffic congestion will move from extreme to gridlock. And that is without taking account of the very large unit development nearing completion at the top of Pymble Avenue.

The traffic consequences of this proposal are voluminous and very significant. Rather than summarize them I refer you to Part 2 of this letter.

It is submitted that traffic issues have not been adequately modelled and that the traffic situation in this precinct of Pymble is so bad that no increase in population at all is possible.

## **10. THE MINISTER LACKS POWER TO APPROVE**

It would appear that the Minister for Planning no longer has the legal power to approve this proposal.

This is because his power resides in Part 3A and that Part no longer applies to the so-called "Targeted Sites", of which this site is #2. This has been the situation since the introduction of the Town Centres LEP in 2010.

The only reason this site was brought within Part 3A was because of its status as a "Targeted Site". Given the realistic limits to the scale of a legitimate development on this site outlined above, the site has no independent claim to be brought within the purview of Part 3A.

## 11. CONCLUSION

Like many people in the local community P.A.G.E. is very concerned about the proposed development and the impact it would have on the area of Pymble west of the railway line, bounded by Pymble Ladies College and Sheldon Forest.

It is an area that was built mainly in the interwar period by people who while prosperous did not have great wealth. What they did have was respect for the character of the local area. They built modest family homes that were varied and individual in style but maintained a similar small scale. They planted pleasant gardens and retained a canopy of tall native trees. Together and in a very informal way over many years they created a living environment that has beauty, amenity and character. This environment will be severely damaged if the proposal is allowed to go ahead. The proposal subverts the community values that have guided previous development –limited residential scale, consideration for neighbours, appreciation of heritage and respect for the natural environment.

We urge you to reject the current proposal.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P.L. Cooper', written in a cursive style.

P.L. COOPER  
(Convenor, P.A.G.E.)

**[See Part 2 on following pages]**



## **PART 2:**

### **1. INAPPROPRIATE AND EXCESSIVE BULK AND SCALE**

Two of the buildings will be 9 storeys and 11 storeys high respectively. The tallest building will be 37 metres. These buildings will be excessively tall, bulky and unsightly.

The buildings will be clearly visible throughout the area. The tall buildings will dominate the skyline now seen as a canopy of trees. The development proposal states that there are a number of mature trees on the property - approximately 35 to 50 metres tall – that will screen the view of the buildings. This is doubtful for several reasons:

The development plans show the tallest trees only partly screening the buildings when viewed from Mayfield Avenue and part of Arilla Road. There are no significant tall trees on the site to screen the view of the buildings from Avon Road or from the top of Beechworth Road (including 6, 10, 10A, 10B and 10C especially).

Trees of 35 - 50 metres in height are very old trees. Many of the blue gums along the western boundary of the site were planted in the 1930s. In the natural course of events, tall trees on the site can be expected to die off in a few years time, leaving the high buildings exposed. It is also highly likely that the stress of large-scale construction works will damage the canopy and root systems of many trees, leading to their removal.

Tall native trees, which regularly drop large branches, are not compatible with high density building complexes where large numbers of people and cars move around the site. As soon as branches drop from trees on the site, it is almost certain that unit owners will be mounting a case to have the trees removed, citing fears about personal safety and property damage.

In the event that these very valuable, very old and tall trees die or have to be removed, they cannot be replaced. The project plan emphasises that it allows for open areas where 'deep soil' plantings of trees can be made. However, page 54 of the proposal includes a definition of deep soil planting as 'areas of a site with relatively natural soil profiles that are protected to promote the healthy growth of significant trees that can mature to heights of 10-25m'. Trees of 10-25m will not be tall enough to screen the 9-11 storey buildings.

#### **Appearance of stage 1 building fronting Avon Road is unacceptable**

This building will be 4 storeys at the front and 6 storeys at the back. The development plans and drawings show the building very close to the footpath, much closer than the single storey houses either side. The impression from Avon Road is of a bulky oversized building, without any significant front garden to soften the effect.

This detracts from the character and amenity of the Avon Road streetscape.

The development proposal states that the stage 1 Avon Road building is screened from view along Avon Road by the trees growing inside the boundary fence of Pymble Ladies College. This may be so from far away on Avon Road, but as people come closer along Avon Road, the building will dominate the streetscape.

Also the photomontages in the development proposal show the stage 1 building and a later stage building being screened by large trees in the front gardens of neighbouring houses in Avon Road. The images are misleading because many of the trees they show in the neighbouring gardens do not actually exist.

The development proposal cannot rely on trees on properties that it does not own or control to screen the view of its buildings.

### **Appearance of Buildings #3 and #1 from Avon Road residences.**

I live at 21 Avon Road. Despite one or two existing trees which will reduce the impact (while they exist) I will still be exposed to views of (and overlooking by) the substantial height of this building uphill from 15 Avon Road. I will see it both through and above the scant tree cover that exists currently. The visual impact from below will be such that the building will appear to me to be about 50% to 100% higher. I have checked this impact by viewing 'Ironbark' at the top of Pymble Avenue from the downhill side. The impact of Buildings #3 and #1 on 7, 11 and 15 Avon Road will be unimaginable.

### **Incompatible with Urban Setting and Environment.**

The size of the buildings and the density of the development is incompatible with its urban setting and environment, even against the controls in the latest Town Centres LEP.

In the comprehensive 2000 Heritage and Neighbourhood Character Study, conducted for Council by independent consultants Godden Mackay Logan Pty Ltd, it was reported that the study (p 3 p i)

"confirmed that the heritage and neighbourhood character values of the study area are exceptional, and therefore any new development introduced within the area must be based on and be compatible with those values"

The heritage and neighbourhood character values were described in the report in the following terms:

"The study confirmed that the prevailing pattern of residential development, which is common throughout most of the study area, is characterised by single dwelling houses addressing the street across an open-front garden, and providing a private rear garden..... This pattern has enabled the landscape to flourish and provide the most significant characteristic of Ku-ring-gai – its tree cover. The consistency of this pattern, the abundant landscape and the relative cohesiveness of housing scale and, form and style within the study areas of Ku-ring-gai make the neighbourhood special." (p 5 p i)

On any view the development proposals are manifestly incompatible with those values.

## **7. BUSHFIRE HAZARD**

Emergency access to the site and area is likely to be difficult

At peak hour times during the school term, rapid response emergency access to the area surrounding the proposed development is impeded because of the congestion in both directions on Avon Road and Beechworth Road. This is an existing problem.

Adding 700 to 800 unit dwellers into the area exposes them to safety risks if a police vehicle, an ambulance or a fire engine is urgently required, but is delayed by traffic congestion around the site.

There may also be potential access problems for large fire engines getting into the site.

In the development proposal's Appendix 25 Bushfire Hazard Assessment Report, there is a recommendation that for adequate access to the site by large fire engines there must be 6.5 metre two way all weather roads. I assume that:

This road width requirement applies to driveways/private roads into the complex that will enable fire engines to get near to the largest buildings in the middle of the site.

The requirement also applies to fire engines attending any type of fire in the complex (for example a kitchen fire in a unit) not just bushfires.

Because measurements are not shown on the site maps, it is hard to see if this private road/ driveway width is achievable for all private roads/driveways to the complex

The Beechworth Road driveway appears narrow and constrained by the boundaries of private properties either side.

The driveway at Arilla Road also appears to be very narrow with a particularly large tree half way down the driveway with a wide trunk and low branches that could obstruct large fire engines. This width of the driveway is also constrained by the boundaries of private properties either side.

It may be that the Avon Road entrance is the only one that could be built with sufficient width for large fire engines to drive through. This hardly seems sufficient access in the event of a major fire in or around any of the 5 large buildings spread across the site.

In the event of a major fire or disaster within the site, emergency access difficulties will be a safety risk to people and buildings inside the complex and to people and homes in the surrounding area.

## **8. HERITAGE**

### **Destruction of the 'Chief Railway Commissioner's Residence' will damage the Avon Road streetscape and the heritage of the surrounding area**

Number 1 Avon Road, known as the Chief Railway Commissioner's Residence, has significant local value. The house is listed on the website of the Heritage Branch of the Department of Planning as having 'architectural municipal state significance'. The developer owns the house. It is proposed for demolition as part of the development.

Appendix 22, a heritage report attached to the development proposal acknowledges the

heritage value of the house. It describes the architecture and history of the property in detail.

In essence the report concludes that Ku-ring-gai Council has zoned the area for unit development, in making this zoning the Council has removed the local heritage classification of the site, so the house can be demolished and in any case there are many other inter-war houses in the area. The report under-estimates the value of the house to the local community. The house must not be destroyed:

Despite Ku-ring-gai Council's bowing to pressure to remove the heritage classification from this and many other houses in Ku-ring-gai for the sake of unit development, this house is well known and valued by local residents.

It is a very distinctive property. There is not another inter-war house in the local area like it, It has a particularly fanciful 'old English' facade. Its design and street presence are unique in the area, incorporating extensive use of sandstone corbels, mullioned leadlight windows, leadlight glass in the front door and surrounds, slate roof, stylish arched entry porch, decorative Tudor style half beam timbering under the gable roof line.

Although well set back from Avon Road, the views of the house contribute to the attractiveness, character and 'sense of place' along Avon Road.

The streetscape and history of Avon Road has already been damaged recently by:

- The destruction of 3 houses with similar architectural merit and local significance to make way for the Ironbark Complex at the start of Avon Road.
- The loss of number 5 Avon Road. This property is also listed on the website of the Heritage Branch of the Department of Planning. It is owned by the developer. It was once a lovely cottage with decorative timberwork inside and outside. It has been vandalised and damaged beyond repair. The developer plans to demolish it completely so the land can be used for the proposed development.

Given that Avon Road has already lost these fine houses the destruction of yet another house with significant aesthetic, architectural and heritage value would be a tragedy.

Even if the proposed site development in some form is permitted to go ahead, the house at number 1 Avon Road does not have to be destroyed. It could be left as a separate residential property. Alternatively, it could be incorporated into the development as a club house or recreation facility offering meeting rooms, a billiards room, a swimming pool, a communal garden etc.

### **Heritage-Related Objections to Concept Plan MP08\_0207) and Project Application (MP10\_0219) Residential Development at Avon, Beechworth and Arilla Roads, Pymble**

The National Trust Submission on (S06913) Ku-ring-gai Town Centres Draft LEP 2010 made a number of general points about development in Ku-ring-gai , which I feel are applicable to this development proposal. The qualifications and expertise of the Nation Trust to address heritage issues mean that their statements must be given weight and serious consideration.

I have listed the relevant statements from the National Trust document and followed them

with my own specific concerns about the damage that the proposed development will inflict on the heritage of the local area.

### **National Trust Statement**

*'1.1 The extent and quality of early 20<sup>th</sup> century housing in Ku-ring-gai is unique in Sydney (on a par with the 19<sup>th</sup> century terrace housing of suburbs such as Paddington) and this quality is under threat...*

*'1.2 No other Local Government Area in Sydney is having as much redevelopment thrust upon its village and neighbourhood centres as is Ku-ring-gai.'*

### **My Concerns**

The proposed development will construct 355 units in 5 large buildings ranging from 6 to 11 storeys. This is extremely high density that is incompatible with the established residential character of the area. This is an area of predominantly inter-war family homes set well back from the road in pleasant established gardens under a canopy of tall native and exotic trees. The harmonious style of the local area has already been scarred by the Ironbark development at the start of Avon Road and will be further damaged by this development.

In the last two years, residents have seen Avon Road damaged by the demolition of several houses (numbers 8, 10 and 12 Avon Road) with distinctive inter-war appearance and architectural merit to build the Ironbark Complex. The construction also destroyed extensive gardens with many mature trees. These lovely old houses and gardens once 'welcomed' people into the area as they walked from Pymble station. Now when visitors and residents come from the station the first thing they see are visually overwhelming monotonous apartment blocks.

The proposed development threatens to do the same thing further down Avon Road. It will destroy a house of architectural and heritage significance. It will build visually confronting blocks of units facing Avon Road, out of scale and sympathy with the surrounding residential properties. It will break what is now seen as a distant canopy of trees with tall blocks of units.

It will also damage the setting and views of a number of heritage residences and buildings in the area.

### **National Trust Statement**

*'1.3 The exhibition process (for the draft Ku-ring-gai LEP (Town Centres) ) is flawed, lacks transparency and lacks procedural fairness. This is because of:*

*The late engagement of a heritage consultant in the total planning process*

*The extremely short time-frame given for public comment....*

*The lack of any indication in the exhibition documents that existing listed heritage items were to be removed'*

## **My Concerns**

The Ku-ring-gai LEP (Town Centres) 2010 set out the zoning of the proposed development site as suitable for high density residential development and it removed the heritage listing on the house at 1 Avon Road and did not acknowledge the National Trust Urban Conservation Area classification of the surrounding area.

The process by which this was done was flawed. It ignored expert advice and the concerns of local residents.

As a local resident, I believe that the resulting LEP does not embody community wishes for how we want our local area to move into the future. The flawed LEP does not give legitimacy to the proposed development.

## **National Trust Statement**

*1.6 Heritage items must have a visual setting to preserve their significance as heritage items*

## **My Concerns**

The proposed development will damage the setting and views of houses and buildings with heritage significance in the surrounding area.

**Macquarie Cottage 11 Avon Road.** This property is a colonial Georgian revival cottage designed by W. Hardy Wilson. It is on the Register of the National Estate. It has local, state and national significance. Macquarie Cottage is only one residence away from the stage 1 unit building. This building will clearly tower over Macquarie Cottage when looking north. The even taller buildings in the later stage of development will break through the canopy of trees now seen behind Macquarie Cottage. It would damage the Avon Road streetscape to treat a superb example of Hardy Wilson domestic architecture with such disrespect.

**Capera Cottage 19 Avon Road.** Again the sight of the tall bulky unit buildings will compromise the view looking north. This contrast in scale is particularly jarring given that Capera Cottage is such a small and charming structure.

**Pymble Ladies College (PLC) along the Avon Road boundary.** Views of the unit development will be clearly visible from the school playing fields and paths along the Avon Road boundary. Part of the heritage value of PLC is its park-like setting. Its vistas have already been damaged by the 'Ironbark' Complex and will be further damaged by the proposed development.

**11 Arilla Road.** This is a substantial and attractive home built in the inter war period. The scale of the proposed development and the fact that the unit buildings will be constructed on a site that slopes up from this house, mean that tall unit buildings will be seen dominating the background behind this house. There do not appear to be enough trees to screen the view of the development adequately from 11 Arilla Road.

