



**EXTRAORDINARY MEETING OF COUNCIL
TO BE HELD ON MONDAY, 13 NOVEMBER 2006 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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NOTE: For Full Details, See Council's Website –
www.kmc.nsw.gov.au under the link to Business Papers

APOLOGIES

DECLARATIONS OF INTEREST

ADDRESS THE COUNCIL

NOTE: Persons who address the Council should be aware that their address will be tape recorded.

DOCUMENTS CIRCULATED TO COUNCILLORS

GENERAL BUSINESS

- GB.1 Turramurra Centre Draft Local Environmental Plan & Draft Development 1
Control Plan & Reclassification of Council Land - Final Report**

File: S04038

To enable Council to consider the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 1 and the Draft Ku-ring-gai Development Control Plan Town Centres (Turramurra) 2006, and the outcome of the Public Hearing into Reclassification of Council owned land and other planning matters following the exhibition period.

Recommendation:

That the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 1 and the Draft Ku-ring-gai Development Control Plan Town Centres (Turramurra) 2006 as amended, be adopted by Council and forwarded to the Department and Minister for Planning with the Section 68 submission with a request that the Plan be made.

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TURRAMURRA CENTRE DRAFT LOCAL ENVIRONMENTAL PLAN AND DRAFT DEVELOPMENT CONTROL PLAN AND RECLASSIFICATION OF COUNCIL LAND - FINAL REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To enable Council to consider the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 1 and the Draft Ku-ring-gai Development Control Plan Town Centres (Turramurra) 2006, and the outcome of the Public Hearing into Reclassification of Council owned land and other planning matters following the exhibition period.
BACKGROUND:	The Minister for Planning has directed Council under Section 55 of the Environmental Planning and Assessment Act to prepare plans for additional housing in and around its key commercial centre and to provide for additional retail and commercial demand to cater for the needs of the local population. Council on the 8 August 2006 resolved to exhibit Draft Plans
COMMENTS:	Submissions have been received from State Agencies together with 102 public submissions. Key issues have been assessed and recommendations have been made for further amendments to the Draft LEP and Draft DCP. A public hearing was conducted into the reclassification of Council owned land. This report provides a recommendation on the future classification of these sites.
RECOMMENDATION:	That the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 1 and the Draft Ku-ring-gai Development Control Plan Town Centres (Turramurra) 2006 as amended, be adopted by Council and forwarded to the Department and Minister for Planning with the Section 68 submission with a request that the Plan be made.

PURPOSE OF REPORT

To enable Council to consider the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 1 and the Draft Ku-ring-gai Development Control Plan Town Centres (Turramurra) 2006, and the outcome of the Public Hearing into Reclassification of Council owned land and other planning matters following the exhibition period.

BACKGROUND

On 28 May 2004 the Minister for Planning, directed Council under Section 55 of the Environmental Planning & Assessment Act 1979 to prepare plans for additional housing in and around its key commercial centres including Turramurra and to provide for additional retail and commercial demand to cater for the needs of the local population (**Attachment 1a**).

Ku-ring-gai Council is also part of the Sydney North Sub regional plan under the NSW Metropolitan Strategy. Council considered a report on this matter on 27 June, 2006 and accordingly Council will provide 10,000 dwellings to the region over the next 25 year timeframe of the regional plan.

Turramurra is the second of the centres to have a new Draft Local Environmental Plan and Development Control Plan prepared. The new plans have been prepared under the Standard Instrument (Local Environmental Plans) Order 2006.

On the 8 August 2006, Council considered a conditional Section 65(2) Certificate from the NSW Department of Planning (**Attachment 1b**), and resolved to exhibit Draft Ku-ring-gai (Town Centres) Local Environmental Plan 2006 Amendment No 1 and Draft Ku-ring-gai Town Centres Development Control Plan (Turramurra) 2006.

The Draft Local Environmental Plan (and Draft DCP and supporting documentation) has been referred to the relevant government authorities as required by Section 62 of the Environmental Planning and Assessment Act (EP&A Act) and has been placed on formal public exhibition in accordance with the Act.

The exhibition period commenced 4 September 2006 and concluded on 3 October, 2006. A comprehensive consultation program was conducted throughout the project. An overview and analysis of consultation is dealt with in detail later in the report.

In addition a public hearing was conducted into the reclassification of Council owned land in Turramurra and a public hearing was conducted as part of the process.

OVERVIEW OF DRAFT KU-RING-GAI LEP 2006 (TOWN CENTRES) AMENDMENT NO 1

Draft Ku-ring-gai LEP 2006 (Town Centres) Amendment No 1 seeks to amend Draft Ku-ring-gai LEP 2006 (Town Centres) which is the principal Draft LEP previously adopted to apply to the St Ives centre. This amending Draft LEP will bring land in and around the Turramurra Centre under

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the base Draft LEP and introduce appropriate zonings, development standards and additional provisions to implement the overall master plan that has been developed for Turrumurra.

The Draft LEP Amendment No 1 only contains the new provisions to be added to the principal Draft LEP. All existing provisions in the Draft LEP will also apply. The Draft LEP Amendment No 1 includes amendments to the written LEP instrument and introduces new land application, zoning and development standard maps which cover land to which the Draft LEP is to apply.

The Principal Draft Ku-ring-gai LEP 2006 (Town Centres) has been prepared in accordance with the 'Standard Instrument (Local Environmental Plan) Order 2006 under section 33A of the Environmental Planning and Assessment Act (EP&A Act). The Standard Instrument LEP mandates provisions that are to be included in all future LEPs and substantially governs the content and operation of the Draft Ku-ring-gai LEP 2006.

The Draft Ku-ring-gai LEP 2006 (Town Centres) consists of a **written instrument** and a series of **maps**. The written instrument contains the detailed planning provisions that will apply to land covered by the LEP. This includes provisions relating to aims, standard zone descriptions and zone objectives, permitted land uses and development standards, subdivision provisions and numerous miscellaneous provisions.

Zoning

The proposed new zones for Turrumurra Centre are described below. The Land Zoning Map identifies which land each zone applies to.

- *Zone B2- Local Centre*

This zone is generally intended for centres that provide a range of residential, retail, business, entertainment and community functions that typically service a wider catchment than a neighbourhood centre. The majority of the commercial core within Turrumurra falls within this zone.

- *Zone R3- Medium Density Residential*

This zone is generally intended for land where a variety of medium density accommodation is to be established or maintained including townhouses and villas as well as other residential uses.

- *Zone R4- High Density Residential*

This zone is generally intended for land where primarily high density housing (such as residential flat buildings) is to be provided. This includes land that was formally zone Residential 2(d3) under LEP 194 or is currently zoned 2(d) or 2(e) under the KPSO. The zone also provides for additional uses that provide facilities or services to residents, including neighbourhood shops and child care centres.

- *Zone SP2- Infrastructure*

The infrastructure (SP2) zone accommodates a wide range of human and physical infrastructure uses. In Turrumurra this zone will apply to the Energy Australian substation in Turrumurra Avenue.

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- *Zone RE1- Public Recreation*

This is a new zone introduced by Draft LEP 2006 (Amendment No 1) and is intended to provide for a wide range of public recreation areas and activities, including local and regional open space. Council will permit typical public recreation uses in this zone as well as a range of land uses compatible with recreation uses of the land. This zone is to apply to a parcel of Council owned land which between Kissing Point Road and Duff Street which currently forms part of Turramurra Forest.

Principal development standards

The standard instrument includes development standards for minimum subdivision lot sizes, height of buildings, and floor space ratio as optional clauses. All of the optional development standards are contained within the Draft LEP. Development standard clauses in the Draft LEP include:

- Clause 19 - Minimum subdivision lot size
- Clause 21 - Height of buildings
- Clause 22 - Floor space ratio.

These standards may or may not apply to the whole zone, depending on how the map is drawn. Under the Standard Instrument, Council has the ability to identify different standards for different sites in the one zone.

Schedules

The Draft LEP contains five schedules as follows:

Schedule 1 – Additional permitted uses (clause 14)

Schedule 1 contains a table which identifies additional permitted uses that is permissible on particular parcels of land that would not otherwise be permitted on that land. The additional permitted uses identified principally relate to potential complications arising from existing use rights on land where the zoning is changing from its current use.

Schedules 2 & 3 – Exempt and Complying Development (clause 16 and 17)

Clauses 16 and 17 of the Standard Instrument requires that all exempt and complying development provisions be listed in schedules under the Draft LEP. This different from the existing situation where Councils can make DCPs containing exempt and complying development provisions.

Schedule 4 - Classification and reclassification of public land. (clause 26)

Schedule 5 of the Draft LEP includes a list of the Council owned land that is to be considered for reclassification from 'community land' to 'operational land' as part of the LEP making process.

Schedule 5 – Environmental Heritage (clause 34).

Schedule 5 lists sites to be included as heritage items under the Draft LEP. In the case of Turramurra there are 12 items being considered for heritage listing. These include items currently listed under the KPSO as well as a number of new items.

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The Dictionary defines the terms used in the written instrument. The dictionary comes from the standard LEP template which applies a standard set of definitions state wide. Council is not able to alter the standard definitions or directly add its own definitions to the Dictionary.

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 1 - Maps*i) Land Application Map*

This map shows which land will be rezoned by the Draft Ku-ring-gai LEP 2006 (Town Centres). The planning controls on all other land will remain unchanged and the Ku-ring-gai Planning Scheme Ordinance (KPSO) will continue to apply.

ii) Land Zoning Map

This map shows the new zones that will apply to the land covered by Draft Ku-ring-gai LEP 2006 (Town Centres). The zones, zone objectives and permitted land uses in the zones are described in Part 2 of the Draft LEP written instrument.

iii) Minimum Lot Size Map

The minimum lot size map identifies the minimum size of any new lot that will be created through either subdivision or amalgamation of lots. The minimum lot size requirements only apply to the R3- Residential medium density zone and the R4- Residential High density zone and reflect the existing requirements under LEP 194.

iv) Building Height Map

This map shows the maximum height of buildings permitted on any parcel of land. The heights range from 3 up to 5 storeys, which is reflected by the building envelope controls contained in the Draft DCP.

v) Floor Space Ratio Map

This map shows the maximum floor space ratio (FSR) that can be developed on each parcel of land. FSR is the gross floor area of a building as a ratio to the total site area. The FSR controls also specify minimum and maximum amounts of retail and commercial floor space that can be developed on sites where these uses are permitted. The FSR standards have been derived from the detailed building envelopes developed in the Draft DCP, ensuring consistency between the two plans.

Amendments to the Standard LEP Template.

On 1 September 2006 amendments to the Standard Instrument LEP were gazetted. The amending Order makes a number of mandatory changes to the standard instrument on which the exhibited Draft LEP was based.

The amendments to the standard template include:

- A new provision relating to the determination of site areas for the purposes of applying floor space ratios;

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- substitutes the existing provisions regarding the owner initiated acquisition of land reserved for public purposes with a new provision that reflects recent amendments to the EP&A Act;
- changes to existing provisions requiring the concurrence of the Roads and Traffic Authority for development on land reserved for the purposes of a classified road;
- other minor and statute law revision amendments to certain existing zones, clauses and definitions.

The final draft LEP applying the Turramurra centre will incorporate these recent amendments to the standard LEP as required by the EP&A Act. It should be noted the Composite draft LEP placed on public exhibition for the Gordon, Pymble, Lindfield and Roseville centres was in the form of the amended standard LEP template.

COMMENTS

In line with Council's resolution the draft local environmental plan and development control plan have been exhibited (**Attachment 4 and 5**).

Submissions have been received from the relevant state agencies and 102 submissions have been received from the public in response to the exhibition (a list of persons who made a submission is included in the consultation section).

In addition a public hearing was conducted into the reclassification of Council owned land and a public hearing was conducted. This report provides a recommendation on the future classification of these sites.

Key issues raised from the submissions have been considered and assessed with additional planning, urban design, traffic and parking, environmental and economic analysis, and where appropriate, recommendations have been made for further amendments to the Draft LEP and Draft DCP.

This section of the report contains the following analysis of submissions received and the proposed changes to the draft plans:

- Section 62 notifications from State Agencies
- Matters of Policy
- Matters of Process
- Matters related to specific precincts and properties
- Matters related to the Draft LEP
- Matters related to the DCP

SECTION 62 CONSULTATION KEY SUBMISSIONS AND RESPONSES

The Plans have been referred to the relevant State Agencies as required under Section 62 of the EP&A Act at total of 12 submissions have been received from state agencies including advice from the NSW Department of Planning received on 9 October, 2006 (**Attachment 2**).

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- The RTA has reviewed the draft LEP and raises no objection to the proposed land use development strategy and has no objection to Council placing the LEP on public exhibition
- The following comments are made in regard to the proposed traffic management measures which may affect the operation of Pacific Highway:
 1. *The RTA, after examining the SCATES operation along the Pacific Highway with the proposed traffic management scheme. The proposed conversion of Rohini St to Left in/Left out arrangement and the relocation of the traffic signals form this intersection of the intersection at Turramurra Avenue will be subject to the provision of three through lanes in each direction on Pacific Highway and a satisfactory design of signal operation along that section of Pacific Highway.*

Council response

Dedication (only) of land on the northern side of Pacific Highway (between Ray Street and William Street) will enable the provision of three through lanes in each direction on Pacific Highway. The SCATES modelling indicates that the signal operation along Pacific Highway in Turramurra will be satisfactory. Preliminary investigations indicate that the intersection layouts (as modelled) can be achieved.

It is not intended for Council to fund the widening works by developer contributions as the RTA would benefit from the removal of the tidal flow, and the main nexus for the widening is to improve the traffic flow along Pacific Highway.

2. *Considerations should be given to prevent pedestrians on Pacific Highway from crossing Rohini Street and William Street when traffic signals at Rohini St are removed. It may be necessary to install pedestrian fences to address this issue.*

Council response

Pedestrian fences could be installed to direct pedestrians to respective crossing points in Rohini Street and William Street.

3. *The RTA supports the proposed removal of Tidal Flow arrangement on the section of Pacific Highway in the vicinity of the Town Centre subject to the proposed widening of that section of Pacific Highway to three lanes in each direction and the determination of an appropriate cost to undertake the work including relocation of services.*

Council response

As previously indicated, the proposal only provides for dedication of land to allow for future widening of Pacific Highway to allow for the removal of the tidal flow arrangement and the provision of 3 through lanes in each direction on Pacific Highway. This would allow the RTA to construct the additional lane in the future. It is not intended for Council to fund the widening works by developer contributions as the RTA would benefit from the removal of the tidal flow, and the main nexus for the widening is to improve the traffic flow along Pacific Highway.

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4. *Due to the close proximity between the intersections Pacific Highway/Ray Street and Ray Street/Forbes Lane, vehicular movements to/from Forbes Lane at the junction with Ray Street should be restricted to left in/left out only.*

Council response

Vehicular movements could be restricted to left in/left out by the installation of a raised concrete median island in Ray Street (opposite Forbes Lane). A turning facility at the end of Ray Street could be constructed whereby vehicles wanting to access Forbes Lane from Ray Street would use the turning facility to travel southbound in Ray Street and enter Forbes Lane via a left turn movement.

2. Sydney WaterWater and Water Infrastructure

Water infrastructure is adequate at present in the Turramurra area to service the proposed development. It may be necessary to amplify water mains to accommodate development that has residential buildings with 4 levels or greater, along with commercial developments. The detailed infrastructure requirements to service the proposed developments will be detailed when the developer applies to Sydney Water for section 73 Compliance Certificate.

Water Sensitive Urban Design and Ecological Sustainable Development

Redevelopment of Turramurra allows the opportunity for developers and council to employ Water Sensitive Urban Design measures which reduce potable water use and make use of resources such as stormwater detention and rainwater collection. Council is encouraged to promote these concepts through its finalisation of policy for the area. Sydney Water is able to provide further consultation and advice.

Council response

Noted and the NSW Government's building sustainability index (BASIX) applies to residential development under the Turramurra plan. The Draft DCP provides guidance for non residential development and the public domain plan will also provide the opportunity for Council to demonstrate and apply Water Sensitive Urban Design principles.

3. Energy Australia

- *Energy Australia objects to the proposed rezoning of the Energy Australia Substation site fronting Turramurra Avenue and Pacific Highway from Business 3(b)-(B2) to High Density Residential, which does not reflect the current and long term use of the land for infrastructure (electricity supply) purposes.*
- *Energy Australia requests that the Council amend the draft local environmental plan prior to public exhibition to instead zone the subject land to Special Uses Infrastructure (Electricity Supply), to appropriately reflect the existing and intended long term use of the land.*
- *Figure 4.5.5 in the Draft DCP indicates the location of "Electric Substation No. 272" fronting Turramurra Avenue as being excluded from the recommended site amalgamation/building envelope within Precinct F, but the principal area occupied by Turramurra Zone Substation No. 1673 has not*

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been excluded, which will be required for infrastructure purposes into the longer term. This site is in reality unavailable for residential purposes. Therefore Precinct F will need to be amended to reflect this particular outcome.

Council response

At the meeting of 8 August 2006 Sites at 1233, 1245 and 1247 Pacific Highway (Masonic Centre) adjacent to the Energy Australia substation has been changed from R4 zoning to B2 zoning. Development standards similar to those under the existing commercial zoning existing have been retained due to the constraints placed on the sites by the substation. The Department confirmed that “given the small areas involved and the overall increase in the capacity of the B2 zone these changes can be supported. Accordingly the plans were exhibited with the SP 2 (electricity Supply zone). In relation the exhibited Turramurra Centre Draft DCP there are no site specific DCP controls prepared for Precinct F.

4. Department of Housing

The Department of Housing notes Ku-ring-gai is the least affordable market in the Sydney metropolitan area and outlines methods to incorporate and promote affordable housing eg planning mechanisms such as density bonuses, development incentive concession. Such mechanisms can be implemented through planning instruments or planning agreement. Affordable housing can be achieved through more housing stock including private rental accommodation.

Council's response:

The Ku-ring-gai RDS Stage 1 and the town centres LEP will provide a wider range of housing stock and increase the opportunity for the supply of smaller and potentially more affordable accommodation in the private rental market.

If Council intends to provide for affordable housing a comprehensive policy needs to be prepared this would include consideration of appropriate levels of accommodation, relevant standards, funding mechanisms, density bonuses, concessions and incentives and appropriate longer term management for affordable housing. This would most appropriately be considered during the preparation of the Ku-ring-gai Comprehensive LEP.

The issue of affordable housing and an accompanying policy matters can be addressed at the Ku-ring-gai Comprehensive LEP stage.

5. Northern Sydney and Central Coast Area Health Service

- *To provide Council with a more informed comment about the proposal, NSCCH will seek professional advice and comment from NSW Health.*
- *NSCCH wish to request there be no change to the heritage status of the site as the site require reassessment as to suitability for listing given its use over the last decade.*
- *The “Site Specific Controls – Precincts JKL” map 4.5.7 reflects against Item 4 “Cross Site Pedestrian Access” in the Legend, as this access forms part of the Hillview site and as such is not a general public access. In addition, Item 5 in the Legend indicates “Exist Croquet Lawn”*

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as Public Open Space, again this forms part of the Hillview site and therefore would not be for general public use

Council's response:

The heritage status of the site is recognised through a range of heritage reports and studies over the decade, including a heritage conservation plan for the Historic precincts and Hillview garages.

The site was exhibited a draft heritage item and included in draft LEP No. 20 submitted to the Department of Planning in October 2000 (still to be determined). Additional detailed heritage assessment has been undertaken by Council's heritage consultant Peter Woodley- Urban Heritage as part of the Turramurra centres program. This reports recommends that the site be considered holistically and provides for a consolidation of the site, heritage curtilages and appropriate future uses over the site.

The comments on potential future public access thorough the site and potential open space areas raised in site specific controls- are noted, these are matters that would be further investigated at the master plan or development application stage where a range of planning mechanisms (eg developer contributions, Section 94 or a planning agreement) could be investigated and applied to seek the desired future outcomes for the site, including heritage conservation, open space areas and site access.

6. NSW Rural Fire Service

- *The establish of a continuous tree canopy within bush fire prone areas in section 2.1.5 Structure – Landscape within the Turramurra DCP will not be consistent with the maintenance of Asset Protection Zones that may be required and Special Fire Protection Purpose developments.*

Council response

Noted- In section 2.1.5 should be amended to include an appropriate reference to the compliance with requirements of Planning for Bushfire Protection 2001.

- *Some of the exempt and complying provisions stated for certain developments in bush fire prone areas may exceed RFS requirements as those required to comply with Level 1-3 construction as determined by Planning for Bushfire Protection 2001. They do not necessarily have to be constructed of non-combustible materials depending on the predominant vegetation and slope and setback from unmanaged vegetation.*

Council response

Noted; If an applicant wants to undertake a development that does not meet the requirements of the exempt and complying provisions then a formal development application would be need to be lodged to Council and the proposal assessed against the Planning for Bushfire Protection 2001 requirements.

- *It is noted that a portion of land included in the above rezoning proposal is affected by the Ku-ring-gai Bush Fire Land Map.*

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- *Any further development applications for subdivision or residential development will be subject to the requirements of Section 100B of the Rural Fires Act 1997 and Section 79BA of the Environmental Planning and Assessment Act 1979.*

Council response

Noted, these matters will be dealt with at the development application stage. In the case of Precinct "C" – Kissing Point Road Duff Street and Pacific Highway detailed consideration of site specific bushfire matters are addressed later in this report under the Precinct "C" site.

- *Future subdivision of bush fire affected land will need to fully comply with the requirements of Planning for Bushfire Protection 2001 to ensure the successful issue of a Bush Fire Safety Authority. To achieve this the following matters should be considered:*
 - *The provision of Asset Protection Zones in accordance with Section 4.2 of Planning for Bushfire Protection 2001.*
 - *The provision of access in accordance with Section 4.3.2 of Planning for Bushfire Protection 2001.*
 - *The provision of water for fire fighting activities in accordance with Section 6.4.3 of Planning for Bushfire Protection 2001.*

Council response

Noted further consideration has been given to sites, refer to discussion on Site "C" later in the report.

7. Rail Corporation

- *Future rail facilities and expansion will impact on developments along the adjoining rail corridor.*
- *North Shore line is likely to quadruple and this can impact on developments (precincts A-D) which are being re-zoned to B2-Local Centre and may cause rail noise, vibration and visual impacts. RailCorp recommends setbacks or easements to accommodate future demand.*

Council response

Noted and section 5.7.2 acoustic privacy specified that developments within 60m of the railway line to be designed in accordance with the Rail Infrastructure Corporation and State Rail Authority: Interim guidelines- Consideration of Rail Noise and the Planning process.

- *The proposed B2- Local Centre zone is not necessary due to the continued use of this land for rail purposes.*

Council response

Noted the proposed B2 zone for the site known as 2 Rohini Street provides and appropriate zone for the land (currently not used for railway purposes) and provide flexibility for future

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uses consistent with the zone. In relation to the Rail Corp site at 2 William Street, the proposed B2 zone is consistent with the desired future character of Precinct A. The future uses for a public utility undertaking such as a railway purpose are permitted under a B2 Local centre zone with consent.

- *Council is requested to notify all future applicants and future occupiers of these developments of the future plans to expand the rail network.*

Council response

Noted, this matter needs to be further discussed with Rail Corp – including the issue of responsibility for notification, costs, form of notification and role of Section 149 certificates etc.

- *RailCorp is concerned that existing car parking ratios in Ku-ring-gai Local Government Area may be excessive considering the high levels of public transport provided. Council should consider a reduction in car parking ratios in line with draft SEPP 66.*

Council response

This matter has been raised by the NSW Department of Planning and following the release of the Metropolitan parking policy, Council will be in a position to consider reviewing the parking controls in line with the requirements of the policy.

- *Access to commuter car parking facilities located on Rail Corp property should be maintained. There should be no net loss of commuter car parking. Council should consider alternative commuter car parking if the existing sites are redeveloped.*

Council response

Noted; In the planning for Turramurra centre the retention of existing commuter parking spaces has been taken into consideration and a parking management plan will be prepared.

- *Rail Noise and vibration can affect residential amenity and comfort and jeopardise the structural safety of buildings. (For detailed advice see submission.)*

Council response

see comments above re section 5.7.2 within the DCP.

- *Stray currents and Electrolysis from Rail Operations is a problem, Council is advised to require developers to engage an expert consultant when designing its buildings. It is requested that Council impose a clause requiring Electrolysis Risk reports and mitigation measures on developments adjacent to the railway corridor.*

Council response

Noted this is a matter for consideration at the development application stage.

- *RailCorp needs to be assured that future development adjacent to the rail corridor have no adverse effects on the geotechnical and structural stability and integrity of RailCorps Facilities.*

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Council response

Noted, this is a matter for consideration at the development application stage.

- *Balconies and windows in the proposed development must be designed to prevent objects being thrown onto RailCorp facilities. Objects can damage overhead power lines, cause injury or initiate derailment. Balconies etc. should meet the relevant BCA standards and the RailCorp Electrical Standards. Balconies should not be services with outside taps, and rainwater should be piped down the face of the building overlooking RailCorp facilities.*

Council response

Noted, this is a matter for consideration at the development application stage.

- *RailCorp advises that run-off or stormwater discharge from any development onto the Rail Corridor is unacceptable, both during and after construction and installation.*

Council response

Noted, this is a matter for consideration at the development application stage.

- *Reduction of trespassing, graffiti and vandalism should be addressed at the design stage thus increasing aesthetics and reducing long-term costs.*

Council response

Noted, this is a matter for consideration at the development application stage.

- *Large-scale developments need to provide safe and convenient access to railway stations for pedestrians. Developer contributions may be an option to provide access.*

Council response

Noted, Council is seeking to have an improved pedestrian access to the station- via a widened foot bridge.

- *Access to the rail corridor for maintenance and emergency situations is critical to the safety, integrity and operation of the NSW rail network.*

Council response

Noted

- *RailCorp welcomes council's attempts to utilise its funding capabilities and developer contributions to reach an amicable solution for both Turramurra Railway station and the town centre.*

Council response

Noted

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- *Council is advised that RailCorp is currently not in a position to fund additional works at Turramurra beyond the existing station Easy Access upgrade and pedestrian bridge renewal is being negotiated with Major Projects.*

Council response

Noted

- *RailCorp recommends that if council wants to go ahead with upgrading of additional facilities such as bicycle storage, 'kiss and ride', taxi ranks, and car parking facilities then council needs to consider funding these upgrades through developer contributions.*

Council response

Noted

- Council's attention is drawn to the security issues that surround bike lockers at stations. Council should consider using bike racks instead of lockers.

Council response

Noted

8. Other State Agency submissions

Section 62 consultation responses were also received from the following organisations that raised no objection or did not request specific amendments to the Draft LEP:

- City of Ryde,
- Hornsby Council,
- NSW Fire Brigade Service
- Warringah Council
- State Transit Authority (STA)

Matters raised by the Department of Planning

Section 62 (2) Conditional Certificate Department of Planning

The Department of Planning issued a conditional Section 65(2) Certificate under the Environmental Planning and Assessment Act 1979 (see **Attachment 16**). The conditional Section 65(2) Certificate was considered by Council on 8 August 2006 and the required amendments were made as part of the exhibition.

Following the exhibition there are further clarifications required for the following matters:

In relation to the height of buildings

The Departmental Condition was to delete the proposed Clause 21(3) in relation to "Height of Buildings".

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Following discussions with the Department it was agreed that this clause be retained in the Draft LEP and be amended to allow development on sites over 2,400sqm to achieve the overall height identified on the Height of Buildings Map. Notes of the meeting from the Department of Planning staff have confirmed this. These amendments to the clause were made prior to the exhibition of Draft LEP Amendment No 1.

Further comment

Following consideration of the Departments comments on the principal Draft LEP in relation to subdivision provisions as they applied to the St Ives centre, it was recommended to Council that the proposed revised Clause 21(3) contained in Draft LEP Amendment No 1 be brought forward for inclusion in the principal LEP. As a result, this clause should now be removed from Draft LEP Amendment No 1.

Section 117 Directions

The Department of Planning have also advised that the new section 117 Directions that require Council to make a request to the Director General justifying any inconsistencies with Directions No 3 - Business Zones and No 21 - Residential Zones.

"In both cases the Council needs to justify the inconsistency" having regard to the provisions of section 5 of the EP&A Act", and argue that "the rezoning is in accordance with the relevant Regional Strategy (in this case the Metropolitan Strategy) prepared by the Department."

The Department have advised that only the Director General can make this decision as no delegations have been prepared.

It is considered that the Draft LEP complies with Direction No 21 - Residential Zones, as it provides for either maintained or increased residential densities in all zones. A revised yield table for Turrumurra to demonstrate this will be submitted to the Director General as part of the Section 68 report and provide details on how increased dwelling yields in Turrumurra will contribute to Ku-ring-gai's housing provision under the Metropolitan Strategy.

Direction No 3 – Business Zones includes the requirements that a Draft LEP shall not:

- (a) alter the location of existing zonings, or*
- (b) alter the area of existing zonings, or*
- (c) create, remove or alter provisions applying to land zoned for Business that will result in a reduction of potential floor space area.*

In relation to requirements a) and b) above, the Draft LEP does propose the rezoning of 3 small areas of land currently zoned Business 3(a) to a non business zone. However, this departure from the Direction is considered justifiable for the following reasons:

- i) Properties at 1335, 1337 and 1343 Pacific Highway:

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These sites are currently zoned Business 3(a) and are proposed to be zoned to R4. Schedule 1 of the DLEP identifies the existing non residential uses on these sites as continuing to be permissible on these sites in the future. To ensure compliance with the existing zoning capacity requirements under the Direction, it is proposed to retain a maximum FSR of 1:1 on these sites for the additional permitted non residential uses under schedule 1.

ii) The Energy Australia sub station at 1243 Pacific Highway:

This site is currently zoned Business 3(a) and Energy Australia have requested that this site be zoned SP2 Infrastructure. The existing use of the site will remain under the changed zone and will facilitate the augmentation of future infrastructure. Therefore the rezoning is not considered a reduction in the capacity of the site.

iii) Council owned land at 3 Stonex Lane:

These sites are currently zoned Business 3(a) and is proposed to zone part of this site to RE 1 – Public Recreation. The part of the site to be rezoned to RE 1 forms part of the Granny Springs Bushlands Reserve and contains Blue Gum High Forest community which is listed as critical habitat under the *Threatened Species Conservation Act 1995* and the *Environment Protection and Biodiversity Conservation Act 1999*. Therefore the exclusion of this area can be justified as satisfying section 5(a) (iv) of the Act in relation to the protection of threatened species provisions.

In relation to part c) of the direction, it is considered that the Draft LEP is compliant, subject to some minor amendments. All sites in the existing Business (3(a)-(A2)) zone have had the maximum permissible FSR increased from the current 1:1 to maximums ranging from 1.6:1 to 2.8:1. The majority of sites can develop for business uses up to the maximum FSR. The only site which has the maximum combined retail and business FSR capped at below the existing 1:1 FSR permissible under the current zoning is Precinct K (1356 to 1362 Pacific Highway and 2 Kissing Point Road). In order to ensure compliance with the direction, it is recommended that the combined retail and business FSR be increased to permit the existing 1:1 requirement on the site.

It is acknowledged that the maximum retail FSR capped at below the existing 1:1 potential. The reasons for the capping of retail in these sites include: ensuring the overall future retail provision in Turrumurra is consistent with Council's adopted retail strategy (which allows for an overall increase of net increase of approx. 8,000 sqm or 70% over existing retail provision) and to manage traffic and parking issues, particularly in the Ray Street precinct. In any case, it is considered that a development with a 1:1 retail FSR is unlikely in a strip retail context as this would require first floor retail, which is commercially unattractive.

Recommended amendments to Draft LEP to justify the compliance with 117 Directions are as follows:

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- Sites at 1335, 1337 and 1343 Pacific Highway include a maximum FSR for non-residential uses of 1:1;
- Sites at 1356 to 1362 Pacific Highway and 2 Kissing Point Road (Precinct K) include a maximum retail/business FSR of 1:1.

Amendments to the LEP Resulting from Revised Ku-ring-gai LEP 2006 (Town Centres).

There are a number of amendments that are required to be made to Draft LEP Amendment No 1 as a result of the amendments being made to the principal Ku-ring-gai LEP 2006 (Town Centres). These amendments include:

- Amending the Height of buildings map to identify maximum height of buildings in metres rather than storeys.
- In the land use table in the RE1 zone, moving the “Public utility undertakings” and “Utility installations” from ‘Item 2 Permitted without consent’ to ‘Item 3 Permitted with consent’.

Details of revised yields

The proposed amendments to the Draft LEP following the considerations of submissions will result in minor changes to the potential dwelling, retail and commercial yields under the LEP. The changes of yield on the sites where there are changes in FSR proposed is as follows:

A copy of the updated yield table for the Turramurra centre is included as **Attachment 10** of this report. The yield table shows potential yields for the Turramurra centre under full development of the plan, including dwelling yields from LEP 194 and LEP 200.

COMMUNITY CONSULTATION

The issues raised in the submissions were comprehensively summarised and given detailed consideration by relevant Council staff and consultants where appropriate. A summary table of the submissions and recommendations is included as **Attachment 3**. Following are the key issues raised in these submissions:

1. MATTERS OF POLICY

The following is a summary of issues raised in submissions that relate to broader policy-related issues. Due to the broad nature of submissions in this category few changes to the Draft LEP and DCP are recommended as a result of the review.

a. Traffic and Access

A large number of submissions were concerned with traffic, particularly in relation to (vehicular and pedestrian) traffic crossing the Pacific Highway and the railway. A number of specific

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suggestions were made, including new bridges, pedestrian overpass, and underpass, and including road realignments to create direct linkages across the railway and the highway.

Submissions criticised details of the traffic study, while other submissions raised detailed technical concerns on the proposed modifications, such as the location of bike lanes, the proposed new road beside the Uniting Church, and changes to current traffic flow patterns.

Most of the criticisms and issues raised can be addressed through reference to the traffic study and the RTA requirements and therefore generally no major changes have been recommended to the traffic plan. In addition, feasibility of some suggestions is limited by funding. Other issues are noted and will be addressed in future more detailed design work, including:

- the new road between Turramurra Avenue and Gilroy Road;
- bicycle facilities and lanes;
- turning bay lengths on the highway;
- the Ray St/Pacific Highway intersection.

In addition the following are recommended:

- *liaison with state government in regard to a possible pedestrian/cycle highway underpass;*
- *consideration of a pedestrian bridge in the Section 94 Plan.*
- *pedestrian needs in Cherry St be subject to future Council ranking criteria.*

b. Parking

Submissions raised a number of concerns regarding parking in and around Turramurra Centre. Concerns include:

- Loss of public parking generally, and above ground parking in particular,
- Inadequate parking for commuters;
- Accessibility and cost of underground parking.

Support was expressed for parking and access improvements at Turramurra Plaza and Stonex Lane.