**6 Beechworth Road.** This is a gracious late Victorian home that will be seen against a background of tall bulky buildings. Its balconies will look straight into a vista of 9 to 11

storey buildings. Moreover the development proposal shows a private road/driveway running in a crescent along one side of the house, around the front of the house and along the other side of the house. The entry and exit of large numbers of residents' vehicles travelling along three boundaries of the house will definitely detract from the heritage ambience.

**Pymble Hotel and Ku-ring-gai Town Hall.** The proposed development will damage the views when looking in a north west direction from the heritage listed Pymble Hotel and the heritage listed the Ku-ring-gai Town Hall (formerly Sacred Heart Church), both on the Pacific Highway. These are both important inter war buildings with recognised architectural heritage significance to NSW.

### **National Trust Statement**

*3.10 Changes from National Trust UCAs.....In fact the method used by Paul Davies Pty Ltd vindicates the original boundaries of the National Trust Urban Conservation Areas and it would appear that factors other than heritage significance are being used to determine the number and extent of proposed Heritage Conservation Areas*

### **My Concerns**

The heritage value of the local area has been recognised by the National Trust since the 1950s.

The National Trust produced a report in 1996 called 'Housing in NSW Between the Wars'. It recommended that the local area be included as one of 28 precincts in Ku-ring-gai that should have heritage listing as Urban Conservation Areas. The recommendation recognised:

Excellent examples of early 20<sup>th</sup> century and inter-war housing in the area.

The harmonious building style of the area and its contribution to the 'garden suburbs' planning movement in NSW.

The remaining stands of Blue Gum High Forest and Turpentine-Ironbark Forests.

The compatibility of the modest scale single residential development with the natural environment.

In recent years, the heritage boundaries and classifications recognised by Ku-ring-gai Council were changed by what local residents regard as a discredited process. The proposed development site and the surrounding area are no longer recognised as an Urban Conservation Area.

Regardless of how the local area is 'officially' classified, to the people who live here it is an area of aesthetic, architectural and heritage value that continues to evolve today. The proposed development threatens the overall integrity and cohesiveness of the local area. The extreme height and bulk of the development will damage the existing careful balance of small well-designed buildings in relation to attractive areas of open space.

In short, the proposed development is entirely out of sympathy with community values and should not be permitted.

### **National Trust Statement**

*5.1 The following existing heritage items under the KPSO are recommended by the Kuring-gai Planning Panel for removal:*

...

*Pymble:*

*6 Beechworth Road*

*1 Avon Road*

*5 Avon Road*

...

*This is an inappropriate approach. Except for demolished items the items still have heritage significance and it would appear that their removal has nothing to do with heritage but is a means to provide an unencumbered redevelopment area.*

### **My Concerns**

Despite the removal of Council's 'official' recognition of the heritage value of these properties they are well known and valued by local residents.

**1 Avon Road** was built in the early 1900s. It was acquired by the developer in the 1970s. It is proposed for demolition. This must not be allowed:

It is one of the earliest houses built in the area. I have a copy of a map and advertisement for building blocks circa 1928 noting the house as an example of a fine house already built in the area belonging to a pre-eminent gentleman.

It is a very handsome property with beautiful detailing particularly its use of sandstone, leadlight glass and timber beams.

It is an important part of the streetscape and history of Avon Road.

I am familiar with European-style medium density developments in heritage precincts that incorporate existing buildings into the development and echo features from the existing buildings in the style and scale of the new buildings. I suggest that this is something the developer should consider. This house should be seen as an asset to be used in a sympathetic medium density development.

**5 Avon Road** was built in the early 1900s. It was acquired by the developer in the 1980s. In recent years it has been unoccupied and subject to vandalism and damage. After a fire several years ago, it now seems irretrievably damaged.

It will be completely demolished to make way for the proposed development complex. It is obvious that this gracious old country-style timber cottage cannot be saved.

The fact that the contribution of this once charming cottage to local heritage and streetscape has already been lost makes it all the more important for the nearby house at 1 Avon Road to be maintained.



**6 Beechworth Road** was built in the late 1800s. This property is not owned by the developer, it will not be part of the development. As described above, it will face the high rise development and have a driveway/private road going around it on three sides.

This is a heritage property that is valued by the community. Its setting and ambience will be damaged by the proposed development.

## **SUMMARY OF MY CONCERNS**

The area surrounding the proposed development has a unique character and considerable heritage value to the State of New South Wales. It has many fine inter war houses and generous gardens under a canopy of tall trees.

Over the years the area has evolved, old houses have been modified and new houses built. Nevertheless the existing scale of buildings and the balance of buildings to open space have been maintained. This has helped to preserve the overall natural and heritage character of the area while introducing good contemporary features.

The proposed development does not properly address issues of compatible design and scale for the area. It will not contribute to the evolving character of the area. Rather its height and bulk will damage the character of the area.

## **9. TRAFFIC**

### **A. Introduction**

The traffic consultant (Gennaoui Consulting Pty Ltd) has concluded that the proposed residential development *"is not likely to unduly affect traffic conditions in the surrounding area."*

There are significant deficiencies in the analysis presented by the traffic consultant.

### **B. General Background**

The proposed area for development is located between two signalised access points to the Pacific Highway – Beechworth Road and Livingstone Avenue;

At the present time there are about 400 residential dwellings, between Pymble Avenue and Sheldon Forest. The proposed development, if it were to go ahead, would add another 355 or so dwellings i.e. an increase of some 90%;

Traffic flows in the area are also impacted by two major developments which were in progress at the time of the observations by the consultant but not factored into his report, as follows:

the development of 64 new residential units in Clydesdale Place

the development of 168 new residential units on the corner of Avon Road and Pymble Avenue;

Further residential development can be expected, albeit on a smaller scale, in both the area north of Pymble Avenue, and in the Pymble Avenue/Livingstone Road areas. For example a 21 residential unit development in Everton Road is before the Council;

The area also includes Pymble Ladies College, a K-12 educational institution with a total enrollment of some 2000 students and with some 400 staff employed:

The consultant reported that "The major approach route for traffic generated within the study area is the Pacific Highway, a classified National and State Highway, which has a six lane divided carriageway." The consultant did not mention that a notable feature of the Pacific Highway between Beechworth Road and Livingstone Avenue is that it is restricted by the bridge over the railway lines to just four lanes;

The area is subject to three traffic peak periods. The morning peak of 7.15 to 8.15 a.m. includes both general and school traffic. There are two peaks in the afternoon, from 2.45 p.m. to 3.45 p.m.(school traffic) and from 4.30 to 5.30 p.m.

### **C. Implications of the above background factors**

The addition of new traffic on to the roads within the subject area has the potential to create significant additional traffic gridlock. For example;

In the morning and afternoon school peaks Avon Road suffers heavy congestion. In the afternoon it may be effectively closed to northbound traffic for 10 – 15 minutes, and to southbound traffic, for a shorter period because of traffic waiting to enter the school. It appears that the consultant has not recognised, or measured traffic flows during the school related afternoon peak;

In the morning peak (and particularly between 7.30 – 8.15 a.m.) there are long waits for traffic trying to enter Pacific Highway at both the Beechworth and Livingstone intersections. The consultant notes that "*The signalized intersection of Pacific Highway with Livingstone Avenue operates at a very poor level of service 'F' during the morning peak*";

Strangely, although the consultant noted that "these two intersections (i.e. Beechworth and Livingstone) have very high degree of saturation with very long queues observed along the Pacific Highway during both peak periods" it did not occur to him, or he was unwilling, to relate this major difficulty to the narrowing of the Highway to just four lanes at the railway bridge;

North bound egress from Beechworth Road, although subject to a free turn, is affected by traffic preparing to move to the right lane for a right turn into Bobbin Head Road. This lane is frequently blocked by other traffic waiting to make the turn;

North bound egress from Beechworth Road is further restricted by the two-lane railway bridge on Beechworth Road, frequently preventing fully effective use of the free left north turn on to the Highway during the morning peak;

Highway traffic can also be severely compromised in both morning and afternoon peaks because traffic waiting to turn right at Livingstone Avenue banks back across the railway bridge, reducing southbound traffic to a single lane;

Although Clydesdale Place enters the Pacific Highway directly, exiting southbound traffic must travel north to Beechworth Road or Bobbin Head Road before it can turn to head south, placing additional pressure on both of these already busy turns;

I suggest that the tolerances on the Pacific Highway over the railway bridge are very close to mayhem for through traffic. The more than doubling of residential dwellings (taking the proposed development and the two largely completed developments referred to above) will almost certainly dramatically escalate the current problems, if this proposal is allowed to proceed;

I suspect that the residents of the affected area would be willing to test how the addition of a relatively small number of additional vehicles could bring chaos to traffic on the Highway in peak hours. A demonstration of the impact would surely be preferable to the eventual realisation of the enormity of the problem post development;

The consultant reported that "In 2002, Planning NSW required the provision of a direct link between Beechworth Road and Avon Road. This road was not supported at the time and should not be provided for the following reasons..... interfering with the residential amenity of future residents along it.' One would hope that the Department would have the same interest for the amenity of the residents already living in the subject area as the consultant appears to hold for those who have not yet even considered moving into the area.

#### **D. Conclusions**

There are significant deficiencies in the analysis presented by the traffic consultant.

The proposed residential development will unduly affect traffic conditions in the surrounding area.

If significant development is to occur in the subject area road traffic flows must be enhanced by one or some combination of the following;

Widening of the Pacific Highway railway bridge at Pymble to five or six lanes;  
Widening of the Beechworth Road railway bridge to three lanes;  
The addition of a right hand turn lane on the Pacific Highway to Beechworth Road.

If enhancements along the lines suggested are not made common sense would indicate that the scale of the proposed development is grossly excessive.

#### **Recent Changes to Traffic Conditions not modelled**

The traffic report is not soundly based, does not consider the important constraints and does not consider the impact of more recent developments.

The traffic report was last revised in November 2009 and is based upon traffic counts taken in May 2009. Since that time there have been three major changes to the traffic conditions in the precinct.

1. The completion of the Avondale development on the Pacific Highway in the vicinity of Telegraph Road has resulted in a development with no south bound (city bound) access to the Highway. Whatever the intention was, the traffic from that development wishing to travel to the city now travels north to Beechworth Road and executes a U-Turn in Beechworth Road to access the southbound lanes on the Pacific Highway through the Beechworth Road / Pacific Highway intersection. The result is considerable reduction in the intersection capacity and the safety of traffic in the vicinity.

2. Within the last year, the timing of the red phase on the Beechworth Road intersection has been increased resulting in a full two minute delay between Green Phase and shorter Green time. Prior to this, the cycle time was 1 minute 30 seconds, so the access time is now reduced by 33%.

3. The development of a large number of apartments in Avon Road next to PLC has now been completed. The traffic effect of these apartments has not been considered as it was not included in the traffic count. The traffic from the Avon Road apartments will have two consequences. It will increase the demand on Avon Road, the roundabout at Pymble Avenue and the intersection at Livingstone Avenue. Secondly, by virtue of the change in demand patterns it will cause more traffic to divert into Beechworth Road.

These three effects should be taken into account as part of the assessment and the traffic report does not consider them in any way.

### **Other Inaccuracies in the Report**

In addition, the traffic report describes the Avon Road access to the site as having “four lane undivided carriageway”. This is clearly an incorrect description and paints the picture of easy access to the site. The road is two lane, and even when vehicles park on the unsealed verge, the road is dangerously narrow for the passing of two cars. The road is unsafe as an access to a development of the size proposed.

The report also describes the access at 4 Beechworth Road as having good sight distance by virtue of more than 50m distance from the bridge. This is again incorrect. It is not possible to see up past the bridge from 4 Beechworth Road due to the angle of the exit from the property enforced by the boundary configuration. The site distance available to a driver will not provide a safe exit, especially during construction.

Finally, the traffic report concentrates on the volume of traffic on the road, but ignores the real constraint which is the intersections with the Pacific Highway at both Livingstone Avenue and Beechworth Road. During the morning peak on school days, the traffic at the Beechworth Road intersection with the Highway tails back to Mayfield Avenue. It frequently takes three light phases for a vehicle to pass through the intersection at the Highway after joining the queue. Similarly, it takes two to three light phases to pass through the Livingstone Avenue intersection, as the tailback extends back through the Pymble Avenue roundabout and on to PLC in Avon Road. Any additional traffic joining this traffic will have an impact determined not only by the number of vehicles generated, but also by the delay caused by entering the queue and the problems for traffic moving in the opposite direction when joining the queue to the Highway from number 4 Beechworth, for example. Neither of these intersections can be described as having service level A, and it is impossible to reconcile the intersection analysis in the report with the observations on the ground during peak hour.

Contribution to traffic congestion will be higher than estimated in the traffic analysis report

The traffic analysis report in Appendix 26 of the development proposal acknowledges the existing traffic congestion on Avon and Beechworth Roads and states on page 10 ‘Traffic problems in the area are largely associated with PLC and not likely to unduly affect the proposed residential developments. PLC should be required to address these traffic issues.’ This is an unreasonable position.

Pymble Ladies College is a major and long-established education institution that has always generated considerable peak hour traffic in the area. Because of the geography of the area and the road layout, traffic management around the school is inherently difficult. It is wrong of the development proposal to say in effect 'We did not create the existing problems, someone else has to fix them and in the meantime we should be allowed to make the problems worse for local residents.'

The traffic analysis report concludes that that the development will have minimal impact on traffic in the area. This conclusion is questionable because of shortcomings in the assumptions and methodology used by the traffic analysis.

The report's estimate of traffic generated by the development is unduly optimistic

To estimate the total amount of traffic to be generated by the development the report uses a factor of .29 peak hour car trips per unit. The .29 factor is from an RTA analysis published in 2002: it is based on very old research, which makes its relevance to a modern development questionable. Moreover it can only be used as an average guide, not an accurate estimate.

The RTA's .29 factor is based on the assumption that residents in units near to public transport facilities will generally prefer to use public transport for peak hour travel rather than a private car. This may have been valid in 2002, however in 2011 when peak hour trains are congested, services have been cut back and schedules are often unreliable, this assumption is questionable. People are increasingly using cars rather than public transport.

A prudent traffic analysis would have presented a range of traffic estimates based on: Best case or optimistic scenario. Assume that most residents do not travel at peak hour and prefer to travel by train and use the .29 factor from the old RTA research.

More likely scenarios with residents preferring to use their cars.

Worst case scenario using a factor significantly greater than the RTA factor. A worst case scenario might be that each unit generates 1 peak hour car trip.