It is noted that providing underground parking will free up space for other uses, including public open space. Ongoing costs will need to be factored into Council's financial management. The proposed improvements in accessibility to public transport, and detailed design of individual developments in regard to parking provision will address other concerns. No changes to the plan are recommended.

Recommendations

That Council adopt a policy position that outlines there will be no loss of current publicly owned (available) parking as a result of town centre redevelopment as an absolute minimum

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c. Infrastructure issues

Submissions noted concern regarding the adequacy of transport infrastructure and services (public transport and roads), water supply, sewerage, hospitals and schools, to cater to the increased population.

Submissions disagreed about the extent of community facilities required, with some claiming current facilities are adequate for the future, and others saying that the proposed facilities are inadequate. Increased development was also sought that would allow for a further increase in community facilities.

No changes are recommended to the plan. Council will continue to support state government infrastructure investment, such as is already underway in relation to the pedestrian bridge over the railway. It is recommended that Council proceed with development of Turramurra Centre Section 94 Plan prior to gazettal of Amendment One of the Town Centres LEP.

d. Crime and safety

Submissions noted concerns regarding safety in relation to underground parking, the leisure/aquatic centre and the train/bus interchange.

Relevant issues will be addressed in the detailed design stages, and the assessment of development applications within the centre.

No changes to the plan are recommended.

e. Character and amenity

Submissions addressing these issues are largely related to the loss of “village atmosphere,” “historic character,” “peace and quiet,” “leafy cottage styles” and “green open spaces” and the bulk and scale of multi-storey buildings not being compatible with these characteristics of Kuring-gai.

Some submissions supported the proposal for improved facilities and shops, others raised concerns regarding the perceived inadequacy of the proposed public open space areas, the loss of private open space, shopping hours and above ground car parking.

While many of these concerns are valid, Council is acting under a direction from the State Government and has prepared the plans to balance the competing objectives of existing character and future character.

A public domain plan will include best practice design for public open spaces, which will involve further community input.

No changes to the plan are recommended.

f. Heritage

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Submissions raised the following issues:

- Insufficient consideration of heritage within the centre;
- Objection to heritage listing of 8 Ray St and retention of listing for 2 Nulla Nulla Road;
- Seeking heritage listing/retention of:
 - 1362 Pacific Highway;
 - 5 Ray Street (library) and community buildings around Gilroy Lane;
- Seeking to limit heritage curtilage to footprint of St Margaret's Church;
- Seeking to increase heritage curtilage of 17A Eastern Rd;
- Diminishment of heritage significance of Hillview site through multi-storey development on the site.

Heritage listings are generally consistent with the assessments of heritage significance by the heritage consultant, and includes the listing of a number of items that are currently only draft items.

In relation to St Margaret's Church, heritage provisions under clause 33 will apply at the development application stage, including further detailed review of the significance of the site.

In relation to 2 Nulla Nulla Road, the retention of the listing was through a Council resolution. The site is not part of the current Draft LEP. It should be considered under the Comprehensive LEP.

Draft controls for Precincts J, K and L are designed to retain a significant heritage presence within the town centre, and include specific controls to protect the significance of Hillview.

Amendment recommended:

Insert additional wording within section 4.5.5 site G: ensure new development in the vicinity of No. 17A Eastern Rd is sympathetic to the church and its setting and through appropriate urban design treatments.

g. Natural resource issues

Submissions raised issues in regard to the impacts of increased impervious surfaces, loss of natural assets, including blue gums and of green spaces due to unlimited growth.

It should be noted that the plans provide specific limits to growth, and an increase in green spaces, with detailed plans for increased street tree planting and protection/enhancement of the eucalypt canopy. In addition, the plans provide for extensive sustainability requirements, including the application of BASIX type measures to retail and commercial sites, which will improve water management outcomes.

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No changes to the plan are recommended.

h. Economic issues

Issues raised in the submissions included the following:

- The scale of permissible development is insufficient to provide the financial incentive required for redevelopment;
- Turramurra doesn't need to capture "escape expenditure";
- Lack of feasibility of two shopping centres;
- Financial burdens to business during redevelopment.

The plans are based on the Retail Strategy adopted by Council, and specific sites have independently tested for economic feasibility. The revitalisation of the centre will provide more local jobs and reduce unnecessary trips outside the local area, and provides a balance of private economic gain with increased public benefit. Impacts on business during redevelopment will be temporary.

Amendments recommended

Changes recommended as outlined within the section on specific precincts and properties.

i. Overdevelopment

Submissions raised concerns that the proposal exceeds state government requirements for high density housing and retail/commercial development and that the proposed levels of retail are also in excess of the recommendations of Council's consultant. Concern was expressed that this results in the sacrifice of adequate public open space and car parking and is unsustainable. Concern was also expressed that Council should not have accepted 10,000 dwellings as its share in the Northern Subregion under the Metropolitan Strategy.

It is noted that the plan is consistent with the Retail Study and the Minister's Direction. Public open space, car parking and sustainability issues are addressed in detail within the plan.

No changes are recommended to the plan.

j. Other

A large number of submissions raised concerns about the location and impacts of a leisure/aquatic centre on the current Coles site. Alternative suggestions were put forward.

Support was expressed for increased densities around centres and rail stations. Other submissions raise concern that the proposals do not match community aspirations and that the plans do not provide increased housing choice or affordability.

It should be noted that Council is undertaking a feasibility study in regard to the aquatic centre as a separate process and a proposal for this is not included within the exhibited plans.

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The plans are consistent with the Minister's Direction and provide for increased diversity of housing within the Local Government Area. Current community concerns have been carefully balanced with the need to provide adequate facilities for the future population. Council could consider affordability within the Comprehensive LEP process.

No change is recommended in the plan.

2. MATTERS OF PROCESS

The predominant concerns expressed in the submissions included:

- inadequacy of community consultation;
- perceived limitations on the time for exhibitions;
- inadequacy of staffed displays and presentations that Council mounted to gain feedback from residents and other stakeholders;
- lack of clarity in regard to reclassification and rezoning of community land;
- lack of certainty in the planning for the Coles site;
- lack of a strategic focus in the planning – planning driven by proposal for aquatic centre;

The level of community engagement has been broad, open and extensive (as indicated in Attachment 6). At the outset, Council sought detailed ideas about Turrumurra centre planning via a survey sent to all residents in the 2074 postcode area.

Subsequent consultations, workshops, email advice and surveys have maintained open transparent links. Local press, letters, and a staffed preliminary exhibition displayed in Turrumurra have helped engage and encourage a broad range of feedback from the community. Council proposals have been available to the community well in excess of statutory requirements.

The reclassification process has involved an independent public hearing as required by statute.

Town Centre planning has been undertaken specifically within a broader strategic framework, within an overall town centre hierarchy, and integrates broader economic, social and environmental requirements within the local plans. A decision on the final location of the aquatic centre is the subject to a separate process, while a final decision on Coles current proposal to expand on the site will be determined by the Land and Environment Court.

Amendments Recommended

Proceed with the development of a parking management plan for the centre and undertake consultation to inform its development.

3. MATTERS RELATED TO THE DRAFT LOCAL ENVIRONMENT PLAN

Public submissions raised a number of matters relating to the drafting and provisions of the Draft LEP. These related to how the Draft LEP applied to particular sites as well as more general

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issues. Details of Draft LEP related issues in respect to specific sites are discussed later in this report. A full consideration of all issues relating to the Draft LEP raised in submissions is included in **Attachment 3**. Issues of note or areas where amendments to the Draft LEP are proposed are discussed below.

a. Matters related to the standards of the Draft LEP

Submissions raised the following:

- A mix of heights and increased FSR with increased open space is sought between Finlay Road and Duff Street (Precinct I) rather than consistent 5 storey development;
- The need for interface provisions between 5 storey development and single residential zones;
- A reduction in height and extent of development within Turramurra Town Centre;
- Uncertainty of outcomes in relation to community facilities, supermarket location, road and traffic changes.

The Minister's Section 55 Direction requires Council to maintain the existing development standards under LEP 194 and the Section 65 Certificate issued by the Director General is conditional on the LEP including no down zonings. This position is supported by Direction G21 under Section 117(2) of the EP&A Act. The plans for the centre generally and for Precinct I specifically are consistent with the existing 2(d3) zonings, take economic viability into account, and include provisions to achieve good urban design outcomes. The direction also results in only limited ability to include interface provisions at this stage.

The plans provide a desired outcome over a 30 year period, and community facilities and road changes may take several years to be provided as funding is dependent on developer contributions.

No changes are recommended to the plan other than when identified for specific sites as discussed below.

b. Matters related to the drafting of the Draft LEP.

The following matters were raised in the submissions:

- The definition of "site coverage" is ambiguous;
- The inclusion of a savings provision is sought;
- Confusion of the terms "rezone" and "reclassify".

LEP definitions are from the standard template and cannot be amended by Council. A savings provision was recommended for the principal Draft LEP, when reported on the St Ives Centre.

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An explanation of the difference between zoning and classification is provided in the summary table (**Attachment 3**).

No changes are recommended to the plan.

4. MATTERS RELATED TO SPECIFIC PRECINCTS & PROPERTIES

Community lands

A large number of submissions objected to the reclassification and rezoning of community land, in particular the above ground car park beside Turramurra Avenue, and the land in the William/Ray Street area. Concerns are also expressed in regard to reclassifying green open spaces. Fears are expressed that the potential for sale of the land will result in loss of community benefit.

The reclassification hearing has been undertaken as an independent process. Considerable community facilities have been outlined in the plan, including land that has been proposed for reclassification. Parking and library facilities will continue to be provided within or close to their existing sites, and a new town square at William Street is also proposed. In addition, open space and linear space are proposed to provide separation from the church.

Amendments recommended

Refer to specific recommendations contained in the report relating to reclassification of land.

The following discussion addresses the key issues raised within the submissions regarding potential amendment to the Draft LEP. DCP related issues are addressed where they are related. All other issues raised by public submissions are addressed within **Attachment 3**.

Precinct A - Ray Street and William Street

Existing situation

The precinct is currently zoned 3(a)-(A2) has a maximum FSR of 1.0:1 and a 2 storey (or 8 metres) height limit allowing retail and commercial uses. Coles supermarket occupies the southern portion of the precinct on the corner of Ray Street and Forbes Lane.

The Draft Town Centre LEP proposes to rezone the site B2 – Local Centre allowing a mix of uses including residential, retail and business premises. The planning controls for the site allow an FSR of 1.7:1 (maximum retail of 0.55:1) and a 5 storey height limit with a residential yield of approximately 90 units.

Summary of submissions

Submissions were received from Coles Myer (submission 73) and the land owner Charny Holdings (submission 73).

The submissions seek the following amendments to the Draft LEP and DCP:

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- An increase in retail FSR to 1:1 (the draft LEP currently allows a maximum of 0.55:1 retail);
- An increased overall FSR of 2.5:1 (the draft LEP currently allows a maximum site FSR of 1.7:1);
- Capacity within the LEP and DCP for a supermarket to remain and expand on the current site.

The submission argues that:

- Coles has a legitimate expectation that the supermarket site can be developed according to the current zoning capacity;
- It is appropriate for Coles to expand in this precinct. Coles' current lease has 27 years left if they are forced to move then Council will have to compensate them using rate payers' money;
- Current retail FSR in the 3(a) zone is 1:1. The draft plan reduces the retail FSR to 0.55:1. This is an undue derogation of the legitimate expectation to develop the site;
- Lack of incentive to redevelop will lead to market failure.

Background

Council resolved on 28 February 2006 with regard to a land use and retail strategy for the Turrumurra Centre. The policy adopted by Council provided a land use strategy that will create retail hubs around Turrumurra Avenue and the current Turrumurra Plaza site off Kissing Point Road. The hubs will be linked by speciality retail and commercial spaces. Located in the centre, William Square, a new public space, will provide the centre for community activity, restaurants / café, additional public car parking adjacent the train station. A key aspect of the strategy was to consolidate the fragmented centre by creating retail nodes at the edges of the centre.

Council's decision was influenced by the desire to remove substantial traffic generating retail development (such as a supermarket) away from the area bounded by the railway, Ray Street and Pacific Highway. The intersection of Ray Street is currently operation at level of service E. Traffic modelling showed that additional high traffic generating development in association with other uses such as residential and commercial would see this intersection fail. The consequence of this policy is that a new supermarket would be encouraged to establish on Turrumurra Avenue where it could better serve the area of North Turrumurra to St Ives. This strategy also allows for additional residential development to be located in the Ray / William Street area, which complies with the Ministers Direction.

A development application for the Coles site on Ray Street has been submitted. The proposal involves expansion of the existing supermarket building over the existing open car parking area (to the east) and the vehicular ramp (to the west). The additional GFA proposed is 928sqm resulting in a total GFA of 2580sqm the total site area is 3712sqm (FSR 0.695:1). Comment on

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this application is not provided in this report (refer Business Paper OMC – 17 October 2006 for detailed review by Council).

Council's commitment to the planning strategy has been reinforced with the refusal of the development application. The applicant has lodged an appeal in the Land and Environment Court, the hearing is scheduled for 13 November 2006.

Analysis and Discussion

Council staff and external consultants have undertaken a comprehensive analysis of the amendments sought in the submission in terms of traffic impacts, community/public interest, economic issues and urban design among others.

a) Public interest:

If Coles were to be given an increase in FSR up to 2.5:1 the implications are:

- Reduced setbacks to Forbes Lane and narrowing of the corridor with loss of on-street parking;
- Reduced landscaped setbacks to Ray Street;
- Second floor commercial creating two storey podium and a 6 storey building (increased from 5 storey);
- Part or full sterilisation of Council land due to traffic impacts and built form impacts

b) Planning/land use

The submission seeks an increased retail FSR of 1.0:1 in the Draft LEP to be compatible with the current zoning arguing that the reduction in retail FSR to 0.55:1 does not allow the legitimate expectation to develop the site.

All sites in the existing Business 3(a)-(A2) zone have had the maximum permissible FSR increased from the current 1:1 to maximums ranging from 1.65:1 to 2.8:1. All sites can potentially develop for commercial/business type uses up to the maximum FSR, however in most cases retail FSR is capped at below the existing 1:1 entitlement. The reasons for the capping of retail sites include:

- ensuring the overall future retail provision in Turrumurra is consistent with Council's adopted retail strategy (which allows for an overall increase of net floor area of approx. 8,000sqm);
- to manage traffic and parking issues, particularly in the Ray Street precinct;
- Retail FSR is calculated from the building envelope. It is not possible to achieve retail FSR of 1.0:1 on any site (taking into account service requirements etc.) unless the retail was to be located over two levels (the current DA submitted by Coles Myer achieves an FSR of 0.695:1 utilising 100% of the site);
- It is considered that a development with a 1:1 retail FSR is unlikely in the Turrumurra retail context as this would require first floor retail, which is commercially unattractive except for within an internalised mall type development;

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- It is possible under the Draft Town Centre LEP to have a second floor allowing business uses which would provide an overall retail/business FSR of 1:1.

c) Urban design

Council's urban design consultant has provided the following comments:

- If additional residential density is required to provide an incentive for Coles to redevelop, an additional floor to the Ray Street buildings across Site A would not have a detrimental impact to the streetscape.
- The current development application proposal turns its back on the proposed area of open space

d) Economic Feasibility

Hill PDA undertook an economic analysis for the site in September 2006 and it was found to be feasible in the Draft LEP. This model assumed no supermarket and only speciality retail and residential 3-5 storeys.

e) Traffic Impacts

The submission seeks an increased retail FSR to 1:1 and overall site FSR to 2.5:1 (additional 3,000sqm). This represents a 50 % increase in retail/supermarket floor space (additional 1,100sqm) and a further increase in residential floor space from 1.15:1 to 1.5:1 (additional 20 dwellings). Council's traffic consultant has undertaken analysis of the additional trips generated and the impacts on the network (refer **Attachment 9** for full report). The consultant's findings are summarised below:

- It is necessary to consider any increases of floor space within this precinct in relation to the increased floor space sought by landowners in Precinct C;
- It is preferable from a traffic point of view to allow increased floor space for speciality retail and residential uses;
- Given that the trip generation of specialty retail is approximately 1.5-2 times higher than commercial offices, the latter use would also be acceptable to consider;
- Increased supermarket floor space is generally not acceptable in precincts A and C as the impacts are unacceptable in traffic terms.

It would appear from the traffic analysis undertaken that an increase in FSR to 2.5:1 is acceptable on the Coles site in traffic terms. However any increase in retail would be of a speciality retail type and/or business uses not a supermarket. It would also appear that a small increase in dwellings on this site is acceptable in traffic terms

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The first issue is whether a supermarket is to remain on the current site. The view of Council's staff and the consultant's view is that Ray Street is not the best location for a supermarket in the long term given the traffic constraints and access difficulties; and it is the preferred location for community facilities and public space.

If the development application is approved by the court then it would be necessary for Council to enter discussions with Coles and the land owner to understand their intentions. If they intend to proceed to construction then Council may need to consider reviewing the plans for Precinct A as well as review the overall retail provision within Turramurra Centre.

If redevelopment of the existing supermarket proceeds to construction as per the development application the potential implications are as follows:

- The remainder of the Council land in the area will be partly sterilised in terms of redevelopment both due to both traffic impacts and built form;
- Loss of approximately 90 dwellings within the whole precinct which the Department of Planning are likely to require being placed elsewhere;
- Loss of a potential public space;
- Re-examination of retail provision across the centre which would include precinct E – Turramurra Avenue.

For this reason Council staff are of the view that development in Precinct A (Ray and William Street) should be integrated involving both land parcels. The plan has been tested in terms of economics, traffic and is both feasible and workable in traffic terms. The plan retains public parking and provides for new community facilities and a new public space in a central location with up to 70 new residential dwellings.

It would therefore not be appropriate at this stage to provide increased FSR on the Coles site given that it is not desirable from a planning point of view to encourage the site to develop individually.

No change is recommended to the Draft LEP at this stage.

Precinct B - Forbes Lane and the Pacific Highway

The subject properties are currently zoned 3(a)-(A2) with a maximum FSR of 1.0:1 and a 2 storey height limit. Retail and commercial/business premises are the allowable uses within this zone.

The Draft Town Centre LEP proposes to rezone the site B2 – Local Centre allowing a mix of uses including residential, retail and business premises. The planning controls for the site allow an FSR of 2.3:1 (maximum retail 0.5:1) and a 3-5 storey height limit.

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Summary of submission

The submissions from this precinct seek the following amendments to the Draft LEP and DCP:

- Retail FSR of at least 1:1 and commercial FSR of 1:1 with at least a further three stories of residential above.
- Increase in building heights across the precinct to 5 storeys (the draft DCP currently limits building heights to 3 storeys on 1293-1297 Pacific Highway)
- Increased building heights to 7 storeys
- Seeking commercial use to be added to permissible uses.

The submissions argue that amendments are necessary because:

- A 3 storey height limit to properties will not provide sufficient economic incentive for redevelopment.
- Insufficient economic incentive to redevelop
- Greater heights would allow smaller sites to be redeveloped as this will not impact on the Pacific Highway due to setbacks of 3.6m which make the road corridor very wide.
- Commercial is preferred to residential because of an oversupply of apartments, poor residential amenity facing highway and the lower cost of commercial construction

The following amendments are recommended in response to the submission

Amendments to the Draft LEP in relation to Precinct B:

- amend building heights to allow second floor commercial uses
- amend height map to allow 5 storey buildings throughout the precinct
- amend FSR map to allow retail/business FSR of maximum 1:1

Amendments to the draft DCP:

- Provide site coverage diagram in Part 4 of the DCP
- Show commercial uses only on the corner of William Street (including 1295 Pacific Highway).
- Review amalgamation for properties 1293 -1305 Pacific Highway to reflect land ownership and proposed building uses

Precinct C- Kissing Point Road, Duff Street and Pacific Highway

The site is currently zoned 3(a)-(A2) has a maximum FSR of 1.0:1 and a 2 storey height limit.

The Draft Town Centre LEP proposes to rezone the site B2 – Local Centre allowing a mix of uses including residential, retail (including a supermarket) and business premises. The planning controls for the site allow an FSR of 2.0:1 (maximum retail 0.8:1) and a 5 storey height limit.

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Summary of submission

Two submissions were received from landowners in this precinct one from the owner of Turramurra Plaza, 1380-1388 Pacific Highway (Submission number 52) and the other from the owners of 1392 Pacific Highway (Submission number 74).

The submissions from this precinct seek the following amendments to the Draft LEP and DCP:

- Increased building heights to 7 to 7.6 storeys and a FSR of 3:1;
- Increased residential component of the FSR to 3-4:1 and the commercial FSR to at least 2:1 [a total of 5 or 6:1]

The submissions argue that these amendments are necessary because:

- The current plans for Precinct C are not economically feasible at the current proposed 4.6 storey levels and FSR due to the current land and acquisition costs of the site (detailed financial information provided to support claim);
- The additional height would not impact on the property to the south, but would allow residents around South Turramurra to shop without the need to cross the highway; and

Background

Council staff met with a number of the landowners from within this precinct on a number of occasions. It is understood that all owners within the site are willing to redevelop the site if it can be made feasible.

The meetings have expressed general agreement with the approach and outcomes of the DCP and LEP however there have been on-going discussions about economic viability. The main point of contention seems to be the 'as is value' of the land.

Analysis and Discussion

Council staff and external consultants have undertaken a comprehensive analysis in of the potential impacts of the amendments sought in the submission in terms of traffic impacts, community/public interest, economic issues and urban design among others.

a) Public interest/environmental

There are a number of public benefits potentially arising from the redevelopment of this site:

- Improved 'one-stop' shopping
- New areas of park and public domain
- A new street, Stonex Street, connecting Duff Street and Kissing Point Road
- The new street will provide public access to the Blue Gum High Forest area and also opportunities to improve environmental management of this area

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This is a key site in the Turramurra Centre, as it is one the largest sites, it has a small number of owners who have discussed redevelopment and it is capable of delivering a significantly improved retail area and up to 80-90 residential dwellings as well as environmental, public domain and traffic benefits.

The main issue facing this site is the feasibility concerns raised by the current owners. Although the floor space ratio is only 2.0:1 on this site, the current proposal results in quite a dense development. The floor space ratio is skewed due to the large amount of open space (including roads, bushland and opens space) that falls within the boundaries of the allocated site.

One option for consideration is to remove a portion of Council owned land from the site area which will provide an increase in the site FSR. The area of land is known as Lot2 DP 550866 and is proposed within the Draft DCP to be part new road (Stonex Street) and the remainder open space/bushland reserve. The area is approximately 1,800sqm. The current site area is 9,890sqm this would be reduced to 8,090sqm which would have the effect of increasing the site FSR.

c) Urban design

Council's urban design consultant makes the following comments:

- To achieve the 3.0:1 FSR recommended by the submissions an additional 3-4 storey would need to be added across all of the residential building on the site (based on the current footprint in the Draft DCP). In the context of the remainder of the centre, this would be out of scale resulting in buildings up to 9 storeys high.
- The location of the building on the curve of the highway results in the site being viewed at a direct angle as shown in the diagram attached. This has the disadvantage of making a building on the highway of high bulk and scale more obvious. It is therefore preferable to retain lower heights on the highway and allow more height at the rear where there would be less impacts.
- To achieve an FSR of 2.5:1 the heights of buildings on the highway and Kissing Point Road would be 5 storeys with buildings at the rear up to 8 stories, there would also need to be an increase in business floor space (based on the current footprint in the Draft DCP). Additional controls regarding façade articulation would be required to reduce the bulk. This would not however meet the target suggested in the submission.
- Further gains would be possible through rationalisation of the footprint including removal of the public space on the corner of Kissing Point Road and realignment of Stonex Lane.

d) Economic Feasibility

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Hill PDA provided advice to Council in September 2006 (refer confidential **Attachment 8**) which stated that redevelopment is feasible under the provisions of the Draft LEP and DCP. This conclusion was based on an estimated 'as is' value of the land.

Hill PDA has recently (November 2006 – refer confidential **Attachment 8**) reviewed the advice provided to Council in light of the public submission and have found that development is not feasible under the Draft LEP. This is primarily due to a substantial underestimate by Hill PDA of the "as is" value in their previous calculations.

A summary of the revised analysis by Hill PDA is provided below. Full details are in the confidential **Attachment 8**

- Based on the draft controls (i.e. total FSR of 2.0:1), the feasibility resulted in a redevelopment which is not feasible.
- An FSR of 2:1 may work in the longer term as the existing buildings on the site age, and end sales values increase there may be a time where an FSR of 2:1 is viable however this may be some time away.
- Hill PDA indicate that an FSR of 2.3:1 with total feasibilities indicate development would work in the current market.

e) Traffic Impacts

Council staff has estimated that an FSR of 3.0:1 would result in a total additional GFA of 10,000sqm. This would include an increase in net retail of 1,500sqm and an additional 70 dwellings, and with no change to the Commercial FSR.

Investigations have shown that a site FSR of 3:1 would result in an unacceptable building height from an urban design point of view. An FSR of 2.5:1 results in a more acceptable increase in floor space of 4,200sqm with a 1,500sqm increase in business floor space and 3,000sqm increase (30 dwellings).

Councils Traffic consultant assessed the impacts of a 3:1 FSR the results of the analysis are documented in **Attachment 9**. has provided the following advice in regard to such an increase:

- It is necessary to consider any increases of floor space within this precinct in relation to the increased floor space sought by landowners in Precinct A;
- It is preferable from a traffic point of view to allow increased floor space for speciality retail and residential uses rather than additional supermarket floor space;
- Given that the trip generation of specialty retail is approximately 1.5-2 times higher than commercial offices, the latter use would also be acceptable to consider for increases;

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- Increased supermarket floor space is generally not acceptable in precincts A and C as the impacts are unacceptable in traffic terms;

It would appear that in traffic terms an increase in floor space of 10,000sqm (3.0:1) is acceptable providing that the increases are in speciality retail, residential and business uses and providing there is no additional supermarket floor space in precinct A or C. It can therefore be assumed that an increase of 4,000 - 5,000sqm is also acceptable (2.5:1).

f) Environmental

In relation to Precinct C Council resolved the following on March 27, 2006:

“M. For the new proposed buildings in the Stonex Lane precinct within the Bush Fire Prone lands, the proposed controls be discussed with the NSW Rural Fire Service and the potential impacts on the existing vegetation be further assessed and this be reported to Council following the exhibition period”.

Council environmental staff has reviewed the plans for Precinct C and have noted that:

- the proposed alignment of Stonex Street will impact on a small section of Blue Gum High Forest near the middle of the block;
- The proposed development is subject to bushfire hazard

The following recommendations have been provided:

- Locate access way to avoid impact on the Blue Gum High Forest that occurs in the reserve.
- Consultation with an ecologist and an arborist is recommended during the design phase of this process to minimise potential impacts on the bushland. It would be appropriate to limit construction/ excavation or other disturbances to currently disturbed area (e.g. the existing car parks and building platforms).
- Consultation with the Rural Fire Service is required in order to determine the suitability of the land for the proposed use, particularly in regard to the limited capacity of the site to accommodate asset protection zones for residential dwellings. Increased building standards and other performance based fire protection measures may also be recommended during this consultation period.
- Stormwater controls are recommended to minimise impact on the adjacent bushland and riparian zones.
- The Ku-ring-gai Council Riparian Policy should be adhered to.
- Landscaping should consist of predominately native plants of the Blue Gum High Forest community.

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It is clear from the analysis that the current plan for the site is not economically feasible and it is necessary to increase the building heights and FSR on the site to make development viable in the current market. This increase is acceptable from a planning point of view and appears acceptable from a traffic and urban design point of view.

Using the existing footprint within the Draft DCP an FSR of 2.3:1 will require building heights to be 8 storeys. However there are a number of ways that the current building envelopes can be varied to provide a feasible FSR and acceptable building heights.

An environmental review of the site has raised a number of issues some of which can be dealt with at the DA stage. Two key issues which require resolution at the planning stage are that the proposed alignment of Stonex Street will impact on a small area of Blue Gum High Forest; and that the site has significant issues related to bushfire hazard which require resolution with the Rural Fire Service.

Taking into account all of the above the following amendments are recommended to the Draft DCP:

- Remove Lot 2 DP 550866 from the site area;
- Remove Kissing Point Road Park;
- Realign Stonex Lane consistent with the current alignment;
- Retain 5 storey building heights to the Pacific Highway;
- Increase building heights to 5 storey on Kissing Point Road;
- Realign Stonex Street to avoid impact on the Blue Gum High Forest that occurs in the reserve;
- Consultation with the Rural Fire Service is required in order to determine the suitability of the land for the proposed use, particularly in regard to the limited capacity of the site to accommodate asset protection zones for residential dwellings.

With these changes it is anticipated that an FSR of 2.3:1 could be achieved with building heights not exceeding 7 storeys at the rear of the site fronting Stonex Street

Staff cannot recommend the above changes without re- exhibition. Proposed changes should be considered by Council and subjected to community notification and comment. The changes are significant and the legislation would require re-exhibition in this case.

It is recommended therefore that this site be deferred from the Town Centres LEP with draft amendments brought back to Council in February 2007 (with a proposed exhibition period in March 2007) with amendments generally as follows to the Draft LEP:

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- Delete Lot 2 DP 550866 (part) from the site C area;
- amend height and FSR for Lot 2 DP 550866 (part) to 1:1 FSR and 2 storey height limit;
- Increase FSR to 2.3:1 for site C based on the Draft DCP area (if Lot 2 DP 550866 (part) is taken out the FSR is 2.8:1);
- Building height limit of 7 storeys (or equivalent in metres); and

Additional notes to be added to the Draft DCP 4.5.4 to address the following:

- Stormwater controls are recommended to minimise impact on the adjacent bushland and riparian zones.
- The Ku-ring-gai Council Riparian Policy should be adhered to.
- Landscaping should consist of predominately native plants of the Blue Gum High Forest community.
- Consultation with an ecologist and an arborist is recommended during the design phase of this process to minimise potential impacts on the bushland. It would be appropriate to limit construction/ excavation or other disturbances to currently disturbed area (e.g. the existing car parks and building platforms).

Precinct D – Rohini Street shops

Public Submissions in relation to Precinct D raised the following issues:

- Close off Rohini Street for alfresco dining to increase vitality and community
- Rohini streetscape should be retained as a backdrop to the mall.

There are no recommended amendments arising from the submissions.

Precinct E – Turramurra Avenue/Gilroy Lane

The precinct is currently zoned part 3(a)-(A2) along the highway and Council's car park is zoned 3(a)-(B2) both zones have a maximum FSR of 1.0:1 and a 2 storey (8 metres) height limit. Gilroy Lane which runs through the middle of the precinct is not zoned.

The Draft Town Centre LEP proposes to rezone the precinct (including Gilroy Lane) B2 – Local Centre allowing a mix of uses including residential retail and business premises. The planning controls for the site allow an FSR of 1.95:1 (maximum retail 0.8:1) and a 5 storey height limit.

Summary of submission

Three submissions were received that addressed Precinct E.

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The Coles Myer/Charny Holdings (Submission number 55 and 73) submissions raise the issue that:

- The current LEP and DCP provisions do not allow a new supermarket to establish [in precinct E] due to the requirement to amalgamate a large number of properties.

The submission by the Uniting Church (Submission number 61) requests:

- Retention of Council at-grade car park;
- Removal of potential for development of retail/commercial/ residential on the site.

The Coles Myer/Charny Holdings submissions provide the following rationale for the issues raised in the submissions:

- Alternative supermarket site is no more accessible and relocation would be costly;
- Addition of another supermarket on the Eastern side of Turramurra would only further divide the three precincts by increasing the intensity of usages at the fringes and duplicates existing supermarket facilities;
- There is no need for a third supermarket especially if it is underground (in Turramurra Avenue);
- The need to amalgamate sites for the new supermarket makes it unlikely to go ahead, reducing supermarket diversity in Turramurra.

The Uniting Church provides the following points for consideration:

- The car park was partially paid for from a business levy on the basis that it would be used for parking and the public benefit should be retained.
- Loss of the car park would have adverse impacts on the functions of the church and nearby retail, recreational, catering and commercial sectors. Many attendees at Church functions are frail aged and/or have disabilities, and close above ground parking is required for safety and ease.
- Access from underground parking would be via a common lift with shoppers and residents, resulting in safety and security issues.
- Council approved the plans for the Church and hall with the provision of direct access from the car park and the designs were done with this access as an integral consideration.
- The loss of the car park will mean that access to the various community uses of the church will be denied to less mobile people. The current allocation of 4 disabled spaces is inadequate.

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- The car park also provides a noise buffer for church activities, an open area allowing views to the historic building and a safe place to meet and to park.
- The car park is well used and currently provides 148 spaces. Church functions can generate the need for 233 spaces, the Masonic Hall, 50 and the nearby cafes, 48. There are also other surrounding uses which generate parking demand. Vehicular access to the car park is easy and direct and therefore used.
- Should basement car parking be provided, it will be less direct, will be difficult to access because of the new road, and will encourage users to go elsewhere.
- Multiple access points to the underground car park would be required and sufficient spaces would need to be provided for all uses – there is no guarantee that there will be spaces for church users.
- Underground development will also be restricted by the existence of the sewer line.
- Construction would result in noise impacts on the peace and quietness required for the conduct of worship. Fees should not be charged on weekends or public holidays.
- The undergrounding of spaces will require additional street parking outside TurraTots, which would require the removal of the trees.
- The additional commercial/retail/ residential provided by the car park site is not needed as there is more than enough capacity in other areas of Turramurra to meet State Government requirements. Further there is no interest in the supermarket.

Background

Precinct E is a key site within the Turramurra Centre as it is proposed to be a mixed use precinct with speciality retail, a supermarket and new public spaces. Two supermarkets are proposed for Turramurra in the long term and the desired planning outcome is that a supermarket can be encouraged to locate to this precinct. The background for these decisions is documented in the Council Business Paper of 24 October 2006.

Within this strategy Council has resolved a number of options for this site mainly in response to the Uniting Church's requests for greater setbacks for new buildings from the church, reduced building heights and retention of some at-grade parking. The result is that the proposed supermarket site is now under the shops fronting the highway. The overall site FSR has reduced from 2.15:1 during the preliminary exhibition to the current 1.95:1.

Analysis and Discussion

Council staff and external consultants have undertaken an analysis of the potential impacts arising from the amendments sought in the submissions. Analysis has been undertaken in terms of traffic impacts, community/public interest, economic issues and urban design among others.

g) Public interest

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The Uniting Church requests a significant amendment to the plan which is to retain the public parking area on Turramurra Avenue and the removal of zoning controls on the site. The Church mounts a public interest argument based on a perceived loss of parking, safety and security issues, and access issues among others.

While these are valid concerns the arguments put forward cannot be supported for the following reasons:

- Council has responded to the Churches concerns by providing substantial setbacks, open space and at grade parking;
- Council has indicated in various public documents that there will be no loss of public parking;
- There is proposed to be on-grade car parking for 40 cars in close proximity to the church entrance, the additional public space would be provided one level underground;
- The existing car park that does not comply with the Australian Standards for persons with a disability;
- A lift to the public car park can be designed to enhance security along with other security measures in the management of the car park;
- The car park can be design to enhance attractiveness – natural daylight planting etc;
- Councils land is currently zoned for business with a 1:1 FSR and 8 metre height limit. The Department of Planning has clearly indicated to Council that no down zoning is to occur;
- The land is subject to the Ministers Direction and has the capacity to provide up to 80 dwellings in combination with the properties along the highway; and
- Council envisages the redevelopment of this site as a long term option, given the amalgamation requirements redevelopment is unlikely in the next 10 years.

h) Planning/land use

The submissions note that the Draft LEP and DCP provisions do not allow a new supermarket to establish in precinct E due to the requirement to amalgamate a large number of properties

The current proposal requires amalgamation of up to 11 commercial properties along the Pacific Highway and Council's land to achieve a viable development. It is acknowledged that the number of amalgamations makes redevelopment difficult to achieve. In addition no land owners within this area have contacted Council or made a submission which would tend to suggest that there is limited interest in redevelopment in this area at this stage.

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It should be noted that the Council car park is large enough to accommodate a supermarket of 2,500sqm and apartments without the need to amalgamate with adjoining owners. However, Council has responded to the needs of the Uniting Church by pushing the supermarket to the south away from the church and thereby requiring up to 11 site amalgamations.

i) Urban design

Council's urban design consultant has provided the following comments with regard this precinct:

- The development controls on this site have been significantly 'watered down' compared to original recommendation;
- Concerns are expressed about the quality of the urban design that has resulted, and also the feasibility of the site to accommodate the proposed uses;
- In light of the submissions and consultation it is recommended that the building controls be amended to:
 - Locate a supermarket with a more regular footprint;
 - Locate buildings to define the public spaces;
 - Provide detail on the underground public car park to provide natural daylight and increase security;
 - Locate car parking as part of Gilroy Lane rather than a separate car park (as shown in the DCP);
 - Provide meaningful public open space;
 - Ensure building envelopes result in feasible development;
 - Ensure supermarket is contained on sites where amalgamation can be achieved. Apply incentive to do so if required.

j) Economic Feasibility

Financial analysis by Hill PDA in their report of September 2006 (confidential **Attachment 8**) found that the site is feasible at 1.9:1 however the number of amalgamations makes redevelopment difficult to achieve over the next 10 or so years

k) Traffic Impacts

Given that the submissions have not requested any specific additional floor space traffic impacts were not reconsidered

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Based on the analysis undertaken above the main issue is that the number of site amalgamation required to achieve the DCP vision is substantial and therefore unlikely to be achieved in the short or medium term. Council acknowledges that this is not the preferred situation in terms of achieving the overall strategy. However, Council has responded to the concerns of the Uniting Church in developing the Draft LEP and DCP and has moved the proposed supermarket site as far south as possible. Council also has no short term plans to remove the car park and develop its land.

Council maintains the position that in the long term Turramurra Avenue is the preferred location for a large supermarket. This position is supported by retail analysis and detailed traffic analysis. It is acknowledged that Coles may stay at Ray Street in the short to medium term whether they are given approval by the Land and Environment Court or not. However, if in the future a supermarket wishes to expand beyond 2,500sqm (which is the limit of the Coles site) then Council has provided an alternative location to address this situation.

No change is recommended to the LEP/DCP at this stage however it is noted that a review will be necessary in the future to address urban design and economic issues raised in this report.

Precinct G – Turramurra Avenue and Gilroy Road

Public Submissions in relation to Precinct G raised the following issues:

- The proposed pedestrian link as part of R3 between Turramurra Ave and Gilroy Rd would reduce development potential on these sites and is unnecessary and undesirable:
- - it would not provide a shortcut to the shopping area.
 - it would attract undesirable elements and noise.
- 32 and 34 Turramurra Avenue are proposed for R3 as an interface with the R4. However, there are already 2 storey developments at 30 and 34 Turramurra Ave, so interface development is not required at these sites.

There are no recommended amendments arising from the submissions

Precinct H - bounded by Rohini Street, Eastern Road and Olive Lane

The site is currently zoned 3(a)-(A2) has a maximum FSR of 1.0:1 and a 2 storey height limit.

The Draft Town Centre LEP proposes to rezone the site B2 – Local Centre allowing a mix of uses including residential retail and business premises. The planning controls for the site allow an FSR of 2.8:1 (maximum retail 0.9:1) and a 5 storey height limit.

Submission received from the owners of 2-10 Eastern Road representing 3 owners who have indicated a willingness to redevelop their site. The submission seeks the following amendments to the Draft LEP and DCP:

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- Increase in height to 9 storeys (desired FSR not provided)

Reasons given:

- The proposed height and FSR provisions do not provide sufficient economically incentive to redevelop given the high Underlying Land Values;;
- Height is appropriate given that the site is located at a low point in the topography;
- Shadow analysis provided to support submission;
- Extremely difficult task of amalgamating long held land holdings.

The following amendments are recommended in response to the submission:

Amendments to the Draft LEP:

- *Allow building heights to accommodate second floor business uses*

Amendments to the Draft DCP:

- *Provide built form controls for precinct H consistent with the provisions of the LEP that is 5 storeys and an FSR of 2.8:1*

Precinct I - bounded by Pacific Highway, Finlay St and Duff Street

The site is currently zoned Residential 2(d3) has a maximum FSR of 1.03:1 and a 5 storey height limit.

The Draft Town Centre LEP proposes to rezone the site R4 - High Density Residential allowing residential apartment buildings. The planning controls for the site allow an FSR of 1.3:1 and a 5 storey height limit.

Summary of submissions

The submissions request the following amendments to the Draft LEP/DCP:

- Reconsideration of the proposed 'bushland regeneration area;
- Reduction in the amalgamation requirements, particularly for the area north of Lamond Drive;
- Removal of public access corridor between Lamond Drive and Finlay Avenue;
- Amendments to building envelopes to take into account approved development applications;
- Increased setbacks to the interface.

The submissions note the following to support the amendments:

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- The bushland regeneration area including area identified as Blue Gum High Forest is unsuitable for regeneration;
- The bush regeneration zone will hinder the development potential of Precinct ;
- Object to the imposing of a public thoroughfare for vehicle and pedestrian access across private property to be built and maintained at private expense;
- The cross site vehicular and pedestrian access corridor from Lamond Drive to Finlay Road is not possible as an approved development is due to be constructed within a month, which will block this access;
- Building footprints near the bush regeneration area extend over site boundaries, forcing impossible amalgamations;
- It is inappropriate to rezone 2(d3) in Precinct I as they are far away from the town centre;
- Object to the proposed site amalgamation of 9 allotments which include 1-3 Duff Street and 17 Lamond Drive.

The following amendments are recommended in response to the submission:

- *No amendments are recommended to the Draft LEP*

The following amendments are recommended to the Draft DCP:

- *Reconsideration of the proposed 'bushland regeneration area';*
- *Reconsideration in the amalgamation requirements in response to approved DA's;*
- *Removal of public access corridor between Lamond Drive and Finlay Avenue;*
- *Amendments to building envelopes to take into account approved development applications;*
- *Increased setbacks to the interface boundaries.*

Precincts J - Hill View

No Public submissions received

Precinct K - corner of Pacific Highway and Kissing Point Road (east side)

The properties are currently partly zoned 3(a)-(A2) with a maximum FSR of 1.0:1 and a 2 storey height limit (8 metres). The site currently has a county road widening easement over the front portion. There are a number of heritage items within the precinct.

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The Draft Town Centre LEP proposes to rezone the site B2 – Local Centre allowing a mix of uses including residential retail and business premises. The planning controls for the site allow an FSR of 1.65:1 (maximum retail 0.5:1 and maximum commercial 0.5:1) and a 5 storey height limit.

Summary of submission

The submission seeks

- Amendments to the building envelopes in the DCP
- Increased building height on part of the site to 4 storeys

The submission argues that the proposed building envelopes in Precinct K are not feasible because:

- One building encroaches on heritage envelope and would not maintain the curtilage of the Hillview group of buildings. Map at s.4.5.6 shows incorrect size of heritage building 6H. Existing built form should be respected for adaptive re-use (as currently happens).
- Separate road access for the smaller envelope could only be provided from Kissing Point Rd by access through the larger envelope.
- Height controls will not allow achievement of Draft LEP FSR of 1.65:1 (only achieve FSR of 1.19: 1).

The following amendments are recommended in response to the submission:

Amend Draft LEP as follows:

- *Revise building heights to a maximum of 3.6 storeys to ensure the available floor space is consistent with the FSR in the LEP.*

Amend Draft DCP as follows:

- *show existing heritage building footprint. Revise building envelopes to be consistent with the in the LEP*

Precinct L - Corner of Kissing Point Road and Boyd Street

The site is currently zoned Residential 2(e) has a maximum FSR of 1.0:1 and a 2 storey height limit. There is currently one heritage item on the corner of Boyd Street and Kissing Point Road (8 Kissing Point Road).

The Draft Town Centre LEP proposes to rezone the site R4 – High Density Residential allowing residential apartment buildings up to 5 storeys. 2-4 Boyd Street is proposed to be listed as a heritage item

Summary of submission

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- Object to impact of dense high rise development around 8 Kissing Point Road, 2-4 Boyd Street and Hillview, due to impact on heritage significance, property value and the cultural setting of Turramurra.
- Council's heritage guidelines require consideration of the impact on the building's garden setting and the wider impact. Adjoining development will overshadow heritage sites, will be out of scale with the single storey heritage buildings and will not respect their character or the pattern of development in the street. The new development will not related to the existing buildings, including their ornate elegant roof shape.
- The alternative is to de-list 8 Kissing Point Rd, as its heritage significance will be destroyed.

Council staff sought additional advice from Council's heritage consultant who worked as part of the planning team. The consultant's comments are included in **Attachment 11**.

There are no recommended amendments arising from the submissions.

Precinct M - bounded by Cherry St, railway line, Ray St and Pacific Highway

One public submission was received in relation to Precinct M.

The submission seeks:

- Retention of current 3(a) zoning in line with current DA which is almost finalised. The DA provides for ground floor office with apartment above and car parking below ground.
- Seeks retention of this mixed use.

There are no recommended amendments arising from the submissions.

b. Other -

Submission seeks to retain current zoning for 2 Cherry Street. rather than R4 as proposed.

While the site is unlikely to redevelop in the immediate future, rezoning to R4 will provide a consistent approach to the zoning of the adjoining sites and provides an incentive to redevelop in the long term.

No change is recommended to the LEP.

5. MATTERS RELATED TO THE DRAFT DEVELOPMENT CONTROL PLAN

Public submissions raised a number of matters relating to the objectives, strategies and controls within the Draft DCP. These related how the Draft DCP applied to particular sites as well as

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more general issues. Details of Draft DCP related issues in respect to specific sites are discussed later in this report. A full consideration of all issues relating to the Draft DCP raised in submissions is included in **Attachment 3**. A summary of issues of note and areas where amendments to the Draft DCP are proposed are outlined below.

a. Draft DCP Part 2 - Vision, Objectives and Strategies

The following were raised in the submissions:

- Support for the aims, vision and intent of the DCP;
- Options on the centre presented to the community too limited;
- Adverse impacts on landholders of potential acquisition of 12 sites to extend Karuah Park;
- Idea of “village” concept facing railway station should be retained;
- Coles could be relocated to Cameron Park in preference to Turramurra Ave;
- Proposal for Cameron Park impractical, or already existing;
- Gardens along Gilroy Walk should be retained;
- Library should be located near Meals on Wheels and other community facilities;
- Map at Section 2.2.9 is unclear;
- William Square not feasible.

Amendments recommended

- *Amend Section 2.1.4 of the Draft DCP to:*
 - *Clarify reference to Cameron Park recreation uses;*
 - *Delete number references under strategies and replace with dot points.*
- *Amend Section 2.2.9 of the Draft DCP to ensure consistency with the final traffic option.*

b. Draft DCP Part 3 - Public domain controls

Issues raised in submissions include the following:

- Proposal in regard to public open space will not attract people to the spaces;
- Public open space should be zoned for recreation and under the control of Council;
- The corner of Kissing Point Rd and the Highway is a poor location for a park;
- Open space areas are too small to be useable, and will not provide for green areas;
- Open space areas are inadequate to attract shoppers and business to the centre;
- Lacks village squares with cafes, restaurants and other active uses for people to pass the time;
- At grade car parks should be considered as open space and retained;

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- Inconsistency of considering Turramurra Green and Gilroy Walk as open space, but not other areas that include parking;
- William Square relies on a number of other bodies that may prevent its development as a square.
- Misleading to regard part of Hillview as open space – private benefit only.
- Stonex St area is too small for the planting of blue gums.
- Matters of detail relating to actual design of spaces

Amendments recommended

- *Refer to recommendations in relation to Precinct C*
Amend the following in the Draft DCP
- *Revise graphic symbols for open space in Strategy diagrams 2.1.2 Structure, 2.1.3 Land Use (a and b), and 2.1.4 Open Space and Links and 2.2.2 Street Character.*
- *Delete Blue Gums as preferred tree species and provide more appropriate tree species in 3.1.8 Stonex Lane.*
- *Include community consultation and involvement in the preparation of detailed design for public domain.*

c. Draft DCP Part 4 - Primary development controls and specific built form controls

The following matters are raised in the submissions:

- Proposed amalgamation patterns may not be achievable;
- Performance criteria are preferred to minimum lot sizes;
- Increased setbacks for road widening should be compensated;
- More refinement of the building form details is required to ensure usable units under SEPP 65.

Amendments recommended

Include the following provision in Section 4.1: of the DCP

Alternative site amalgamations are permissible if it can be demonstrated that development on the proposed site and remaining sites in the vicinity can be developed in accordance with the design objectives in this section and the relevant precinct objectives.

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d. DCP Part 5 – General Development Controls

Concerns raised in submissions include the following:

- Ambiguity of active street frontages;
- Conflict between awning heights and loading dock crossings;
- Proposed lighting too expensive;
- Internal ceiling heights are inadequate for mixed use buildings;
- Waste management controls are excessively detailed;
- Pavers for driveways do not cater for truck weights;
- Maximum parking provisions should be increased;
- Above ground car parking should be provided for on sloping sites;
- Bicycle parking requirements are excessive;
- Signage requirements are excessive.

Amendments recommended

*Waste provisions be amended as per **Attachment 12** and the recommendations of Council's waste services section.*

e. Matters related to the drafting of the Draft DCP

Submissions raised concerns in relation to the following:

- Layout and clarity of the Draft DCP;
- Controls do not allow sufficient flexibility;
- References in regard to the natural area in Precinct I are inconsistent;
- Document includes typographical errors and inconsistencies in labelling;
- Lack of clear architectural and design outcomes.

Recommended amendments

- *The DCP controls applying to the proposed bushland regeneration are between Finlay Rd and Lamond Dr be reviewed to ensure consistency in area of application and terminology.*
- *Figure 4.5.1 in the DCP be amended to correctly identify Precinct N.*

6. Development Contributions Strategy – Section 94

A development contributions strategy (including Section 94 Plans) and an accompanying financial strategy are being prepared on the basis of Council's exhibited Draft LEP and Draft DCP.

A report on the development contributions strategy will be provided to Council with a Draft Plan for exhibition prior to the gazettal of the Draft LEP.

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Council sought, in the draft LEP, the reclassification of parcels of Public land identified within the plan to 'operational' from their current classification as 'community'.

The Local Government Act (Section 29) and section 68 of the Environmental Planning and Assessment Act 1979 provides for a process which includes the identification of land proposed for reclassification within an LEP and the holding of an independent public hearing to consider submissions prior to Council considering the matter, giving due regard to the findings of the hearing.

In relation to the draft LEP the following sites are proposed for reclassification:

The land comprises:

- 2-8 Turramurra Avenue - Lot 2 DP840070 Turramurra Avenue Car Park;
- 1-7 Gilroy Road - Lot 1 DP 840070 Turramurra Senior Citizens Centre; Ku-ring-gai Support and Services Centre – HACC;
- 12 William Street - Lot 1 DP 519532 William Street Car Park;
- 5 Ray Street - Lot 2 DP 221290 Ray Street Car Park; Turramurra Library;
- 1A-3 Kissing Point Road - Lot 2 DP 500761, Lot 2 DP 500077, Lot 2 DP 502388, Lot A DP 391538 & Lot B DP 435272 Kissing Point Road Car Park;
- 3 Stonex Lane & 4 Duff Street - Lot 2 DP 550866 & Lot 1 DP 807766 Stonex Lane and Duff Street Car Park.

Public notification of the hearing and of the closing date for those wishing to provide a submission on the matter was provided to the community as prescribed in the Environmental Planning and Assessment Act, by newspaper advertisement in the North Shore Times on 1 September 2006. In addition information was contained in Council's mail out, on the web site and at the staffed exhibition.

In total 78 submissions were received on this matter and 12 people addressed the hearing which was held at Council Chambers on 25 September 2006. The hearing was chaired by Mr Andrew Ludvik of Ludvik and Associates Pty Ltd.

The report provided from the independent consultant (Mr Ludvik) must be made available for public inspection as required by Section 47G of the Local Government Act 1993.

The report was delivered and received by Council on Thursday (pm) 2 November 2006 (**Attachment 7**) and all those who made submissions or spoke at the hearing have been informed of its release and advised how to access the report.

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In summary the report recommends that the proposed reclassification of those sites proposed in the Draft LEP is appropriate subject to several conditions. The recommendations outlined in the report are reproduced:

“The reclassification of Sites 1 to 6 from “community land” to “operational land” under the terms of the Local Government Act 1993 is appropriate provided that before the land is reclassified Council adopts a car parking policy and a community facilities policy for the Turramurra Centre which clearly and unambiguously specifies:

- *The manner in which any public car parking which is to be eliminated due to the restructuring of the Centre is to be replaced and managed to compensate for any parking which may be lost by the reclassification of those sites; and*
- *The nature, range and location of community facilities to be provided in the Centre.”*

The report is relatively clear in its recommendations although the short period of time available between the receipt of the Chairman’s report on the hearing and release of this business paper, insufficient time has been available for staff to review and analyse the report fully and provide a considered recommendation.

Accordingly it is recommended that consideration of the proposed reclassification proposed in the Draft Local Environmental Plan be deferred to allow for a comprehensive analysis of the report and subsequent recommendation to Council. Section 68(5) of the Environmental Planning and Assessment Act allows for such matters to be deferred from the adoption of the LEP and be subsequently included.

CONSULTATION

The recent extensive work to source and include a broad range of ideas and opinion during the formal exhibition stage is summarised below. **Attachment 6** includes summaries of earlier consultation and advice to interested stakeholders about Turramurra Centre planning since some 8,000 resident surveys were posted in February 2005.

Recent Consultation

1. Formal exhibition of the plans and supporting information was completed from 4 September to 3 October 2006 at the Turramurra Library and the Council Chambers Level 4, Gordon. CDs of exhibition materials were available to interested persons, and were delivered to resident group representatives and businesses on request.
2. Some 8,000 letters to property-owners, occupiers and businesses in the Turramurra area were posted advising about the about formal exhibition, and detailing web-access, displays and other sessions for planning their town centre. These letters provided advice to all property-owners affected by the draft local environmental plan, or to property-owners located within the study area, or to remain properties within the Turramurra postcode area.

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3. On-going email advice including exhibition, display times and public hearing web-links were sent to some 800 householders, resident group representatives, businesses and others who have expressed interest in being kept informed of planning progress for Turramurra.
4. The Turramurra page of Council's web-site was updated with all materials on exhibition – including the Draft DCP, Draft LEP and supporting documents.
5. An extensive schedule of local displays in the Turramurra Centre, approaching 100 hours of planning display time – with planning staff in attendance to assist interested householders, businesses and others, in their understanding of the draft proposals. Afternoon and evening information presentations by senior planning staff were held there to provide information that would assist people interested in Turramurra centre planning to better prepare their responses to the planning proposals.
6. A large range of telephone calls were fielded, together with office appointments between key planning staff and interested persons, and property-owners, to discuss detailed issues about the plans.
7. The August edition of Council's *Ku-ring-gai News*, sent to all households, also provided details of the Turramurra exhibition.
8. Local paper advertisement in the North Shore Times on 1 September 2006 gave detailed prior advice of the exhibition period to promote awareness, interest and feedback from the Turramurra community.
9. Email advice was sent on 8 September 2006, informing of the General Manager's message refuting claims by a local group about planned levels of development, retail expansion and land reclassification for Turramurra town centre.

A chronology of Turramurra Centre surveys and consultations is attached at **Attachment 6**.

Consultation has involved working extensively to establish and develop contact with interested stakeholders including:

- Householders from Turramurra
- Business-owners/ retailers and Chamber of Commerce in Turramurra
- Shoppers at Turramurra through kind assistance of local businesses
- Established local resident groups
- Persons in retirement villages at Turramurra centre
- Owners of commercial land in the town centre.

Throughout the exhibition, Council has received correspondence/submissions as letters and e-mails, on the planning for the Turramurra Centre. This information has been registered, acknowledged and passed to on staff and relevant consultants for detailed consideration and

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evaluation in planning process. The correspondence has indicated a mixture of support and objection, and its evaluation is shown elsewhere in this report.

A public hearing before an independent arbiter to determine the reclassification of community lands to operational lands, indicated by the draft plans, was convened during the exhibition period. This included prior statutory public notification, as well as email advice to those above who had expressed interest in being kept informed about Turramurra town centre planning.

Council applied and exhibited the Best Practice Guidelines - Exhibition in respect of the draft LEP for Turramurra during the exhibition process.

All properties in the Turramurra Centre study area have been advised by letter about this report going to Council – together with some 800 people via email who have expressed on-going interest in being kept informed about Turramurra Centre planning.

Community Consultation

The plans and accompanying documentation were exhibited publicly from 4 September to 3 October 2006. In response, 102 submissions have been received. Submissions were received from the following:

NAME	SUBURB/EMAIL	NAME	SUBURB/EMAIL
Mrs P Collins	TURRAMURRA	*Ms A Spizzo	Herbert Geer & Rundle SYDNEY
Mr I McAllan	TURRAMURRA	Mr S Chadwick	Email supplied
Mr W Forsyth	Email supplied	Ms E Dunger	TURRAMURRA
Mr P & Mrs J Lucas	TURRAMURRA	Ms N Cliff	TURRAMURRA
Mr I & Mrs P Raper	TURRAMURRA	Mr K Dodds	WAHROONGA
Mr K Stockley	Email supplied	J & P Rees	TURRAMURRA
Mr C Goldrick	Email supplied	Property Group	Turramurra Uniting Church TURRAMURRA
Mr J Gee	TURRAMURRA	Ms F Ireland	TURRAMURRA
Mr J Shrubbs	TURRAMURRA	J Knoblauch	TURRAMURRA
Mr J Lovell	TURRAMURRA	P de Gonzalez	TURRAMURRA
#*Mr M Haldey	LT Holdings Pty Ltd BONDI JUNCTION	Ms C New	Bike North GLADESVILLE
Mr I McAllan	TURRAMURRA	Mr E Sanhueza	Barua Pty Ltd KOGARAH
Mr P Tuft	WEST PYMBLE	*L L Kok	Axis Learning Centre TURRAMURRA
Ms A Chubb & Ms T Pennington	TURRAMURRA	Mrs M Booth	KPPA TURRAMURRA
Mrs J L Wilson	TURRAMURRA	Mr J & Mrs J Harwood	TURRAMURRA
Mr C Coulter	TURRAMURRA	Mr R Mitchison	WARRAWEE
Mr M Rhone	Email supplied	Mr P Mazza	Crestown Pty Ltd LEICHARDT
Mr B Symons	TURRAMURRA	Mr C & Mrs S Turton	TURRAMURRA
Mr K D & Mrs P I Allen	TURRAMURRA	Mr M Viney	Coles Myer Property

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NAME	SUBURB/EMAIL	NAME	SUBURB/EMAIL
			CHULLORA
Ms V Harris	TURRAMURRA	Mr A Hamer & Mr H Charalambous	TURRAMURRA
Mrs H Fallows	TURRAMURRA	Mrs J Hill	TURRAMURRA
Ms J Speakman	Email supplied	Mr B Irwin	WEST PYMBLE
Mr J Conquest	TURRAMURRA	Mr C Hyslop	Dynamic Property Solutions Pty Ltd WAHROONGA
Ms E M Conquest	TURRAMURRA	Mrs M Booth	TURRAMURRA
Ms G Adams	TURRAMURRA	Ms G Griffiths	TURRAMURRA
J L Wang	TURRAMURRA	Ms N E Brown	TURRAMURRA
Mr & Mrs Shaw	TURRAMURRA	Mr P J Myerscough	TURRAMURRA
Mr G Hendrich	NORTH TURRAMURRA	Mr R & Ms M Street	TURRAMURRA
Mr M & Mrs N Gibbeson	TURRAMURRA	Ms S Boyd	TURRAMURRA
Mr E R Gifford	Email supplied	Mr S Wesley	TURRAMURRA
Mrs L Zwarteveen	TURRAMURRA	Mr F Chen	TURRAMURRA
Mr G & Mrs J Barker	TURRAMURRA	S & E Howard	PYMBLE
Mr J & Mrs O Guelden	TURRAMURRA	Mr J Whitehead	WAHROONGA
Mr K Kennedy	Email supplied	J Sullivan	TURRAMURRA
*Mr G Revay	NEUTRAL BAY Platino Properties	Mr J Watts	ST IVES
Mr G & Mrs M Kemp	WARRAWEE	Ms H Hynard	TURRAMURRA
Mr J Burke	Step Inc TURRAMURRA	Mr J Griffiths	TURRAMURRA
Mrs E Tuffley	TURRAMURRA	V Matcham	TURRAMURRA
Mrs G Lord	TURRAMURRA	Mr S Moore	TURRAMURRA
Mr D & Mrs C Hunt	TURRAMURRA	R A Scott	TURRAMURRA
Mr R Dupen	TURRAMURRA	G Thompson	TURRAMURRA NSW 2074
Mr P Doniger	TURRAMURRA	Mr S Astey	Turramurra Chamber of Commerce TURRAMURRA
Miss M Thompson	Email supplied	Mr L P Hindmarsh	TURRAMURRA
Mrs R Workman	TURRAMURRA	*Mr L Hunt	Colston Budd Hunt & Kafes Pty Ltd WEST CHATSWOOD
Mr S Hill	TURRAMURRA	Ms A Moore	TURRAMURRA
Ms C Rodger	TURRAMURRA	Ms S Green	Email supplied
Mr J S & Mrs J R Wolfe	TURRAMURRA	Mr P Frick	Email supplied
*Mr J Briggs	Advocate Developments WAHROONGA	Mrs J Lloyd	TURRAMURRA
*Mr D Mackenzie	Dugald C Mackenzie & Associates NORTH SYDNEY	Mr M & Mrs K Smith	TURRAMURRA

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NAME	SUBURB/EMAIL	NAME	SUBURB/EMAIL
Mr G Curtis	TURRAMURRA	*Axis Learning Centre	TURRAMURRA
Ms J Brennan	Turramurra Chamber of Commerce TURRAMURRA	Mr A Parr	Friends of Turramurra Inc TURRAMURRA

Issues already considered in St Ives Town Centre report.

* Consultant submissions, generally on behalf of owners in the town centre.

FINANCIAL CONSIDERATIONS

Costs were covered by the Department of Open Space and Planning budget and part funding from the NSW Department of Planning.

In relation to financial considerations relating to Council owned land a detailed financial analysis and summary will be provided to accompany Council's Section 94 Strategy and in relation to any future matters originating from Council's final position on land reclassification.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Integrated planning approach involving all Departments- detailed input throughout the project.

Consultation with Waste Management Services

Issues raised generally concerned:

1. Ensuring adequate vehicular access and manoeuvring for waste collection vehicles;
2. Number of bins on the street;
3. Prohibiting compaction units;
4. The need to include specific controls for townhouse developments with private access roads;
5. A number of other minor changes.

Consistency between the waste provisions and vehicle access provisions is also sought.

It is recommended that:

1. The waste management controls be updated to provide clearer guidance for access for collection vehicles: minimum ceiling heights, accessway grades, description of vehicles (length, weight).
2. Developments that incorporate attached dwellings where the number exceeds four (previously six) dwellings be required to have communal waste and recycling facilities. This will reduce the number of bins on the street, improving amenity and safety.
3. Compaction units be prohibited. Operational experience from the contractor has shown that compaction units with a 2:1 ratio are causing service problems due to the difficulty of

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emptying waste materials, with resultant Occupational Health and Safety issues and from damage to bins.

4. Phrasing be clarified to ensure that waste and recycling rooms can be accessed by collection vehicles.
5. Requirements be clarified for unimpeded access to waste and recycling rooms for collection vehicles.
6. New controls be included for medium density, where basement parking is not provided.
7. A number of other minor changes be incorporated.

The recommended controls for Waste Storage and Recycling Facilities and Construction Demolition and Disposal are included at **Attachment 12**.

To avoid duplication and allow for future changes in standards and truck designs, it is recommended that the appendix be amended as follows:

8. In A2.2, delete the diagrams and specifications for multi-unit collection vehicles and garbage, recycling and green waste collection vehicles.
9. In A2.3, delete the Sample turning circle design (including the diagram), which are covered by the relevant standards.

As it is not yet possible to provide numerical controls for recycling, it is recommended that the demolition section of the waste management plan be simplified.

To ensure that basement car parking controls and definitions are consistent with the waste controls the following changes are also recommended:

9. Section 5.14.4 amend 2nd sentence in G3 to a note:

Note: Where a waste and recycling room is provided within the basement car park, the minimum finished ceiling height shall be 2.5m for residential developments and 4.5m for mixed use developments to allow collection vehicle access.

10. Section 5.14.4 after G5 add:

Note: Unimpeded access to visitor parking and waste and recycling rooms is to be maintained.

11. In Definitions change:

waste service room to waste service compartment.

SUMMARY

Turramurra is the second of the centres to have new Draft Local Environmental Plan and Draft Development Control Plan prepared. The new plans have been prepared under the Standard Local Environmental Plan 2006 template. Following the consideration of a conditional Section 65(2) Certificate from the NSW Department of Planning, Council on 8 August 2006 resolved to exhibit

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Draft Ku-ring-gai Local Environmental Plan Town Centres (Turrumurra) 2006 Amendment No 1 and the Draft Ku-ring-gai Town Centres Development Control Plan (Turrumurra).2006.

The Plans have been referred to the relevant State Agencies as required under Section 62 of the Environmental Planning & Assessment Act and have been on formal public exhibition in accordance with the Act. The exhibition period commenced 4 September 2006 and finished on 3 October 2006. A comprehensive consultation program was conducted throughout the project. Council prepared and exhibited a Draft local environmental plan and Draft Development Control Plan. Submissions have been received from the relevant state agencies and 102 submissions have been received from the public in response to the exhibition.

Key issues raised from the submissions have been considered and assessed with additional planning, urban design, traffic, parking, environmental and economic analysis and, where appropriate, recommendations have been made for further amendments to the Draft LEP and Draft DCP.

In addition a public hearing was conducted into the reclassification of Council owned land and a public hearing was conducted. This report provides a recommendation on the future classification of these sites.

This section provides a comprehensive final list of the key summary recommendations for the Draft Local Environmental Plan and Draft Development Control Plan resulting from the formal exhibition process.

General Recommendations

1. That Council adopt a policy position that outlines there will be no loss of current publicly owned (available) parking as a result of town centre redevelopment as an absolute minimum.
2. That Council continue to seek support from State Government for infrastructure investment.
3. Proceed with development of Turrumurra Centre S94 Plan prior to gazettal of amendment one of the centres LEP.
4. Proceed with the development of a parking management plan for the centre and undertake consultation to inform its development.
5. In relation to Precinct C.
 - i) That this site be deferred from the Town Centres LEP with draft amendments brought back to Council in February 2007 (with a proposed exhibition period in March 2007) with the following amendments to the DLEP:
 - (a) Delete Lot 2 DP 550866 (part) from the site C area;
 - (b) amend height and FSR for Lot 2 DP 550866 (part) to 1:1 FSR and 2 storey height limit;
 - (c) Increase FSR to 2.3:1 for site C based on the Draft DCP area (if Lot 2 DP 550866 (part) is taken out the FSR is 2.8:1);

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- (d) Building height limit of 7 storeys (or equivalent in metres).
- ii) Additional notes to be added to the Draft DCP 4.5.4 to address the following:
 - (a) Stormwater controls are recommended to minimise impact on the adjacent bushland and riparian zones.
 - (b) The Ku-ring-gai Council Riparian Policy should be adhered to.
 - (c) Landscaping should consist of predominately native plants of the Blue Gum High Forest community.
 - (d) Consultation with an ecologist and an arborist is recommended during the design phase of this process to minimise potential impacts on the bushland. It would be appropriate to limit construction/ excavation or other disturbances to currently disturbed area (e.g. the existing car parks and building platforms).
- iii) DCP 4.5.4 be amended to realign Stonex St to protect the Blue Gum High Forest.

Recommended amendments to the Draft LEP

There have been a number of amendments that are recommended to be made to the Draft LEP following consideration of submissions from the Department of Planning, public submissions and further considerations from Council officers and consultants. An amended draft LEP is contained in **Attachment 4** to this report, which includes the amendments detailed below:

1. The Height of buildings map to be amended to identify maximum height of buildings in metres rather than storeys
2. Moving the “Public utility undertakings” and “Utility installations” from ‘Item 2 Permitted without consent’ to ‘Item 3 permitted with consent’ in the land use table in the RE1 zone
3. In relation to precinct B – Forbes Lane and the Pacific Highway:
 - i) Amend building heights to allow second floor commercial uses;
 - ii) Amend height map to allow 5 storey buildings throughout the precinct;
 - iii) Amend FSR map to allow retail/business FSR of maximum 1:1
4. In relation to precinct H (2-20 Eastern Road):
5.
 - i) Amend the building heights to accommodate second floor business uses
6. In relation to precinct K (1356 to 1362 Pacific Highway and 2 Kissing Point Road):
 - i) Amend the Floor Space Ratio Map to include a maximum retail/business FSR of 1:1.
 - ii) Revise building heights to a maximum equivalent of 4 storeys to ensure the available floor space is consistent with the FSR in the LEP.

In relation to Precinct M - Cherry St, railway line, Ray St and Pacific Highway

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- i) Amend the Floor Space Ratio Map to include a maximum FSR for non-residential uses of 1:1 for sites at 1335, 1337 and 1343 Pacific Highway.