Assertions about the amount of traffic that the complex will generate and the impact it will have on existing traffic flows should be based on the worst case scenarios, not the best case scenario. There could be 300 to 400 peak hour car trips from the development site with a much bigger contribution to traffic congestion than the optimistic 120 car trips estimated by the development proposal's traffic analysis.

Existing peak hour traffic and congestion is high and growing

The development proposal's traffic analysis uses traffic observations made over one week in May 2009. It does not factor in any estimates of how traffic volumes in the area will increase over time. It does not take account of recent developments observed by local residents:

The large Ironbark apartment complex at 1 Avon Road has been completed. Vehicles exit and enter the Ironbark complex using the roundabout at the intersection of Avon Road, Everton Road and Pymble Avenue. Increased traffic on this roundabout slows the peak hour traffic on Avon Road in both directions.

Commuter parking along both sides of Avon Road now stretches back to near the intersection with Arilla Road. The commuter parking takes up road lanes and slows the through traffic.

Pupil enrolments and activities at Pymble Ladies College are continually increasing, which generates increased traffic in both directions along Avon Road and Beechworth Road.

During school term Avon Road and Beechworth Road are heavily congested at peak hour, and the congestion is growing. Because of the level of congestion, even a small increase in traffic - let alone the volume of traffic expected from a large unit development - will have a disproportionately high impact on traffic congestion, traffic flow and safety.

Proposed roundabout at the bend in Avon Road will slow traffic and contribute to congestion

The traffic analysis report recommends that the Council build a roundabout at the bend in Avon Road where the entrance to the proposed development will be. The roundabout will allow cars to enter and leave the complex safely. However, it will slow down traffic for existing road users and add to peak hour congestion.

Traffic analysis report does not address the existing risks to pedestrians who use Avon Road

At peak hour many pedestrians walk along Avon Road to and from Pymble station.

The peculiar design of the footpath means that most pedestrians cross from one side of Avon Road to the other side when they reach the bend in the road at the northwest corner of PLC grounds. This is because:

On the part of Avon Road running parallel to the railway line, there is a paved footpath only on the south side of the road beside the PLC boundary. The side of Avon Road along the railway line boundary is used for commuter parking.

Where Avon Road bends and runs south, the footpath on the PLC side ends. This is because the land drops away very steeply from the road; there is no room for a proper footpath. The paved footpath continues on the other (western) side of the road.

At present many pedestrians leave the footpath on one side of Avon Road at the bend and cross to the footpath on the other side. This is a dangerous situation because it is difficult for pedestrians and drivers to see each other around the bend, especially at night. Some pedestrians when walking to the station avoid this problem by crossing on the straight stretch before the bend and then walking on the actual road until they reach the footpath at the bend. This is also a safety risk.

The increase in commuter parking along Avon Road has compounded this problem. Many drivers who park on the non-footpath side of Avon Road walk along the road (with only centimetres between them and the passing traffic) rather than cross the road to walk on the footpath.

Adding more traffic onto Avon Road will increase the safety risks to pedestrians. The traffic report suggests that if the Council builds a roundabout at the entrance to the proposed

complex, it might consider including a pedestrian refuge. This would be of limited use; any benefit would be far outweighed by the safety risks to pedestrians from the increased traffic

Traffic analysis report does not address impact of traffic movements on residents in surrounding streets

This is a very large scale development. The development proposal certainly expects residents to have and use their cars. The traffic analysis report states that the stage 1 development actually allows for more than the maximum number of on-site parking spaces required under SEPP3 and the Ku-ring-gai Site Reports.

All these vehicles will have to enter and exit the site through private roads leading onto residential streets. This will generate noise and vehicle exhaust pollution for existing houses in these streets. The impact will be particularly severe for residential properties adjoining the proposed driveways. Also, at night residential properties near the site driveways will be affected by the lights of vehicles turning into and out of the site driveways. This is a significant loss of amenity on residential streets.

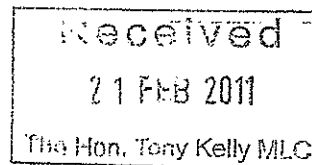
[End of Part 2]



**PAUL FLETCHER, MP**  
Federal Member for Bradfield

261

17 February 2011



Hon Tony Kelly  
Minister for Planning  
Governor Macquarie Tower  
Level 34, 1 Farrer Place  
SYDNEY NSW 2000

Dear Minister

**Re: Concept Plan (MP08\_0207) & Project Application (MP10\_0219) – Proposed Residential Development at Avon, Beechworth and Arilla Roads, Pymble**

I write to you to voice concerns that have been put to me by my constituents with respect to the above high density development proposal.

The proposal is for 355 units and up to 11 storey buildings. There is threatened Blue Gum High Forest present on the site. The area surrounding the site is largely single residential accommodation in a bush land setting. This proposal would almost double the population of this area of Pymble from around 400 houses to 750.

I have attached for your attention a copy of a submission by Pymble Action Group for the Environment which has been sent to Planning NSW. I urge you to have regard to the matters put in this submission as you assess this proposal.

My constituents have asked that I draw to your attention one matter in particular. This is the issue raised by the presence on the site of Blue Gum High Forest ("BGHF"). Advice obtained by my constituents includes the following factual and legal matters.

First, the site comprises BGHF which is a threatened ecological community under the NSW Threatened Species Conservation Act.



Secondly, in making any approval decision under Part 3A you as Minister are required to consider principles of ecologically sustainable development as a mandatory relevant consideration in the public interest. That is, conservation of biological diversity and ecological integrity are fundamental considerations in your decision.

Thirdly, Director General's Requirement number 10 addressed to the proponent mandates that the proponent must consult with the Commonwealth Department of Environment, Water, Heritage and the Arts to ascertain whether the proposed development triggers the need for an assessment and approval under the Environment Protection and Biodiversity Conservation Act 1999. This consultation does not yet appear to have taken place.

Fourthly, at present the only study of the BGHF on the site has been that provided by the proponent's consultant on flora and fauna issues. My constituents believe that it would be appropriate in the public interest for the Commonwealth Department to conduct an independent study of the site in order to determine for itself what steps are required to ensure that the BGHF is protected and enhanced. They make the point – with, it seems to me, some force – that the conduct of such a study is consistent with the underlying policy intent of Planning NSW's DGR 10 referred to above.

Additionally, my constituents wish to highlight the fact that the development proposal expressly plans to remove some mature BGHF trees. Given the objects of both NSW and Commonwealth conservation legislation in this area and the ecologically sustainable development object of the Environmental Planning and Assessment Act NSW, they ask how removal of threatened trees could be contemplated or be consistent with ecologically sustainable development.

I look forward to your advice as to what steps you propose to take to deal with these concerns

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Fletcher', with a long horizontal flourish extending to the right.

Paul Fletcher MP

21 Avon Road  
PYMBLE 2073

7 February 2011

Major Projects Assessment  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Attention: Director Metropolitan Projects

Dear Sir,

Re: Concept Plan (MP08\_0207) & Project Application (MP10\_0219) – Proposed Residential Development at Avon, Beechworth and Arilla Roads, Pymble

I write this submission in my capacity as convenor of Pymble Action Group for the Environment (P.A.G.E.). This group of local residents in the precinct surrounding this site (i.e. between PLC School and Sheldon Forest on the west side of the Pacific Highway) has been active for around 14 years. Our main focus has been to persuade first Ku-ring-gai Council and now you that the numerous proposals for this site over the years have all shared one common factor: that is they represent excessive development for this site in this particular area of Sydney.

In support of this contention I have set out below, in summary form, our key arguments. In the second part of the letter will be found more detail in relation to certain arguments.

#### 1. INAPPROPRIATE AND EXCESSIVE BULK AND SCALE

In the letter sent by the Director General to this developer on 11 February 2009 (containing the "DGRs" for the Environmental Assessment ("EA")) he states: "I would like to take this opportunity to remind you of the Department's concerns regarding the height and form of the proposal in the vicinity of the rail corridor ..."  
The concern is reflected again in DGR2, paragraphs 1 and 2.

Despite this, the application proposes 9 and 11 storey buildings and an FSR of 1.39:1! Not only this but such buildings are as little as 5 metres from adjoining residences ( e.g. building #5 and #3).

The proposal gives the impression that the tall trees on the site will screen all buildings from the surrounding area. As the analysis of this point in Part 2 shows this is not the case.

When this developer properly addresses your explicit concerns perhaps you might have something you could legitimately consider. Until that time you must surely reject the proposal.

## 2. NON-COMPLIANCE WITH PLANNING REQUIREMENTS

The application does not adequately address the key requirements of NSW Planning: (i) as to height, bulk and scale; and (ii) as to impact on adjoining residences and public domain. The building heights and FSR of the proposal do not comply with either the SEPP 53 or Town Centres LEP requirements.

The proposal attempts to justify non-compliance. We would have thought that where there are planning instruments expressly applicable, any attempt to justify non-compliance can only fail. What a legitimate application must do therefore is comply.

In any event the argument the developer uses is based on a false premise (see [3] below).

## 3. CONSTRAINED SITE

The developer argues that the site is constrained for a number of reasons with the result that buildings can only be placed on a portion of the site. As a result the buildings must be higher than otherwise would be the case. We ask "why is this so?" Why not have smaller buildings on a limited part of the site?

The fallacy in the argument is the premise: the unstated premise is that there is some unwritten FSR to which this developer is entitled. But this is not so. The maximum FSR under the 2003 SEPP 53 guidelines for this site is 0.63:1. The maximum FSR under the Town Centres LEP is 0.8:1. This proposal exceeds both of these by 120% (that is the proposal is more than double the permitted size) and 74% respectively. But the key point here is that these are maximums not minimums. There is no difficulty at all in NSW Planning confirming the constraints on the site and then reducing the applicable FSR to below either 0.63:1 or 0.8:1 (whichever in fact applies) so that the buildings on the permitted parts of the site are not incompatible with the surrounding area nor too close to adjoining residences.

We do not see why this proposal does not follow this rather obviously correct approach especially when the Director General instructed that this was the approach to take.

## 4. CONCEPT PLANS ONLY

The application seeks to obtain approval for such a large building envelope based merely on concept plans. This causes us great concern. We are concerned that NSW Planning is being asked to approve building envelopes based not on plans but a concept. The difficulty is if the concept is found to be unworkable when it becomes a plan it will be too late to alter the concept because the concept will be what has been approved. What will result is that Planning NSW will have to compensate the developer if the concept is not implemented. This would appear to be an unacceptable financial risk for a government department to accept. The solution is to require full plans now before any approval is given.

## 5. CANCER EFFECT

Such a gross disproportion between the proposed buildings and the current single residences in the area will have the effect over time of degrading the amenity and hence the value of the latter; and so high density will spread outwards into the degraded areas. This process will continue until there is only high density in the entire area. This would be an abuse of the planning process because future planning outcomes would be the result of economic factors instead of decisions consciously made by NSW Planning.

## 6. BLUE GUM HIGH FOREST

At DGR 10 the Director General states: "The Blue Gum High Forest is listed as a critically endangered threatened ecological community under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Commonwealth Department of Environment, Water, Heritage and the Arts should be consulted to ascertain whether the proposed development triggers the need for an assessment and approval under the EPBC Act."

This statement confirms that the site comprises Blue Gum High Forest ("BGHF").

It requires the applicant to consult the Commonwealth under its legislation. It appears that this has not been done. Nowhere in the EA is there a reference to any consultation with the Commonwealth despite this being a mandatory DGR requirement. Please advise when this matter has been addressed by the applicant to your satisfaction.

The EPBC Act in particular refers to the biodiversity value of BGHF. Further, the 2000 Environment Baseline Study Report referred to the particular need to retain all incidents of BGHF in order to maintain critical east-west bio-linkages between the Lane Cove national park and Ku-ring-gai Chase national park.

Even though the status as BGHF is not challenged by the applicant, the applicant proposes to remove at least 12 BGHF trees (see EA vol. 3 at 8.13 (p 95)). Surely as a starting point it must be the case that no removal whatsoever of a threatened item could be permitted. That being so the proposal must be rejected in its current form since its viability is predicated on the removal of trees that is prohibited by NSW and Commonwealth law.

Buildings 3 and 4 intrude into the core riparian zone. The required Asset Protection Zones for those buildings also intrude. Clearly these matters would require rectification before any approval could validly be given since, amongst other things, the riparian zone is there to ensure the survival and future enhancement of the BGHF.

We also question whether very tall buildings next to the riparian zone will allow the vegetation to survive at all because of overshadowing and also because of the impacts of construction and future occupancy by a very large number of people. We see these impacts as far greater than any weed infestation that may or may not exist currently on the site.

## 7. BUSHFIRE HAZARD

The site is located in a large residential precinct which is effectively a cul-de-sac. There are two exits only. If this proposal proceeds then the number of residences in the cul-de-sac will be almost doubled to around 750. The precinct is surrounded by bushland on three sides (Sheldon Forest, Avondale Golf Course and PLC School) and the railway on the fourth side. Accordingly we are most concerned that in the event of a bushfire residents, particularly the elderly, may not be able to get out. We suggest that this risk should be assessed by the Rural Bushfire Service before any planning decision is made.

Similarly, emergency access into the area and the site will be difficult (see Part 2).

## 8. HERITAGE

It is a misconception to think that just because an area is not listed (correctly or not, and we would say not (see Part 2)) as an urban conservation area, development proposals can ignore heritage issues as this one does.

Set out in Part 2 of this submission are a number of arguments on heritage and its relevance to this area of Pymble and this site in particular.

## 9. TRAFFIC

The area between PLC School and Sheldon Forest is a cul-de-sac. If its population is doubled the traffic congestion will move from extreme to gridlock. And that is without taking account of the very large unit development nearing completion at the top of Pymble Avenue.

The traffic consequences of this proposal are voluminous and very significant. Rather than summarize them I refer you to Part 2 of this letter.

It is submitted that traffic issues have not been adequately modelled and that the traffic situation in this precinct of Pymble is so bad that no increase in population at all is possible.

## 10. THE MINISTER LACKS POWER TO APPROVE

It would appear that the Minister for Planning no longer has the legal power to approve this proposal.

This is because his power resides in Part 3A and that Part no longer applies to the so-called "Targeted Sites", of which this site is #2. This has been the situation since the introduction of the Town Centres LEP in 2010.

The only reason this site was brought within Part 3A was because of its status as a "Targeted Site". Given the realistic limits to the scale of a legitimate development on this

site outlined above, the site has no independent claim to be brought within the purview of Part 3A.

## **11. CONCLUSION**

Like many people in the local community P.A.G.E. is very concerned about the proposed development and the impact it would have on the area of Pymble west of the railway line, bounded by Pymble Ladies College and Sheldon Forest.