Recommended Amendments to Draft DCP

There have been a number of amendments that are recommended to be made to the Draft DCP following consideration of submissions from public submissions and further considerations from Council officers and consultants. These are as follows, and if adopted will be incorporated into the final Draft DCP:

1. In relation to Precinct A:
 - i) Delete amalgamation line between Council owned land and the Coles site in the Draft DCP 4.5.3
2. In relation to Precinct B:
 - i) Provide site coverage diagram in Part 4 of the DCP
 - ii) Show business uses only on the corner of William Street (including 1295 Pacific Highway).
 - iii) Review amalgamation for properties 1293 -1305 Pacific Highway to reflect land ownership and proposed building uses.
3. In relation to Precinct G:
 - i) Insert additional wording within section 4.5.5 Precinct G to ensure new development in the vicinity of the No. 17A Eastern Road is sympathetic to the church and its setting and through appropriate urban design treatments
4. In relation to Precinct H:
 - i) Provide built form controls consistent with the provisions of the LEP that is 5 storeys and an FSR of 2.8:1
5. In relation to Precinct I:
 - i) Reconsideration in the amalgamation requirements in response to approved DA's
 - ii) Removal of public access corridor between Lamond Drive and Finlay Avenue
 - iii) Amendments to building envelopes to take into account approved DA's
 - iv) Increased setbacks to the interface boundaries
6. In relation to Precinct K:
 - i) Revise building envelopes to be consistent with the LEP
 - ii) show existing heritage building footprint (referred to as 6H)
7. Amend DCP 2.1.5 to make reference to compliance with requirements of the "NSW Planning for Bushfire Protection 2001.
8. Amend DCP 2.1.4 to:
 - i) clarify reference to Cameron Park recreation uses
 - ii) delete number references under strategies and replace with dot points

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9. Amend DCP 2.2.9 to ensure consistency with final traffic option
10. Revise graphic symbols for open space in Strategy diagrams 2.1.2 Structure, 2.1.3 Land Use (a and b), and 2.1.4 Open Space and Links and 2.2.2 Street Character.
11. Delete Blue Gums as preferred tree species and provide more appropriate tree species in 3.1.8 Stonex Lane.
12. Include general explanatory notes for Part 3 – the drawings are Concept Plans only. All design and construction works subject to further consultation.
13. Include the following provision in section 4.1:

Alternative site amalgamations are permissible if it can be demonstrated that development on the proposed site and remaining sites in the vicinity can be developed in accordance with the design objectives in this section and the relevant precinct objectives.
14. In relation to waste management: That the waste controls be amended as per the attached draft controls and the recommendations of Council's waste section.
15. The DCP controls applying to the proposed bushland regeneration area between Finlay Road and Lamond Drive (Precinct I) be reviewed to ensure consistency in area of application and terminology.
16. DCP Figure 4.5.1 be amended to correctly identify precinct N.

RECOMMENDATION

- A. That Council adopt the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 1 as attached to this report including amendments as outlined in this report.
- B. That Council submit a copy of the draft Local Environmental Plan to the Director General of the Department of Planning in accordance with Section 68 of the Environmental Planning and Assessment Act, requesting that the Plan be made.
- C. That Council adopt the Draft Ku-ring-gai (Town centres) Development Control Plan (DCP) for the Turrumurra Centre.
- D. That Precinct C be deferred from the Draft Local Environmental Plan 2006 (Town Centres) Amendment No 1, with draft amendments being brought back to Council in February 2007.

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- E. That further corrections to the Draft DCP for drafting inconsistencies, or minor amendments as necessary to ensure consistency with Council's adopted LEP be completed.
- F. That Council adopt a policy position that commits council to ensuring that there will be no loss of existing publicly owned car parking within all centres as a result of town centre planning and redevelopment.
- G. That a public notice of Council's decision to adopt the Development Control Plan be placed in the North Shore Times and that the notice identifies that the plan will come into effect from the date of gazettal of Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 1.
- H. That in accordance with Section 25AB of the Environmental Planning and Assessment Regulation 2000, Council submit a copy of the Plan to the Director-General of the Department of Planning.
- I. That the developer contributions strategy (including section 94 plan) for Turramurra continue to be developed and reported to Council as a draft for exhibition prior to the gazettal of the Local Environmental Plan.
- J. That Council continue to seek support from the State Government for infrastructure investment.
- K. That in accordance with section 68(5) of the Environmental Planning and Assessment Act, Council resolve to defer the items contained in Schedule 4 of the draft LEP that seeks to reclassify public land in Turramurra to operational land pending a further report to Council investigating the matters raised in the recommendations of the public hearing.
- L. That all persons who made a submission be notified of Council's decision.

Bill Royal
Senior Urban Designer

Craige Wyse
Senior Urban Planner

Terri Southwell
Urban Planner

Antony Fabbro
Manager Urban Planning

Greg Piconi
Director Technical Services

Steven Head
Director Open Space and Planning

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- Attachments:**
- Attachment 1a - Section 55 Direction - 690668**
 - Attachment 1b - Copy of conditional Section 65(2) Certificate from the Department of Planning - Turramurra Centre - 690666**
 - Attachment 2 - Booklet of submissions received - circulated separately**
 - Letter of Advice from Department of Planning dated 6 October 2006**
 - Copy of general public submissions**
 - Section 62 State Agency summary table**
 - Section 62 copies of State Agency submissions.**
 - Attachment 3 - Copy of Summary issues table -**
 - Attachment 4 - Final Draft Ku-ring-gai Local Environmental Plan (Town Centres) Amendment No 1 (Turramurra) - circulated separately**
 - Attachment 5 - Exhibition copy of Draft Ku-ring-gai Development Control Plan Town Centres (Turramurra) 2006**
 - Attachment 6 - Summary of consultation program for overall Turramurra Centre project - 690790**
 - Attachment 7 - Copy of public hearing report - Reclassification of Council land - Independent Report - 690663**
 - Attachment 8 - Confidential Economic review from Hill PDA**
 - Attachment 9 - Traffic impact review - 688401**
 - Attachment 10 - Revised yields table Turramurra - circulated separately**
 - Attachment 11 - Heritage advice - circulated separately**
 - Attachment 12 - Waste Management Controls - 690792**

DIRECTION UNDER SECTION 55

I the Minister Assisting the Minister for Infrastructure and Planning, in pursuance of section 55(1) of the Environmental Planning and Assessment Act 1979 (the 'Act'), direct Ku-ring-gai Council:

- (a) to perform all of its functions under Division 4, Part 3 of the Act, to prepare a draft local environmental plan for areas in close proximity to the railway line and Pacific Highway and the St Ives Centre which are zoned Residential "D", "E" "F" and "H" and 3(a) and 3(b) under Ku-ring-gai Planning Scheme Ordinance.
- (b) to exercise its functions under Division 4, Part 3 of the Act, in relation to the preparation of the draft local environmental plan, in accordance with the principles set out in Schedule A;
- (c) to include in the draft local environmental plan provisions which achieve or give effect to the principles specified in Schedule A; and
- (d) to submit the draft local environmental plan to the Director-General of the Department of Infrastructure, Planning and Natural Resources under section 68 of the Act within 12 months of the date of this Direction

Dated at Sydney this 27 day of May 2004



Diane Beamer
Minister Assisting the Minister
for Infrastructure and Planning

Schedule A**Principles**

1. To encourage the provision of housing that will broaden the choice of building types and locations available in the housing market and to make more efficient use of existing infrastructure and services.
2. To revitalise the existing retail/commercial areas.

Aims

1. To rezone land to facilitate the development of multi-unit housing and increase housing choice particularly in the form of "shop-top" housing
2. To improve the development standards so as to encourage the redevelopment of land in the existing multi-unit housing zones

Objectives

1. To include provisions which allow for the redevelopment of land for multi-unit housing consistent with the development standards contained in LEP 194
2. To provide for retail and commercial activities to cater for the local community and to implement housing density standards which compliment those contained in LEP 194



NSW GOVERNMENT
Department of Planning

Office of the Director General

Contact: Peter Adrian
Phone: (02) 8374 5926
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Postal: GPO Box 39, Sydney 2001

Mr John McKee
General Manager
Ku-ring-gai Municipal Council
Locked Bag 1056
PYMBLE NSW 2073

Our ref: 904133-2
Your ref: s04038

Dear Mr McKee

**Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 1-
Turramurra Town Centre**

I am writing in response to Council's letter dated 16 June 2006 which provides Council's report under section 64 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), and requesting that the Director General of the Department issue a Certificate under section 65 of the EP&A Act for the draft amendment for Turramurra Town Centre.

Please find attached a conditional section 65 certificate for the draft LEP referred to above. The Council should make the necessary adjustments to the draft plan in line with the conditions specified in Schedule 2 of the Certificate prior to placing the plan on exhibition. The section 65 Certificate is to be exhibited with the amended draft Plan.

In addition to these requirements Council is requested to provide the following information to the Department:

1. Demonstrate that capacity provided by the R4 and B2 zones will deliver additional dwellings and commercial yields sufficient to meet Council's Metropolitan Strategy targets.
2. Demonstrate RTA approval has been provided for rezoning of lands currently shown as road reservation.
3. Demonstrate State Rail approval has been provided to rezone railway lands to alternative uses.

This information must be provided as part of Council's section 68 (4) submission, if not provided earlier.

Should you have any queries in regard to this matter please contact the Regional Office of the Department.

Yours sincerely

per Sam Haddad
Director General

17/7/06





NSW GOVERNMENT


Department of Planning

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 65(2) CERTIFICATE

I, the Director General of the Department of Planning under Section 65(2) of the Environmental Planning and Assessment Act 1979, certify that the draft plan named in Schedule 1 may be publicly exhibited under Section 66 of the Act if it is amended in the way set out in Schedule 2 (File 904133).

Dated 17th day of JULY 2006.

per 
Sam Gabriel Haddad
DIRECTOR GENERAL
Department of Planning

Schedule 1

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 1 –
Turramurra Town Centre

To zone lands in the Turramurra locality for residential and business uses subject to the conditions listed in Schedule 2.

Schedule 2

- The 'principal development standards' in the draft LEP are to be confined to height and floor space ratio with any other controls placed in the DCP.
- Delete the proposed clause 21(3) in relation to "Height of Buildings".
- Sites currently zoned under a business zone in the Ku-ring-gai Planning Scheme must be transferred to the B2 Local Centre zone in the draft Plan.
- Existing permitted uses in current commercial zones are to be made permissible in the B2 zone.
- The Special Purposes (SP2 Infrastructure) zone in the draft Plan is not to be used for car park areas, community facilities, churches or schools. These areas are to be zoned according to the adjoining land use zoning (i.e. the relevant residential or commercial zone).
- Show all heritage items on the Land Zoning Map or on a separate Heritage Items Map.

Key matters raised in submissions for Turrumurra Town Centre plans

Attachment 3

Matters of policy	Issue	Comment	Recommendation
Traffic and access	Current plans do not provide for traffic moving through the area or within it and will result in increased congestion and bottlenecks along Rohini Street and the Pacific Highway and “rat runs” through suburban streets. There will be two and a half times more traffic on the streets of Turrumurra (see Submission No. 23)	A number of traffic scenarios were modelled to best accommodate expected increased traffic generation/volumes. Traffic flows were considered in the modelling and changes were made to overcome congestion.	No change recommended.
	The widening of the Pacific Highway is long overdue & should be fast tracked.	The proposal provides for future widening and removal of the tidal flow by the RTA.	No change recommended.
	New turning bay lengths are inadequate and will result in queues blocking the highway and highway intersections. (Submission 17 for details)	Turning bay lengths to be designed to accommodate expected demand and approved by RTA. Plans prepared to date are concept plans only.	No change recommended, although Council to liaise with RTA.
	Plans provide no solution to the entangling of high volumes of local traffic and heavy volumes on the Pacific Highway. Traffic arrangements around the Pacific Highway (unnecessarily lengthy routes and congestion) will reduce vehicular access to the centre and force people to go elsewhere. It is already difficult to get from one side of the highway to the other, and increasing population and vehicles will make this more difficult. For instance, access is already difficult coming from Kissing Point Rd by car trying to access Rohini St especially during rush hours and on the weekend. Also getting back from Rohini St to Kissing Point Rd is also very difficult during peak hour traffic. The plans do not address this.	Pacific Highway is a local constraint. The traffic proposals, including provision for the widening by the RTA of the Highway to remove the tidal flow arrangements, are intended to improve traffic flow through Turrumurra. The modelling undertaken considered access and delays at each intersection, and minimises delays within local constraints. Removal of tidal flow arrangement should hopefully result in an improved level of service.	No change recommended.
	The proposal will generate horrendous traffic on Kissing Point Rd. The previously proposed widening should proceed.	Stonex Lane access to Duff St will improve conditions in Kissing Point Rd.	No change recommended.

Matters of policy	Issue	Comment	Recommendation
	An alternate traffic plan is suggested, which provides a ring road adapted from the traffic study Option D and including potential land swaps to reduce traffic impact on centre within (Submission 17 for details).	The draft plan has been selected after extensive modelling of options and consideration of economic viability. Land “swaps” are difficult to achieve.	No change recommended.
	Ray St should continue into Stonex Lane (perhaps wider) with an off the highway link to Kissing Point Rd, to improve cross highway access.	Adequate cross Highway access, and minimal delays at intersections, has been an important consideration in the modelling undertaken.	No change recommended.
	There are no allocated areas for bike racks and lockers.	Bicycle facilities will be considered in the detailed design process and possibly as part of the upgrade to the Turrumurra Railway Station.	No change recommended, but consider in design stage.
	<p>No bike lane is shown on the detailed Rohini St plan, despite bicycle sketch plan. How will bicycles cross the Pacific Highway or get to Kissing Point Rd? The removal of the lights at Rohini St will prevent the use of this common east-west connection for both cyclists and pedestrians, and is inconsistent with the bicycle access and circulation route shown at s. 2.2.7 for westbound travel. The on-road route appears to be only on one side of the road.</p> <p>Given that the signal intersection will now be at Turrumurra Ave, there should be bicycle lanes along that route with an advance standing box. This is not provided in the plans.</p> <p>Widening of Pacific Highway should also allow for a bicycle lane in each direction, but the traffic plans show the space taken up entirely for vehicles.</p> <p>The opportunity to provide planning controls to achieve a pedestrian and cycle underpass under the highway to improve connectivity across the highway should be taken.</p>	<p>It is intended to consider cycling needs on Council roads during the detailed design process.</p> <p>Highway widening consistent with the road configuration on adjacent sections is provided for.</p> <p>The RTA bike plan 2010 has included provisions for a bike path along the railway corridor.</p>	<p>No change recommended, but consider in design stage.</p> <p>No change recommended.</p> <p>No change recommended, but liaise with State authorities to achieve possible underpass connection.</p>

Matters of policy	Issue	Comment	Recommendation
	There will be conflict between pedestrian and vehicular traffic, especially for the elderly crossing the highway. Reduced speed limits and increased crossing time at signals are required. Planned pedestrian crossing of William St has not eventuated but is needed. Traffic on Gilroy and Turrumurra Ave will impact on elderly walking these routes.	It is not proposed to reduce crossing times across Pacific Highway. Crossing needs on local roads are yet to be assessed and provided for in the detailed design phase.	No change recommended.
	Pedestrian overpass is vital for the Pacific Highway to connect the two parts of Turrumurra and for ease of pedestrian access. This could be incorporated into the high rise development.	Pedestrian overpasses have special land needs (for ramps), and don't necessarily operate best between individual buildings. No proposal to reduce pedestrian facilities.	No change recommended. Pedestrian bridges may be considered by Council as part of its Section 94 plan.
	Suggests direct crossing of Pacific Highway and bridge across railway property to join Kissing Point Road and Eastern Road and connecting Turrumurra's three shopping precincts together.	A road bridge between Rohini St and Ray St was considered, but is not considered viable at present because of costs.	No change recommended.
	Council should work with state government to put a second bridge over the railway, aligned with Ray Street and joining Rohini. It would reduce traffic movement on the Pacific Highway, make Coles/Library site and the area around Rohini St/Gilroy Rd more accessible from both sides of Turrumurra, providing better cohesion between precincts and improve accessibility for buses to the station. (See also submission No 108). A road bridge linking Rohini and Ray Streets was highly desired and would connect the three parts of Turrumurra and yet this hasn't been considered properly and was simply "ruled out".	Consideration, including likely costs, was given to the provision of a road bridge between Rohini St and Ray St. It had to be excluded at this stage because it is considered not feasible due to the costs and the likely revenue from developer contributions. However, Council may give consideration to a bridge over the railway line in the future if funding becomes available.	No change recommended.
	Proposed pick up & drop off roundabout at the western end of the walkway over the railway line is unrealistic. As shown, it encroaches on the rail track and platform.	Roadworks won't encroach over rail land. A drop-off facility will be considered at the design stage.	No change recommended.

Matters of policy	Issue	Comment	Recommendation
	To create turning lanes for Ray St, Council should use the unnecessarily wide footpath on the south side of the highway rather than cutting into the north side.	Ray St/Pacific Highway intersection design details are yet to be finalised.	No change recommended, but consider in design stage.
	<p>Traffic studies inadequate:</p> <ul style="list-style-type: none"> Expected traffic flows after implementation of the plan not included. Based on assumptions as in relation to Duff St. Fails to consider additional traffic from the Central Coast Fails to consider long term requirements especially the requirements for separated crossings of the Pacific Highway (eg. underpass under Turrumurra Ave to Boyd St and overbridge from Duff St to Ray St. and flow on requirement for Forbes St to be wider) Cost estimate of RaySt /Rohini Bridge inflated. (For details Submission No 17) 	<ul style="list-style-type: none"> Expected increased traffic generation has been assessed and modelled. Stonex Lane to extend to Duff St to take north bound traffic. Impractical to consider growth from other areas – however standard growth rates were taken into account in the traffic study. Long term needs have been considered, but have to be achievable (funded). Bridge cost estimate based on cost of similar bridge work undertaken elsewhere in Sydney. 	<p>No change recommended.</p> <p>No change recommended.</p>
	Shared zones are dangerous and shouldn't be considered as open space.	Areas where vehicles/cycles and pedestrians share space will be designed to minimise danger.	No change recommended.
	Turning Rohini St into a one-way street and directing all traffic along Gilroy Rd and into Turrumurra Ave is not feasible because the roads are too narrow to accommodate the quantity of traffic. One way traffic in Rohini is very dangerous and not logical. (see submission No.74)	Road designs will allow adequate widths for traffic and pedestrian needs. Changes proposed to Rohini St will reduce pedestrian/vehicle conflicts and congestion, making the area safer.	No change recommended.
	William St and Higgs Lane should not be closed. Coles and its customers require access to the car park via William St and access to Forbes Lane via Higgs Lane.	Traffic flow patterns will change with redevelopment. Coles has submitted a proposal to redevelop with its own parking provision.	No change recommended.

Matters of policy	Issue	Comment	Recommendation
	Roads should be widened and traffic lights reduced to reduce pollution.	Road network has been modelled for optimum operation. Highway widening provided for.	No change recommended.
	It is unclear if Turrumurra Ave is to be 2 way. 2 way provision would result in intolerable traffic along Brentwood Ave. The structure of these roads will not cope with the additional traffic. Suggest bulk of the traffic should be directed along Karuah Rd, as there are no residents for a large portion of the road, and it is capable of being widened.	Brentwood Ave (east of Eastern Rd) is a collector road. Existing road network is adequate. The intention of the study is not to simply divert traffic onto other roads, but to improve traffic flow and safety.	No change recommended.
	<p>The new road beside church and “Turrumurra Tots” will have to cope with:</p> <ul style="list-style-type: none"> existing traffic which already runs beyond capacity during peak hours the extra traffic due to new retail and commercial development. The traffic generated by the 5 storey residential development planned on Turrumurra Ave, Gilroy Rd and Eastern Rd. The traffic generated by moving the Coles supermarket to Turrumurra Ave. Buses to and from Turrumurra Station that are now to be routed along Gilroy Rd and Turrumurra Ave. Trucks trying to service the supermarket, small retailers and Australia Post. <p>Issues include:</p> <ul style="list-style-type: none"> Large vehicles cannot negotiate the road. Traffic increase will lead to significant risk for young children at Occasional Care Centre and other pedestrians. Legal risk to Council from ignoring the above. 	Detailed designs will consider relevant issues such as those listed, and minimise impacts on the road network and the community.	No change recommended, but details to be considered in design stage.

Matters of policy	Issue	Comment	Recommendation
	<ul style="list-style-type: none"> • Pollution impacts from exhaust to health of children. • Location on 90 degree bend adds risk • Location of access point to underground carpark will exacerbate this impact. • Impact of noise on church activities • Merely shifts problem from Rohini St to Turramurra Ave and the new road • In peak hour queues will form right back onto Eastern Rd, blocking the entrances to the underground parking for the retail/commercial, supermarket and residential development. It is likely that it will also build up along Pacific Highway as the increased traffic tries to enter the only route available into the North part of Turramurra. • Increased traffic on Gilroy Rd and Turramurra Ave affects quality of life of residents (quietness) • Reduction in development potential of nearby land (eg. 12 Turramurra Ave) and therefore feasibility of redevelopment and resultant uncertainty. • Will reduce yield required to achieve targets • Unfair to limit development potential of 12 Turramurra Ave • The owner of 12 Turramurra Ave has informed council that acquisition will cost over \$3 million. This is unjustifiable. • Costly exercise with no benefit. This road would not be necessary if the supermarket was not to relocate from Ray St. 	<p>The town centre study hasn't focused on development issues for individual properties, but on minimising impacts for the area.</p>	<p>No change recommended.</p>

Matters of policy	Issue	Comment	Recommendation
	<p>Alternate suggestions:</p> <ul style="list-style-type: none"> aligning new road with Wonga Wonga St. upgrade Boomerang Ave instead eliminate parking in Rohini St and make it 2 way, 4 lane. New road from Gilroy Rd to Turrumurra Ave across the front of the church, and therefore also providing car park access. <p>New road through 34 Turrumurra Ave and 41 Gilroy Rd (would separate higher density from low density uses)</p>	<ul style="list-style-type: none"> The link between Eastern Rd and Turrumurra Ave has been carefully considered. Boomerang Ave is outside the study area. <p>Increasing traffic flow in Rohini St would increase congestion and impact on road safety.</p>	<p>No change recommended.</p> <p>No change recommended.</p>
	There has been no significant linking of the 3 parts of Turrumurra, without which the plans will not work.	Linkages (pedestrian and vehicular) will be improved. Modelling has been undertaken to reduce impacts.	No change recommended.
	Council should extend Kissing Point Road straight across the Pacific Highway Intersection and removing the current dog-leg one way around the block access system.	This arrangement was considered and modelled, but rejected by the RTA because of its impacts on Pacific Highway.	No change recommended.
	<p>Suggests Council upgrade 6 Cherry St because it is a clear sloping bank so pedestrians can walk along footpath from bridge over rail line to Pacific Highway instead of having to cross to other side of Cherry St on a dangerous curve. This would provide a safer alternative walk to Coles and library.</p> <p>Suggests a walkway on west side of rail line from Cherry St to Ray St. It would benefit residents as there is an existing pathway on the eastern side.</p>	<p>Cherry St is outside the study area. Pedestrian needs in Cherry St are subject to ranking under Council's criteria outside of this study.</p> <p>There is sufficient width on the top of the embankment for a path. There are also trees on the route.</p>	<p>No change recommended.</p> <p>No change recommended, but to be subject to future Council ranking criteria.</p> <p>No change recommended.</p>
	Shorelink bus terminal- is increasingly used for U-turns by fast-moving vehicles including Boral cement trucks, suggests this should be changed.	Bus terminal improvements are proposed. The proposal would reduce traffic in the area, and the need to use the bus terminal for turning.	No change recommended.

Matters of policy	Issue	Comment	Recommendation
Parking	Inadequate parking for commuters using the railway station, for shoppers and for general public. Current plan does not improve the transfer of people between road and rail transport Loss of parking will be detrimental to local businesses. Council has not finalised or presented any firm plans related to car parking as part of the DLEP and DDCP. Although it is clear there is a considerable reduction in commuter carparking due to the location of the community centre and multi-unit development.	Set down areas and optimising bus facilities are proposed. New developments will provide their own on-site parking.	No change recommended.
	Parking provision does not consider the existing shortfall.	Existing provision is considered adequate. New developments to provide for their own parking needs.	No change recommended.
	Loss of parking opposite Masonic Centre will impact adversely on the use of the Centre	The Centre provides no parking but is reasonably accessible by public transport.	No change recommended.
	Decrease in parking near Uniting Church in Turrumurra Avenue will result in loss of welfare of the community and activities supplied by the Uniting Church and elderly access.	Council is not proposing to reduce the overall parking numbers for the area.	No change recommended.
	Object to loss of 30% of public parking within the general Turrumurra Town Centre and the other Town Centres.	Submission noted however, the intention is to retain the existing parking provision and for individual developments to provide additional generated parking as per the controls outlined in the DCP. There is a slight reduction proposed in rates for parking provision in private development in centres along the rail corridor. This will not impact upon publicly owned parking.	Recommend that Council adopt a policy position that outlines there will be no loss of current publicly owned (available) parking as a result of town centre redevelopment as an absolute minimum.
	Buildings at car parks at Turrumurra Avenue and William/Ray should be removed	New buildings are proposed to include provision for public parking.	No change recommended.

Matters of policy	Issue	Comment	Recommendation
	<p>Underground parking is expensive to run, inconvenient and encourages vandalism. Loss of surface parking and the replacement with underground car parking is unsatisfactory.</p> <p>Under ground parking is also less convenient for elderly or less mobile community members. The small number of at-grade parking spots planned for Turrumurra Ave (total of 34) seems insufficient.</p> <p>Council has not factored in the ongoing costs of running underground car parks that are not incurred with at-grade car parks.</p>	Design of underground parking would be to current standards and include adequate lighting and pedestrian access. Providing parking under-ground will free up space for other uses, including public open space/ landscaping. Ongoing costs will be factored into Council's financial analysis.	No change recommended.
	Coles should remain where it is and expand. Do not want underground car parking.	Noted. Expansion of Coles in its current location will require an increase in underground car parking to service its own requirements.	No change recommended.
	Supports the provision of improved parking and access for the frail, disabled and elderly who are challenged with the current sloping of the carparks in Turrumurra Plaza area and the potential for Stonex Street to improve traffic flow and access to the shops. (No. 74)	Positive comments/support noted.	No change recommended.
	Commuter and shopper parking should be provided in the free air space over the railway line.	Would be subject to cost and City Rail agreement. Costs are expected to be too high to achieve this requirement. RailCorp have generally indicated a reluctance to consider development in the "free airspace" over the railway line.	No change recommended.
	<p>Rather than placing some parking underground, virtually all parking has been moved underground. This has not been done to provide Open Space, but rather to provide increased development opportunity and multi-unit development.</p> <p>The extent of the underground parking is such that little or no tall tree planting will be possible.</p>	<p>Comments noted. The plan optimises the mix of development opportunities, parking and open space.</p> <p>Landscaping, including deep soil areas, is to be provided.</p>	<p>No change recommended.</p> <p>No change recommended.</p>

Matters of policy	Issue	Comment	Recommendation
	Rather than increase available parking, the plan will result in unsafe, hard-to-use underground parking and reduced commuter and on-street parking.	Underground public parking, will be to current standards. Underground car parking has been identified as a means by which an increased supply of car parking can be provided, to facilitate development and to specifically allow the creation of public spaces where car parks currently exist.	No change recommended.
Infrastructure issues	Increase in shops is excessive in comparison to increase in parking, library and community facilities.	Provision for parking as well as for community facilities is proposed. Parking to be in accordance with standard demand requirements. The proposed increase in ground floor retail commercial shopfront space is 70%. This is consistent with the findings of the Retail Study adopted by Council. The proposed increase in community facilities is 300% (existing 1200 sqm, proposed: 3500sqm).	No change recommended.
	Need for adequate infrastructure for increased number of residents. Rail and roads are already too crowded. Council should seek guarantees from state government for transport and road funding.	The Draft Plans are referred to state agencies under section 62 (see earlier section of report). Rail and road authorities are aware and will need to provide for increased demands as well. Provision has been made for Highway widening in Council's plans. Council should continue to support state government infrastructure investment such as is already underway in relation to the pedestrian bridge over the railway.	Continue to seek support from State Government for infrastructure investment.

Matters of policy	Issue	Comment	Recommendation
	Increased density is not supported by adequate infrastructure, eg water supply.	State authorities are aware of future infrastructure demands. See section 62 advice including advice from Sydney Water. "Water and waste water infrastructure is adequate at present in Turrumurra to service the proposed development". Water sensitive urban design will also be part of new development.	No change recommended.
	Council needs to conduct a survey to determine the condition of the surrounding streets and footpaths as the increased population will increase demand. Council should allocate/provide funding for upgrades. (see submission No. 53 for more detail)	S94 plan and developer contributions/ agreements are expected to provide for future street and footpaths where possible. Some Council funds will also be required. A comprehensive public domain plan will be prepared as a component of the plan.	Proceed with development of Turrumurra Centre S94 Plan prior to gazettal of amendment one of the centres LEP.
	Why encourage more people to Sydney? The sewerage system, traffic, schools and hospitals cannot cope as it is.	Council is under a Section 55 Direction to provide for increase in population. Section 62 notification to all relevant state agencies have been undertaken as part of the development of the plan.	No change recommended.
	Pavement outside Haddin Close (Rohini Village) needs to be doubled. It is too narrow for two pedestrians to walk together or to pass.	The footpath pavement is similar to the pavement inside the village, and seems to have been provided by the village. The pavement is wider east of the village. Noted. A section 94 developer contribution strategy and public domain plan will be prepared.	No change recommended.
	Gutter on the corner of Rohini St and Eastern Rd fills up with water and leaves which cannot get away.	Noted. Forwarded to Technical Services for investigation and action as necessary.	No change recommended.

Matters of policy	Issue	Comment	Recommendation
	Proposed new “Community Centre” is not really required because it will compete with existing facilities offering similar services such as Turramurra Uniting Church, Turramurra Masonic Hall and Hillview.	Proposed community facilities will replace and augment existing facilities and serve different functions to private facilities. The Community Centre will be required later for the current and future population of the catchment.	No change recommended.
	Council has exceeded the Minister’s requirements to provide for retail and commercial activities to cater for the local community. Ku-ring-gai’s retail study recommended a maximum retail and commercial expansion of 4000sqm; council has provided 6000sqm of ground floor expansion and 4,300sqm of expansion on the upper commercial floors. Total expansion = 10,300sqm, more than 2.5 times the maximum recommended. Is council suggesting that no upper floor commercial activity was accounted for in its retail strategy for Ku-ring-gai when it justifies the increase by saying retail means “all ground floor shop front uses”? The Ku-ring-gai retail centres study is deeply flawed.	The retail study identified a current shortfall of retail space of approximately 4000m ² and identified an extra requirement for new residents as a result of stage 2 (Town centre) planning. Commercial floor space was not included in the analysis for the retail strategy. Shop front commercial uses were identified but as additional to the amount of retail floor space. The study was undertaken by reputable consultants and received consideration by Council prior to adoption.	No change recommended.
	Council should: <ul style="list-style-type: none"> - increase housing choice particularly in the form of ‘shop-top” housing - improve the development standards to encourage the redevelopment of land in the existing multi-unit housing zones to be consistent with the development standards contained in the LEP 194. - Provide retail and commercial activities to cater for the local community. (submission No. 108) 	Noted. Council’s plans are consistent with the Ministers direction and no down zoning has occurred. Retail/Commercial floor space is consistent with Council’s adopted strategy.	No amendment required.
Crime and safety	Vandalism and graffiti may be a problem particularly as a result of the Leisure Centre as vandals travel by train.	Noted. Council has no evidence of this. The Leisure Centre is not part of this draft plan.	No amendment required.

Matters of policy	Issue	Comment	Recommendation
	Underground car parks are often regarded as unsafe by residents especially women and are expensive to run.	Matters for consideration for any DA under Section 79c of the Environmental Planning and Assessment Act include safety, security and crime prevention. Such matters must be considered in the design stage of the individual development. Where underground carparking is provided by Council, running costs will need to be considered in Council's budget processes.	No amendment required.
	There could be problems of safety for schoolchildren changing buses/trains at Turrumurra.	Consultation with relevant authorities and Council's road safety staff will be undertaken at the design stage.	No amendment required.
Character and amenity	Shop fronts/buildings are old and lacking cohesive focal point. Council should improve existing deficiencies and enhance the centre with buildings of appropriate scale and setback.	The plans provide the detail for improved Urban design including new shopfronts and provide for an appropriate scale of new buildings within a revitalised centre.	No amendment required.
	The plan is good. Turrumurra needs better facilities/shops on both sides of the highway. Turrumurra is short of much needed retail space.	Noted. The plans provide for increased retail floor space to cater for the next 30 year period.	No amendment required.
	Should focus on quality of life/retention of character/ leafy cottage styles/community spirit/peace and quiet/friendly shopping atmosphere/ bushland and wildlife habitat for Turrumurra residents instead of just higher densities and profit.	Council is under a Section 55 direction for Turrumurra Centre, the plans for the new centre will create a new atmosphere consistent with the revitalised centre in a higher density environment.	No amendment required.
	The proposal fails to provide for a unique "sense of place" that is Australian, let alone with a Ku-ring-gai flavour. Council should create community facilities in buildings harmonising with Federation character and railway buildings in a heritage precinct based around the railway station.	The plans are based on a vision for Turrumurra developed with the community – this includes reference to heritage, including retention of existing structures with aesthetic or heritage values.	No changes proposed.

Matters of policy	Issue	Comment	Recommendation
	Bulk and scale excessive and densities will result in overcrowding.	Densities are appropriate to the scale of the centre as required under the Metropolitan Strategy and the Minister's direction. Bulk and scale will be minimised by extensive controls in the DCP.	No changes proposed.
	Proposal will have undesirable result of Turrumurra looking like Hornsby.	The scale and density of buildings proposed is far less than Hornsby Town Centre. The DCP provides guidance for good urban design consistent with desired future character of the centre.	No changes proposed.
	Development needs to keep the leafy environment and green open spaces.	The proposed controls retain standards consistent with LEP 194 including site coverage and deep soil zones for residential areas and the public domain plans provide for considerable tree planting.	No changes proposed.
	Shops should be closed on Sunday to reduce prices and give back a family/church day.	This is beyond the scope of town centre planning. State legislation covers trading hours.	No changes proposed.
	Increased traffic will cause increased noise and pollution	A consequence of the Minister's direction. The plans exhibited seek to minimise congestion and the impacts of increased traffic.	No changes proposed.
	Children will be the losers as there will be no backyards or parks.	Noted. It is difficult to provide individual backyards within residential flat developments. Within the context of the Minister's directive a comprehensive public domain plan has been prepared as well as identifying suggestions for future potential open space areas.	No changes proposed.

Matters of policy	Issue	Comment	Recommendation
	Village atmosphere will no longer exist in Council's proposal	Within the context of the Minister's direction, the plan outlines a number of proposals that seek to provide and improve upon the village character.	No amendment required.
	Centre of Turrumurra important area where people gather for communal activities, current plan seeking to do away with community space and easily accessed public car parking which will discourage communal activities	The new plans provide for improvements to existing open spaces and a range of new urban open spaces – a public domain plan will include best practice design for these spaces and address issues of accessibility.	No changes proposed. Detailed design will require community input.
	The deleterious impact of the unwelcome changes will be felt most strongly by the aged and infirm – those least able to cope with a high density environment.	The proposed plans will cater for all in the Community and specifically address accessibility issues –see section 3, 5 & 13.	No amendment required.
	Insufficient open space in regard to the number of additional dwellings including play spaces and passive recreational areas. Very little open space as it is, what Turrumurra has is cherished and enjoyed by the community.	s. 2.1.4 STRUCTURE and OPEN SPACE and links and section 3 Public Open Space outline the embellishment of existing open spaces and new public parks, public squares and urban spaces to cater for existing and future uses of the centre.	No amendment required.
	Object to decrease in open space. SRA and RTA land should not be included as open space.	See above.	No amendment required.
	Undersupply of public space will fail to attract business to the centre and loses the opportunity to create a “sense of place” and social space at Turrumurra. Additional space should be provided, eg Council could allow residential flat building on 8 Ray St (rather than heritage listing it), which would provide greater space in William Square.	Not clear how a residential flat building at 8 Ray Street would provide greater open space in William Street.	No amendment required.
	Open space, especially for passive recreation is essential in a precinct with 4/5 storey buildings. Council should consider small parks in each precinct to allow all people living and working in the centre to access open space.	As part of Council's developer contributions strategy (including section 94 plans) an opportunity will be provided for improved and additional open spaces.	No amendment required

Matters of policy	Issue	Comment	Recommendation
Heritage	St Margaret's Church's Heritage footprint should be limited (as per the Habitation report) to the curtilage of the church itself. The residential section of this property facing Gilroy Street could not be said to have any heritage significance.	No specific controls have been prepared, for this site, heritage provisions under the clause 33 LEP will apply at the development application stage , including further detailed review of the significance of the site.	No amendment required.
	Object to listing 8 Ray St as Heritage (see submission 21)	Noted.	No amendment required.
	Turramurra library and community buildings in and around Gilroy Lane should be retained for their heritage value.	The Turramurra library has been assessed as having no or limited heritage significance. The plans show the retention of Gilroy Lane in an open setting see section 4.5.2. Precinct D & E.	No amendment required.
	There should be no development on the Hillview site as it is historically sensitive. The Heritage issues for the Hill view area seems to have been overlooked. Multi-unit development on this site will diminish the heritage value of the existing buildings. The proposed Open Space area is not owned by Council, it is contingent on the land being dedicated by the RTA and Northern Sydney Area Health Service.	The proposed controls for Precinct J, K & L desired future character will retain a significant heritage presence within the Town Centre, with building located within a "gardenesque setting". The scale of the buildings will be lower, in order to allow for the appreciation of the heritage items and maintain the curtilage to the Hill View group. Open Space and access is contingent on a negotiated outcome for the site. Council has indicated the desired future outcome for the site in which public open space is considered appropriate.	No amendment required.
	Development at the corner of Kissing Point Rd and Pacific Highway should be altered to retain the existing building due to its historical and cultural significance (photo from 1900 attached – submission no. 69)	These sites are covered by the Ministry Direction and the 3-5 storey scale of development is considered consistent with the scale of the adjoining heritage buildings.	No change proposed.

Matters of policy	Issue	Comment	Recommendation
	Heritage has been given minimum consideration in the plans for Turrumurra. Rejects report by the “Heritage and Interface” report by Habitation.	Planning for existing and new Heritage items has been central to the proposed plans – including the strategy diagram on section 2.2.3. The plan seeks to include several properties as heritage that are currently only draft items. In meeting requirements of increased development and changed urban form – heritage consideration are taken into account but must also be balanced with other elements of the new urban structure.	No change proposed.
	<p>1362 Pacific Highway should be listed as a heritage item as it is the Original Chemist Shop for the following reasons:</p> <ul style="list-style-type: none"> • Landmark potential of the key corner site • One of the oldest remaining buildings in Turrumurra • Contributes to a large heritage area in conjunction with surrounding heritage items • Street setback • SANDS listing from 1902. <p>17A Eastern Road should have a large heritage item curtilage due to the size of the development proposed in this area.</p>	<p>This item was reviewed and not recommended for a heritage listing, as it is not in a good condition, its site context is not well presented and it was previously considered by Council and not considered suitable for a heritage listing. Other properties within this precinct have been identified for retention.</p> <p>This property is listed a heritage item under the new plan. The desired future character state existing items are to be maintained with adequate curtilage in order to retain its heritage significance. Additional wording should be inserted to ensure new development in the vicinity of the No. 17A is sympathetic to the church and its setting and through appropriate urban design treatments.</p>	<p>No change recommended</p> <p>Insert additional wording within section 4.5.5 site G ensure new development in the vicinity of the No. 17A is sympathetic to the church and its setting and through appropriate urban design treatments.</p>

Matters of policy	Issue	Comment	Recommendation
	<p>5 Ray Street should be listed as a heritage item for the following reasons:</p> <ul style="list-style-type: none"> • It was made by a significant architect Sydney Ancher. • The report on relation to this site has been skewed towards development. • This site is on community land that council is recommending for reclassification as well as rezoning to mixed-use. • Council has wished to turn the site into a community centre. • Godden Mackay Logan has recommended that the Turrumurra Library should be heritage listed in there report “Godden Mackay Logan Keys Young- Residential Development Strategy, Ku-ring-gai Heritage and Neighbourhood Character Study- June 2000” Resident Group supports this proposal. 	<p>The Library building was assessed by Council’s heritage consultant (the assessment also included other historical research on the site including the GML 2000 study) and not recommended for listing as it has been altered and is not of comparable significance to other recognised buildings of the period. In addition it could be stated that it is not a particularly fine example of the work of Sydney Ancher.</p>	<p>No change recommended</p>
	<p>Object to retention of heritage listing of 2 Nulla Nulla Rd, against advice of independent expert and Council staff:</p> <ul style="list-style-type: none"> • Dwelling is unsupported by existing or potential heritage items in the vicinity • Contribution to future landscape of 5 storey development is questionable • Site may be overshadowed by development • Council records are inaccurate and conflicting with respect to the property (gardens described as “intact” not original, nor retained after renovations, size of property listed in consultant’s report 3,800 sq m) 	<p>Noted. Council’s consultant and staff previously on 28 February 2006 provided a recommendation to Council that the heritage listing for this property be removed. Council has resolved to retain the heritage listing and its Residential 2(c) zone under the KPSO. The site is not part of the current DCP and DLEP. This is a site that will be addressed as part of Council’s comprehensive LEP. Therefore no change is recommended.</p>	<p>No change recommended</p>

Matters of policy	Issue	Comment	Recommendation
	<ul style="list-style-type: none"> • Case for heritage listing is weak (gardens not original, renovations make architectural rationale no longer valid (more details provided)) • No structured assessment of the reasons for the rejection of expert advice has been made • Heritage provisions in DCP 55 will not protect the property, as they are inconsistent with LEP 194, which overrides the DCP. DA68/06 will result in further compromises of the heritage setting, despite Council observations in the DA report that state the opposite. • Previous Council records indicated that a more compliant unit development would result in such adverse impacts on 2 Nulla Nulla that it should be de-listed. <p>The retention of a 2,300 sq m site as 2(c1) with heritage listing in the middle of R4 on Turramurra Ave, (and potentially up-zoned Nulla Nulla Rd in the next few years), will:</p> <ul style="list-style-type: none"> • prevent redevelopment close to the Town Centre, inconsistent with the goals of the Centre planning (site within 400m from the station and 200m from a proposed supermarket) • not be in the long term interests of the residents of Ku-ring-gai as an extra 50 dwellings will be forced further from existing infrastructure and services • reduce the development potential of adjoining sites • the loss of the ability to incorporate the site within a larger amalgamation for further increased density • be unaesthetic • damage the health of the NSW economy. <p>The listing and zoning should be considered separately.</p>		

Matters of policy	Issue	Comment	Recommendation
	Should the Council decide to retain the heritage listing on the cottage (rather than the entire site), it would still be possible to rezone the site, allowing retention of the original cottage and demolition of the extension. Alternatively, Council could provide an interim rezoning to 2(c2) till the Comprehensive LEP is done, which would allow subdivision and apartment conversion.		
Natural resource issues	More impervious surfaces cause more run-off, flooding, drought, atmospheric warming and necessarily removes tree canopy and corridors. Creeks will become more polluted.	The draft LEP and DCP include extensive environmental and sustainability requirements. For instance the exhibited DCP seeks to introduce BASIX type measures including stormwater management controls to retail and commercial sites that are not now subject to such regime. Site coverage and deep soil landscaping area are preserved at existing requirements within residential areas in the DCP. Impervious surfaces are already allowed to 100% of commercial areas and most exist in this manner now.	No change recommended.
	Continued growth in the district will result in the eventual loss of all our natural assets. The plans do not address limits to growth.	The plans provide very prescriptive limits to growth and seek the retention and conservation of natural assets in a manner not provided for in current planning documents.	No change recommended.
	We should be increasing “green spaces” with more trees and shady areas to reduce climate change and help preserve blue gums.	An increase in green spaces is provided for within the plan. The public domain section (DDCP Part 3) outlines detailed plans for street tree planting including preservation and extension of the tall Eucalyptus canopy. General landscape	No change recommended.

Matters of policy	Issue	Comment	Recommendation
		provision within residential zones seek to preserve the urban forest character of the area.	
Economic	Financial burdens to business-owners and their employees will result from the total destruction of the businesses in the three shopping areas.	Loss of business during reconstruction will be temporary. Not all sites will be redeveloped at the same time, allowing for relocation of businesses during the transition.	No change recommended.
	The scale (FSR, heights) of what is being proposed is not large enough to financially drive the amalgamation and re-development. Council is unlikely to have the funds to acquire the sites to force the amalgamations. The plans are therefore not achievable and will leave Turramurra without a viable town centre.	The proposed plans have been based on the Ku-ring-gai Retail Strategy (July 2005) and specific site testing by independent Economic land consultants Hill PDA. The plans indicate preferred amalgamations. It is not within Council's powers to force any amalgamations.	No change recommended.
	Turramurra Plan does not show how this development will be economically feasible or economically viable and may stifle future development. (No specific details provided).	Council commissioned a detailed independent economic feasibility study as part of developing the planning controls for the Turramurra Centre. These plans have been provided to the NSW Department of Planning to support Council's plans.	Changes recommended as outlined within the main body of the report.
	Two shopping centres are not feasible in the long term in the Turramurra town centre. Residents will go elsewhere when Franklins closes.	Council has based the local retail planning on the Ku-ring-gai Retail Strategy (July 2005).	No change recommended.
	Council has planned large scale retail/commercial expansion in Turramurra to capture "escape expenditure" (see submission No. 108 for more details)	Noted. The intention of capturing escape expenditure is to provide more local shops and services, local jobs to revitalize local centres and reduce unnecessary trips outside the local government area.	No change recommended.

Matters of policy	Issue	Comment	Recommendation
Overdevelopment	Proposal is overdevelopment of the centre and exceeds State Government requirements for housing and retail, at the expense of parks, open space and car parking and ignores the important role that villages and towns play in the social and economic sustainability of local communities. Further, many apartments are currently vacant.	The plans for Turrumurra combined with the overall planning for the other Town Centres is consistent with the Minister direction and meets the requirements of the Sydney Metropolitan Strategy over the 30 year time frame of the plan.	No change recommended.
	Metropolitan Strategy states that the North Sub-region target for development is 20,000 dwellings. According to historical distribution of dwellings for this sub-region Ku-ring-gai should be required to take 40% of the 20,000 which equates to 8,000 new dwellings. Why has council taken 10,000 new dwellings? On 8 th August, Councillors accepted a 'first offer' from Hornsby Council for Ku-ring-gai to take 10,000 dwelling. This is 20-25% above the historical norm. Councillors accepted the offer without negotiation 3 weeks before the deadline for a decision.	Council report 27 June 2006. This is a matter related to the Metropolitan Strategy and Council's adopted target for new dwellings under that strategy. In relation to Turrumurra, Council is undertaking this work as a result of a Ministerial direction.	No changes proposed.
	The overall percentage increase in area set aside for redevelopment/rezoning has been excessive and is a large percentage increase above the consultants' recommendation. 7-10% increase would have met state government requirements and would have been sufficient.	The changes proposed are consistent with Council's adopted retail strategy. The overall assumptions of this strategy have been reviewed by a separate consultant (Sphere) and are generally supported.	No changes proposed.
	Bulk and scale of buildings too great, Council has massively over planned the Town Centre.	Council has provided plans for the Turrumurra Centre consistent with the Minister's direction relating to density, economic feasibility and urban design.	No changes proposed.
	No change to retail required - shops adequate and varied. Additional requirements can be met by Chatswood and Hornsby.	Planning for the 30 year time frame as indicated in the retail strategy (July 2005). Turrumurra will need to cater for existing and future local residents. Planning has been undertaken consistent with Council's	No change recommended.

Matters of policy	Issue	Comment	Recommendation
		adopted Retail Strategy which considered the hierarchy of centres and required supply on a local regional level.	
	<p>Council has planned sufficient zonings and development to yield 15,000 to 16,000 dwellings- some 50%-60% more than required to meet the 10,000 dwellings it has agreed to take and around double the 8,000 dwellings that is required under the Metropolitan Strategy. This would require a take up of 67% of current zoned and anticipated zonings from Stage 1 and Stage 2 of Council's Residential Development Strategy. A take up rate of 67% is unheard of and cannot be considered good planning practice. Ku-ring-gai retail study was based on the yield of 10,302 dwellings, therefore Ku-ring-gai retail study caters for the full 10,000 new dwellings, yet council has planned for additional retail and commercial expansion supposedly to cater for stage 2 why? Council cannot make up its mind as to how many dwellings are planned in Turramurra with conflicting numbers being published. This implies that council is factoring in a 100% take up rate when considering retail/commercial expansion. This conflicts with the 67% take up rate used to justify the dwelling over supply of 15,000.</p>	<p>Council has resolved to accept 10,000 dwellings as its requirement towards dwelling yield under the Metropolitan strategy separately and principally as confirmed by the Department. The Section 55 directive takes precedence over the requirements of the Metropolitan Strategy which must be fully aligned with Council's Comprehensive LEP within 5 years. The Metropolitan Strategy favours significant development within centres as opposed to what is termed "infill", ie areas other than centres.</p> <p>Additionally the retail study identified additional retail space that would be required.</p>	No change recommended.
	<p>Council is yet to provide any valid rational for this degree of over planning. Over planning will not result in integrated and consistent development outcomes, denies council the opportunity to effectively stage development and will result in a jumble of new development situated on sites that are easily amalgamated or cheap to buy. This will also make the shopping centre difficult, unpleasant and it will hurt other small local businesses during redevelopment.</p>	<p>The Minister's directive clearly provides the context for the planning for the centre. Staging of re-zoning within the centre is not provided for under the direction, however, the plan has been set over a 30 year time frame. The LEP and DCP set the requirements to achieve integrated and consistent development outcomes.</p>	No change recommended.

Matters of policy	Issue	Comment	Recommendation
Other	Object to aquatic centre in Turramurra especially on the current Coles site. Other alternatives (far more appropriate ones), such as upgrading West Pymble should be considered or residents can rely on Hornsby pool. St Ives and West Pymble are better options for locations for the Aquatic Centre because they have existing facilities or adequate space. An Aquatic Centre at Turramurra will reduce the other uses for the land that are needed in the area such as an increase in retail space.	Council is undertaking an aquatic feasibility study that identifies one site within the town centre, amongst others as a potential location. A preferred location has not yet been identified or resolved by Council. West Pymble, St Ives and the facilities currently on offer at other location such as Hornsby have been considered within the study. The consultant is currently reviewing submissions from the recent exhibition of the study to data prior to making a recommendation on a preferred location to Council. Additional retail was not considered for this area due to traffic impacts.	No amendment required to the DLEP or DDCP.
	Aquatic/Leisure Centre more suited in the Grounds of Hillview with many community facilities together	See comment below.	No amendment required.
	Aquatic/Leisure Centre should be located in Turramurra but not Ray St which is a virtual cul de sac. Poor access by car and by foot if crossing the highway.	A number of sites have been identified within the Turramurra centre. Ray St and within the Karuah Park, Turramurra Memorial Park area have been identified as the most feasible for additional investigation along with other sites. No proposal is identified within the plan on exhibition.	No amendment required.
	Support increased densities around village centres and rail stations.	Noted.	No amendment required.
	The plans are lacking in the provision of housing choice reducing affordability, diversity and marketability, amenity and accessibility, as set by the section 55 directive. The only choices will be 5 storey apartments in the centre or single dwellings further out. Council	The Ku-ring-gai RDS Stage 1 and the town centre LEP will provide a wider range of housing stock than currently exists in the LGA and increase the opportunity for the supply of smaller and	No amendment required.

Matters of policy	Issue	Comment	Recommendation
	must improve residential choice in Turrumurra Town Centre.	potentially more affordable accommodation in the rental market. The location of the new development close to rail and the enhancement of centre services will improve marketability and accessibility. If Council intends to provide for affordable housing a comprehensive policy needs to be prepared, which can be addressed at the Comprehensive LEP stage.	
	The plan is an unrealistic “wish list” that doesn’t reflect the community’s aspirations or wishes.	The planning process has included extensive community consultation and expert advice on requirements needed for the future population.	No amendment required.

Process	Issue	Comment	Recommendation
	Lack of notification in regards to Heritage Listing of 8 Ray St.	The property owners were notified throughout the process.	No amendment required.
	Turrumurra is being planned in a manner that is directly opposed to the express wishes of residents. Resident petitions have been ignored.	Plans for Turrumurra centre have drawn from the extensive surveys of householders and businesses, plus consultations and workshops, that commenced in February 2005. Petitions and submissions have also been noted.	Noted.
	Exhibition period unfair as it finished during the school holidays.	Resident notification and much of the exhibition was outside school holidays, and was preceded by a preliminary exhibition well before that time.	Noted.

Process matters	Issue	Comment	Recommendation
	Ineffective and inadequate notification of rezoning. Not every household received notice of the exhibition. There was some doubling up of letters to individual households.	Affected property owners were notified by letter of proposed rezoning. Some 800 interested householders and businesses were kept informed of planning by email. Notification and information provision has far exceeded statutory requirements.	Noted
	Consultation is inadequate. Has not informed the community of the full extent of the plans. Information to Planning NSW and website is different. The draft LEP and draft DCP exhibition process has been inadequate. The council display was completely inadequate, consisting of only a few boards, no models or computer generated 3-D images and a limited staff presence. No information related to reclassification of “community land” was present. Many residents complained that the staff present could not answer their questions.	Consultation was extensive, both prior to and during the exhibition period – see attachment 7. Exhibition, displays well exceeded normal requirements. 3D simulated models were exhibited on a large screen TV at later displays of the town centre. Some 60 hours of displays in Turramurra centre were supported by Council planning staff with knowledge of the key issues.	Noted
	The information on the website did not directly identify the dates for the public hearing into reclassification of land. The website actually referred to “reclassification” as “rezoning”- this is incorrect, misleading and confusing.	Web-site information, and that in local papers, identified the date, time and location for the hearing. These also referred to reclassification; the hearing does not deal with rezoning.	Noted.
	The views of the community should be sought through a “car park census”.	Parking for the centre has been considered in the development of the plans. This will be refined through the development of a parking management plan.	Proceed with the development of a parking management plan for the centre and undertake consultation to inform its development.
	The public “information ” by Council staff was not notified in the letters to residents- it was only advertised on Council’s website. Council refused to publish the locations of these information sessions. As a result	Web-site, emails and letters to householders included details of staff information sessions in Turramurra, plus telephone contact details for bookings.	As per comment.

Process matters	Issue	Comment	Recommendation
	these meetings were only attended by 9 people in the afternoon and 20 people in the evening. Further, Council staff refused to field all questions residents wished to ask.	Location details were provided at booking – provision was made for additional sessions, should numbers have justified it.	
	Information sent by council in press releases and via email to residents incorrectly referred to “reclassification” as “rezoning”.	Reclassification of lands from community to operational does not involve rezoning. Rezoning and reclassification were also included in the planning displays.	As per comment.
	<p>Residents were required to make several submissions regarding the Turramurra plans:</p> <ul style="list-style-type: none"> - a submission in triplicate regarding the reclassification of community land - a second submission within 1 week regarding the DLEP and DDGP. <p>This is unrealistic- particularly when Council has made no attempt to explain the differences between the issues or to explain the consequences of the decisions.</p>	<p>Some 4 weeks were allowed for public submissions on the draft plans for Turramurra.</p> <p>During this formal exhibition time, Council conducted information sessions and displays in Turramurra centre by planning staff, shown in attachment 7.</p> <p>These assisted interested people to seek information and learn about the plans.</p>	Noted.
	Residents remain largely unaware of the true extent of the development proposed. Residents have not been in a position to make fully informed comment about the plans. Council has not properly and openly consulted. Residents have been misled about the true extent and impacts of the proposals.	<p>Open and inclusive consultations and surveys commenced some 18 months prior to exhibition. Some 800 interested residents and businesses have been kept informed by email, of each key step in Turramurra planning.</p> <p>Letters, local papers, staffed preliminary exhibition, displays, information sessions etc have maintained a flow of good planning information – detailed in attachment 7.</p>	No change required.
	Inadequate/inaccurate information provided (eg aquatic centre, reserves depicted on lands not under Council jurisdiction, lack of notice for exhibition, mislabelling	Council provided good comprehensive planning information for the exhibition. Aquatic centre is not part of this plan for	No change required.

Process matters	Issue	Comment	Recommendation
	of Turrumurra Railway station, confidentiality of economic feasibility study, no marketing or risk analysis published). No scale models provided, and staffed displays were not obvious. There may have been councillor/developer manipulation leading to proposal to use community land for aquatic centre.	Turrumurra – a separate issue. Economic feasibility is a commercially confidential document. Staffed displays were located in the Franklins precinct and Rohini Street precinct, to complement formal exhibition at the Library in Ray Street.	
	Lack of clarity to “community” land proposed to be rezoned and reclassified. Proposed zonings should not have been sent to state government prior to public hearings. Council has actively sought to mislead residents about its true intentions for the land.	Turrumurra community land reclassification and the Public Hearing process was advertised in local papers, advised by letter to property owners, posted on the web-site and emailed to some 800 interested persons.	No change required.
	The Masonic Hall display failed to include details on the aquatic centre or clarity on community land reclassification and rezoning.	The Masonic Hall display was not conducted by Council – our displays were as per attachment 7.	No change required.
	The views of the majority of interested residents, community organisations and businesses and Chamber of Commerce have been ignored.	The views on Turrumurra planning of large numbers of interested people have been gleaned through an extensive consultation process – detailed in attachment 7, and exemplified in this document.	No change required.
	It is unreasonable and unfair to seek comment on plans that fail to acknowledge the possibility that Coles expansion will prevent the achievement of the proposed land uses in the William Square/Ray St area., or that this precinct could house <i>either</i> a community centre or an aquatic centre.	Coles’ current expansion plans have not been endorsed by Council.	No change required.
	Council has not synthesised the results of all of the background studies as would normally be done in a Local Environment Study- the community were presented with options for each issue, rather than as an	Traffic modelling work and notable changes proposed, including Pacific Highway, reflect the high level of concern by residents expressed throughout the	No change required.

Process matters	Issue	Comment	Recommendation
	<p>overall masterplan.</p> <ul style="list-style-type: none"> Traffic studies failed to consider regional issues that need to be resolved, or community concerns Retail study did not consider the needs of the community for retail/commercial (only what is generally provided), failing to consider what is available at Hornsby/Chatswood. No analysis of social needs of the community in relation to the villages has been undertaken – eg open space, medical services. No consolidated drawings or diagrams. <p>Community consultation is therefore not meaningful.</p>	<p>consultative process.</p> <p>Extensive retail location choices (including Hornsby etc) were included in the major survey responded to by some 2000 local households.</p> <p>Extensive social issues, on life and needs in Turramurra, were surveyed and workshopped as a vital part of the planning process.</p> <p>Plans indicate a holistic integrated approach, reflective of meaningful, broad-based consultation.</p>	
	<p>Many people did not have access to Council's website to view all the information. The displays were not large enough, clear enough or friendly enough for wide public awareness. Displays were unreadable and hard for the lay person to understand- does council have something to hide? The only information sent to residents was a one page letter indicating that further information could be obtained from Council's website or at displays on certain days. Many residents do not have internet access. Residents whose properties are to be rezoned were simply told "the draft DLEP proposes to rezone your property". No other details were provided.</p>	<p>Staff displays and information sessions helped many interested people to learn more about the centre's planning – this was the intention of 'people friendly', open and publicised sessions supporting the formal exhibition of these plans.</p> <p>Letters invited residents to the above exhibition, displays and information sessions to obtain more details about the plans for Turramurra centre.</p>	No change required.
	<p>Council's Engineering Department should have had significant input into the traffic issues that result from the proposed plan. (S. 90)</p>	<p>Council's traffic engineering staff, the RTA and Council specialist consultants have taken key roles in the plans for Turramurra.</p>	No change required.

Process matters	Issue	Comment	Recommendation
	The rush to meet the deadline has prevented the analysis of the feasibility and appropriate control plans.	While Council is working to a stringent deadline agreed with the NSW Government, this has not prevented effective planning analyses.	Noted.
	Not enough time to consider plans, very rushed and this can make people suspicious.	Council has made notable effort in seeking community feedback throughout the planning process – including a Preliminary Exhibition, with staffed displays in Turrumurra, and most recently, a formal exhibition, plus parallel staffed planning displays and information sessions in Turrumurra town centre.	Noted.
	The timetable set by the State Government is unreasonable and unrealistic as timetable forced planning can be a disaster and reduces time for consultation.	While Council is working to a stringent deadline agreed with the NSW Government, this has not hindered effective planing or extensive community consultation – see Attachment 7.	Noted.
	Council should conduct further economic analysis and review their draft plans. State Government should refuse current plans and grant time extensions for review (No. 74)	A high standard of analysis supports the planning materials on exhibition.	No change required.
	The establishment of an Independent Hearing and Assessment Panel (IHAP) for town centre DAs is required.	Councillors have been elected to deliberate decisions, supported by expert staff and advisors.	No change required.
	The town centre planning has not been done in a strategic manner within an overall LGA context. There is no understanding of the area-wide impacts.	The planning hierarchy with Gordon as the main centre, St Ives, Turrumurra and Lindfield as smaller centres, and Pymble and Roseville as small village centres, is indicative of the strategy.	No change required.
	No moral authority/mandate via Council elections for such a plan.	Authority is from NSW Government.	No change required.

Process matters	Issue	Comment	Recommendation
	No specific rationale or outcomes laid out so that the community can know exactly what the end 'product' will be and how the work is to be done	Extensive detailed materials on exhibition provided a large range of information, including built form and envelopes and locational context.	No change required.
	No justification for the agreement with Hornsby Council regarding future growth has been provided.	Not part of this stage of planning for Ku-ring-gai.	Noted.
	The Turrumurra Plan has been designed to relocate the supermarket from Ray St to an underground site on Turrumurra Ave specifically to make room for the Aquatic Leisure Centre Proposal. The Turrumurra plan has been systematically compromised in order to accommodate the Aquatic Centre- that residents have made clear that they do not want.	The debate and decision on the final location of an aquatic centre for Ku-ring-gai will be dealt with as a separate matter by Councillors.	No change required.
	Heritage Study by Habitation isn't adequate as they are only a small town planning consultancy with minor heritage credentials. Instead council should rely on the Heritage report prepared by Godden Mackay Logan in June 2000.	The Heritage study has been completed professionally by Habitation in Association with Peter Woodley heritage consultant using research and current information (including the GML Study 200), and carefully integrated into their related planning for the Turrumurra town centre.	No change required.

Matters related to the standards of the DLEP	Issue	Comment	Recommendation
Height	Consistent 5 storey heights and parallel buildings between Finlay Rd and Duff St is monotonous and dismal. It would be better to provide for more storeys, to allow for a mix of heights, and increases in open space.	This site was originally zoned 2(d3) and LEP 194 controls have been transferred across into the new controls. Good design as promoted by the DCP provides a range of urban design and architectural controls to ensure an appropriate outcome is considered in the design- eg articulation, building separation, materials and finishes and landscaping	No change recommended.

LEP standards	Issue	Comment	Recommendation
	Maximum height in town centre should be reduced to 3 storeys, and extent of re-development reduced.	Council is under a section 55 direction, development should be consistent with LEP 194 standards this includes heights of up to 5 storeys for residential apartments. Economic viability is also a taken into account and the Department have required no down zoning of sites.	No change recommended.
	There should be improved interface provisions between 5 storey development and single residential zones.	The setbacks for the former 2(d3) sites have been brought over into the Draft DCP and consistent with LEP 194 controls. In order to meet the yields, combined with the front setbacks. There is limited scope for addressing the interface issues at this stage.	No change recommended to the DLEP.
Floor space ratio	The rezoning of LEP 194 sites, such as precinct I, reduces the FSR achievable on these sites. Most recent DAs have achieved an FSR of 1.35:1, while the DLEP will only allow 1.3:1. The reduction in development potential is not consistent with the state government's directive.	The proposed controls within both the DLEP and DDCP provide are based on an acceptable level of potential development when taking into account viability and good design within the parameters originally set by LEP 194. Precinct I is a complex site for new development and the DCP articulates the most appropriate outcome for development on this site taking into account a range of opportunities and constraints. Clause 23 of the DLEP provides the exceptions to development standards for the LEP and provides flexibility in applying certain development standards.	No change recommended.
Other	There is too high a degree of uncertainty in the ability of the Draft plans (LEP and DCP) to produce the outcomes sought: <ul style="list-style-type: none"> Type of community facilities in the Ray Street /William Square precinct The likelihood that the current Coles proposal will prevent the achievement of the William Square precinct. 	The plans provide a desired outcome over a 30 year time frame. Community facilities will be provided in line with Section 94 developer contributions and other funding mechanisms. Roads and Traffic improvement will be contingent on development taking place and this may take several years to achieve. The STA and RTA have not raised objection to William Square proposals. All plans require regular reviews.	No change recommended.

LEP standards	Issue	Comment	Recommendation
	<ul style="list-style-type: none"> Road and traffic changes dependent on Pacific Highway and bridge widening, with no timeframe for these works or commitment from the RTA to provide them No agreement from RTA and STA to rezone land for William Square precinct. <p>The plan should represent the future outcome, rather than requiring adjustment annually.</p>		

Matters related to specific precincts & properties	Issue	Comment	Recommendation
Community lands	<p>Object to rezoning and re-classification of public land enabling subsequent sale and loss of community benefit, especially as future uses have not been determined.</p> <p>Sites were gifted to Council and should not be sold to private developers. Community land sites are needed when the redevelopment happens to create a balance between shops and community. Only when another similar sized block is set aside for community purposes under the LEP should an existing “community” site be allowed to be reclassified into “operational” so that there is a guarantee that the community benefit will be maintained.</p>	<p>Submission is noted. The reclassification hearing has been undertaken as an independent process to consider these matters and make recommendations to Council.</p> <p>Considerable community facilities have been outlined within the plan including land that has been proposed for reclassification.</p>	Refer to specific recommendations contained in the report relating to reclassification of land.
	Object to the rezoning of community land adjacent to the Uniting Church in Turramurra Avenue to uses other than public parking. Council obliged to use public land for the benefit of the community. Carparking at Ray St	Existing parking uses are proposed to be retained on the sites as a mix of above and below ground parking. The library is proposed to remain generally in its current	No change recommended.

Specific precincts	Issue	Comment	Recommendation
	should also be retained. Library should remain in current location.	location as part of an integrated community hub.	
	Community land at William/Ray St should be retained and developed as a heritage square with underground commuter parking below and sufficient space for deep soil native landscaping.	The proposed Town Square in William/Ray Street Precinct includes underground parking and the retention of existing character buildings that are adjacent to the proposed square. Planting for this area within the concept plan includes retention of existing avenue of Brushbox Trees, extension of the railway garden and the planting of a grid of deciduous canopy trees.	No change recommended.
	The community land in Turrumurra, that currently represents the vast majority of open areas (albeit at-grade car parking), will be the first to be developed as council is the sole owner and appears keen to sell after reclassification of the land.	No timeframes have been provided for the development if at all of any Council land and development timeframes for private lands are also unknown.	No change recommended.
	Reclassifying green open spaces goes against the Kuring-gai Tree Preservation Policy.	Reclassification of Council land is entirely unrelated to the conservation or removal of vegetation. These are matters that are addressed either as individual tree works applications or as a consideration during the development process.	No change recommended.
	The car park next to the Church should be made a green park (perhaps with car parking below and partly underground on the sloping land). The church would be the backdrop, a feature of Turrumurra that should be highlighted, not surrounded in concrete buildings.	The existing car park next to the church provides for car parking to be retained including both underground and at ground parking. Included within the Master plan are open space areas and linear space providing appropriate separation from the church (albeit not to the degree proposed in the submission).	No change recommended.