It is an area that was built mainly in the interwar period by people who while prosperous did not have great wealth. What they did have was respect for the character of the local area. They built modest family homes that were varied and individual in style but maintained a similar small scale. They planted pleasant gardens and retained a canopy of tall native trees. Together and in a very informal way over many years they created a living environment that has beauty, amenity and character. This environment will be severely damaged if the proposal is allowed to go ahead. The proposal subverts the community values that have guided previous development –limited residential scale, consideration for neighbours, appreciation of heritage and respect for the natural environment.

We urge you to reject the current proposal.

Yours faithfully

P.L. COOPER  
(Convenor, P.A.G.E.)

[See Part 2 on following pages]

## PART 2:

### 1. INAPPROPRIATE AND EXCESSIVE BULK AND SCALE

Two of the buildings will be 9 storeys and 11 storeys high respectively. The tallest building will be 37 metres. These buildings will be excessively tall, bulky and unsightly.

The buildings will be clearly visible throughout the area. The tall buildings will dominate the skyline now seen as a canopy of trees. The development proposal states that there are a number of mature trees on the property - approximately 35 to 50 metres tall – that will screen the view of the buildings. This is doubtful for several reasons:

The development plans show the tallest trees only partly screening the buildings when viewed from Mayfield Avenue and part of Arilla Road. There are no significant tall trees on the site to screen the view of the buildings from Avon Road or from the top of Beechworth Road (including 6, 10, 10A, 10B and 10C especially).

Trees of 35 - 50 metres in height are very old trees. Many of the blue gums along the western boundary of the site were planted in the 1930s. In the natural course of events, tall trees on the site can be expected to die off in a few years time, leaving the high buildings exposed. It is also highly likely that the stress of large-scale construction works will damage the canopy and root systems of many trees, leading to their removal.

Tall native trees, which regularly drop large branches, are not compatible with high density building complexes where large numbers of people and cars move around the site. As soon as branches drop from trees on the site, it is almost certain that unit owners will be mounting a case to have the trees removed, citing fears about personal safety and property damage.

In the event that these very valuable, very old and tall trees die or have to be removed, they cannot be replaced. The project plan emphasises that it allows for open areas where 'deep soil' plantings of trees can be made. However, page 54 of the proposal includes a definition of deep soil planting as 'areas of a site with relatively natural soil profiles that are protected to promote the healthy growth of significant trees that can mature to heights of 10-25m'. Trees of 10-25m will not be tall enough to screen the 9-11 storey buildings.

#### **Appearance of stage 1 building fronting Avon Road is unacceptable**

This building will be 4 storeys at the front and 6 storeys at the back. The development plans and drawings show the building very close to the footpath, much closer than the single storey houses either side. The impression from Avon Road is of a bulky oversized building, without any significant front garden to soften the effect.

This detracts from the character and amenity of the Avon Road streetscape.

The development proposal states that the stage 1 Avon Road building is screened from view along Avon Road by the trees growing inside the boundary fence of Pymble Ladies College. This may be so from far away on Avon Road, but as people come closer along Avon Road, the building will dominate the streetscape.

Also the photomontages in the development proposal show the stage 1 building and a later stage building being screened by large trees in the front gardens of neighbouring houses in Avon Road. The images are misleading because many of the trees they show in the neighbouring gardens do not actually exist.

The development proposal cannot rely on trees on properties that it does not own or control to screen the view of its buildings.

Appearance of Buildings #3 and #1 from Avon Road residences.

I live at 21 Avon Road. Despite one or two existing trees which will reduce the impact (while they exist) I will still be exposed to views of (and overlooking by) the substantial height of this building uphill from 15 Avon Road. I will see it both through and above the scant tree cover that exists currently. The visual impact from below will be such that the building will appear to me to be about 50% to 100% higher. I have checked this impact by viewing 'Ironbark' at the top of Pymble Avenue from the downhill side. The impact of Buildings #3 and #1 on 7, 11 and 15 Avon Road will be unimaginable.

Incompatible with Urban Setting and Environment.

The size of the buildings and the density of the development is incompatible with its urban setting and environment, even against the controls in the latest Town Centres LEP.

In the comprehensive 2000 Heritage and Neighbourhood Character Study, conducted for Council by independent consultants Godden Mackay Logan Pty Ltd , it was reported that the study (p 3 p i)

"confirmed that the heritage and neighbourhood character values of the study area are exceptional, and therefore any new development introduced within the area must be based on and be compatible with those values"

The heritage and neighbourhood character values were described in the report in the following terms:

"The study confirmed that the prevailing pattern of residential development, which is common throughout most of the study area, is characterised by single dwelling houses addressing the street across an open-front garden, and providing a private rear garden..... This pattern has enabled the landscape to flourish and provide the most significant characteristic of Ku-ring-gai – its tree cover. The consistency of this pattern, the abundant landscape and the relative cohesiveness of housing scale and, form and style within the study areas of Ku-ring-gai make the neighbourhood special." (p 5 p i)

On any view the development proposals are manifestly incompatible with those values.

## **7. BUSHFIRE HAZARD**

Emergency access to the site and area is likely to be difficult

At peak hour times during the school term, rapid response emergency access to the area surrounding the proposed development is impeded because of the congestion in both



directions on Avon Road and Beechworth Road. This is an existing problem.

Adding 700 to 800 unit dwellers into the area exposes them to safety risks if a police vehicle, an ambulance or a fire engine is urgently required, but is delayed by traffic congestion around the site.

There may also be potential access problems for large fire engines getting into the site.

In the development proposal's Appendix 25 Bushfire Hazard Assessment Report, there is a recommendation that for adequate access to the site by large fire engines there must be 6.5 metre two way all weather roads. I assume that:

This road width requirement applies to driveways/private roads into the complex that will enable fire engines to get near to the largest buildings in the middle of the site.

The requirement also applies to fire engines attending any type of fire in the complex (for example a kitchen fire in a unit) not just bushfires.

Because measurements are not shown on the site maps, it is hard to see if this private road/ driveway width is achievable for all private roads/driveways to the complex

The Beechworth Road driveway appears narrow and constrained by the boundaries of private properties either side.

The driveway at Arilla Road also appears to be very narrow with a particularly large tree half way down the driveway with a wide trunk and low branches that could obstruct large fire engines. This width of the driveway is also constrained by the boundaries of private properties either side.

It may be that the Avon Road entrance is the only one that could be built with sufficient width for large fire engines to drive through. This hardly seems sufficient access in the event of a major fire in or around any of the 5 large buildings spread across the site.

In the event of a major fire or disaster within the site, emergency access difficulties will be a safety risk to people and buildings inside the complex and to people and homes in the surrounding area.

## 8. HERITAGE

### **Destruction of the 'Chief Railway Commissioner's Residence' will damage the Avon Road streetscape and the heritage of the surrounding area**

Number 1 Avon Road, known as the Chief Railway Commissioner's Residence, has significant local value. The house is listed on the website of the Heritage Branch of the Department of Planning as having 'architectural municipal state significance'. The developer owns the house. It is proposed for demolition as part of the development.

Appendix 22, a heritage report attached to the development proposal acknowledges the heritage value of the house. It describes the architecture and history of the property in detail.

In essence the report concludes that Ku-ring-gai Council has zoned the area for unit development, in making this zoning the Council has removed the local heritage classification of the site, so the house can be demolished and in any case there are many other inter-war houses in the area. The report under-estimates the value of the house to the local community. The house must not be destroyed:

Despite Ku-ring-gai Council's bowing to pressure to remove the heritage classification from this and many other houses in Ku-ring-gai for the sake of unit development, this house is well known and valued by local residents.

It is a very distinctive property. There is not another inter-war house in the local area like it. It has a particularly fanciful 'old English' facade. Its design and street presence are unique in the area, incorporating extensive use of sandstone corbels, mullioned leadlight windows, leadlight glass in the front door and surrounds, slate roof, stylish arched entry porch, decorative Tudor style half beam timbering under the gable roof line.

Although well set back from Avon Road, the views of the house contribute to the attractiveness, character and 'sense of place' along Avon Road.

The streetscape and history of Avon Road has already been damaged recently by: The destruction of 3 houses with similar architectural merit and local significance to make way for the Ironbark Complex at the start of Avon Road.

The loss of number 5 Avon Road. This property is also listed on the website of the Heritage Branch of the Department of Planning. It is owned by the developer. It was once a lovely cottage with decorative timberwork inside and outside. It has been vandalised and damaged beyond repair. The developer plans to demolish it completely so the land can be used for the proposed development.

Given that Avon Road has already lost these fine houses the destruction of yet another house with significant aesthetic, architectural and heritage value would be a tragedy.

Even if the proposed site development in some form is permitted to go ahead, the house at number 1 Avon Road does not have to be destroyed. It could be left as a separate residential property. Alternatively, it could be incorporated into the development as a club house or recreation facility offering meeting rooms, a billiards room, a swimming pool, a communal garden etc.

#### **Heritage-Related Objections to Concept Plan MP08\_0207) and Project Application (MP10\_0219) Residential Development at Avon, Beechworth and Arilla Roads, Pymble**

The National Trust Submission on (S06913) Ku-ring-gai Town Centres Draft LEP 2010 made a number of general points about development in Ku-ring-gai, which I feel are applicable to this development proposal. The qualifications and expertise of the National Trust to address heritage issues mean that their statements must be given weight and serious consideration.

I have listed the relevant statements from the National Trust document and followed them with my own specific concerns about the damage that the proposed development will inflict on the heritage of the local area.

#### **National Trust Statement**

'1.1 The extent and quality of early 20<sup>th</sup> century housing in Ku-ring-gai is unique in Sydney (on a par with the 19<sup>th</sup> century terrace housing of suburbs such as Paddington) and this quality is under threat...

'1.2 No other Local Government Area in Sydney is having as much redevelopment thrust upon its village and neighbourhood centres as is Ku-ring-gai.'

#### **My Concerns**

The proposed development will construct 355 units in 5 large buildings ranging from 6 to 11 storeys. This is extremely high density that is incompatible with the established residential character of the area. This is an area of predominantly inter-war family homes set well back from the road in pleasant established gardens under a canopy of tall native and exotic trees. The harmonious style of the local area has already been scarred by the Ironbark development at the start of Avon Road and will be further damaged by this development.

In the last two years, residents have seen Avon Road damaged by the demolition of several houses (numbers 8, 10 and 12 Avon Road) with distinctive inter-war appearance and architectural merit to build the Ironbark Complex. The construction also destroyed extensive gardens with many mature trees. These lovely old houses and gardens once 'welcomed' people into the area as they walked from Pymble station. Now when visitors and residents come from the station the first thing they see are visually overwhelming monotonous apartment blocks.

The proposed development threatens to do the same thing further down Avon Road. It will destroy a house of architectural and heritage significance. It will build visually confronting blocks of units facing Avon Road, out of scale and sympathy with the surrounding residential properties. It will break what is now seen as a distant canopy of trees with tall blocks of units.

It will also damage the setting and views of a number of heritage residences and buildings in the area.

#### **National Trust Statement**

'1.3 The exhibition process (for the draft Ku-ring-gai LEP (Town Centres) ) is flawed, lacks transparency and lacks procedural fairness. This is because of:

The late engagement of a heritage consultant in the total planning process

The extremely short time-frame given for public comment....

The lack of any indication in the exhibition documents that existing listed heritage items were to be removed'

#### **My Concerns**

The Ku-ring-gai LEP (Town Centres) 2010 set out the zoning of the proposed development site as suitable for high density residential development and it removed the heritage listing on the house at 1 Avon Road and did not acknowledge the National Trust Urban Conservation Area classification of the surrounding area.

The process by which this was done was flawed. It ignored expert advice and the concerns of local residents.

As a local resident, I believe that the resulting LEP does not embody community wishes for how we want our local area to move into the future. The flawed LEP does not give legitimacy to the proposed development.

#### National Trust Statement

1.6 Heritage items must have a visual setting to preserve their significance as heritage items

#### My Concerns

The proposed development will damage the setting and views of houses and buildings with heritage significance in the surrounding area.

**Macquarie Cottage 11 Avon Road.** This property is a colonial Georgian revival cottage designed by W. Hardy Wilson. It is on the Register of the National Estate. It has local, state and national significance. Macquarie Cottage is only one residence away from the stage 1 unit building. This building will clearly tower over Macquarie Cottage when looking north. The even taller buildings in the later stage of development will break through the canopy of trees now seen behind Macquarie Cottage. It would damage the Avon Road streetscape to treat a superb example of Hardy Wilson domestic architecture with such disrespect.

**Capera Cottage 19 Avon Road.** Again the sight of the tall bulky unit buildings will compromise the view looking north. This contrast in scale is particularly jarring given that Capera Cottage is such a small and charming structure.

**Pymble Ladies College (PLC) along the Avon Road boundary.** Views of the unit development will be clearly visible from the school playing fields and paths along the Avon Road boundary. Part of the heritage value of PLC is its park-like setting. Its vistas have already been damaged by the 'Ironbark' Complex and will be further damaged by the proposed development.

**11 Arilla Road.** This is a substantial and attractive home built in the inter war period. The scale of the proposed development and the fact that the unit buildings will be constructed on a site that slopes up from this house, mean that tall unit buildings will be seen dominating the background behind this house. There do not appear to be enough trees to screen the view of the development adequately from 11 Arilla Road.

**6 Beechworth Road.** This is a gracious late Victorian home that will be seen against a background of tall bulky buildings. Its balconies will look straight into a vista of 9 to 11 storey buildings. Moreover the development proposal shows a private road/driveway running in a crescent along one side of the house, around the front of the house and along the other side of the house. The entry and exit of large numbers of residents' vehicles travelling along three boundaries of the house will definitely detract from the heritage ambience.

**Pymble Hotel and Ku-ring-gai Town Hall.** The proposed development will damage the views when looking in a north west direction from the heritage listed Pymble Hotel and the heritage listed the Ku-ring-gai Town Hall (formerly Sacred Heart Church), both on the Pacific Highway. These are both important inter war buildings with recognised architectural heritage significance to NSW.

#### National Trust Statement

3.10 Changes from National Trust UCAs.....In fact the method used by Paul Davies Pty Ltd vindicates the original boundaries of the National Trust Urban Conservation Areas and it would appear that factors other than heritage significance are being used to determine the number and extent of proposed Heritage Conservation Areas

#### My Concerns

The heritage value of the local area has been recognised by the National Trust since the 1950s.

The National Trust produced a report in 1996 called 'Housing in NSW Between the Wars'. It recommended that the local area be included as one of 28 precincts in Ku-ring-gai that should have heritage listing as Urban Conservation Areas. The recommendation recognised:

Excellent examples of early 20<sup>th</sup> century and inter-war housing in the area.