Specific precincts	Issue	Comment	Recommendation
Private lands/precincts			
Precinct A Bounded by Forbes Lane, Ray St, the railway to the railway overpass.	Coles Myer (Ray St supermarket site) are seeking increased retail FSR to 1:1: <ul style="list-style-type: none"> • Coles has a legitimate expectation that the supermarket site can be developed according to the current zoning capacity. • Current retail FSR in the 3(a) zone is 1:1. The draft plan reduces the retail FSR to 0.55:1. This is an undue derogation of the legitimate expectation to develop the site. • Can still meet the maximum site FSR of 1.7:1, however, overall FSR should be raised to 2.5:1. • Unjustified inconsistency between the varying degrees of retail FSR • Lacks flexibility in relation to the location of the floor space. • FSR boundaries are obscure and reduce the FSR over a portion of the site. The entire site should be included. • Lack of incentive to redevelop will lead to market failure. 	<p>Refer detailed discussion in the body of the report in relation to Submission 53 and 73 - <i>Precinct A, Ray Street, Turramurra</i></p> <p>The entire site has an FSR of 1.7:1 with a retail maximum of 0.55:1 in the draft LEP</p> <p>Retail has been capped across the centre in accordance with the Retail Study adopted by Council.</p> <p>The draft DCP shows building envelopes in a preferred configuration. These can be varied with justification as long as they meet the objectives of the precinct</p> <p>It is noted that the amalgamation line in the Draft DCP is confusing. The intention is that the whole area would redevelop as one. The amalgamation line is recommended to be removed</p> <p>Economic analysis by Hill PDA has shown that the Draft LEP and DCP provide adequate incentive to redevelop.</p> <p>Hill PDA have provided further advice as part of this report and note:</p>	<p>No change is recommended to the Draft LEP at this stage.</p> <p>Recommended the draft DCP be amended as follows:</p> <ul style="list-style-type: none"> • Delete amalgamation line between Council owned land and the Coles site in the Draft DCP 4.5.3

Specific precincts	Issue	Comment	Recommendation
		<ul style="list-style-type: none"> Based on the draft controls (i.e. total FSR of 1.7:1), the feasibility resulted in a residual land value less than the 'as is' land value therefore redevelopment is not feasible (when including a 2000sqm supermarket) Whilst the feasibilities indicate that an overall FSR of 1.7:1 would not work in the current market, an FSR of 1.7:1 may work in the longer term (say 10-20 years) as the existing buildings on the site age and end sales values increase. 	
	Restrictive setback, height and FSR controls and imposition of public facilities will compromise any future expansion or reconfiguration of the supermarket.	Economic analysis by Hill PDA has shown that the site is feasible with setbacks as per the draft LEP and DCP.	No change recommended
	It is inappropriate for Forbes Lane to be more than doubled in width and the proposed setbacks are excessive given it is not a residential street. The proposed setbacks would sterilise development on a significant proportion of the supermarket site. When combined with the proposed heights there is insufficient incentive to redevelop the site.	<p>Forbes Lane is proposed to be widened through development setbacks. The objective is to achieve a two way street with footpaths and on street parking as well as a kiss and ride area for the rail station.</p> <p>It is noted that the current Coles supermarket has difficulty accessing and servicing their site because Forbes Lane is narrow and one way.</p>	No change recommended

Specific precincts	Issue	Comment	Recommendation
	<p>It is appropriate for Coles to expand in this precinct. Coles' current lease has 27 years left if they are forced to move then Council will have to compensate them using rate payers' money.</p> <p>Alternative supermarket site is no more accessible and relocation would be costly. Addition of another supermarket on the Eastern side of Turrumurra would only further divide the three precincts by increasing the intensity of usages at the fringes and duplicates existing supermarket facilities. There is no need for a third supermarket especially if it is underground (in Turrumurra Avenue)</p> <p>The need to amalgamate sites for the new supermarket makes it unlikely to go ahead, reducing supermarket diversity in Turrumurra.</p>	<p>Coles Myer has lodged an appeal in the Land and Environment Court, and a hearing is scheduled for the 13th November to address this matter.</p> <p>Refer detailed discussion in the body of the report in relation to Submission 61, 55 and 73- Precinct E – Turrumurra Avenue/Gilroy Lane</p>	<p>Refer recommendations above in relation to Precinct A</p> <p>Refer recommendations below in relation to Precinct E</p>
	<p>Cole's supermarket has a lease of 28 years at least and does not wish to relocate or redevelop in Turrumurra Ave.</p>	<p>Coles Myer has lodged an appeal in the Land and Environment Court, and a hearing is scheduled for the 13th November to address this matter.</p>	<p>Refer recommendations above in relation to Precinct A</p>
	<p>Coles should be left where it is because the proposed supermarket proposals result in unacceptable impacts such as:</p> <ul style="list-style-type: none"> • Inadequate parking • Increase in traffic • Difficulty accessing small shops/Rohini St. • Concerns that underground car parking is unsafe and inconvenient. • Main sewer line running through the middle of the Turrumurra Ave car park area and its implications. 	<p>Coles Myer has lodged an appeal in the Land and Environment Court, and a hearing is scheduled for the 13th November to address this matter.</p> <p>The claim regarding increased traffic is not consistent with the findings of the traffic study</p> <p>Refer detailed discussion in the body of the report in relation to Submission 61, 55 and 73- Precinct E – Turrumurra Avenue/Gilroy Lane</p>	<p>Refer recommendations in relation to Precinct E</p>

Specific precincts	Issue	Comment	Recommendation
Precinct B Bounded by the Pacific Highway, Ray St, Forbes Lane and the railway.	3 storey height limit to properties to the south adjacent to William Square, 1293-1305 Pacific Highway , will not provide sufficient economic incentive for redevelopment. Should be raised to 5 storeys (as per July DDCP) with flexibility for transition between levels, given that some owners have properties that cross zones.	<p>These sites have an FSR of 2.3:1 which is the same as the remainder of Precinct B (which has a 5 storey height limit) however it is noted that this is achieved by a larger amalgamation.</p> <p>No financial details have been provided to support the increase in height and FSR. The sites within Precinct B have been given a very substantial increase in FSR from 1:1 to 2.3:1</p> <p>Hill PDA make the following conclusions in the confidential report dated September 2006</p> <ul style="list-style-type: none"> • Redevelopment within this precinct may be feasible although this is unlikely in the short term. • If residential unit sale prices for Turramurra improved slightly, then the development margin would increase and the residual land value resulting in a more attractive and likely redevelopment. <p>Noting the feasibility on the site and the requirement for setbacks it would be appropriate to increase building heights in this location to 5 storeys (near William Street).</p>	<p>The following amendments recommended to the LEP</p> <ul style="list-style-type: none"> • amend building heights to allow second floor commercial uses in Precinct B • amend height map to allow 5 storey buildings throughout precinct B • amend FSR map to allow retail/business FSR of maximum 1:1 <p>Recommended the draft DCP be amended as follows:</p> <ul style="list-style-type: none"> • Provide site coverage diagram in Part 4 of the DCP • Show commercial uses only on the corner of William Street (including 1295 Pacific Highway). • Review amalgamation for properties 1293 -1305 Pacific Highway to reflect land ownership and proposed building uses

Specific precincts	Issue	Comment	Recommendation
	<p>Site coverage is not shown. Should be 100% as per existing.</p> <p>Road widening in this section would undermine the feasibility of the DCP and do not seem to be compensated for.</p> <p>The amalgamations required here under the draft DCP are of so large a scale as to jeopardise the likelihood of owners working together and seem unnecessary.</p>	<p>Noted. Site coverage diagram to be included in Part 4 of the DCP. Site coverage will not be 100% due to front and rear setbacks</p> <p>Noted. To some degree compensation for the setback is already provided by way of increased floor space. The FSR has been calculated on the current site boundaries and then applied to the proposed site (which is smaller).</p> <p>Noted. The development scenario for properties 1293-1305 involves the amalgamation of 7-8 lots, there are only three separate land owners attributed to these sites. Although having smaller ownership numbers improves the probability of redevelopment within a certain time period, it does not improve the feasibility outcome as it would not be viable to cease trading whilst redevelopment occurs</p>	
	<p>1295 Pacific Highway is seeking retail FSR of at least 1:1 and commercial FSR of 1:1 also with at least a further three stories of residential above.</p>	<p>A retail FSR of 1:1 is not achievable on the ground floor given the setback requirements and second floor retail is unlikely to be viable. A retail/business FSR of 1:1 can be provided allowing second floor business premises</p> <p>Due to the location between the railway and the highway, it would be</p>	<p>Refer recommendations noted above in relation to Precinct B</p>

Specific precincts	Issue	Comment	Recommendation
		undesirable for the corner site (on William Street) to contain residential. The building envelopes (being deep in plan and covering almost 100% of the site) could accommodate a commercial use.	
	<p>Insufficient economic incentive to redevelop 1297-1305 Pacific Highway. Seeking commercial use to be added to permissible uses. Commercial is preferred to residential because of:</p> <ul style="list-style-type: none"> oversupply of apartments poor residential amenity facing highway, when better sites available balconies to north (as required by DDCP will require bedrooms to highway- to noisy at night. <p>Commercial premises will:</p> <ul style="list-style-type: none"> attract professional services, which in turn attract people to the area provide local employment professional services can support the retail can be converted to residential if required <p>Cost of commercial construction is lower than residential providing incentive to redevelop. Increased retail also sought, however, the mix of retail and commercial should be left to the market.</p>	<p>There is no restriction on the commercial use within these sites under the B2 zone however building height requirements in the LEP will tend to restrict usage in the upper floors to either residential or commercial</p> <p>The Ministers direction to Council was to provide for shop top housing. The DCP has been designed to maximise residential uses on the upper floors</p> <p>Significant increase from 1:1 to 2.3:1</p> <p>It Is understood that the economics of these sites do not encourage short term redevelopment</p> <p>The Department of Planning has noted the requirement to allow for longer term redevelopment to allow housing to be implemented over time</p>	Refer recommendations noted above in relation to Precinct B
	Retail uses (instead of home office) should be provided to Forbes Lane, to create a vibrant atmosphere.	Retail uses have been allocated across the centre according to the Ku-ring-gai Retail Strategy adopted by Council. An increase in Block B of retail would require a reduction elsewhere	No change recommended

Specific precincts	Issue	Comment	Recommendation
	To allow for widening of Pacific Highway, access to shops should be from Forbes and Stonex lane.	Yes, this is what is proposed in the DCP	No change recommended
	Forbes Lane becoming two-way will result in access difficulties to shops from the open space area and community facilities.	<p>Noted. It will be necessary to provide pedestrian crossing points in the detailed design stage.</p> <p>To balance this there will be more shops north of Forbes Lane so there will be less need to cross Forbes Lane. Also the removal of Higgs Lane and William Street will improve pedestrian conditions in the area.</p>	No change recommended
	The likelihood of group of owners of varying interests and financial situations, being prepared to join together to undertake significant redevelopment projects is extremely low. The requirement of owners of small parcels to join together will severely restrict the extent and rapid implementation of the redevelopment.	<p>Noted. Amalgamation of commercial strip shops is difficult however amalgamation is necessary to provide adequate site widths to provide basement car parking.</p> <p>It is not anticipated that this precinct will redevelop in the short term</p>	No change recommended
	Requests that Council consider changing the regulations to enable owners to construct buildings to the maximum of the prescribed building envelope, regardless of the size of the parcel of land being developed or at least that a small parcel of say 750sq metres be considered adequate for construction to the maximum height allowable.	<p>Under the LEP and DCP site owners can redevelop individually however the scale of development will be largely determined by the amount of car parking that can be provided. If Council were to allow small individual sites to build five storeys then the car parking requirements would have to be waived. It is likely that residential or commercial development would not be viable under this scenario given that residents will require some parking.</p>	No change recommended

Specific precincts	Issue	Comment	Recommendation
	Requests increase in height of this block to 7 storeys. This would allow smaller sites to be redeveloped as this will not impact on the Pacific Highway due to setbacks of 3.6m which make the road corridor very wide.	It is understood that an increase in residential storeys will make redevelopment feasible in the short term. However as this is not a key site 5 storeys is considered acceptable both from an urban design and economic point of view	No change recommended
Precincts C and N	<p>The current plans for Precinct C are not feasible at the current proposed 4.6 storey levels and FSR. Precinct C should be 7.6 storeys and have a FSR of 3:1 to be closer to a feasible proposition for a developer and encourage improvement of the Town Centre. The current land and acquisition costs of the site are currently over \$50m. (See submission No. 74 for more detail on site specific control calculations, sales evidence, construction costs, and section 94 Contributions Costs.)</p> <p>Precinct C should become a state significant site due as a crucial site within the Turrumurra Town Centre and due to the developers' lack of confidence in the Council being adequately equipped for the responsibility of this site (No.74)</p>	Refer detailed discussion in the body of the report in relation to Submission 73 and 55 - <i>Precinct C - Pacific Highway and Kissing Point Road, Turrumurra</i>	<p>It is recommended that this site be deferred from the Town Centres LEP with draft amendments brought back to Council in February 2007 (with a proposed exhibition period in March 2007) with the following amendments to the DLEP:</p> <ul style="list-style-type: none"> • Delete Lot2 DP 550866 (part) from the site C area • amend height and FSR for Lot2 DP 550866 (part) to 1:1 FSR and 2 storey height limit • Increase FSR to 2.3:1 for site C based on the Draft DCP area (if Lot2 DP 550866 (part) is taken out the FSR is 2.8:1) • Building height limit of 7 storeys (or equivalent in metres) <p><i>and</i> Additional notes to be added to</p>

			<p>the Draft DCP 4.5.4 to address the following:</p> <ul style="list-style-type: none"> • Stormwater controls are recommended to minimise impact on the adjacent bushland and riparian zones. • The Ku-ring-gai Council Riparian Policy should be adhered to. • Landscaping should consist of predominately native plants of the Blue Gum High Forest community. • Consultation with an ecologist and an arborist is recommended during the design phase of this process to minimise potential impacts on the bushland. It would be appropriate to limit construction/ excavation or other disturbances to currently disturbed area (e.g. the existing car parks and building platforms).
	<p>1380-1388 Pacific Highway (Turramurra plaza), seeks an increase in the residential component of the FSR to 3-4:1 and the commercial FSR to at least 2:1. A height of 7 storeys is also sought. Without this the development would not be economically viable.</p>	<p>Refer detailed discussion in the body of the report in relation to Submission 73 and 55 - <i>Precinct C - Pacific Highway and Kissing Point Road, Turramurra</i></p>	<p>Refer recommendations above in relation to Precinct C</p>

Specific precincts	Issue	Comment	Recommendation
	Parking requirements will need adjusting and further traffic studies would be required. The additional height would not impact on the property to the south, but would allow residents around South Turramurra to shop without the need to cross the highway.		
	Removal of the proposed Kissing Point Road Park The community does not support the proposed park	This can be considered in light of the economic feasibility analysis for the site. Refer detailed discussion in the body of the report in relation to Submission 73 and 55 - <i>Precinct C - Pacific Highway and Kissing Point Road, Turramurra</i>	Refer recommendations above in relation to Precinct C
	Proposed zoning fails to protect all of the Blue Gum High Forest between Duff St and Kissing Point Rd.	Noted, the proposed alignment of Stonex St will impact on a small area of Blue Gum High Forest. It is therefore recommended that Stonex St be realigned to protect all of the Blue Gum High Forest.	DCP 4.5.4 be amended to realign Stonex St to protect the Blue Gum High Forest.
	Applaud the proposed zoning to RE1 for land south of Stonex Lane to retain residual Bluegum High Forest	Supportive comments noted.	No change recommended
	Objects to the lack of R3 zoning used in the transitional or fringe areas of Turramurra particularly to 5-7 Kissing Point Road and 6-12 Duff Street Turramurra.. Any development in the current R4 and B2 zones which neighbours single storey should step down to these sites using the R3 zone. This step down zoning will increase amenity to residents and allow extra people to live within close proximity to the town centre.	The town centres plan has addressed matters required by the Minister's direction. Interface issues will be considered as part of the Comprehensive LEP.	No change recommended

Specific precincts	Issue	Comment	Recommendation
Precinct D Bounded by Rohini St, Gilroy Rd & a line following the extension of Gilroy Rd to the highway.	Close off Rohini Street for alfresco dining to increase vitality and community	This was considered as an option during the planning options stage (Traffic Option 5C). The concept had detrimental commercial and traffic impacts and was therefore discounted.	No change recommended
	Rohini streetscape should be retained as a backdrop to the mall.	Two storey parapet height proposed with a setback to 3 storey element to retain streetscape character	No change recommended
Precinct E Bounded by Pacific Highway, Turramurra Ave, Church & a line following the extension of Gilroy Rd to the highway.	<p>The Uniting Church seeks retention of the adjacent carpark and removal of potential for development of retail/commercial/ residential on the site.</p> <p>The car park was partially paid for from a business levy on the basis that it would be used for parking and the public benefit should be retained.</p> <p>Loss of the carpark would have adverse impacts on the functions of the church and nearby retail, recreational, catering and commercial sectors.</p> <p>Many attendees at Church functions are frail aged and/or have disabilities, and close above ground parking is required for safety and ease.</p> <p>Access from underground parking would be via a common lift with shoppers and residents, resulting in safety and security issues.</p> <p>Council approved the plans for the Church and hall with the provision of direct access from the car park and the designs were done with this access as an</p>	Refer detailed discussion in the body of the report in relation to Submission number 61, 55 and 73: Precinct E – Turramurra Avenue/Gilroy Lane	No change is recommended to the LEP/DCP at this stage however it is noted that a review will be necessary in the future to address urban design and economic issues raised in this report.

	<p>integral consideration.</p> <p>The loss of the carpark will mean that access to the various community uses of the church will be denied to less mobile people. The current allocation of 4 disabled spaces is inadequate.</p> <p>The carpark also provides:</p> <ul style="list-style-type: none"> • a noise buffer for church activities • an open area allowing views to the historic building • a safe place to meet and to park. <p>The car park is well used and currently provides 148 spaces. Church functions can generate the need for 233 spaces, the Masonic Hall, 50 and the nearby cafes, 48. There are also other surrounding uses which generate parking demand. Vehicular access to the carpark is easy and direct and therefore used.</p> <p>Should basement carparking be provided, it will be less direct, will be difficult to access because of the new road, and will encourage users to go elsewhere.</p> <p>Multiple access to the underground carpark would be required and sufficient spaces would need to be provided for all uses – there is no guarantee that there will be spaces for church users.</p> <p>Underground development will also be restricted by the existence of the sewer line. Construction would result in noise impacts on the peace and quietness required for the conduct of worship.</p>		
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Specific precincts	Issue	Comment	Recommendation
	<p>Fees should not be charged on weekends or public holidays.</p> <p>The undergrounding of spaces will require additional street parking outside TurraTots, which would require the removal of the trees.</p> <p>Further (and interim) parking could be provided in the area abounding Cameron Park.</p> <p>The additional commercial/retail/ residential provided by the carpark site is not needed as there is more than enough capacity in other areas of Turramurra to meet state government requirements. Further there is no interest in the supermarket.</p> <p>The proposed Church square is not a suitable venue due to its location beside Turramurra Ave. However, landscaping of the existing carpark can provide improved facilities, further from the traffic.</p>	<p>Noted. It is possible to remove this park and replace it with at-grade car parking. This could be further resolved during the detailed design stage in consultation with representatives of the Uniting Church.</p>	
	<p>Oppose underground carpark and underground supermarket. No supermarket is needed here.</p>	<p>Refer detailed discussion in the body of the report in relation to Submission number 61, 55 and 73: Precinct E – Turramurra Avenue/Gilroy Lane</p>	<p>Note recommendations above in relation to Precinct E</p>
<p>Precinct G Part blocks, between eastern Rd and Turramurra Ave.</p>	<p>The proposed pedestrian link as part of R3 between Turramurra Ave and Gilroy Rd would reduce development potential on these sites and is unnecessary and undesirable:</p> <ul style="list-style-type: none"> • it would not provide a shortcut to the shopping area. • it would attract undesirable elements and noise. 	<p>It does not reduce development potential All residential buildings within the centre have maximum building depths for resident amenity and sustainability. The FSR proposed is 1:1 which is higher than typical R3 zones (normally 0.8:1)</p> <p>The walkway would be designed to ensure safety and surveillance issues are addressed through lighting etc.</p>	<p>No change recommended</p>

Specific precincts	Issue	Comment	Recommendation
	32 and 34 Turramurra Ave are proposed for R3 as an interface with the R4. However, there are already 2 storey developments at 30 and 34 Turramurra Ave, so interface development is not required at these sites.	The R3 zone provides for townhouse development up to 3 storeys on the sites 30 -32 Turramurra Ave and 37 -39 Gilroy. This provides for a better integrated interface solution with no single houses adjacent to the R4 zone in this area.	No change recommended
Precinct H	<p>The submission seeks an increase in the building height to 9 storeys [FSR not provided in the submission]</p> <p>The proposed height and FSR provisions do not provide sufficient economically incentive to redevelop given the high Underlying Land Values</p> <p>Height is appropriate given that the site is located at a low point in the topography</p> <p>Shadow analysis provided to support submission</p> <p>Extremely difficult task of amalgamating long held land holdings</p>	<p>Precinct H comprises a 3 storey strata title commercial building on 14-20 Eastern Road and a number of other smaller retail/commercial buildings on 2-10 Eastern Road. The strata title building at 14-20 Eastern Road is considered unlikely to redevelop.</p> <p>Submission received from the owners of 2-10 Eastern Road (representing about half of Precinct H) who have indicated a willingness to redevelop their site.</p> <p>The draft LEP provides a substantial increase in FSR from 1.0:1 to 2.8:1 which is the highest proposed density in the Turramurra centre.</p> <p>There is no detailed economic information provided to support the submissions request for 9 storeys. The estimated FSR for such a development would be between 4:1 and 5:1 and approximately 40 additional dwellings.</p> <p>Previous advice from Hill PDA in September 2006 found that given an</p>	<p>The following amendments are recommended to the Draft LEP:</p> <ul style="list-style-type: none"> • Allow building heights to accommodate second floor business uses <p>The following amendments are recommended to the Draft DCP:</p> <ul style="list-style-type: none"> • Provide built form controls for precinct H consistent with the provisions of the LEP that is 5 storeys and an FSR of 2.8:1

		<p>FSR of 2.8:1 redevelopment of these sites may not be feasible primarily due to the car parking component of the construction costs.</p> <p>It is noted due to the small area and narrowness of the sites that it is likely that there would be more than two levels of basement parking which would have significant implications for construction costs.</p> <p>While the high “as is” value of the existing premises may warrant a building of a scale greater than 5 storeys the site is not a key site in the context of the town centre.</p> <p>9 storeys cannot be justified in built form terms in Turrumurra The bulk and scale of the proposal is excessive. The site is on the boarder of the town centre commercial area adjacent existing 3 and 4 storey apartment buildings. This scale and density of building is not appropriate.</p> <p>These sites are more appropriate for redevelopment in the long term (10+ years) with further reduction in parking rates for example.</p> <p>It is noted that built form controls for Precinct H were omitted from the Draft DCP. This was an editorial error.</p>	
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Specific precincts	Issue	Comment	Recommendation
Precinct I Eastern section bounded by Pacific Highway, Finlay St and Duff St.	s. 4.5.7. The bushland regeneration area including area identified as Blue Gum High Forest to the rear of 1454 Pacific Highway is unsuitable for regeneration, area is developed, many of the species are weed species and some trees have been lost in the 1991 storm. The proposal covers more than half of the property, and development potential is further eroded by the public access required on private land.	<p>A detailed ecological report was prepared and the area was not identified as Blue Gum High Forest.</p> <p>The area was identified as an area for bushland regeneration for a number of reasons:</p> <ul style="list-style-type: none"> • This part of the site contains the steepest topography. • The boundary at this point interfaces with single dwelling residential properties • There are a high proportion of trees worthy of retention in this area compared to other areas of the site. <p>However a very large amalgamation is required in order to achieve this outcome. This would appear to be unlikely given the development approvals at Finlay Road (and commencement of construction) and Lamond Drive</p>	<p>No amendments are recommended to the Draft LEP</p> <p>The following amendments are recommended to the Draft DCP:</p> <ul style="list-style-type: none"> • Reconsideration of the proposed ‘bushland regeneration area’ • Reconsideration in the amalgamation requirements in response to approved DA’s • Removal of public access corridor between Lamond Drive and Finlay Avenue • Amendments to building envelopes to take into account approved DA’s • Increased setbacks to the interface boundaries
	1448 Pacific Highway object to the imposition of an isolated public bushland reserve on private property to be created from scratch and maintained at private expense.	Refer note above	Refer recommendations noted above for Precinct I

Specific precincts	Issue	Comment	Recommendation
	The bush regeneration zone will hinder the development potential of Precinct I. It is unclear whether sites that overlap with the bush regeneration zone will still achieve a 1.3:1 FSR, or if the FSR will be increased if amalgamations are achieved.	Refer note above	Refer recommendations noted above for Precinct I
	Object to the imposing of a public thoroughfare for vehicle and pedestrian access across private property to be built and maintained at private expense. (Submission No 106)	<p>Noted</p> <p>Two Development Applications have been approved in the area:</p> <ul style="list-style-type: none"> • 1-1A Lamond Drive and 1444 and 1444A Pacific Highway (Court approved 2004) • 2-4 Finlay Road (Court approved 2004) <p>2-4 Finlay Road has commenced construction and blocks the proposed vehicle access way between Finlay Road and Lamond Drive</p> <p>DCP strategies require reviewing for these sites in terms of access and building envelopes.</p>	Refer recommendations noted above for Precinct I
	The cross site vehicular and pedestrian access corridor from Lamond Dr to Finlay Rd is not possible as an approved development is due to be constructed within a month, which will block this access. There is another DA approved in this area at the southern end of the site, which contradicts the proposed amalgamation pattern. The draft plan should be amended to reflect the current situation and achievable results. (Submission No. 77)	<p>Noted.</p> <p>Refer notes above</p>	Refer recommendations noted above for Precinct I

Specific precincts	Issue	Comment	Recommendation
	All building footprints near the bush regeneration area extend over site boundaries, forcing impossible amalgamations. All these measures are intended only to inhibit development and good planning.	Noted Refer notes above	Refer recommendations noted above for Precinct I
	<p>This area should have its specific and unique issues dealt within a more appropriately and timely manner. This area has specific and unique issues due to its tree cover and terrain.</p> <p>Prescribed boundaries for deep soil landscaping do not respect or reflect the actual occurrence and nature of soil type, soil depth, vegetation, topology, water hydrology and regeneration potential.</p> <p>Prescriptive design solutions for building zones and deep soil area that are contrary to stated objectives.</p>	<p>The area is currently zoned 2(d3) and therefore development applications can be submitted at any time. It is necessary to incorporate this precinct into the Town Centre Plan to provide timely and appropriate planning controls</p> <p>The building envelopes have been designed with these issues in mind:</p> <ul style="list-style-type: none"> • Building envelopes are aligned to run down the contours to minimise excavation • Building envelopes allow movement of water down slope between buildings and protect some natural hydrology; • Building envelopes are located as far as possible on the footprints of existing dwellings thereby minimising disturbance <p>Difficult to comment as no details provided of how the building envelopes are contrary to DCP objectives</p>	No change recommended
	Building zones are fragmented and buildings pushed towards interface boundaries in defiance of the LEP judgement that interfacing resident amenity is important and “there would be less benefit in	<p>Noted. Refer notes above</p> <p>Revise building envelopes to improve interface</p>	Refer recommendations noted above for Precinct I

Specific precincts	Issue	Comment	Recommendation
	introducing a break in the building than in increasing its distance from boundaries” (Lexington 88 vs. Kuring-gai Council (2005) NSWLEC 635) (Submission No. 77)		
	LEP 2006 includes provisions which would prevent the implementation of LEP 194 standards and frustrate the minister’s directive of February 2006 (minimum lot sizes, deep soil, interface setbacks). There are also implications for the handling of isolated lots.	The Draft LEP contains minimum lot size provisions consistent with LEP 194. Provisions from LEP 194 relating to matters such as deep soil and interface setbacks were not included in the Draft LEP on the instruction of the Department of Planning. These are now included in the DCP and remain consistent with the equivalent LEP 194 provisions.	No change recommended
	It is inappropriate to rezone 2(d3) in Precinct I as they are far away from the town centre. Corresponding 2(d3) sites on the other side of the Highway, and on the southern side of Turramurra Centre are not being rezoned, even though they are much closer to and are directly related to the town centre.	The reason this has been rezoned is that the site is close to the centre and the site is steep with existing trees. Council wants to provide building envelopes that protect trees and respond to the topography.	No change recommended
	Support rezoning to R4 of the areas on the highway between Duff and Lamond that are not currently 2(d3). These areas are level and without significant tree issues. Rezoning of the heritage property will allow flexibility of treatment and will preserve the heritage values as part of the development.	Supportive comments noted	Refer recommendations noted above for Precinct I
	Area between Duff St and Finlay St should not be rezoned as they cannot be accessed from the north side of the highway.	This area was rezoned in May 2004 for 5 storey apartment buildings	No change recommended

Specific precincts	Issue	Comment	Recommendation
	<p>Object to:</p> <ul style="list-style-type: none"> the proposed site amalgamation of 9 allotments which include 1-3 Duff St and 17 Lamond Dr. the public though-site link the indicative site footprints <p>as they are too onerous, unreasonable, and/or do not provide for the optimum site development. (Submission No. 101)</p>	<p>Noted.</p> <p>Revise building envelopes</p>	<p>Refer recommendations noted above for Precinct I</p>
Precinct J,K, L Bounded by Pacific Highway, Kissing Point Rd, Boyd St & the railway.	<p>Map at s.4.5.6 shows incorrect size of heritage building 6H. Existing built form should be respected for adaptive re-use (as currently happens).</p>	<p>Noted. 1356 Pacific Highway is a heritage building with a larger footprint than shown in the DCP.</p>	<p>Recommend amend DCP as follows:</p> <ul style="list-style-type: none"> show existing heritage building footprint
	<p>Proposed building envelopes in Precinct K are not feasible:</p> <ul style="list-style-type: none"> One building encroaches on heritage envelope (6H) and would not maintain the curtilage of one of the Hillview group of buildings (the stables). Separate road access for the smaller envelope could only be provided from Kissing Point Rd by access through the larger envelope. Height controls will only allow achievement of FSR of 1.19: 1 (DLEP allows 0.65:1). <p>Recommend:</p> <ul style="list-style-type: none"> Amalgamating 2 envelopes into one, closer to Kissing Point Rd. Increase envelope size by 100 sq m Increase height to 4 storeys 	<p>Council's heritage consultant has reviewed the plans and has given approval</p> <p>It is understood that currently parking and service access to 1356 Pacific Highway is via the Hill View property. This land is owned by the RTA. Continued access from this land cannot be guaranteed by Council.</p> <p>The building envelopes require amalgamation as a minimum of 1356, 1356A and 1362 Pacific Highway and 2 Kissing Point Road</p> <p>Without amalgamation of these four properties it is not possible to achieve</p>	<p>Recommend amend Draft LEP as follows:</p> <ul style="list-style-type: none"> Revise building heights to a maximum of 3.6 storeys to ensure the available floor space is consistent with the FSR in the LEP <p>Recommend amend Draft DCP as follows:</p> <ul style="list-style-type: none"> Revise building envelopes to be consistent with the in the LEP

Specific precincts	Issue	Comment	Recommendation
		<p>the full FSR</p> <p>Recalculation of the envelopes indicates that at 3 storeys the FSR is 1.48:1. If part of the new buildings are 3.6 storey then an FSR of 1.65:1 is achievable</p> <p>Incorporation of 2 Kissing Point Road will ensure long term access to 1356 Pacific Highway</p> <p>The length of the Bank building shown on the plan allowed for adaptive reuse of the site. This may include partial demolition of the rear of the building in order to achieve the 3 storey envelope</p> <p>Inspection of the interior of the heritage bank building has not been undertaken. If elements of the original interior remain intact and are of merit, the whole building may be worthy of retention.</p> <p>Further investigations may be warranted. This can be undertaken as part of a subsequent review of the town centre LEP or as part of the comprehensive LEP.</p> <p>A height of 4 storeys is not considered appropriate in this context. Three storey (9 metres) matches the current parapet height of buildings on the highway.</p>	

Specific precincts	Issue	Comment	Recommendation
	<p>Object to impact of dense high rise development around 8 Kissing Point Rd, 2-4 Boyd St and Hillview, due to impact on heritage significance, property value and the cultural setting of Turramurra.</p> <p>Council's heritage guidelines require consideration of the impact on the building's garden setting and the wider impact. Adjoining development will overshadow heritage sites, will be out of scale with the single storey heritage buildings and will not respect their character or the pattern of development in the street. The new development will not related to the existing buildings, including their ornate elegant roof shape. Influx of new residents will exacerbate existing traffic, litter, graffiti and other social problems at these sites.</p> <p>The alternative is to de-list 8 Kissing Point Rd, as its heritage significance will be destroyed.</p>	<p>A summary of the heritage consultants comments (refer Attachment X for memo)</p> <ul style="list-style-type: none"> the 10m setbacks on the street frontages are acceptable, there is adequate room for landscaped area which is the key to accommodating higher density development off the main street. In terms of visual curtilage, 2-4 Boyd Street will remain predominant (it is only prominent within a certain section of Boyd Street itself, and these views, such as they are, will not be interrupted), there is clearly a transition from the mixed use street wall type development on the Kissing Point Road/Pacific Highway corner to the residential development with its deep setback and substantial scope for landscaping near Boyd Street 8 Kissing Point Road is a corner site and therefore retains its prominence and curtilage <p>The approach towards the whole town centre resulted in a reasonable balance</p>	No change recommended

		<p>between concessions to both heritage and development opportunities.</p> <p>The inclusion of non-listed potential items within the Draft LEP, such as 2-4 Boyd Street, was fairly considered and accepted.</p> <p>If Council were to regard the objection as a request to delete a draft heritage item, then it would need to be properly assessed. The usual process should be a submission from the applicant, which includes a heritage assessment.</p>	
<p>Precinct M Half of block (station side) bounded by Cherry St, railway line, Ray St and Pacific Highway</p>	<p>1343 Pacific Highway seeks retention of current 3(a) zoning in line with current DA which is almost finalised. The DA provides for ground floor office with apartment above and car parking below ground. Seeks retention of this mixed use. (Submission no. 71).</p>	<p>1335, 1337 and 1343 Pacific Highway are currently zoned Business 3(a) and are proposed to be zoned to R4.</p> <p>The savings provision to be included in the DLEP will enable the consideration of the existing DA on 1343 Pacific Highway to proceed if it hasn't been determined by time of gazettal. Schedule 1 of the DLEP identifies the existing non residential uses on these sites as continuing to be permissible on these sites in the future.</p>	<p>No amendments to the DLEP are recommended.</p>
<p>Other</p>	<p>Rezoning of 2 Cherry St to R4 is not feasible:</p> <ul style="list-style-type: none"> the condition of the current building strata title limitations road too narrow to handle increased traffic, especially with the amount of commuter parking 	<p>2 Cherry Street is currently zoned 2(c), to the north by land zoned 2(d3) and to the south and east by land zoned 2(d). It is acknowledged that this site is unlikely to redevelop in the immediate future, particularly given the existing strata</p>	<p>No amendments to the DLEP are recommended.</p>

Specific precincts	Issue	Comment	Recommendation
	on the street and from other planned developments.	laws. The application of the R4 zone to this site will provide a consistent approach to the zoning of the adjoining sites and higher development standards have the potential to provide an incentive to redevelop in the long term.	

Matters related to drafting of the LEP	Issue	Comment	Recommendation
Definitions	The definition of “site coverage” fails to make it clear whether balconies are included in the site coverage calculations. Clause (b) (re awnings) is difficult to understand.	The definition of “site coverage” is from the standard LEP template and therefore cannot be amended by Council.	No amendment to the DLEP is required.
Savings provision	Coles Myer seeks the inclusion of a savings provision in the LEP to enable any current DA to be considered on the basis of the current 3(a) zone. Such provisions are common and allow fairness to owners and occupiers who have invested in preparing for redevelopment, especially for a public company, where shareholder interest is affected.	A savings provision was recommended to be included under clause 8 of the principal DLEP when reported on the St Ives centre.	No amendment to the DLEP is required
Inconsistency of terms	There is inconsistency in terms used in Council documents eg. “rezone” & “reclassification”.	Rezoning and reclassification are two different processes under different legislation. Zoning controls land use and applies to all land covered by the LEP and is addressed through the Land Use table and the land zoning map in the DLEP. Land classification is a requirement for Council owned land under the local Government Act and governs how council can manage or dispose of Council land	No amendment to the DLEP is required.

Drafting of LEP	Issue	Comment	Recommendation
		assets. Classification does not govern land use. Under the Local Government Act, the reclassification of land is implemented through an LEP and is addressed in the DLEP through cl.27 and Schedule 4. Reclassification of community land has been considered under a separate process involving a public hearing.	