The harmonious building style of the area and its contribution to the 'garden suburbs' planning movement in NSW.

The remaining stands of Blue Gum High Forest and Turpentine-Ironbark Forests.

The compatibility of the modest scale single residential development with the natural environment.

In recent years, the heritage boundaries and classifications recognised by Ku-ring-gai Council were changed by what local residents regard as a discredited process. The proposed development site and the surrounding area are no longer recognised as an Urban Conservation Area.

Regardless of how the local area is 'officially' classified, to the people who live here it is an area of aesthetic, architectural and heritage value that continues to evolve today. The proposed development threatens the overall integrity and cohesiveness of the local area. The extreme height and bulk of the development will damage the existing careful balance of small well-designed buildings in relation to attractive areas of open space.

In short, the proposed development is entirely out of sympathy with community values and should not be permitted.

#### National Trust Statement

5.1 The following existing heritage items under the KPSO are recommended by the Ku-

ring-gai Planning Panel for removal:

...

Pymble:

6 Beechworth Road

1 Avon Road

5 Avon Road

...

This is an inappropriate approach. Except for demolished items the items still have heritage significance and it would appear that their removal has nothing to do with heritage but is a means to provide an unencumbered redevelopment area.

### My Concerns

Despite the removal of Council's 'official' recognition of the heritage value of these properties they are well known and valued by local residents.

**1 Avon Road** was built in the early 1900s. It was acquired by the developer in the 1970s. It is proposed for demolition. This must not be allowed:

It is one of the earliest houses built in the area. I have a copy of a map and advertisement for building blocks circa 1928 noting the house as an example of a fine house already built in the area belonging to a pre-eminent gentleman.

It is a very handsome property with beautiful detailing particularly its use of sandstone, leadlight glass and timber beams.

It is an important part of the streetscape and history of Avon Road.

I am familiar with European-style medium density developments in heritage precincts that incorporate existing buildings into the development and echo features from the existing buildings in the style and scale of the new buildings. I suggest that this is something the developer should consider. This house should be seen as an asset to be used in a sympathetic medium density development.

**5 Avon Road** was built in the early 1900s. It was acquired by the developer in the 1980s. In recent years it has been unoccupied and subject to vandalism and damage. After a fire several years ago, it now seems irretrievably damaged.

It will be completely demolished to make way for the proposed development complex. It is obvious that this gracious old country-style timber cottage cannot be saved.

The fact that the contribution of this once charming cottage to local heritage and streetscape has already been lost makes it all the more important for the nearby house at 1 Avon Road to be maintained.

**6 Beechworth Road** was built in the late 1800s. This property is not owned by the developer, it will not be part of the development. As described above, it will face the high rise development and have a driveway/private road going around it on three sides.

This is a heritage property that is valued by the community. Its setting and ambience will be damaged by the proposed development.

## SUMMARY OF MY CONCERNS

The area surrounding the proposed development has a unique character and considerable heritage value to the State of New South Wales. It has many fine inter war houses and generous gardens under a canopy of tall trees.

Over the years the area has evolved, old houses have been modified and new houses built. Nevertheless the existing scale of buildings and the balance of buildings to open space have been maintained. This has helped to preserve the overall natural and heritage character of the area while introducing good contemporary features.

The proposed development does not properly address issues of compatible design and scale for the area. It will not contribute to the evolving character of the area. Rather its height and bulk will damage the character of the area.

### 9. TRAFFIC

#### A. Introduction

The traffic consultant (Gennaoui Consulting Pty Ltd) has concluded that the proposed residential development *"is not likely to unduly affect traffic conditions in the surrounding area."*

There are significant deficiencies in the analysis presented by the traffic consultant.

#### B. General Background

The proposed area for development is located between two signalised access points to the Pacific Highway – Beechworth Road and Livingstone Avenue;

At the present time there are about 400 residential dwellings, between Pymble Avenue and Sheldon Forest. The proposed development, if it were to go ahead, would add another 355 or so dwellings i.e. an increase of some 90%;

Traffic flows in the area are also impacted by two major developments which were in progress at the time of the observations by the consultant but not factored into his report, as follows:

the development of 64 new residential units in Clydesdale Place

the development of 168 new residential units on the corner of Avon Road and Pymble Avenue;

Further residential development can be expected, albeit on a smaller scale, in both the area north of Pymble Avenue, and in the Pymble Avenue/Livingstone Road areas. For example a 21 residential unit development in Everton Road is before the Council;

The area also includes Pymble Ladies College, a K-12 educational institution with a total enrollment of some 2000 students and with some 400 staff employed;

The consultant reported that "The major approach route for traffic generated within the study area is the Pacific Highway, a classified National and State Highway, which has a six

lane divided carriageway." The consultant did not mention that a notable feature of the Pacific Highway between Beechworth Road and Livingstone Avenue is that it is restricted by the bridge over the railway lines to just four lanes;

The area is subject to three traffic peak periods. The morning peak of 7.15 to 8.15 a.m. includes both general and school traffic. There are two peaks in the afternoon, from 2.45 p.m. to 3.45 p.m. (school traffic) and from 4.30 to 5.30 p.m.

#### C. Implications of the above background factors

The addition of new traffic on to the roads within the subject area has the potential to create significant additional traffic gridlock. For example;

In the morning and afternoon school peaks Avon Road suffers heavy congestion. In the afternoon it may be effectively closed to northbound traffic for 10 – 15 minutes, and to southbound traffic, for a shorter period because of traffic waiting to enter the school. It appears that the consultant has not recognised, or measured traffic flows during the school related afternoon peak;

In the morning peak (and particularly between 7.30 – 8.15 a.m.) there are long waits for traffic trying to enter Pacific Highway at both the Beechworth and Livingstone intersections. The consultant notes that "*The signalized intersection of Pacific Highway with Livingstone Avenue operates at a very poor level of service 'F' during the morning peak*";

Strangely, although the consultant noted that "these two intersections (i.e. Beechworth and Livingstone) have very high degree of saturation with very long queues observed along the Pacific Highway during both peak periods" it did not occur to him, or he was unwilling, to relate this major difficulty to the narrowing of the Highway to just four lanes at the railway bridge;

North bound egress from Beechworth Road, although subject to a free turn, is affected by traffic preparing to move to the right lane for a right turn into Bobbin Head Road. This lane is frequently blocked by other traffic waiting to make the turn;

North bound egress from Beechworth Road is further restricted by the two-lane railway bridge on Beechworth Road, frequently preventing fully effective use of the free left north turn on to the Highway during the morning peak;

Highway traffic can also be severely compromised in both morning and afternoon peaks because traffic waiting to turn right at Livingstone Avenue banks back across the railway bridge, reducing southbound traffic to a single lane;

Although Clydesdale Place enters the Pacific Highway directly, exiting southbound traffic must travel north to Beechworth Road or Bobbin Head Road before it can turn to head south, placing additional pressure on both of these already busy turns;

I suggest that the tolerances on the Pacific Highway over the railway bridge are very close to mayhem for through traffic. The more than doubling of residential dwellings (taking the proposed development and the two largely completed developments referred to above) will almost certainly dramatically escalate the current problems, if this proposal is allowed



to proceed;

I suspect that the residents of the affected area would be willing to test how the addition of a relatively small number of additional vehicles could bring chaos to traffic on the Highway in peak hours. A demonstration of the impact would surely be preferable to the eventual realisation of the enormity of the problem post development;

The consultant reported that "In 2002, Planning NSW required the provision of a direct link between Beechworth Road and Avon Road. This road was not supported at the time and should not be provided for the following reasons..... interfering with the residential amenity of future residents along it.' One would hope that the Department would have the same interest for the amenity of the residents already living in the subject area as the consultant appears to hold for those who have not yet even considered moving into the area.

#### **D. Conclusions**

There are significant deficiencies in the analysis presented by the traffic consultant.

The proposed residential development will unduly affect traffic conditions in the surrounding area.

If significant development is to occur in the subject area road traffic flows must be enhanced by one or some combination of the following;

Widening of the Pacific Highway railway bridge at Pymble to five or six lanes;  
Widening of the Beechworth Road railway bridge to three lanes;  
The addition of a right hand turn lane on the Pacific Highway to Beechworth Road.

If enhancements along the lines suggested are not made common sense would indicate that the scale of the proposed development is grossly excessive.

#### **Recent Changes to Traffic Conditions not modelled**

The traffic report is not soundly based, does not consider the important constraints and does not consider the impact of more recent developments.

The traffic report was last revised in November 2009 and is based upon traffic counts taken in May 2009. Since that time there have been three major changes to the traffic conditions in the precinct.

1. The completion of the Avondale development on the Pacific Highway in the vicinity of Telegraph Road has resulted in a development with no south bound (city bound) access to the Highway. Whatever the intention was, the traffic from that development wishing to travel to the city now travels north to Beechworth Road and executes a U-Turn in Beechworth Road to access the southbound lanes on the Pacific Highway through the Beechworth Road / Pacific Highway intersection. The result is considerable reduction in the intersection capacity and the safety of traffic in the vicinity.

2. Within the last year, the timing of the red phase on the Beechworth Road intersection has been increased resulting in a full two minute delay between Green Phase and shorter

Green time. Prior to this, the cycle time was 1 minute 30 seconds, so the access time is now reduced by 33%.

3. The development of a large number of apartments in Avon Road next to PLC has now been completed. The traffic effect of these apartments has not been considered as it was not included in the traffic count. The traffic from the Avon Road apartments will have two consequences. It will increase the demand on Avon Road, the roundabout at Pymble Avenue and the intersection at Livingstone Avenue. Secondly, by virtue of the change in demand patterns it will cause more traffic to divert into Beechworth Road.

These three effects should be taken into account as part of the assessment and the traffic report does not consider them in any way.

### **Other Inaccuracies in the Report**

In addition, the traffic report describes the Avon Road access to the site as having "four lane undivided carriageway". This is clearly an incorrect description and paints the picture of easy access to the site. The road is two lane, and even when vehicles park on the unsealed verge, the road is dangerously narrow for the passing of two cars. The road is unsafe as an access to a development of the size proposed.

The report also describes the access at 4 Beechworth Road as having good sight distance by virtue of more than 50m distance from the bridge. This is again incorrect. It is not possible to see up past the bridge from 4 Beechworth Road due to the angle of the exit from the property enforced by the boundary configuration. The site distance available to a driver will not provide a safe exit, especially during construction.

Finally, the traffic report concentrates on the volume of traffic on the road, but ignores the real constraint which is the intersections with the Pacific Highway at both Livingstone Avenue and Beechworth Road. During the morning peak on school days, the traffic at the Beechworth Road intersection with the Highway tails back to Mayfield Avenue. It frequently takes three light phases for a vehicle to pass through the intersection at the Highway after joining the queue. Similarly, it takes two to three light phases to pass through the Livingstone Avenue intersection, as the tailback extends back through the Pymble Avenue roundabout and on to PLC in Avon Road. Any additional traffic joining this traffic will have an impact determined not only by the number of vehicles generated, but also by the delay caused by entering the queue and the problems for traffic moving in the opposite direction when joining the queue to the Highway from number 4 Beechworth, for example. Neither of these intersections can be described as having service level A, and it is impossible to reconcile the intersection analysis in the report with the observations on the ground during peak hour.

Contribution to traffic congestion will be higher than estimated in the traffic analysis report

The traffic analysis report in Appendix 26 of the development proposal acknowledges the existing traffic congestion on Avon and Beechworth Roads and states on page 10 'Traffic problems in the area are largely associated with PLC and not likely to unduly affect the proposed residential developments. PLC should be required to address these traffic issues.' This is an unreasonable position.

Pymble Ladies College is a major and long-established education institution that has

always generated considerable peak hour traffic in the area. Because of the geography of the area and the road layout, traffic management around the school is inherently difficult. It is wrong of the development proposal to say in effect 'We did not create the existing problems, someone else has to fix them and in the meantime we should be allowed to make the problems worse for local residents.'

The traffic analysis report concludes that that the development will have minimal impact on traffic in the area. This conclusion is questionable because of shortcomings in the assumptions and methodology used by the traffic analysis.

The report's estimate of traffic generated by the development is unduly optimistic

To estimate the total amount of traffic to be generated by the development the report uses a factor of .29 peak hour car trips per unit. The .29 factor is from an RTA analysis published in 2002: it is based on very old research, which makes its relevance to a modern development questionable. Moreover it can only be used as an average guide, not an accurate estimate.

The RTA's .29 factor is based on the assumption that residents in units near to public transport facilities will generally prefer to use public transport for peak hour travel rather than a private car. This may have been valid in 2002, however in 2011 when peak hour trains are congested, services have been cut back and schedules are often unreliable, this assumption is questionable. People are increasingly using cars rather than public transport.

A prudent traffic analysis would have presented a range of traffic estimates based on:  
Best case or optimistic scenario. Assume that most residents do not travel at peak hour and prefer to travel by train and use the .29 factor from the old RTA research.  
More likely scenarios with residents preferring to use their cars.  
Worst case scenario using a factor significantly greater than the RTA factor. A worst case scenario might be that each unit generates 1 peak hour car trip.

Assertions about the amount of traffic that the complex will generate and the impact it will have on existing traffic flows should be based on the worst case scenarios, not the best case scenario. There could be 300 to 400 peak hour car trips from the development site with a much bigger contribution to traffic congestion than the optimistic 120 car trips estimated by the development proposal's traffic analysis.

Existing peak hour traffic and congestion is high and growing

The development proposal's traffic analysis uses traffic observations made over one week in May 2009. It does not factor in any estimates of how traffic volumes in the area will increase over time. It does not take account of recent developments observed by local residents:

The large Ironbark apartment complex at 1 Avon Road has been completed. Vehicles exit and enter the Ironbark complex using the roundabout at the intersection of Avon Road, Everton Road and Pymble Avenue. Increased traffic on this roundabout slows the peak hour traffic on Avon Road in both directions.

Commuter parking along both sides of Avon Road now stretches back to near the

intersection with Arilla Road. The commuter parking takes up road lanes and slows the through traffic.

Pupil enrolments and activities at Pymble Ladies College are continually increasing, which generates increased traffic in both directions along Avon Road and Beechworth Road.

During school term Avon Road and Beechworth Road are heavily congested at peak hour, and the congestion is growing. Because of the level of congestion, even a small increase in traffic - let alone the volume of traffic expected from a large unit development - will have a disproportionately high impact on traffic congestion, traffic flow and safety.

Proposed roundabout at the bend in Avon Road will slow traffic and contribute to congestion

The traffic analysis report recommends that the Council build a roundabout at the bend in Avon Road where the entrance to the proposed development will be. The roundabout will allow cars to enter and leave the complex safely. However, it will slow down traffic for existing road users and add to peak hour congestion.

Traffic analysis report does not address the existing risks to pedestrians who use Avon Road

At peak hour many pedestrians walk along Avon Road to and from Pymble station.

The peculiar design of the footpath means that most pedestrians cross from one side of Avon Road to the other side when they reach the bend in the road at the northwest corner of PLC grounds. This is because:

On the part of Avon Road running parallel to the railway line, there is a paved footpath only on the south side of the road beside the PLC boundary. The side of Avon Road along the railway line boundary is used for commuter parking.

Where Avon Road bends and runs south, the footpath on the PLC side ends. This is because the land drops away very steeply from the road; there is no room for a proper footpath. The paved footpath continues on the other (western) side of the road.

At present many pedestrians leave the footpath on one side of Avon Road at the bend and cross to the footpath on the other side. This is a dangerous situation because it is difficult for pedestrians and drivers to see each other around the bend, especially at night. Some pedestrians when walking to the station avoid this problem by crossing on the straight stretch before the bend and then walking on the actual road until they reach the footpath at the bend. This is also a safety risk.

The increase in commuter parking along Avon Road has compounded this problem. Many drivers who park on the non-footpath side of Avon Road walk along the road (with only centimetres between them and the passing traffic) rather than cross the road to walk on the footpath.

Adding more traffic onto Avon Road will increase the safety risks to pedestrians. The traffic report suggests that if the Council builds a roundabout at the entrance to the proposed

complex, it might consider including a pedestrian refuge. This would be of limited use; any benefit would be far outweighed by the safety risks to pedestrians from the increased traffic.

Traffic analysis report does not address impact of traffic movements on residents in surrounding streets

This is a very large scale development. The development proposal certainly expects residents to have and use their cars. The traffic analysis report states that the stage 1 development actually allows for more than the maximum number of on-site parking spaces required under SEPP3 and the Ku-ring-gai Site Reports.

All these vehicles will have to enter and exit the site through private roads leading onto residential streets. This will generate noise and vehicle exhaust pollution for existing houses in these streets. The impact will be particularly severe for residential properties adjoining the proposed driveways. Also, at night residential properties near the site driveways will be affected by the lights of vehicles turning into and out of the site driveways. This is a significant loss of amenity on residential streets.

[End of Part 2]

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**From:** Paul Paterson <administration@avondalegolfclub.com.au>  
**To:** Simon Truong <simon.truong@planning.nsw.gov.au>  
**CC:** <assessments@planning.nsw.gov.au>  
**Date:** 11/02/2011 1:20 pm  
**Subject:** Online Submission from Paul Paterson of Avondale Golf Club (object)  
**Attachments:** Final Submission.pdf

Please see attached

Name: Paul Paterson  
Organisation: Avondale Golf Club

Address:  
Avon Road, Pymble 2073

IP Address: 122-160-130.dsl.connexus.net.au - 203.122.160.130

Submission for Job: #2919 MP08\_0207 - Concept Plan for 5 residential building envelopes of 4 to 11 storeys in 5 stages for up to 355 units with underground car parking and landscaped open space/riparian rehabilitation  
[https://majorprojects.onhiive.com/index.pl?action=view\\_job&id=2919](https://majorprojects.onhiive.com/index.pl?action=view_job&id=2919)

Site: #1833 Avon, Beechworth and Arilla Roads, Pymble  
[https://majorprojects.onhiive.com/index.pl?action=view\\_site&id=1833](https://majorprojects.onhiive.com/index.pl?action=view_site&id=1833)



11 February 2011

The Director of Metropolitan Projects  
The NSW Department of Planning

Attention: Michael Woodland

Dear Mr Woodland

**RE: MP08 -207 - CONCEPT PLAN - MULTI UNIT HOUSING  
1,1A & 5 AVON ROAD, 1 ARILLA ROAD AND 4 & 8 BEECHWORTH  
ROADS PYMBLE**



Aerial Map -- Avon Road

The Club wants to express its concern about the proposal in that it is excessive, being beyond the development standards as expressed in the KLEP (TC) 2010.

The Club's only site access is via Avon Road, Pymble. Avon Road is a 2 lane local road. Considerable traffic is generated by Pymble Ladies College (PLC) when it uses its western access and the Golf Club. There is scope to improve the lane configuration and widening of the road and this should be a requirement if any approval is contemplated.

The Club acknowledges that the subject site has been zoned to permit multi-unit housing, however, the proposal is considerably beyond the scale anticipated when the land was rezoned.

I have been advised of the concerns expressed by PLC and the conditions and improvements recommended in that report are supported by the Club. Avon Road is too narrow for passing traffic when cars are parked on either side of the road and this development, if approved, will further exacerbate this problem.

As a major landowner in the vicinity of the development site, it would have been prudent for the applicant to undertake consultation with the Club and with that consultation, some  
Avondale Golf Club Ltd Avon Road, Pymble NSW Australia

PO Box 20 Pymble NSW 2073

General enquiries (02) 9449 6455 Professional (02) 9440 8656 Fax (02) 9488 7065 [administration@avondalegolfclub.com.au](mailto:administration@avondalegolfclub.com.au) ABN 53 000 016 964

[www.avondalegolfclub.com.au](http://www.avondalegolfclub.com.au)

agreement may have been considered in relation to road improvement works to respond to the Club's concerns.

In terms of site issues, the Club is mindful of its responsibilities in terms of management of the Blue Gum High Forest and Riparian Zones within the Golf Course and is somewhat disappointed to note the lack of reliable information and apparent nonchalance about the need to maximise the retention of the remnant forest trees.

The development should be reconsidered and scaled back to more acceptable levels say – 210 dwellings instead of the proposed 350 dwellings.

The management of the Avondale Golf Club objects to the development as currently proposed. It further notes that the proposal may not be lawful and if this aspect of the proposal is substantiated as suggested by Ku-ring-gai Council, then the Club will need to seek its own legal advice.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Paterson', with a long horizontal flourish extending to the right.

**Paul Paterson**  
Chief Executive Officer



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**From:** "Peter Hoggard" <peterhoggard@optusnet.com.au>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 29/01/2011 4:31 pm  
**Subject:** Concept Plan (MP08\_0207) & Project Application(MP10\_0219  
**Attachments:** Pymble over-development letter.doc

Dear Sir/Madam

Please find attached a response for the department's consideration. I thank you in advance for acknowledging and reading this submission.

Peter Hoggard

14 Milray St.,

Lindfield NSW 2070

(e) peterhoggard@optusnet.com.au

ATTENTION: Director Metropolitan Projects

Major Projects Assessments

Email: [plan\\_comment@planning.nsw.gov.au](mailto:plan_comment@planning.nsw.gov.au)

**Re: Concept Plan (MP08\_0207) & Project Application(MP10\_0219)  
Residential Development at Avon, Beechworth and Arilla Roads,  
Pymble.**

28<sup>th</sup> January 2011

Dear sir/madam

I wish to lodge an objection in the strongest terms to the above development proposal for the following reasons:

1) An enormous increase in traffic congestion will result without any increased traffic management planning or safety measures to support the increased traffic volume. Traffic in this area is heavily impacted by Central Coast traffic added to the already saturated North Shore traffic in an area servicing 8 large schools.

2) The increased traffic will pose a significant danger to pedestrians including 2,000 school children attending Pymble Ladies' College, crossing daily at a pedestrian crossing in a congested, narrow 2 lane street bordering this proposed development.

3) Traffic is already congested in this pocket due to the restricted access to the Pacific Highway. The only road outlets for this precinct are Livingstone Ave and Beechworth Rd. Each has one lane in each direction and steep gradient to the Highway. The traffic signals allow 8 cars at most to turn on each signal change (far fewer if pedestrians are crossing the highway). Morning and afternoon peak traffic times become severely impacted.

4) The degradation of the local environment and greatly increased hard surface area will increase the flood danger. This area is well known historically as having amongst the highest annual rainfalls in the Sydney Metropolitan area. These proposed buildings (on the side of a hill) will create heavy and increased water run-off recently explained (24th January 2011) by Associate Professor Basant Maheshwari, a water resources researcher in the UWS School of Natural Sciences. He states land use changes could mean higher flood levels, flash flooding in unexpected areas and more frequent floods with all the changes in land uses due to on-going urbanisation. [http://www.unijobs.com.au/read\\_university\\_news.php?title=flood\\_safety\\_expert\\_calls\\_for\\_closer\\_analysis\\_of\\_land\\_use\\_changes\\_18083](http://www.unijobs.com.au/read_university_news.php?title=flood_safety_expert_calls_for_closer_analysis_of_land_use_changes_18083)

5) The area is part of the protected Blue Gum High forest, which will be in danger due to the environmental impact of this development

6). The development will have an unacceptable level of impact on the surrounding built and treed environment with a height well above the government set height restriction of 4.5 storeys for other apartment buildings throughout Ku-ring-gai.

7)The height, bulk and scale of the proposed development (5 residential building envelopes of 4 to 11 storeys) is architecturally alien to the context of this precinct - being single or double storey dwellings with apartment buildings limited to 4.5 storeys.

8). Escalated power demands imposed by a development of such scale may lead to blackouts and disruption as equipment becomes overloaded.

9) Commuter parking for Pymble train station is already inadequate and unable to cope with the current local commuter parking. Commuter and resident cars parked currently on both sides of the 2 lane Avon road restrict traffic flow such that only **one** lane operates in peak hour (at the northern end of Avon Road). Any increase in traffic due to this development will result in a gridlock particularly on school days.

10) Trains, buses and schools will become even more overcrowded and adversely affected. This is not in the public interest. ) The heritage-listed Stationmaster's cottage off Avon Rd (next to the rail line) will be destroyed.

11) The disruption to the community during the demolition and construction period of the project with large trucks impacting upon an already severely congested Pacific Hwy and connecting streets.

12) This developer has a history of repeat applications for greater height of this proposed complex every 2 years since 2003. This can only demonstrate greed with total lack of concern for the current limits, the residents of Ku-ring-gai and all who transit through Ku-ring-gai. This application only benefits the developer and is not in the public interest.

13)Other recent developments in Pymble Ave, the Avondale development in Clydesdale Place, major proposed development for Everton St and Pymble Ave-all need to be considered in conjunction with this new proposal for overall impacts on traffic, safety, flooding, views ,shadowing and height and bulk considerations

14) The area is part of the protected Blue Gum High forest, which will be in danger due to the environmental impact of this development

Signed

Full name

Full residential address

\*\*\*\*\*

Thank you to all

Ku-ring-gai Residents' Alliance (KRA) Committee

[residentsalliance@gmail.com](mailto:residentsalliance@gmail.com)

[www.notsohigh.org.au](http://www.notsohigh.org.au)

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**From:** "Gerry Teo" <gerryteo@optusnet.com.au>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 26/01/2011 8:38 am  
**Subject:** Concept Plan MP08\_0207 & MP10\_0219  
**Attachments:** submission.pdf

Dear Sir,

Please see attachement for submission for the above subject.

Best regards.  
PH Teo

To ,  
Mr Michael Woodland  
Director Of Metropolitan Project  
Major projects Assessment, Dept Of Planning.

25<sup>th</sup> January 2011.

**Self-Concept Plan (MP08 0207) & Project Application (MP10 0219) for Residential development at Avon, Beechworth and Arilla Road, Pymble.**

I refer to the above development application by Mr Neale for high-density development for 355 units at Avon, Beechworth and Arilla Roads. The above application by Mr Neale will be totally unsuitable for high-density development due to unsuitable terrain, overlooking, heritage-listed dwellings, overshadowing of existing dwellings and traffic congestions.

In support of this objection, we summarise the adverse impact that would seriously reduce the amenity of living condition of the residents of 6, 8A, 10, 10A, 10B and 10C.

We request the Department of Planning fully consider these impacts in the context of existing development Control and the surrounding specific traffic flow and congestion to the location.

**1. Traffic**

The degree of saturation identified by the traffic and transport base study for Beechworth Road/Avon/ Livingstone /Pacific Highway intersections is clearly demonstrated by the congestion and extensive delays for traffic approaching the Highway via Beechworth and vice versa. This is exacerbated by traffic entering and exiting Beechworth Road via Pacific Highway; which is one of the two accesses to Pymble Ladies College at Avon Road. At peak time, 2 or 3 changes of lights are required before traffic can exit or enter Beechworth Road via Pacific Highway. The situation will be worsen further to propose high density development of 355 units at Beechworth/Avon and not to mention, currently there are approx. 168 units at Pymble Avenue/Avon Street development by Meriton and Crestwood not constructed yet. It will surely have a substantial impact on the traffic in the local area. Avon road is already congested from PLC traffic and from commuter parking which stretches from Avon Road to Arilla Road.

The traffic flow will be as very slow as Avon, /Beechworth/Livingstone Avenue are narrow street especially on Avon Road.

**2. Parking.**

Currently, Avon Street is used as a car park for rail commuters. Parking by rail commuters has already extends beyond three quarter of the way down Avon Street/Livingstone Avenue /Pymble Avenue and Orinoco Street making it hazardous for residents to reverse out of driveway. The additional flow of traffic generated by high density of an additional 355 units will create permanent overload of narrow strip of streets, which consequently affect the safety of pedestrians in the area.

### **3.Sunlight**

Winter overshadowing to some parts of windows and garden to 10A, 10B, and 10C would be in the order of 100% to beyond midday. The resulting impact from overshadowing and potential loss of sunlight will have significant impact on the amenity of our land.

### **4. Natural Terrain.**

As some part of the proposed development in the subject land of 4 & 8 Beechworth Road around the highest point on Beechworth Road, to achieve anything more 4 storeys will accentuating the overshadowing and will allow direct overlooking into living room, dining room as my property has wide windows in both the living and dining room, and my backyard. It would certainly cause a major loss of privacy on my surrounding courtyards as they would completely overlooked-downgrading of my privacy and tranquil use of my courtyards. The visual impact of the development appears to be very substantial.

### **5. Setbacks/Privacy.**

Special consideration must be given to the proximity of the proposed development to 6, 8A, 10, 10A, 10B and 10C Beechworth Road. The proposed setback from the adjoining land (6, 8A, 10A, 10C and 10B) is grossly inadequate. It is imperative that a significant area be set aside for a buffer between the affected properties and the proposed high density development. It is our opinion that along the interface between the adjoining lots 6, 8A, 10, 10A, 10B and 10C Beechworth Road and the proposed building, a significant area of non-development be provided. A buffer of minimum 15 metres width would be required to achieve that transitional zone and that significant and specific landscaping should be provided to ensure a significant visual buffer.