Draft Development Control Plan	Issue	Comment	Recommendation
Vision, objectives & strategies	Council presented limited options to the community on which they could comment in terms of the vision for Turrumurra.	Council presented 6 land use options and traffic options. Combined, this represents a large number of potential sub options.	No change recommended
	Size of Karuah Park on the land use map (s.2.1.3 and others) indicates expansion of Karuah Park with the rezoning of open space of 12 residential properties facing Brentwood Avenue, Turrumurra Avenue and Eastern Road and backing onto the park. Council has not developed any firm intentions to acquire the properties. Request that Council take these properties off the plan or put plans in the drafts to acquire properties at a later date or the properties will be unsaleable, leading to uncertainty for residents. The acquisition would cost up to 15 -20 million dollars and is therefore impractical.	These lands have been identified as potential future open space. These properties have not been rezoned and are not identified as such within the LEP. Council is currently collecting S94 funds for the purpose of open space acquisition and proposed amendments to the S94 plan to incorporate community facilities identified as a result of development. Increased open space acquisition as a result of population change in Turrumurra centre will mean open space will need to be acquired within the vicinity of the centre. The sites identified as potential open space are well suited to supplying those needs. There is no restriction of any use development or sale of those properties as a result of the exhibited plan.	No change recommended.

Draft DCP	Issue	Comment	Recommendation
	Support aims of DCP. Support of the vision and intent of the proposed DCP and would encourage the Council to proceed with the Plan.	Supportive comments noted	No change recommended
	Initial idea of “village” concept facing in towards the railway station is no longer apparent.	The proposed William Square on William Street is a large public space directly adjoining the rail station	No change recommended
	If Coles is to be relocated it should be moved to Cameron Park and the cut-off section of Gilroy Rd.	The location was tested in the traffic modelling and significant impacts were found on Eastern/Gilroy/Rohini intersection. Council resolved to retain Cameron Park as open space.	No change recommended
	2.1.4 Strategy for increased passive recreation particularly for Cameron Park implies that facilities will be provided, that either already exist (eg. playground) or that it is impractical to provide (eg. dog walking/cycling) because of the size of the park. This is misleading.	This note is intended to be a general strategy across the centre. It is noted there is confusion in the diagram. Cameron Park is large enough for a small path catering for children’s bikes	Amend DCP 2.1.4 to: <ul style="list-style-type: none"> clarify reference to Cameron Park recreation uses delete number references under strategies and replace with dot points
	2.1.4 & 2.1.5. Concerned that long-established gardens that provide leafy cottage character will be resumed to provide increased setbacks for Gilroy Walk.	Concern noted. All proposed works on Gilroy Road would be within the road reserve and will not effect private lands	No change recommended
	The library should be located near the Senior Citizens Centre, Meals on Wheels, the Masonic Centre and Church Hall to form a central hub of community facilities.	The Masonic Centre and Church Hall are privately owned and proposed to be zoned B2 – local centre. There is no guarantee in the longer term that the current uses will remain.	No change recommended
	The map at s. 2.2.9 is unclear as to the full functionality of each intersection, eg. Ray/Pacific intersection should show right turn into Ray and out of Ray St.	Noted. This diagram will be reviewed to ensure consistency with final traffic option	Amend DCP 2.2.9 to ensure consistent with final traffic option

Draft DCP	Issue	Comment	Recommendation
	<p>William Square (s. 3.1.2) is overly ambitious, and located on public road and private carpark.</p> <p>Vehicular access to Higgs Lane is required for the long term to access Coles and its carpark.</p>	<p>Noted William Square is located on publicly owned land (currently car park) and public road. A very small area near Forbes Lane is on private land within a development setback.</p> <p>The use of Higgs Lane and William Street assumes an integrated development of the area with underground parking and service access. If this plan proves not to be possible then the plan will be revised accordingly</p>	No change recommended
	Proposed development goes against the underlying principles, aims and objectives set out in the section 55 Direction. (submission No. 108)	Council has undertaken a comprehensive planning process taking into account all aspects of town centre planning including retail planning, community facilities planning, open space planning, traffic planning and economic feasibility. The process achieves the objectives of the Direction as well as a range of other important objectives.	No change recommended
Public domain controls			
Public open space	<p>Design/location/size/zoning/ownership of proposed and existing public open space areas will not result in the attraction of people, which is what makes a public space work. (Details -Submission 15)</p> <p>Council should prepare a public space strategic plan and integrate it with other plans, make 2 large spaces zoned RE1 away from busy roads, instead of 8 small spaces.</p>	<p>Following a review of the submission it is not possible to provide any comment as the information provided in the submission provides no evidence to support the assertion.</p> <p>Council has prepared a strategic plan in the form of Part 2 and Part 3 of the Draft DCP. This Part is integrated with all other aspects of the plan.</p>	No change recommended

Draft DCP	Issue	Comment	Recommendation
		<p>Council is planning for urban public spaces which are different in character, use, management and function to land typically zoned RE1. Such spaces do not necessarily need to be zoned for recreation. Many of Councils parks in the Local Government Area are currently zoned as residential 2(c).</p> <p>All the areas identified for parks and urban space are currently zoned commercial and the Department of Planning will not allow down zoning of land.</p>	
	No enough provision for communal activities in the centre of Turrumurra	The plans propose an increase from around 1200sqm of existing community space to about 3600sqm which is a three fold increase. If more is determined to be necessary this can be included in the plan.	No change recommended.
	<p>Seek the removal of the proposed Kissing Point Road Park:</p> <ul style="list-style-type: none"> • Busiest intersection not a good place to relax • Better to utilise area that overlooks the Bluegum Forest. (No. 74) 	<p>Noted</p> <p>This has been review as part of precinct C And is recommended for removal.</p> <p>Refer detailed discussion in the body of the report in relation to Submission 73 and 55 - <i>Precinct C - Pacific Highway and Kissing Point Road, Turrumurra</i></p> <p>New park proposed on edge of Blue Gum High Forest</p>	Refer recommendations in relation to precinct C
	Little or no viable and achievable open space in plan. Plans do not deliver large areas of useable Open Space for residents living within the centre, or for shoppers	Public spaces in urban centres such as Turrumurra are not intended to be useable open space for recreational purposes. This	No change recommended.

Draft DCP	Issue	Comment	Recommendation
	coming to the centre, to enjoy.	<p>role is fulfilled by parks outside centres.</p> <p>It is not entirely clear what is meant by large however there are a large number of constraints in commercial areas which limit the size of public space that is achievable.</p>	
	The areas of open space area disjointed and small and will not allow for green areas- rather they will be paved, cramped and noisy.	<p>The spaces provided are urban spaces which will be a combination of landscaped areas and paved areas. Paved areas are necessary in urban areas given the pedestrian traffic.</p> <p>Karuah Park is within 5 minutes walk of the centre and provides large areas of green space.</p> <p>Cameron Park is a green space within the centre</p>	No change recommended.
	There are no visible village squares with the opportunity for cafes, restaurants and shops that would make pleasant places for people to meet and pass time.	Disagree. William Square is proposed to be a town square fronted by cafes, restaurants and shops.	No change recommended.
	Open space appears to be an afterthought to development. Turramurra Centre has been zoned B2 in its entirety. There is currently no statutory provision in the Draft LEP to guarantee any Open Space outcomes and thus no land has been zoned Open Space. Open space is not under the control of Council.	<p>Disagree.</p> <p>William Square is entirely on Council land and under Council control. The Railway Gardens are currently leased from Rail Corp and maintained by Council</p> <p>Turramurra Green is entirely on Council land and under Council control.</p> <p>All the areas identified for parks and urban space are currently zoned commercial and</p>	No change recommended.

Draft DCP	Issue	Comment	Recommendation
		<p>the Department of Planning will not allow down zoning of land - RE1 would be a down zoning.</p> <p>It may be possible in the future to amend the plans and zone the areas for open space if this is appropriate.</p>	
	Plans do not deliver a retail centre that will attract and encourage shoppers or business- open space will help achieve this and bring people into Turrumurra.	Considerable additional open space is provided.	No change recommended.
	At grade car parks greatly contribute to the open atmosphere and liveability of the area and should be given consideration in calculation of current open space.	Car parks are not open space.	No change recommended.
	Many areas to be rezoned are either too small to be considered useable open space for recreational purposes or they are simply not Council owned and thus not councils to re-zone. i.e. roads and median strips are not large useable open space such as Gilroy walk.	<p>Council owns many small pocket parks an example is Annie Wyatt Reserve in Gordon which is a highly valued park however it has no status other than road reserve.</p> <p>Public spaces in urban centres such as Turrumurra are not intended to be useable open space for recreational purposes. This role is fulfilled by parks outside centres.</p>	No change recommended.
	Turrumurra Green-Council's contention that Community land used for at-grade car parking is not open space but that a "shared pedestrian/vehicular zone" can be counted as future open space is highly inconsistent, unfair and misleading.	<p>The shared vehicular zone was not counted in any calculations regarding the amount of open space.</p> <p>It is acknowledged that the strategy diagrams 2.1.2 Structure, 2.1.3 Land Use, and 2.1.4 Open Space and Links and 2.2.2 Street Character are misleading in the way graphic symbols are used to portray open</p>	<p>Amend the following in the Draft DCP</p> <ul style="list-style-type: none"> Revise graphic symbols for open space in Strategy diagrams 2.1.2 Structure, 2.1.3 Land Use (a and b), and 2.1.4 Open Space and Links

Draft DCP	Issue	Comment	Recommendation
		space. It is recommended that these be amended.	and 2.2.2 Street Character.
	<p>William square will likely never happen due to many factors listed below:</p> <ul style="list-style-type: none"> - Relies on state rail dedicating the Turrumurra station garden to council for re-zoning as open space. - The removal of two gazetted roads (William St and Higgins lane) - If the Coles DA is approved they will have right of way on William St to access their premises. - The section 65 certificate state that permission has not been given by the RTA to rezone lands currently shown as road reservation and State Rail hasn't approved to rezoning of railway land to alternative uses. 	<p>Council currently leases and maintains this land from Rail Corp. There is no intention to seek dedication or to rezone the land at this stage</p> <p>To close a public road there is a formal process under the Roads Act</p> <p>Noted. If DA approved and if Coles proceed to construction then Council may need to revise the plans for this area</p> <p>Rail Corp has made no specific objection with regard to rezoning the Railway Gardens area</p> <p>RTA has not objected to the rezoning of the road reservation</p>	No change recommended.
	This Hillview site area that is proposed to be open space area will only benefit those living in the development on that site.	A public access way is proposed from Boyd Street to the Pacific Highway through the Hill View site and alongside the proposed park. This route is currently well used by residents and is likely to increase in usage with increased densities in the area south of the highway	No change recommended.
	Church Square and Gilroy walk are now shown as open space, but do not function as such.	These areas are currently at grade car parks and are not considered as "open space" from a planning or urban design perspective.	No change recommended.

Draft DCP	Issue	Comment	Recommendation
	<p>Stonex Lane area too small for proposed planting of blue gum trees.</p> <p>The Blue Gum High Forest cannot be considered as contributing to useable Open Space.</p>	<p>Noted. 3.1.8 Stonex Lane to be reviewed</p> <p>Noted. A new park is proposed on the area currently occupied by the rear of Franklins Supermarket. This area is currently not open space. It is a flat platform with potential to provide for passive recreation</p>	<p>Amend the following in the Draft DCP:</p> <ul style="list-style-type: none"> Delete Blue Gums as preferred tree species and provide more appropriate tree species in 3.1.8 Stonex Lane.
	<p>Kissing Point Road park- is not a viable open space. It is not a pleasant place to site, meet or wait. It will be noisy, polluted and at risk from traffic incidents.</p>	<p>Noted.</p> <p>This has been reviewed as part of precinct C and is recommended for removal.</p> <p>Refer detailed discussion in the body of the report in relation to Submission 73 and 55 - <i>Precinct C - Pacific Highway and Kissing Point Road, Turramurra</i></p>	<p>Refer recommendations in relation to precinct C</p>
Primary development controls			
Site amalgamations	<p>Council relies too strongly on amalgamation of sites, without providing any incentives to do so. No plans are provided if these amalgamations do not happen. More clarification in the LEP and DCP is required as to whether a DA can be approved on individual lots if the proposed amalgamation is ignored.</p>	<p>The proposed amalgamations contained in the DCP are intended to be preferred amalgamations, with alternative amalgamations possible provided that the DCP objectives are still achieved. A control to this effect should be included in the DCP in section 4.1.</p>	<p>Include the following provision in section 4.1 :</p> <ul style="list-style-type: none"> <i>Alternative site amalgamations are permissible if it can be demonstrated that development on the proposed site and remaining sites in the vicinity can be developed in accordance with the design objectives in this section and the relevant precinct objectives.</i>

Draft DCP	Issue	Comment	Recommendation
	The site size standard should be related to acceptable basement car parking access, circulation & egress rather than a notional minimum site area.	The minimum lot areas for land in the R3 and R4 zones are consistent with the requirements under LEP 194. There are no minimum lot sizes for the B2 zone as these will be determined on design and development constraints of individual sites	No amendment to the DDCP is recommended.
	s.4.1 The amalgamation of the sites is unlikely to be achieved, would not necessarily result in the most efficient use of the land, and includes roads required indefinitely (eg for access to Coles).	The proposed amalgamations contained in the DCP are intended to be preferred amalgamations, with alternative amalgamations possible provided that the DCP objectives are still achieved.	No amendment to the DDCP is recommended.
Building alignments	Increased setback to Precinct B to allow widening of Pacific Highway is an effective resumption of land. This should be recompensed by full 5 storey building envelope and by financial consideration.	Identified road widening would be dedicated post development. FSR calculations for these sites have been based on the inclusion of future land to be dedicated in the total site area and therefore the financial benefit of this land is retained in the development.	No amendment to the DDCP is recommended.
Specific built form controls (see private lands precincts)			
	While the building forms appear reasonable, the extent and detail need further refinement, eg building depth and position restrict the floor plan of units and therefore the usable units under SEPP65.	The building envelopes contained in the DCP are consistent with the requirements of SEPP 65 Residential Flat Design code.	No amendment to the DDCP is recommended.
General development controls			
Building articulation	s.5.2.3. Active street frontages are not always possible. "Continuous length of blank wall" is not specific. How long is "continuous" and what constitutes "blank"?	This provision should be interpreted in conjunction with the objectives of the section which relates to visual impacts of blank walls and impacts on pedestrian amenity and safety. A strict numerical control is not appropriate as impacts need to be considered in context on a case by case basis.	No amendment to the DDCP is recommended

Draft DCP	Issue	Comment	Recommendation
Awnings & colonnades	<p>s. 5.3.1. M3. Minimum awning heights needs to consider loading dock crossings where height in excess of 3.5m will be required.</p> <p>M9. Minimum lighting requirement may not be achievable, and may be cost prohibitive.</p>	<p>Noted. Loading docks are discouraged from active street frontages where awnings are required and therefore no conflict.</p> <p>Minimum lighting controls are required to satisfy the relevant Australian standard.</p>	No amendment to the DDCP is recommended
Internal amenity, solar access, energy efficiency, construction materials	s. 5.6.1 M1 The internal ceiling heights for the retail uses, including Coles supermarket site, should be increased to at least 3.7m to accommodate services. 4.2m would be more viable and allow flexibility for other commercial/retail uses in the future.	The internal ceiling heights used in the DCP are consistent with SEPP 65 Residential Flat Design Code as it applies to mixed use buildings.	No amendment to the DDCP is recommended.
Waste management	<p>This section contains excessive detail, as many of the details are normally dealt with as conditions of consent. The numbering/layout is also confusing.</p> <p>G5 The practicalities of on-site composting, together with the ongoing maintenance, and health regulations will be problematic.</p>	<p>Noted.</p> <p>Noted.</p> <p>On site composting contributes to waste minimisation. Design and on-going maintenance should be considered in the design stage of a development and should be noted on the waste management plan submitted with a DA.</p>	In relation to waste management: That the waste controls be amended as per the attached draft controls and the recommendations of Council's waste section.
Access & servicing, social dimensions	s. 5.13.2 G10. The provision of pavers for driveways needing to accommodate trucks may not be appropriate due to vehicle weight.	Construction standards of permeable paving used in driveways would need to satisfy the necessary load capacity requirements.	No amendment to the DDCP is recommended
	s.5.14.1 M1 Maximum parking provision of 1 space per 26m of GFA is far too low for large format retail uses. 1 per 20m would be appropriate with no maximum. There is little evidence to suggest a connection between rail travel and shopping, therefore reduced parking demand is unlikely to occur.	The proposed parking rate is consistent with DCP 43 (Car Parking) and is consistent with the rates suggested by RTA guidelines for large format retail. This also represents an allowance for the fact that trips (and therefore parking) in a retail area around a station typically would be multi-purpose trips, visiting 2 or more	No amendment to the DDCP is recommended

Draft DCP	Issue	Comment	Recommendation
		destinations. 1/20m ² would not be economically feasible. Access to rail reduces the need for retail parking provision by offering alternative modes of transport for shoppers and commuters.	
	5.14.5 Consideration should be given to basement vs. above ground parking on sloping sites. There are inconsistencies between the various types of car park and their designs in the document.	Parking configuration would be considered during the design stage. Nonetheless, it is likely that parking will be provided in basements due to building envelopes.	No amendment to the DDCP is recommended
	s. 5.14.6 M1. Requiring bicycle parking in mixed use developments is excessive. The spaces are also too large.	Bicycle parking in mixed use development encourages alternate transport modes. Bicycle parking is generally more compact than vehicle parking, therefore space requirements are less onerous.	No amendment to the DDCP is recommended
Signage & advertising, telecommunication	s. 5.16.3 & 5.16.5 Signage requirements are overly restrictive and do not provide sufficient opportunity to inform the public on the business use on the premises. Signage types should be considered on merit. s. 5.16.4 Lighting requirements too expensive and impractical.	Signage controls are intended to regulate the visual and amenity impact of signage while still permitting sufficient business identification and business advertising opportunities and are thus considered appropriate. Lighting requirements address visual amenity and safety issues as well as promote energy efficiency and are considered appropriate.	No amendment to the DDCP is recommended

Matters related to drafting of the DCP	Issue	Comment	Recommendation
	Layout, organisation and numbering do not clearly show where or how particular standards apply to specific development types. It is unclear why some standards	Noted. As a result of the review of the overall DCP for the St Ives centre, additional text is to be added to the DCP	No amendment to the DDCP is recommended

	apply and others do not.	to aid clarity and ease of use.	
Drafting of DCP	Issue	Comment	Recommendation
	Controls are too prescriptive and do not allow flexibility. It also repeats issues already addressed by the Australian Standards and the BCA. It is therefore confusing as to which standard should prevail.	<p>The DCP does allow some degree of flexibility of the development controls, in circumstances where variations satisfy the stated objectives of the relevant controls. This approach is outlined in section 1.9 of the DCP.</p> <p>References to Australian Standards and the BCA are to ensure compliance with these regulations.</p>	No amendment to the DDCP is recommended
	<p>References are inconsistent: the natural area in Precinct I is referred to variously as Blue Gum High Forest Protection (s.2.2.1), open space (s.2.1.3) and bushland reserve (s.2.1.5).</p> <p>There are ambiguities and inconsistencies as to the nature and extent of the proposed new bushland reserve which is labelled as Lamond-Duff but located between Lamond and Finlay.</p>	<p>Studies undertaken on this area has confirmed that it is not blue gum high forest.</p> <p>The inconsistencies in terminology are noted and will be made consistent in the DCP</p>	The DCP controls applying to the proposed bushland regeneration area between Finlay Rd and Lamond Drive (Precinct I) be reviewed to ensure consistency in area of application and terminology.
	s.4.5 shows the precinct beside precinct C as M. It is referred to in s.4.5.4 as N. It should read N.	Noted.	DCP Figure 4.5.1 be amended to correctly identify precinct N.
	The DDCP does not provide clarity of architectural and design outcomes. Detailed built form guidelines by experts are required.	The DDCP has been prepared by professional and experienced architects, urban designers and planners and has been subject to peer review. The built form controls and guidelines contained in the DDCP are considered sufficient and appropriate.	No amendment to the DDCP is recommended.

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 1

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

Minister for Planning

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 1

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 1*.

2 Aims of plan

The aim of this plan is to make local environmental planning provisions for land in Turramurra in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

3 Land to which plan applies

This plan applies to the land identified on the map marked “Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) (Amendment No 1) Land Application Map” deposited in the office of Ku-ring-gai Council.

4 Amendment of Draft Ku-ring-gai (Town Centres) Local Environmental Plan 2006

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 7 Maps

Insert the following after point (v) in the note at the end of clause 7(3):

- vi) Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.1 Land Application Map
- vii) Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.1 Land Zoning Map
- viii) Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.1 Lot Size Map
- ix) Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.1 Height of Buildings Map
- x) Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.1 Floor Space Ratio Map

[2] Clause 10 Land use zones

Insert the following under the words 'SP 2 Infrastructure':

'Recreation Zones
RE1 Public Recreation'.

[3] Land Use Table

In the 'Land Use' table insert the following additional zone after 'Zone SP 2 Infrastructure':

'Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Exempt Development.

3 Permitted with consent

Advertising structures; Caravan parks; Community facilities; Drainage; Environmental facilities; Environmental protection works; **Kiosks**;

Schedule 1 Amendments

Public utility undertakings; Recreation areas; Registered clubs;
Roads; Signage; Telecommunications facilities; Utility installations.

4 Prohibited

Any use not otherwise permitted with or without consent.'

[4] Schedule 1 Additional permitted uses

Insert in the table under Schedule 3 the following:

Lot Description	Address	Additional Permitted Uses
Lot 7, DP214733 & Lot 6, DP26828	1334 & 1340 Pacific Highway, Turramurra	Business premises; Medical centre; Office premises; Restaurant
Pt. Lot 2, DP183894	1335 Pacific Highway	Business premises; Office premises;
Lot B, DP400653	1337 Pacific Highway	Business premises; Office premises; Retail

[8] Schedule 5 Environmental Heritage

Insert in the table under Schedule 5 the following:

Suburb	Item Name	Address	Property	Significance
Turramurra	Masonic Temple,	1247 Pacific Highway	Lot 1, DP303959	Local
Turramurra	Hillview	1334 Pacific Highway	Lot 7, DP214733	Local
Turramurra	Hillview Garages	1340 Pacific Highway	Lot 6, DP26828	Local
Turramurra	Former Commonwealth Bank	1356 Pacific Highway	Lot 5, DP132873	Local
Turramurra		1358 and 1360 Pacific Highway	Lot A & B, DP445374 Lot 8, DP237813	Local
Turramurra		1428 Pacific Highway,	Lot 2, DP308421	Local
Turramurra		1458 Pacific Highway,	Lot A, DP374006	Local
Turramurra	Uniting Church	10 Turramurra Avenue,	Lot 1, DP834582	Local
Turramurra		8 Kissing Point Road,	Lot 1, DP743998	Local
Turramurra		2-4 Boyd Street,	Lot 2, DP596228	Local
Turramurra		8 Ray Street,	Lot 4, DP11752	Local
Turramurra	St Margaret's Church	17A Eastern Road,	Lot 1, DP830432	Local

Zone Description

Residential Zones

Zone R3 - Medium Density Residential

Zone R4 - High Density Residential

Business Zones

Zone B2 - Local Centre

Special Purpose Zones

SP2 - Infrastructure

Recreation Zones

RE1 - Public Recreation

Item

Heritage Item

NORTH

SCALE:1:3000

050100150

Metres

DRAWN BY: COUNCIL,S LAND INFORMATION DIVISION

PLANNING OFFICER : ANTONY FABBRO

COUNCIL FILE NO.

DEPT. FILE NO.

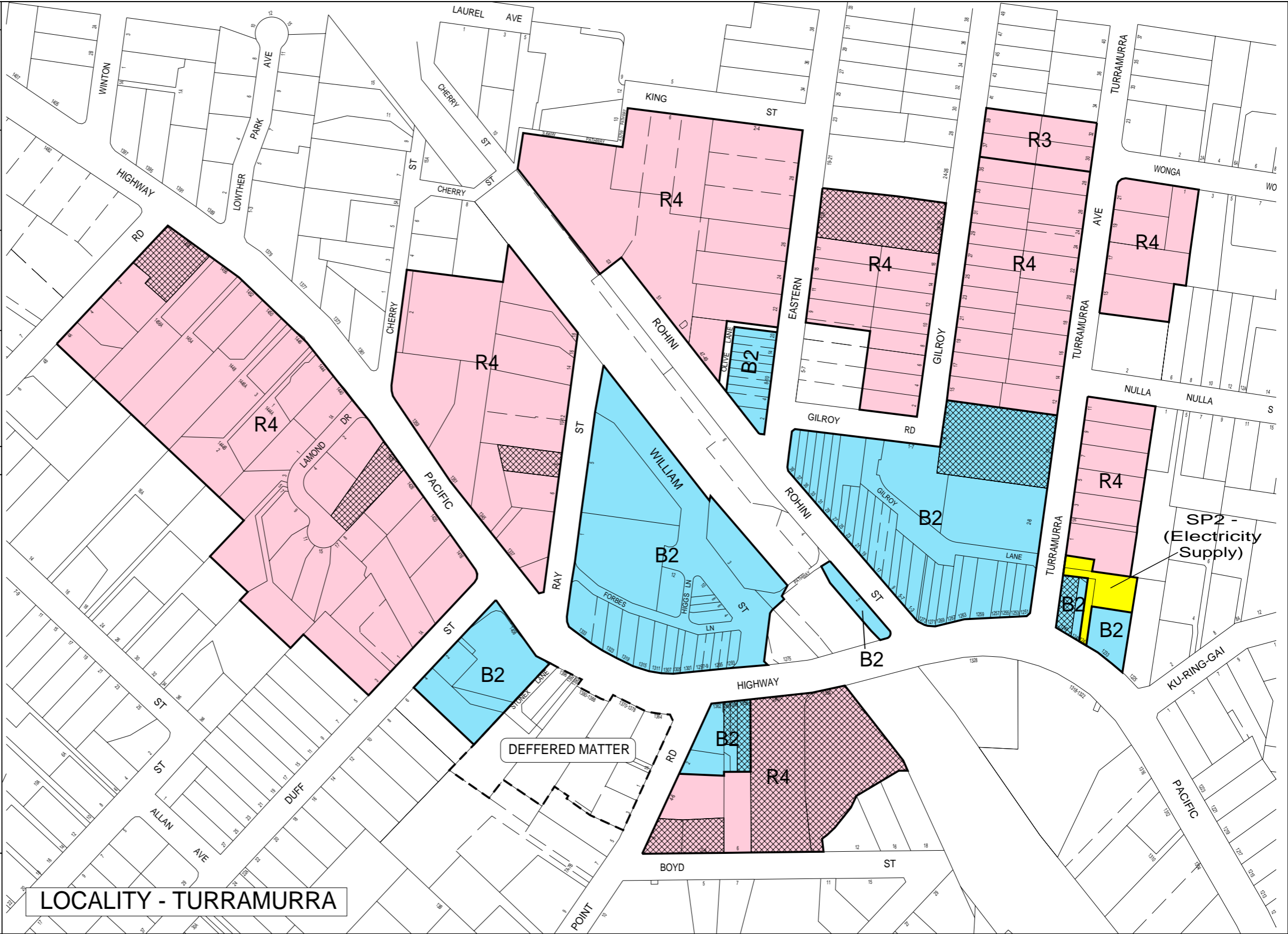
CERTIFICATE ISSUED

UNDER SEC.65 E.P.A.ACT

DATE

GOVT. GAZETTE NO.

DATE



ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979

KU-RING-GAI COUNCIL

DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)

AMENDMENT NO.1

Land Zoning Map (clause 11)

SHEET 2

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS THE KU-RING-GAI PLANNING SCHEME

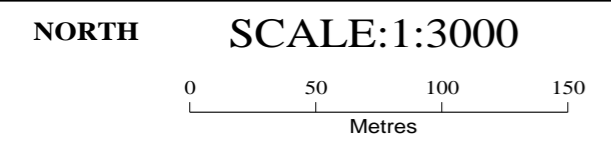
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

GENERAL MANAGER

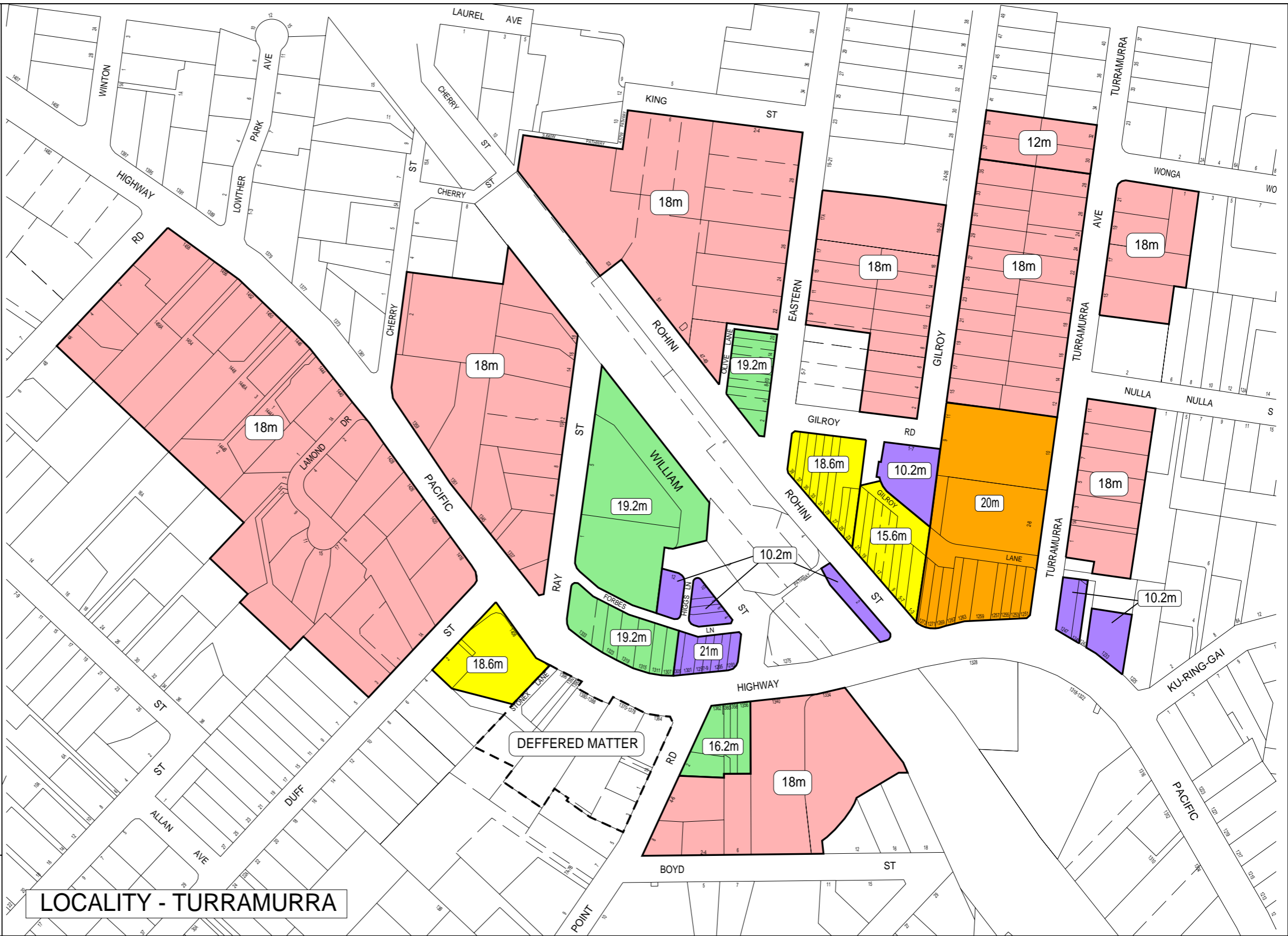
DATE 10 November 2006

- Residential only
5 storeys residential
(5 x 3m) + 2m (lift over run) + 1m (parking*) = 18m
3 storeys residential
(3 x 3m) + 2m (lift over run) + 1m (parking*) = 12m
- Business/Retail only
2 storeys business/retail
(2 x 3.6m) + 2m (lift over run) + 1m (parking*) = 10.2m
5 storeys business/retail
(5 x 3.6m) + 2m (lift over run) + 1m (parking*) = 21m
- 2 storeys business/retail + 3 storeys residential
(2 x 3.6m) + (3 x 3m) + 2m (lift over run) + 1m (parking*) = 19.2m
2 storeys business/retail + 2 storeys residential
(2 x 3.6m) + (2 x 3m) + 2m (lift over run) + 1m (parking*) = 16.2m
- 1 storey business/retail + 4 storeys residential
(1 x 3.6m) + (4 x 3m) + 2m (lift over run) + 1m (parking*) = 18.6m
1 storey business/retail + 3 storeys residential
(1 x 3.6m) + (3 x 3m) + 2m (lift over run) + 1m (parking*) = 15.6m
- 1 storey retail + 4 storeys residential
(1 x 5m) + (4 x 3m) + 2m (lift over run) + 1m (parking*) = 20m

* plus 1m for potential basement parking projecting out of the ground



DRAWN BY: COUNCIL,S LAND INFORMATION DIVISION	
PLANNING OFFICER : ANTONY FABBRO	
COUNCIL FILE NO.	
DEPT. FILE NO.	
CERTIFICATE ISSUED UNDER SEC.65 E.P.A.ACT	DATE
GOVT. GAZETTE NO.	DATE



ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979
KU-RING-GAI COUNCIL
DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)
AMENDMENT NO.1
Height Map (clause 21)
SHEET 2

STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE KU-RING-GAI PLANNING SCHEME	
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	
GENERAL MANAGER	DATE 10 November 2006

Summary of consultation program Turramurra Centre

Surveys, Consultations, Displays, emails & Mailouts

• Turramurra Household Surveys	8000	1 Feb 05
• Turramurra Business breakfast consultation	6	7 March
• North Turramurra Action Group	17	13 March
• Turramurra Business breakfast consultation	12	14 March
• Turramurra – Rohini Village	8	18 March
• St Margaret's Village & Northaven consult	5 delegates	18 Mar 05
• Kissing Point Sports Club	31	27 April
• Turramurra Vision - RFR Workshop	50	5 May 05
• Turramurra Vision - RFR email/fax Survey	200	12 May
• Kissing Point Progress Assn –8-9.30pm	12	31 May
• Turramurra – Business Feedback/consul 6pm	17	6 June 05
• Turramurra vision – email survey to 200 h'holds	75	24 June
• Turramurra Land-owners Options Workshop	30	10 August
• Turra Residents & Business & RAG Workshop	70	10 August
• Turra Town Centre Prelim Display – Coles	Sat.	20 August
• Turra Town Centre Prelim Display – Franklins	Sat.	20 August
• Turra Town Centre Prelim Display – Cameron Park	Wed	24 August
• Turra Town Centre Prelim Display – HACC Centre	Sun.	28 August
• Turra Town Options Wkshop2 – HACC Centre	40	15 Sept 05
• Turramurra Uniting Church discussions (+6 Clrs)	20	17 Nov 05
• Turra Chamber of Commerce Presentation	20	21 Nov 05

• Turramurra Chamber of Commerce Briefing	30	4 Apr 2006
• Email update to Turramurra Stakeholders	800	4 Sep 06
• Email GM update to Turramurra Stakeholders	800	8 Sep 06
• Email update on Town centre planning	800	6 Oct 06
• Email update early release of Final Report	800	3 Nov 06

Turramurra Planning Exhibition – staffed displays:

- Tue 5 Sept 10-2pm
- Thu 7 Sept 10-2pm
- Sat 9 Sept 10-2pm

- Tue 12 10-2pm
- Public Information Sessions - Wed 13 Sept 2.30pm-3.30pm & 7-8.30
- Thu 14 10-2pm
- Sat 16 Sep 10-2pm

- Tue 19 10-2pm
- Thu 21 Sep 10-2pm
- Thu 21 Sep 6-8pm
- Sat 23 10-2pm

- Tue 26 10-2pm
- Thu 28 10-2pm
- Thu 28 6-8pm
- Sat 30 10-2pm

Mailouts

- Some 32,000 colour brochures were included in all above towns' rate notices from July 2006, providing an update on progress for 6 town centres, and inviting email or phone contact with Council on their planning.