### **6.Scale of proposed development.**

The proposed scale of the development in terms of width and height are too overbearing. This proposal massively exceeds height controls set in 2003 by NSW Planning. This applicant has increased the scale of this development each time he makes a submission. He wanted 150 units in 1995, 180 unit in 2001, 240 units in 2009 and this submission he wants 355 units in 2011. We need a more realistic development keeping with the local neighbourhood.

The applicant appears to ignore NSW Planning's concern as stated in the Director General's letter 11 February 2009. The proposed development is in excess of the SEPP 53 standards-in our view the proposal is out of character with the surroundings, it does not create a contemporary garden apartment that blends with the environment. The layout of the building are based on maximising economic benefits and not good planning and considerations for the community living around the vicinity.

### **7.Threatened Habitats and Loss of significant trees.**

It is a concern that the development of these sites will mean the loss of some trees thus thinning the canopy and further damaging wildlife. The identification and assessment of the presence and the likely impact of the proposal on threatened flora

and fauna species or ecological communities need to be examined as the Blue Gum High Forest is protected by NSW and Commonwealth environment law.

#### **8.Conclusion.**

The massive proposed development fails to adequately address the issues on height, bulk and scale of the local area residences. The building envelopes are inconsistent with the design requirement of Part 5 of SEPP 53. The proposal is not in public interest as it will be contrary to the community expectations encompassed in aims and objectives of the Ku-ring-gai Planning Scheme Ordinance.

The proposed sites may appear logical for increased density on a smaller scale plan of the district, but the physical constraint of the sites (terrain, overlooking, height, and overshadowing) that have made any contemplation of a high density development unworkable. This proposal is massive by any standard and certainly it will affect the integrity of the amenity of the existing residents of the area.

We seek special considerations from NSW Planning to our concerns stated above and our objections to Concept Plan (MP08\_0207) and Project Application (MP10\_0219) from Sheridan Planning on behalf of Mr James W Neale for residential development at Avon, Beechworth and Arilla Roads, Pymble.

Yours Sincerely,  
PH Teo  
8A Beechworth Road ,  
Pymble NSW 2073.



265

**From:** "Richard & Elena Shankland" <rshankla@bigpond.net.au>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 11/02/2011 2:08 pm  
**Subject:** Concept Plan (MP08\_0207) & Project Application (MP10\_0219)  
**Attachments:** Letter\_MP08\_0207\_MP10\_0219\_001.pdf

Subject: Concept Plan (MP08\_0207) & Project Application (MP10\_0219) -  
Exhibition of Environmental Assessment for residential development at Avon,  
Beechworth and Arilla Roads, Pymble By email:  
<mailto:plan\_comment@planning.nsw.gov.au> plan\_comment@planning.nsw.gov.au

Attention: Mr Michael Woodland, Director, Metropolitan Projects  
Please find attached a letter dated 11 February 2011.

Please be advised that I do not want my email address published on the  
Department's website, provided to the Proponent or to any other interested  
public authority.

Yours faithfully

Richard Shankland

<<Letter\_MP08\_0207\_MP10\_0219\_001.pdf>>

Richard Shankland  
7 Kimbarra Road,  
PYMBLE NSW 2073

February 11th, 2011

Major Projects Assessment  
New South Wales Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

By email: [plan\\_comment@planning.nsw.gov.au](mailto:plan_comment@planning.nsw.gov.au)

Attention: Mr Michael Woodland, Director, Metropolitan Projects / Mr Simon Truong (Planner)

**Subject: Concept Plan (MP08\_0207) & Project Application (MP10\_0219) -  
Exhibition of Environmental Assessment for residential development at Avon, Beechworth and  
Arilla Roads, Pymble**

I refer to your letter dated 13 December 2010 (Your ref: MP08\_0207 & MP10\_0219) informing me about the abovementioned Concept Plan and Project Application and inviting me to make a written submission concerning this proposal.

In this letter, a reference to **the Site** means the land on which the proposed development will be built.

**I OBJECT TO THIS PROPOSED DEVELOPMENT**

The reasons why I object to the proposed development can be summarised as follows:

1. the adverse impact on the amenity of the surrounding residential precinct, having regard to the number of units that are proposed (355) and the height of the buildings (11 and 9 storeys for 2 of the buildings);
2. the likely adverse impact on traffic, both during the construction phase and after the units are occupied;
3. the likely adverse impact on public transport both during the construction phase and after the units are occupied;
4. the likely adverse impact on commuter parking in Avon Road both during the construction phase and after the units are occupied;
5. the failure to make provision for pedestrian safety.

I shall elaborate on each of these objections below (even though I am sure that the concerns and objections of residents and merely noted and then ignored).

**The number of units and height of the buildings**

In recent years, numerous high rise residential buildings have been constructed along the Pacific Hwy between Ryde Road, Pymble and Pearce's Corner (as well as in streets back from or adjoining the Pacific Hwy). I am not aware of any development in the Pymble/Turramurra areas of this corridor in which the height of a building is 9 or 11 storeys, including the recently completed developments in Clydesdale Place and at the Corner of Avon Road and Pymble Avenue (hereafter **No. 2 Avon Road**).

Regardless, the proposed height of 2 of the buildings (9 and 11 storeys) will overshadow surrounding residences. I also understand that the height of these buildings will exceed height controls set in 2003 by NSW Planning.

It is my understanding that the recently completed *Ironbark* complex at No. 2 Avon Road had added about 160 new dwellings. Now it is proposed that the more than twice that number of dwellings will be constructed on the Site, just 400 m away.

The scale, density and height of the proposed development is completely out of character with the local area, which is predominated by one and two storey dwelling houses.

*The likely adverse impact on traffic and commuter parking*

The Parking and Traffic Report prepared by Gennaoui Consulting Pty Limited (Traffic Report) concludes, in section 3.4, that:

"In view of the existing traffic volumes on the surrounding road network, it is unlikely that traffic generated by the proposed residential developments would have an impact on the amenity of the residences along these streets."

and in section 4.1, that:

"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 volumes of traffic."

For those residents who experience traffic conditions on these roads *on a daily basis*, these conclusions are patently absurd.

The traffic counts that are referred to in the Traffic Report were carried out during the week commencing 25 May 2009, almost 2 years ago. Accordingly, those counts do not take into account:

- the impact, during the past 2 years, of the construction works that have been undertaken at No. 2 Avon Road;
- the future impact on traffic movements of cars entering and existing the new buildings at No. 2 Avon Road that are now being occupied;
- the general worsening of traffic congestion on the Pacific Hwy between Ryde Road and Pearce's Corner, as a result of (among other things) the construction and then occupancy of new residential business that have been erected along this stretch of the Pacific Hwy.

For those residents who live on the western side of the North Shore railway line in the general vicinity of the Site, the only points of exit to the Pacific Hwy are the intersections at Beechworth Road and at Livingstone Avenue. As noted above, in recent years, traffic on the Pacific Hwy between Ryde Road and Pearce's Corner has become increasingly congested, not just during what has become an extended morning and afternoon peak hour on weekdays, but also on Saturday mornings and at other times.

For cars trying to enter onto the Pacific Hwy at these times, the intersections at Beechworth Road and at Livingstone Avenue have become choke points, particular on school mornings, because many students who attend Pymble Ladies College (PLC) are dropped off at the school by car. Indeed the Traffic Report states (at p. 8): *"The highest contributor to traffic in the area during the morning peak is the Pymble Ladies' College particularly in the vicinity of the main gate in Avon Road."*

That assessment is correct as far as it goes. However, during the morning peak, traffic in Avon Road between Pymble Avenue and Arilla Road is very congested due to the combined effect of the following:

- a high volume of traffic movements in and out of PLC, which is made worse by the fact that there is no roundabout or signalised intersection at the main gate of PLC. Much of the traffic that exits PLC then attempts to enter the Pacific Hwy either via the intersection at Livingstone Ave, (which causes traffic to bank up all the way down Everton Street and into Avon Road) or via the intersection at Beechworth Road, which causes traffic congestion in Arilla Road, Mayfield Ave and Beechworth Road; and

- a high volume of traffic from commuters who park their vehicles along both sides of this stretch of Avon Road. The necessity of commuter parking means that at certain points, cars cannot pass each other because Avon Road is effectively reduced to not much more than a single lane. This is particularly the case on that stretch of Avon Road between the main gate of PLC and Arilla Road, which also happens to be in the immediate vicinity of the Site; and
- ordinary traffic not connected with PLC or commuters who are parking their cars; and
- the fact that the flow of traffic in both directions along Avon Road is frequently interrupted by students walking from Pymble station who cross at the 2 pedestrian crossings near No. 2 Avon Road; and
- (during the past 2 years) the construction works at No. 2 Avon Road, which has affected both traffic volumes but which has also reduced the amount of parking that is available to commuters (in that stretch of Avon Road that runs parallel to the railway line), for 2 reasons:
  - space adjacent to and immediately opposite No. 2 Avon Road that was previously available space for commuter parking was designated "construction zone";
  - construction workers have themselves used significant parts of the remaining space that would otherwise be used by commuters, resulting in the need for commuters to park in that stretch of Avon Road between No. 1 Avon Road and Arilla Road (and beyond).

Many of these same factors also contribute to congestion during the afternoon peak, starting at about 3 pm.

As mentioned above, during the past 2 years, traffic congestion in the Livingstone Avenue, Avon Road and Beechworth Road precincts have been exacerbated by the construction works at No. 2 Avon Road. This can be expected to continue (perhaps to a lesser extent) now that residents are beginning to occupy those units. In this regard, it should be noted that the entry to No. 2 Avon Road is at the intersection of Avon Road, Pymble Avenue and Everton Street, which is already a very congested intersection during peak hour.

It is clear from the Traffic Report that there will be vehicular access to the Site from Nos. 1 and 5 Avon Road. As mentioned above, this stretch of Avon Road is already constricted (3 lane undivided carriageway) and traffic movements in and out of these locations will adversely impact traffic flow and commuter parking during the construction phase and afterwards.

The proposed development will increase traffic volume in an unacceptable manner, particularly in peak times, in circumstances where no traffic management solutions (e.g. road widening, roundabouts, additional commuter parking etc.) are foreshadowed.

#### Commuter parking and pedestrian safety

Many residents who will have received your letter catch the train to work from Pymble station. The use of public transport is presumably encouraged by the NSW Government and the Department of Planning.

Many of those residents live more than 1 km from Pymble station and find it necessary to park in Avon Road. Increasingly, it has become more difficult to park due to the construction works at No. 2 Avon Road and an apparent increase in the number of people needing to park.

If the proposed development proceeds, it can be expected that both sides of Avon Road running parallel to Nos 1 to 5 (at a minimum) will be designated as a "construction zone", meaning that commuters will not be able to park there. The impact of this loss of parking will be exacerbated by the fact that construction workers will park in the vicinity of the Site, occupying spaces currently used by commuters.

There are no plans to improve or expand the availability of commuter parking in the short or long term.

It might be objected that residents can walk to the station, which no doubt some do.

There will be a point on the continuum when walking from home to the station is not reasonable or practicable, particularly for a person wearing business attire or a school child carrying a heavy bag. Whether that point is 1 km, 1.5 km or further need not be debated here.

However, the more fundamental concern is pedestrian safety. In short, it is becoming increasingly less safe for residents who live off Beechworth Road (beyond Myoora Street/Mayfield Ave) to walk to and from Pymble station during peak hour and in the evening.

From my house, the most direct route to Pymble station is to walk up Kimbarra Road to Beechworth Road, then up Beechworth Road to Arden Road, down Arden Road to Allawah Road, then down Arilla Road to Avon Road and up Avon Road to the station, a walk of approximately 1.3 km. I note that:

- this route is undulating, with both steep inclines and declines (e.g. Arden Road, Arilla Road, and Avon Road between the intersection of Arilla and No. 1 Avon);
- these roads are reasonably busy roads, even more so during peak times;
- there are no pedestrian footpaths in Kimbarra Road, Beechworth Road (other than between Mayfield Ave/Myoora Road and the Pacific Hwy), Arden Road, Allawah Road or Arilla Road;
- there are no pedestrian crossings in Beechworth Road (other than at the intersection with the Pacific Hwy), Arden Road, Allawah Road, Arilla Road or in Avon Road at the bend in the road outside Nos. 1 and 3, which is a necessary crossing point for pedestrians;
- the intersections at Arden/Allawah/Arilla Roads can be very busy and a pedestrian has to walk on the side of the road or in the gutter at that location;
- Arilla Road is very busy during peak time and crossing that road at any point, especially at the intersection with Avon Road, is not safe. In addition, No. 1 Arilla Road will be one of the entry points to the Site;
- most of the route is not well lit at night, especially the section of pathway between No. 1 Avon Road and Arilla Road;
- there is no convenient or safe point in the vicinity of No. 2 Avon Road, near the pedestrian tunnel that runs under the Pacific Hwy, for commuters or school children to be dropped off by car.

No proposals have been foreshadowed to improve pedestrian safety in and about the vicinity of the Site, either during the construction phase or in the longer term.

#### *Train services*

The Application highlights the fact that the Site is about 400 m from Pymble railway station.

As a result of the many residential developments that have been constructed during the past several years along this rail corridor, trains have become noticeably more crowded. The proposed development will add to this crowding.

I am not aware of any proposal to increase train services on the upper North Shore (i.e. between Gordon and Hornsby) to meet increased demand.

It seems to me that this is an example of how a Major Project under Part 3A is used to exploit the potential for higher density residential accommodation, without there being any commensurate improvements to infrastructure or transport services.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Richard Shankland', with a long horizontal flourish extending to the right.

(Richard Shankland)

Declaration for the purposes of sec. 147(3) of the *Environmental Planning and Assessment Act 1979*

I have not made any *reportable political donation* to anyone within the *relevant period*.

A handwritten signature in cursive script, appearing to read 'Richard Shankland', with a long horizontal flourish extending to the right.

(Richard Shankland)

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**From:** <Robert.Prugue@lazard.com>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 11/02/2011 4:40 pm  
**Subject:** Concept Plan (MP08\_0207) & Project Application (MP10\_0219), Residential Development at Avon, Beechworth, and Arilla Roads, Pymble

I OBJECT TO THIS PLAN

Dear sirs;

As a near 20 year resident of Beechworth Road, I have seen this neighborhood grow and transform. I've seen families grow and move on, I've seen young families form and move in. What ever the circumstance, I am equally cognizant that our broader city continues to grow and the need for housing is urgent.

Yet, the ability to plan this, or should I say to manage, is equally concerning. Accommodating this need, yet transforming the area into something totally different is bothersome. But allowing 355 units is downright irresponsible. Allowing this, along side the other large units (Meriton near Pymble station, let alone the few on Pacific Highway) in an area where the government has underinvested in the social infrastructure (water, electricity, sewage, road widening, etc) makes a mockery of proper town planning.

And what about the "fire" of the old home which was on the site? Surely that should raise suspicions. I say this as the original plans was for a dwelling much smaller.

Regardless of my cynicism, the height being proposed is well outside the planning limits that apply to the site as discussed in the Environmental Assessment. As such, I find it hard to accept that your department will not reject such a claim and proposal.

Please feel free to reach out and discuss. I would welcome any opportunity to air why so many residents are against this proposal.

Thank you for your kind consideration.

Kind regards  
Robert and Monica Prugue  
47 Beechworth Road  
Pymble, NSW 2073  
0417-543-965

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267

**From:** "Spencer Smith-White" <nsfloorplans@optusnet.com.au>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**CC:** "Gayl Wilkinson" <gayl@luschwitz.com.au>, <barry.ofarrell@nsw.liberal....>  
**Date:** 28/01/2011 6:06 am  
**Subject:** Residential Development at Avon, Beechworth and Arilla Rds, Pymble

Coombe Cottage  
41 Beechworth Rd  
PYMBLE, NSW 2073  
Australia

January 28, 2011

Major Projects Assessment

Department of Planning

GPO Box 39

SYDNEY 2001

Attention : The Director of Metropolitan Projects.

Dear Madam/Sir,

Re: Concept Plan(MP08\_027) and Project Application (MP10\_0219)

Residential development at Avon, Beechworth and Arilla Rds, Pymble.

Please record my objection to this proposal which would result in major and unacceptable impacts on the surrounding community through

- . very large increases in traffic volume on these roads which are always chaotic on weekday mornings and afternoons when parents drop off/pickup their children from Pymble Ladies College,
- . substantial overshadowing of properties to the west and
- . substantial impact on an area of bluegum high forest.

The ghastly Meriton development at the corner of Avon Rd and Pymble Avenue was implemented without any benefit being derived for the community. It is



indeed regrettable that opportunity was lost to provide some extra commuter parking as a conditional of approval and indeed, the government failed to obtain a widening of the road easement along Avon road to allow a reasonable drop off/ pick up zone at the access to Pymble station. It was also unreasonable that during construction, such little commuter parking as there is, was completely taken up by workers on the project.

It is also unreasonable to impose the substantial increase in traffic that would be caused by this development on the limited access to the Pacific Highway via Beechworth Rd and Livingstone Ave. These outlets are already inadequate during peak school drop off/pick up times. It would be essential that a third access point to the Pacific Highway be provided via a bridge to Clydesdale Place to serve this development should it go ahead in any form

The overbearing height and scale of this proposal would have a substantial and unreasonable impact on the amenity and enjoyment of the residents of this community and I implore you to reject it out of hand.

Yours faithfully,

sgntr

Spencer Smith-White

268

**From:** [redacted]@planning.nsw.gov.au  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 9/02/2011 3:52 pm  
**Subject:** Attn: Director Metropolitan Projects, Objection to Concept Plan (MP08\_0207) & Project Appl (MP10\_0129), Pymble  
**Attachments:** Objection\_Pymble Developm\_Feb2011\_p1to4.pdf

Dear Mr. Woodland,

I am sending an objection to a proposed development in Pymble:

Re: Concept Plan (MP08\_0207) & Project Application (MP10\_0129)  
Residential development at Avon, Beechworth and Arilla Roads, Pymble

I do want to emphasise, that I do not want my name and address to appear in any public space and not be disclosed to anybody except the Planning Committee.

I am however happy for you to contact me any time in case any issues I raised need clarification. Thank you for understanding my privacy concerns.

Sincerely,

---

Attn: Director Metropolitan Projects  
Michael Woodland  
Major Projects Assessment  
GPO Box 39  
Sydney, NSW 2001

8. February 2011

**Re: Concept Plan (MP08\_0207) & Project Application (MP10\_0129)**  
**Residential development at Avon, Beechworth and Arilla Roads, Pymble**

Dear Mr. Woodland,

I object to this above named project.

Reasons:

**1. Destruction of character of area**

The local area is for the most part made up of one-storey single residences. Buildings of up to 11 storeys are out of character with this area.

Meriton calls Pymble the "Essence of Green", and the "Garden suburb...shrouded in a veil of forested tranquility".

Pymble has a sought-after ... leafy character of the Upper North Shore" and any development has to " .... empathise with the existing California bungalow housing of the early twentieth century." (<http://www.meriton.com.au/default.asp?action=article&ID=134987>)

The area of the proposed development is a historically low-density locality. The proposed project fails to address adequately the existing structure and composition of the suburb.

**2. Violation of current NSW Department of Planning standards**

The NSW Department of Planning's director General's letter of 11 Feb 2009 states: "the proposal shall address the height, bulk, and scale of the proposed development within the context of the locality, and provide detailed justification for heights in excess of the SEPP 53 standards."

There is no detailed justification for heights in excess of the SEPP 53 standards.

Concept plans should demonstrate that they do not have unacceptable levels of impacts on views and overshadowing of adjoining public domain. The concept plan does not address this issue in an adequate manner, even though the impact is undoubtedly considerable (11 storey-buildings are directly adjoining single storey residences.)

### **3. Number of units escalating**

The proposed development comprises 355 units. This massive proportion is considerably over the height, bulk and scale of the local area residences. The number of units proposed escalated compared to the original development proposal in 1995, which comprised 150 units. The locality hasn't changed in that time frame and cannot cope with 355 units.

### **4. Height of the buildings**

This proposal massively exceeds height controls set in 2003 by NSW Planning:

On Avon Road:

Maximums set in 2003: 3 floors, within site 7 floors.

This proposal demands: 6 floors, within site 11 floors.

This proposal exceeds the specified maximums considerably.

### **5. Severely impacted traffic situation**

The Parking & Traffic Report of the proposed project appears to have several major flaws and is based on misleading data.

#### **a. The scope of the Traffic & Parking Report is deceptive**

The submitted Traffic & Parking Report is limited to Stage 1 with 51 units for some parts of the evaluation (e.g. parking requirements), and not the full 355 units.

The traffic investigations (traffic movement counts) were carried out in the week of 25 May 2009.

During this time the new development at the top of Avon Rd was just starting to be built. It now has 168 completed units which add considerable traffic.

Also, in 2009, parking along the upper part of Avon Rd was prohibited to keep the construction site clear of parking cars. Thus traffic flow was smoother than with the usual cars parking on both sides of the street.

The times chosen for the Traffic report were 7-9 am and 4-6 pm. The afternoon hours chosen ignored the fact that Pymble Ladies' College ends school around 3 pm. That is an additional the time of heightened traffic with parents picking up their children from school.

The Traffic Report concludes, "The proposed residential development ... is not likely to unduly affect traffic conditions".

Instead the Report states: "Traffic problems in the area are largely associated with PLC..... PLC should be required to address theses traffic issues." (Traffic Report, page 10).

The Traffic Report states that the additional traffic load from the proposed projects will be up to 15% (see tables in the Traffic Report, page 8). The authors of the Report reason that this additional load is negligible, as the traffic is already so massive, that those up to 15% more cars do not make a big difference.

Thus, instead of highlighting the already very congested traffic in peak hours which cannot cope with additional volume, this Report concludes that all the extra cars from the proposed development don't "unduly affect traffic conditions" - since traffic conditions are already poor anyway.

The conclusion would need to be that every additional car makes the traffic situation unacceptable.

#### **b. Proposed entrance driveway to the development Stage 1 in dangerous location**

The proposed entrance to the development stage 1 is extremely close to the bend of Avon Rd. this is a notoriously dangerous location, as there is poor sight around the bend vehicle operators.

Moreover, many school children and commuters walk around that area. The constellation of a bend and a driveway to a major development is poorly chosen and needs to be modified to avoid risking injuries and loss of lives.

#### **c. Neighboring amenity**

The traffic report states: "In view of the existing traffic volumes ... it is unlikely that the traffic generates by the proposed residential developments would have an impact on the amenity of residences along these streets."

Considering that the neighborhood is single storey residencies in that part of Avon Road and that there are currently just a few one-family houses in that area, the impact of a whooping 355 units will dramatically multiply the existing traffic volume generate from the current neighborhood around Avon Rd.

This will create significant impact on the current amenity of the neighborhood.

#### **d. Avon Rd too narrow for allowing unhindered two-way traffic**

The Traffic Report states that "Avon Rd, west of Everton Street has a four lane undivided carriageway (including parking) reducing to three lanes (9m) east of the right angle bend opposite No 1 Avon Rd; the remaining section of Avon Rd has a three lane undivided carriageway (about 9m)." (Traffic Report, page 5)

In peak hours, the width of Avon Rd only allows unimpeded flow in ONE direction. Avon Road is a little neighborhood back street. As it is close to the Pymble train station, cars are parking along the street in both directions throughout the day. While at night time traffic can flow in both directions, at day time moving cars have to stop for on-coming cars due to cars parking at both sides of Avon Road. For the most part, Avon Road is not wide enough to allow moving cars in opposite direction to pass without stopping. Avon Road in its current structure cannot cope with additional traffic.

**e. New Meriton "Ironbark" development adds additional traffic**

The Parking & Traffic Report does not take into account the very recent completion of the "Ironbark" development at the corner of Avon Rd and Pymble Ave. It comprises 168 apartments across 5 buildings.

In the traffic study, the impact of those new units has not been taken adequately into account, and the full impact will only be obvious once tenants move in during 2011.

**f. Pymble Train Station increasingly inaccessible**

The Parking & Traffic Report fails to address the parking situation around the Pymble train station.

Commuters are desperately looking for parking spaces near the train station. There is no parking lot that caters to commuters. Therefore, the only option are the few spaces along the street which fill early in the morning. Thus, finding parking close to the train station is already a painful task.

With an increasing traffic load, parking for commuters will become nearly impossible with new units added, and tenants using the surrounding streets as parking spots for their cars.

**g. Pymble Ladies' College adds new capacities**

Pymble Ladies' College (PLC) is situated at Avon Rd, just opposite the proposed development. PLC is likely to grow significantly in the near future having added parking lots and extensions of school facilities recently. The latest addition is the new Senior School Centre which opened on 29 January 2011. During the school terms, the traffic during the morning and afternoon hours virtually comes to a standstill.

Based on the above reasons I object to the proposed project.

I do **NOT** want my name and contact details to be made available to the public (such as for example the Proponent, the authorities or the Department's website). The Planning Department can contact me anytime.  
Thank you for your consideration.

Sincerely,

269  
TIM RYAN  
26 PYMBLE AVE  
PYMBLE  
NSW 2073

Attention: Director Metropolitan Projects  
Major Projects Assessment  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

January 2011

Dear Sirs/Madam -

**Re: Concept Plan (MP08\_0207) & Project Application (MP10\_0219)**  
**Residential development at Avon, Beechworth and Arilla Roads, Pymble**


**I OBJECT TO THIS PROJECT**

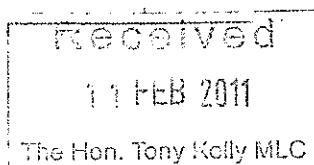
As far as I am concerned the sheer number of units proposed (355) and the height of the buildings (11 and 9 storeys for two of the buildings) are absurd for a single residential area.

I note also that the proposed heights are well outside the planning limits that apply to the site as discussed in the Environmental Assessment.

There can be no valid comparison with units located on the Pacific Highway corridor or near the railway tunnel. These are either close to a main road or are nearby the station. And even the developments in Clydesdale Place for example are no more than 7 storeys high at the railway line frontage.

Regards,





270

8, Lonsdale Avenue,

Pymble

8<sup>th</sup> February 2011

Dear Sir,

Re Concept Plan (MP08\_0207) and Project Application (MP10\_0219)

We wish to wholeheartedly object to the proposed residential development at Avon, Beechworth and Arilla Roads in Pymble.

We have lived at 8, Lonsdale Avenue for eight years.

We are most concerned about the height of the buildings proposed and the total number of units. Our main concern (apart from aesthetics, of which the already completed development next to PLC is argument enough) is traffic congestion. There are only two exits for a large area out onto the Pacific Highway, which are already terribly busy and cause delays. I invite you to travel North along the Highway between the intersection at Gordon (where Mona Vale Road crosses the Highway) and Turramurra. It is already horrifically busy along this stretch of road, plus the added traffic from PLC and the already built development next to PLC (over 300 apartments with dual vehicle ownership would add an extra potential 600 vehicles to the already congested roads in the area. The full impact of this has not been felt yet as the apartments are not fully occupied). Add an a further 350 units with two vehicles per family and you are adding a further 700 vehicles attempting to use the already stretched minor roads in the area and with only two exits onto Pacific Highway. It would be a nightmare.



In addition, in the event of a bush fire (there was one about four years ago on Pymble Golf Course) and our house is designated as being in the red high danger fire zone, we are extremely worried about effectively being trapped in the cul-de-sac along with most of the other residents.

Secondly, we object due to aesthetics. Pymble has long been seen as a desirable and lovely place to live. In fact, friends from other areas often tell us that they wished they lived in Pymble as it is mainly single storey and a very pretty area. It is a green lung for the City. However, friends now gape in horror at the horribly ugly and huge development next to PLC. What a shame some of Pymble has been spoiled by a massive and monstrous building. One is enough, we really don't need two.

We are also worried that a precedence will be set and that the argument will be used that Pymble already has two huge apartment buildings, so why not three or four. This will totally change the character of the area and the infrastructure around Pymble cannot support such a huge increase in residents.

We are also concerned about the fact that there really is no-where for these residents to go on foot, unless to the train station or the local shops in Pymble. I invite you to go to the local shops in Pymble, there is essentially a small row of shops with a very small convenience store, one tiny bread shop, a pizza palace, a small flower shop and a hot chicken shop. The facilities are just not established for such a huge influx of residents.

Furthermore, the proposed building is on a piece of land which is highly constrained by steep slopes and many large protected Blue Gum trees.

All in all, we very strongly object to the proposed development being given planning approval and really hope that you take into account these arguments and the wishes of the local community.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Alison Phillips' in a cursive style.

Alison Phillips

A handwritten signature in black ink, appearing to read 'Gary Phillips' in a cursive style.  
Gary Phillips