Report on Public Hearing

Draft Ku-ring-gai Local Environmental
Plan 2006 (Town Centres)
Amendment No.1

Reclassification of Community Land
As Operational Land

TURRAMURRA CENTRE

Prepared for:
Ku-ring-gai Council
818 Pacific Highway
GORDON NSW 2072

Prepared by:
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November 2006

A06047.TPR

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1.0 Introduction

This report reviews the proposal contained in draft *Ku-ring-gai Local Environmental Plan 2006 (Town Centres) - Amendment No.1* (draft *LEP*) to reclassify the following six (6) parcels of land in the Turramurra Centre from “community land” to “operational land” under the terms of the *Local Government Act 1993* (*LGA 1993*):

- Site 1 - 2-8 Turramurra Avenue
- Site 2 - 1-7 Gilroy Street
- Site 3 - 12 William Street
- Site 4 - 5 Ray Street
- Site 5 - 1A-3 Kissing Point Road
- Site 6 - Stonex Lane

The draft *LEP* was prepared in response to a Direction that was made to Council by the Minister for Planning on 27 May 2004, under the terms of Section 55(1) of the *Environmental Planning and Assessment Act 1979* (*EP&A Act*), to prepare a draft local environmental plan for areas in close proximity to the railway line and Pacific Highway within specified residential and business zones.

The Direction required the draft *LEP* to address principles relating to:

- the broadening of housing choice, by facilitating multi-unit housing and “shop-top” housing;
- the more efficient use of existing infrastructure and services; and
- the revitalisation of existing retail/commercial areas.

All of the sites, other than Site 2, are classified as “community land” under the terms of the *LGA 1993*.

Site 2 is currently classified as “operational land”.

LGA 1993 requires public land to be classified as either “community land” or “operational land” and makes specific provision for its reclassification from “community land” to “operational land” to enable Councils to rationalise the use of their land resources to best meet the needs of their community.

The draft *LEP* prepared by Council comprised the following two (2) basic elements:

- the rezoning of land within the Turramurra Centre to satisfy the requirements of the Minister’s Direction; and
- the reclassification of Council-owned land as “operational land” to facilitate its incorporation into the restructuring and redevelopment of the Centre.

The draft *LEP* was certified, under Section 65 of the *EP&A Act*, on 17 July 2006 by the Director General of the *Department of Planning* to enable its public exhibition in accordance with Section 66 of the *Act*.

Council also prepared draft *Ku-ring-gai Town Centres Development Control Plan 2006 (Turramurra Centre)*, (draft *DCP*), to provide:

- more detailed provisions than those contained in the draft *LEP*; and
- a planning framework for the future development of the Centre.

The draft *DCP* conceptualises the future structure and form of the Centre and enables an assessment to be made of whether the development facilitated by the draft *LEP* would meet the outcomes sought by the *Minister's* Direction.

The draft *DCP* was exhibited in conjunction with the draft *LEP*.

The existing zoning designation of the sites to be reclassified, which predominantly permits retail/commercial development, is to largely to remain unaltered.

The draft *LEP* and draft *DCP* were publicly exhibited between 4 September and 3 October 2006.

Seventy-eight (78) written submissions were received concerning the proposed reclassification of Council's land, together with a petition containing 668 signatures opposing its reclassification.

Council is required, under the terms of Section 29 of the *LGA 1993*, to hold a public hearing concerning any proposal to reclassify land in the manner proposed.

The holding of the public hearing was notified in the *North Shore Times* on 1 September 2006.

I have been commissioned to conduct the hearing independently of Council and to make recommendations to Council as to the course of action to be taken concerning the reclassification of the land as proposed in the draft *LEP*.

I have inspected the sites.

2.0 Background

The concept of the classification of Council-owned land was introduced with the making of the *LGA 1993* on 1 July 1993.

There was no precedent for public land classification or how land should be classified in NSW prior to 1993.

Section 25 of the *LGA 1993* requires all land owned by Council to be classified as either "*community land*" or "*operational land*".

The purpose of classifying land is to clearly identify land which should be kept for community use.

"*Community land*" represents land which needs to be kept for community use because of its use or special features and is land that:

- cannot be sold;
- cannot be leased, licensed or any other estate granted over it for more than twenty-one (21) years; and
- must have a plan of management prepared for it.

On the other hand, "*operational land*" is land to which no special restrictions apply and which may be sold by Council.

Clause 6(2) of Schedule 7 of the *LGA 1993* provided that the following categories of land were required to be classified as "*community land*" when the *Act* commenced operation in 1993:

- public reserves;
- land held in trust for a public purpose;
- land dedicated as a condition of development consent under Section 94 of the *EP&A Act*;
- land designated in an environmental planning instrument as open space;
- land vested in the Department of Planning (*DoP*) and controlled by Council.

All of the sites, other than Site 2, are classified as "*community land*" under the terms of the *LGA 1993*.

Site 2 is currently classified as "*operational land*".

Section 27 of the *LGA 1993* provides for the reclassification of public land by the preparation of a local environmental plan.

This only applies to the reclassification of "*community land*" to "*operational land*", as public land can be reclassified from "*operational land*" to "*community land*" by a resolution of the Council under the terms of Section 33 of the *Act*.

The draft *LEP* prepared to reclassify the sites as "*operational land*" was certified under Section 65 of the *EP&A Act* on 17 July 2006 by Director General of the *Department of Planning* to enable its public exhibition in accordance with Section 66 of the *Act*.

Relevantly, the Section 65 Certificate required:

- sites currently zoned under a business zone in the *Ku-ring-gai Planning Scheme (KPS)* to be transferred to the Business B2 - Local Centre zone in the draft *LEP* and existing permitted uses in the current zone to be permissible within the proposed zone; and
- the Special Purposes (SP2 Infrastructure) zone in the draft *LEP* not to be used for car parking areas and community facilities and for these areas to be zoned according to the adjoining land use zoning, i.e. the relevant residential or business zone.

The reclassification of “community land” and the plan making process require the community consultation process specified in the *Environmental Planning and Assessment Regulation 2000 (Regulations)* to be carried out and for a public hearing, under the terms of Section 29 of the *LGA 1993*, to be held.

Clause 12 of the *Regulations* requires public notice to be published of the exhibition of a draft plan no later than the start of the exhibition.

The public notice of the exhibition the draft *LEP* was published in the *North Shore Times* on 1 September 2006.

In addition, Council notified the exhibition of the draft *LEP* to:

- all owners of land within the Turramurra post code, by letter dated 29 August 2006;
- all owners of land within the Centre whose land was affected by the draft *LEP*, by letter dated 30 August 2006;
- all of the businesses that Council was able to identify that operated in the Centre; and
- some eight hundred (800) people who had registered an interest on Council's website concerning the planning of the Centre.

Details of the exhibition were also available on Council's website.

Clause 13 of the *Regulations* requires a draft plan to be publicly exhibited for at least twenty-eight (28) days.

The draft *LEP* was publicly exhibited between 4 September and 3 October 2006.

Seventy-eight (78) written submissions were received concerning the proposed reclassification of Council's land.

In addition, a petition containing 668 signatures was submitted which:

- opposed the proposed reclassifications;
- indicated that all of the land proposed to be reclassified should be retained in public ownership, used to provide open space and used to enhance the areas for past, present and future generations; and
- indicated that people had been inadequately informed of Council's intention to reclassify the land and the ramifications of reclassification.

Council is required, under the terms of Section 29 of the *LGA 1993*, to hold a public hearing concerning any proposal to reclassify land in the manner proposed.

Section 47G(2) of the *LGA 1993* provides that the person presiding at the public hearing must not be:

- a Councillor or an employee of the Council holding the public hearing; or
- a person who has been a Councillor or an employee of that Council at any time during the 5 years before the date of appointment.

In accordance with this provision, I have been commissioned by Council to conduct the public hearing relating to the reclassification of land proposed in the draft *LEP*.

The purpose of the hearing is to provide an opportunity for people to make submissions concerning the proposed reclassifications and/or to elaborate on any written submission that was made to Council following the exhibition of the draft *LEP*.

It is my role to assess the submissions and matters raised at the public hearing and, independently of Council, to make recommendations as to the course of action to be followed.

Notice of the public hearing was published in the *North Shore Times* on 1 September 2006.

The notification requested people seeking to address the hearing to advise Council by 22 September 2006.

I have reviewed the Council's records and I am satisfied that the appropriate steps have been taken to give notice of:

- the draft *LEP*; and
- the public hearing.

Prior to the hearing, I inspected the lands to be reclassified.

3.0 Public Hearing Details

The venue of the public hearing was advertised in the *North Shore Times* on 1 September 2006 as being the Council Chambers, Level 3, 818 Pacific Highway, Gordon.

The hearing was conducted on Monday, 25 September 2006.

The hearing opened at 7.00pm.

The hearing opened with an explanatory overview of the proposed reclassifications by Council's Director Open Space & Planning, Steven Head.

Following this, the following people addressed the hearing:

- Ms. Anna Chubb, 10 Ray Street, Turramurra;
- Ms. Tina Pennington, 10 Ray Street, Turramurra;
- Mr. Alan Parr, 42 Water Street, Wahroonga - President of Friends of Turramurra Inc.;
- Mrs. Elaine Malicki, 5 Barellan Avenue, Turramurra;
- Mr. Steve Astey, 1293 Pacific Highway, Turramurra, President of Turramurra Chamber of Commerce Inc, representing the Chamber;
- Mrs. Janet Harwood, 8 Timaru Street, Turramurra;
- Mr. Stan Wesley, 14 May Street, Turramurra, as resident and as Convenor-Property Group, Turramurra Uniting Church;
- Mrs. Janet Farlie-Cunninghame, 29a Orinoco Road, Pymble;
- Mr. Bruce Irwin, 1 Ramsay Avenue, West Pymble;
- Ms. Kathleen Heath, 90 Lucinda Avenue, Wahroonga;
- Mr. Jeremy Lowther, 24 Buckra Street, Turramurra; and
- Ms. Claudine Parr, 42 Rogers Street, Wahroonga.

The hearing closed at 11pm.

4.0 Context of Considerations

The draft *LEP* was prepared in response to a Direction that was made to Council by the *Minister for Planning* on 27 May 2004 to prepare a draft local environmental plan for areas in close proximity to the railway line and Pacific Highway within specified residential and business zones.

The Direction required the draft *LEP* to address principles relating to:

- the broadening of housing choice, by facilitating multi-unit housing and “shop-top” housing;
- the more efficient use of existing infrastructure and services; and
- the revitalisation of existing retail/commercial areas.

The Section 65 Certificate issued on 17 July 2006 by the Director General of the *Department of Planning* to enable the exhibition of the draft *LEP* required:

- sites currently zoned under a business zone in the *KPS* to be transferred to the Business B2 - Local Centre zone in the draft *LEP* and existing permitted uses in the current zone to be permissible within the proposed zone; and
- the Special Purposes (SP2 Infrastructure) zone in the draft *LEP* not to be used for car parking areas and community facilities and for these areas to be zoned according to the adjoining land use zoning, i.e. the relevant residential or business zone.

The exhibited draft *LEP* comprised the following two (2) basic elements:

- the rezoning of land within the Centre to satisfy the requirements of the *Minister's* Direction; and
- the reclassification of Council-owned land as “operational land” to facilitate its incorporation into the restructuring and redevelopment of the Centre.

The draft *DCP*, which was exhibited in conjunction with the draft *LEP*, provided more detailed provisions to those contained in the draft *LEP* and a planning framework for the future development of the Centre.

The draft *DCP* conceptualises the future structure and form of the Centre and enables an assessment to be made of whether the development facilitated by the draft *LEP* would meet the outcomes sought by the *Minister's* Direction.

The basic elements of the draft *DCP* are:

- a vision statement of the desired future character of the Centre;
- objectives and strategies that address issues such as land use, open space and links, built form, street character and heritage;
- public domain controls that identify public open spaces to be established and physical form and character of streets;

- primary development controls relating to:
 - site amalgamations;
 - building lines;
 - awnings and colonnades;
 - active street frontages; and
 - site specific built form controls for fifteen (15) distinct precincts within the Centre, including height and building envelope controls; and
- a suite of general development controls.

The purpose of this public hearing is not to examine the appropriateness or otherwise of the zonings proposed in the draft *LEP* nor to assess the nature and form of development fostered and promoted by the draft *DCP*.

These documents do, however, provide a context for the future structure within which future development is expected to occur in the Centre.

The rationalisation and effective management of a Council's land resources are consistent with contemporary government management and practice.

The reclassification of land from "*community land*" to "*operational land*" is specifically provided for in Section 27 of the *LGA 1993* so as to enable a Council, subject to appropriate checks and balances provided by a community consultation process, to undertake such a rationalisation.

The community consultation process is important in assisting with the making of decisions concerning the reclassification of the land.

The underlying purpose of the reclassifications is to enable Council's land to be used as a catalyst for the restructure and redevelopment of the Centre in the form that is ultimately decided by Council and to achieve the benefits to the community that flow from that action.

5.0 Land Proposed for Reclassification

5.1 Site 1: 2-8 Turramurra Avenue

Parcel Address:	2-8 Turramurra Avenue, Turramurra		
Parcel Description:	Lot 2, DP 840070		
Area of Land:	3,619m ²	Date of Acquisition:	1960-1987
Method of Acquisition:	Private treaty using Car Parking Fund		
Purpose of Acquisition:	Car Parking		

Classification Details:

Current:	Community Land	Proposed:	Operational Land
-----------------	----------------	------------------	------------------

Zoning Details:

Ku-ring-gai Planning Scheme: Business 3(b) - B2 Commercial Services

Proposed Change under this Plan: Business B2 - Local Centre

Improvements on Parcel:

The land has been developed for a bitumen paved car park accommodating one hundred and forty-one (141) spaces.

The car park contains landscaping and is illuminated for use at night.

It also facilities access from Turramurra Avenue and Gilroy Lane to Gilroy Road.

The car park is used for access to facilities associated with the Turramurra Uniting Worship Centre and Fellowship Hall.

Surrounding development involves:

- the facilities associated with the Turramurra Uniting Church to the north;
- the rearward section of retail/commercial properties fronting the Pacific Highway and Rohini Street to the south;
- housing, in the form of dwelling houses, to the east on the opposite side of Turramurra Avenue; and
- community facilities conducted by the Council on land to the west.

The primary role of the land is as a car park serving the north-eastern section of the Centre.

5.2 Site 2: 1-7 Gilroy Road

Parcel Address:	1-7 Gilroy Road, Turramurra		
Parcel Description:	Part Lot 1, DP 840070		
Area of Land:	2,290m ²	Date of Acquisition:	1960-1969
Method of Acquisition:	Partly resumed funded by General Revenue Partly acquired by private treaty using Car Parking Fund		
Purpose of Acquisition:	Car Parking		

Classification Details:

Current:	Operational Land	Proposed:	Operational Land
-----------------	------------------	------------------	------------------

Zoning Details:

Ku-ring-gai Planning Scheme:	Business 3(b) - B2 Commercial Services
Proposed Change under this Plan:	Business B2 - Local Centre

Improvements on Parcel:

The land contains three (3) single storey brick buildings addressing Gilroy Road which accommodate the Ku-ring-gai Support Service Centre, including Community Assist Lawn Mowing, Easy Care Gardening Inc., Community Transport Services, Volunteer Recruitment Services, Meals on Wheels and Centre for Seniors.

There is a large single storey brick garage building and car parking facilities at the rear of the land off Gilroy Lane.

There is a croquet lawn in the front setback area.

Pedestrian access is available adjacent to the land's eastern boundary which facilitates access from the car parking facilities from Site 1 and Gilroy Lane to Gilroy Road.

Surrounding development involves:

- the facilities associated with the Turramurra Uniting Church and the car park on Site 1 to the east;
- the rearward section of retail/commercial properties fronting Rohini Street and Gilroy Road to the south and west; and
- housing, in the form of dwelling houses, to the north on the opposite side of Gilroy Road, and the Turra Tots Child Care Centre to the north-east.

The primary role of the land is to provide community facilities.

5.3 Site 3: 12 William Street

Parcel Address: 12 William Street, Turramurra

Parcel Description: Lot 1, DP 519532

Area of Land: 580m² **Date of Acquisition:** 1947

Method of Acquisition: Resumed using Car Parking Fund

Purpose of Acquisition: Council Purposes

Classification Details:

Current: Community Land

Proposed: Operational Land

Zoning Details:

Ku-ring-gai Planning Scheme: Business 3(a) - A2 Retail Services

Proposed Change under this Plan: Business B2 - Local Centre

Improvements on Parcel:

The land has been developed for a bitumen paved car park.

Access is available through the land from Forbes Lane to William Street.

Surrounding development involves the rearward section of retail/commercial properties fronting the Pacific Highway, William Street and Ray Street.

The primary role of the land is to provide car parking associated with the western section of the Centre on the south-western side of the Railway Line.

5.4 Site 4: 5 Ray Street

Parcel Address: 5 Ray Street, Turramurra

Parcel Description: Lot 2, DP 221290

Area of Land: 3,470m² **Date of Acquisition:** 1947

Method of Acquisition: Resumed using General Revenue and Car Parking Fund

Purpose of Acquisition: Council Purposes

Classification Details:

Current: Community Land

Proposed: Operational Land

Zoning Details:

Ku-ring-gai Planning Scheme: Business 3(a) - A2 Retail Services

Proposed Change under this Plan: Business B2 - Local Centre

Improvements on Parcel:

The land has been developed for Council's Turramurra Branch Library and a bitumen paved car park.

Surrounding development involves:

- the Coles supermarket on land to the south;
- the North Shore Railway Line to the north;
- housing, predominantly in the form of multi-unit development, to the west on the opposite side of Ray Road; and
- parking and access facilities on land to the east.

The primary role of the land is to provide a community facility on this land, with car parking associated with the western section of the Centre on the south-western side of the Railway Line.

5.3 Site 5: 1A-3 Kissing Point Road

Parcel Address: 1A-3 Kissing Point Road, Turramurra

Parcel Description: Lot 2, DP 500077; Lot 2, DP 502388; Lot 2 DP 500761; Lot A DP 391538 and Lot B DP 435272

Area of Land: 2,270m² **Date of Acquisition:** 1962-1974

Method of Acquisition: Private treaty using Car Parking Fund

Purpose of Acquisition: Car Parking

Classification Details:

Current: Community Land **Proposed:** Operational Land

Zoning Details:

Ku-ring-gai Planning Scheme: Business 3(a) - A2 Retail Services

Proposed Change under this Plan: Business B2 - Local Centre

Improvements on Parcel:

The land has been developed for a bitumen paved car park.

Surrounding development involves:

- the rearward section of retail/commercial properties fronting the Pacific Highway and Kissing Point Road to the north, east and west; and
- a multi-unit housing development to the south.

The primary role of the land is to provide car parking associated with the southern section of the Centre.

5.6 Site 6: Stonex Lane

Parcel Address:	Stonex Lane, Turramurra		
Parcel Description:	Lot 1, DP 807766 and Lot 2 DP 550866		
Area of Land:	3,350m ²	Date of Acquisition:	1978-1991
Method of Acquisition:	Partly resumed using General Revenue Partly dedicated as a condition of development consent		
Purpose of Acquisition:	Council Purposes		

Classification Details:

Current:	Community Land	Proposed:	Operational Land
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Zoning Details:

Ku-ring-gai Planning Scheme:	Partly Business 3(a) - A2 Retail Services Partly Recreation Existing 6(a)
Proposed Change under this Plan:	Partly Business B2 - Local Centre Partly Public Recreation RE1

Improvements on Parcel:

The land has been developed to provide vehicular access between Duff Street and Kissing Point Road, car parking and pedestrian access to the Pacific Highway.

Surrounding development involves:

- the rearward section of retail/commercial properties fronting the Pacific Highway to the north and east; and
- housing, in the form of dwelling houses, to the south and west.

The primary role of the land is to provide vehicular access and car parking associated with the southern section of the Centre.

6.0 Submissions to Public Hearing

6.1 Overview

The written and oral submissions to the public hearing have raised the following broad issues concerning the proposed reclassifications:

- the appropriateness of the future form of the redevelopment of the Centre;
- the establishment of a satisfactory public open space network in the Centre;
- procedural issues associated with the reclassification process;
- the lack of certainty of Council's proposals;
- the lack of adequate information that was made available and the lack of a satisfactory community consultation process;
- the lack of a financial analysis of the proposed reclassifications;
- the inappropriateness of the proposed reclassifications;
- the effects of the proposed reclassifications; and
- the impact of the reclassifications on the availability of car parking.

A more detailed summary of the submissions that were made is as follows.

6.2 Future Form of Redevelopment in the Centre

The following issues have been raised concerning the form of redevelopment envisaged by the draft *DCP*:

- the nature and physical form of redevelopment promoted by the draft *LEP* and draft *DCP*;
- Turrumurra essentially being a village and not a town centre;
- the redevelopment to be permitted by draft *LEP* and draft *DCP* representing an overdevelopment of the Centre, as the Metropolitan Strategy seeks to achieve an additional 10,000 dwellings in Ku-ring-gai by 2031, while Council's plans facilitate between 15-16,000 dwellings;
- shop top housing is only appropriate in relation to existing retail developments and not in connection with new developments;
- the extent of development proposed on Site 1 represents an overdevelopment of that land;
- the use of Site 4 to provide a community centre with residential development above conflicts with other resolutions of Council to provide an aquatic leisure centre on this land;

- there are fundamental differences between Councillors concerning the nature of uses and scale of development in the Centre;
- there is an opportunity to consider a number of alternative development scenarios for the Centre;
- developments in the short term, such as the Coles redevelopment, would preclude redevelopment of the Centre in the manner proposed by the draft *DCP*;
- a protected zone should be established around each Railway Station with the objective of creating a sense of place and creating heritage precincts around them;
- the proposal to establish community facilities and an aquatic leisure centre in the Ray Street/Williams Street area are flawed and are unlikely to be successful;
- the nature and form of redevelopment in the Centre are ill conceived and illogical;
- the redevelopment of the Centre will significantly increase the demand for parking and increase traffic movements and traffic hazard;
- consideration should be given to the construction of a link over the Railway Line from Ray Street to Rohini Street to link the northern and southern sections of the Centre;
- the intensity of redevelopment in the Centre is excessive; and
- the extent of development to be permitted is economically unviable and the plans should be amended to permit higher buildings and higher floor space ratios to facilitate the redevelopment of the Centre.

Consideration of Submissions/Comment:

Role of the Draft LEP

The context for the future redevelopment of the Centre is created by the Direction issued by the *Minister for Planning* on 27 May 2004.

The draft *LEP* represents an amendment to draft *Ku-ring-gai Local Environmental Plan 2006 (Town Centres)* to reflect development specifically in the Turramurra Centre.

The aims of draft *Ku-ring-gai Local Environmental Plan 2006 (Town Centres)* are:

- (a) a unique village character for each town centre;
- (b) high quality and environmentally sustainable urban and architectural design;
- (c) retention and enhancement of Ku-ring-gai's landscape character;
- (d) protection of Ku-ring-gai's built heritage;
- (e) town centres that enhance Ku-ring-gai's economic role and cater to the retail and commercial needs of the local community;

- (f) housing choice within Ku-ring-gai's town centres;
- (g) an accessible and efficient traffic, transport and parking system;
- (h) safety and access for pedestrians, cyclists and public transport users;
- (i) a network of high quality parks and urban spaces that cater for a range of community needs; and
- (j) community facilities that cater to the needs of a diverse population.

Relevantly, the draft *LEP*:

- addresses desired future land use by zoning land to achieve the outcomes sought by the Minister's Direction; and
- proposes the reclassification of Sites 1 and 3 to 6 from "*community land*" to "*operational land*".

Site 2 is currently classified as "*operational land*" and has been included in the plan for the sake of completeness of the classification of all public land in the Centre.

Sites 1 to 5 are currently zoned either Business 3(a) - A2 Retail Services or Business 3(b) - B2 Commercial Services under the *KPS*.

The draft *LEP* proposes these sites be zoned Business B2 - Local Centre as required by the Section 65 Certificate.

Site 6 is currently zoned partly as Business 3(a) - A2 Retail Services and partly as Recreation Existing 6(a) under the *KPS*.

This land is to be zoned partly as Business B2 - Local Centre and partly as Public Recreation RE1 under the draft *LEP*.

However, the location of these zonings is to be altered.

The land to be reclassified is predominantly located in the Business B2 - Local Centre zone and the objectives of this zone are:

- to provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area;
- to encourage employment opportunities in accessible locations;
- to maximise public transport patronage and encourage walking and cycling;
- to integrate residential development with retail and commercial development that is compatible with the village character of the centre;
- to provide community facilities that service the needs of the local community and are accessible by residents; and
- to provide a vibrant and pleasant public domain.

Development for a wide range of uses is permissible with Council's consent in this zone, including car parks, business premises, community facilities, entertainment facilities, mixed use development, multi dwelling housing, office premises, retail premises and shop top housing.

This land use framework has been established to “*guide and direct incremental change over the next 30 years*”.

Role of the Draft DCP

The detailed planning controls relating to the redevelopment of the Centre are contained in the draft *DCP*.

The vision statement for the Centre expressed in the draft *DCP* envisages:

- a centre offering a mix of uses including shop top housing, retail, commercial and offices, community and open space;
- a comprehensive range of community facilities including a library and youth and aged facilities;
- a local road network which improves traffic flows and reduces delays; and
- some car parking underground to provide greater public space and pedestrian amenity within the town centre.

To achieve these outcomes, the draft *DCP* provides for a restructure of the Centre based on proposed site amalgamations, the establishment of a new access network and building envelope controls relating to development in various precincts of the Centre.

It is not the role of this hearing to determine the appropriateness, or otherwise, of the nature and form of the redevelopment contemplated by the draft *DCP*.

It is, however, appropriate to consider the role of Council-owned land in the context of the restructuring and redevelopment of the Centre, in whatever form it might take.

6.3 Public Open Space Provision

The following issues have been raised concerning the proposed reclassifications in terms of the provision of public open spaces in the Centre:

- the establishment of good quality public open space in the Centre is vital in terms of its economic, social and environmental value and would be a catalyst to foster and promote the successful redevelopment of the Centre;
- there is a need for the preparation and adoption of a public open space strategy for the Centre;
- the creation of public open spaces that are to be controlled by private enterprise with little or no community control are inappropriate;
- the public open spaces proposed to be established under the draft *DCP* are inappropriate in terms of their size, location, usability and quality and, in any event, their delivery cannot be guaranteed;
- the proposal in the draft *DCP* in relation to the creation of public open space in the William Street area may be unachievable because of ownership of part of that area by the State Rail Authority, a historical garden in this area and part of it being a public road;
- the difference between existing and proposed open space has not been clearly identified and is misleading; and
- the proposed open space in the vicinity of the Turramurra Uniting Church is minor and only represents a token open space area.

Consideration of Submissions/Comment:

The draft *DCP* indicates the public open space network to be established in the restructuring of the Centre.

None of the sites to be reclassified could reasonably be categorised as being part of the existing public open space network.

They are used for car parking, access and/or community facilities.

The quantity and quality of the proposed network is not a matter to be determined at this hearing.

It is a matter to be resolved by Council in consultation with its community.

However, it is reasonable to conclude that the proposed reclassifications will not result in the elimination of any significant public open space.

6.4 Procedural Issues

The following issues have been raised concerning the procedures involved in the reclassification process:

- there is a need to specify the reasons for the proposed reclassification of “community land”;
- the best practice guidelines for the reclassification of land have not been observed;
- the land cannot be reclassified as its future use has not been specified before its reclassification; and
- the public hearing should not have taken place while the whole plan, i.e. the draft *LEP* and draft *DCP*, were on exhibition and the decision concerning reclassification should be held in abeyance until the issues associated with the whole plan are resolved.

Consideration of Submissions/Comment:

The information exhibited by Council indicated that the “*Plan will provide a framework for development over 20 years or more*”, “*Council’s lands can be utilised in this process in association with private land holdings*” and “*allow the future development to proceed efficiently*”.

Consequently, the underlying purpose of the reclassifications is to enable Council’s land to be used as a catalyst for the restructure and redevelopment of the Centre in the form that is ultimately decided by Council to be appropriate and to achieve the benefits to the community that flow from that action.

The planning framework designed to facilitate this redevelopment is extensive and is contained in the draft *LEP* and the draft *DCP*.

The restructuring to the Centre to accommodate its anticipated growth is specified in this framework.

The use and rationalisation of Council’s land resources to facilitate this restructuring and redevelopment is implicit in the proposed planning regime.

The *LEPs and Council Land - Best Practice Guideline, January 1997, (Guideline)* was prepared by the *Department of Planning*.

The *Guideline* essentially relates to Councils’ use of powers delegated to them by the Director General of the *Department* under the terms of:

- Section 65 of the *EP&A Act* to certify draft local environmental plans prior to their public exhibition; and
- Section 69 of the *Act* to report to the *Minister* recommending the making of those plans.

In this instance, the Section 65 Certificate was issued by the Director General on 17 July 2006.

Consequently, the *Guideline* is not strictly applicable to the draft *LEP*.

Despite this, Council has attempted to fulfil the requirements specified in Section 2 of the *Guideline*.

The information contained in the *Best Practice Guideline Information For Council Land*, exhibited with the draft *LEP*, indicated the underlying purpose of the reclassifications as outlined above.

This information went on to specify this “*will allow the future development to proceed efficiently*”.

The nature of development to occur on each of the six (6) sites that were proposed to be reclassified was specified.

In terms of the proposed financial implications, the draft *LEP* does not significantly change the current zoning of the land, albeit a business zone with a different name, in the form required by the Director General in the Section 65 Certificate that was issued prior to its public exhibition and Council’s land is dealt with in the same manner as surrounding properties in terms of zoning and land use.

The outcomes of the public hearing will be considered by Council in the context of the submissions that have been made regarding the draft *LEP* and the draft *DCP*.

I am satisfied that Council has followed satisfactory procedures in the proposal to reclassify the land as proposed.

6.5 Lack of Certainty of Council’s Proposal

The following issues have been raised concerning the lack of certainty associated with the proposed reclassifications:

- Council’s reclassification proposals lack certainty as on one hand the Council has indicated that it is not intended to sell the land but has a spreadsheet to indicate where the proceeds of the sale of the land are to be spent;
- there is clear intent that the Council will sell the reclassified land despite Council’s denials and this has confused the community; and
- the uncertainty of some of the development outcomes, such as the location of the supermarket and the establishment of the aquatic leisure centre, draw into question Council’s overall plans for the Centre in relation to the creation of new public spaces and the proposed reclassifications.

Consideration of Submissions/Comment:

It is evident from the material that was exhibited that Council’s land could be used to facilitate the redevelopment of the Centre “*in association with private land holdings*” and to allow for future redevelopment to proceed efficiently.

It is expected Council would use its standing as owner of the land to negotiate the inclusion of its land into an amalgamated site for redevelopment on basis of achieving the best outcome for the local community at the appropriate time.

In this regard, it is not unreasonable for Council to assess the potential value of their land holdings to determine the amount of money that may be available to provide or enhance community facilities in the Centre.

Sites 2 and 4, which are currently used to provide community facilities, do not have any unique, special or intrinsic characteristics that make them particularly suited for the establishment of community facilities.

Their establishment has largely be opportunistic rather than planned.

Despite this, I believe that Council should adopt a community facilities policy for the Centre, prior to proceeding with the proposed reclassifications, which indicates the nature, range and location of community facilities to be established in the restructured Centre.

Council can only encourage and facilitate the construction of private retail/commercial facilities, such as supermarkets, by providing enabling planning policies and, as such, cannot ensure development outcomes.

Planning documents such as the draft *LEP* and the draft *DCP* are designed to provide a framework to guide future development.

Council's plans rely heavily on site amalgamations to achieve the restructure and redevelopment of the Centre as depicted in the draft *DCP*.

In these circumstances, development outcomes cannot be guaranteed.

6.6 Lack of Information and Consultation

The following issues have been raised concerning the lack of information and community consultation regarding the proposed reclassifications:

- there was inadequate information provided by Council in connection with the proposed reclassification of the land;
- there was a lack of community notification of the public hearing;
- there is confusion between the concepts of reclassification and rezoning of land;
- misleading information has been provided that the *Minister for Planning's* Direction required the reclassification of the land; and
- the exhibition and notifications occurred during school holidays.

Consideration of Submissions/Comment:

The draft *LEP* and draft *DCP* provide an extensive matrix of controls to guide the future redevelopment of the Centre.

Council has attempted to provide as much information as it considered necessary to facilitate a satisfactory community consultation process.

There can always be some shortcomings in the extent and breadth of information provided, particularly when plans are as extensive and comprehensive as those proposed in this case.

I have reviewed the information that was provided and, while some improvements could have been made, the extent of material that was provided was reasonable to enable effective community input.

This is to some extent evidenced by the extent and quality of the submissions that have been received concerning the reclassification proposals.

The details of Council's notification of the draft *LEP* and the convening of the public hearing have been outlined in Sections 2 and 3 of this report.

It would be reasonable to say that the extent to which Council has attempted to engage the community far exceeds its minimum statutory obligations.

I have not been able to find any evidence that indicates that information has been provided that the reclassifications were proposed to comply with the *Minister's* Direction.

In my opinion, sufficient information was available for enable scrutiny of Council's proposal and Council made adequate attempts to engage the local community in the issues raised in relation to the proposed reclassifications.

6.7 Lack of Financial Analysis

The following issues have been raised concerning the lack of financial analysis of the reclassification proposals:

- no cost/benefit analysis has been conducted to correlate income from the revenue from the sale of "*community land*", the cost of the establishment of new facilities and the recurrent funding of ongoing maintenance to justify the sale of "*community land*"; and
- no financial justification has been produced to justify the reclassifications.

Consideration of Submissions/Comment:

The draft *LEP* and draft *DCP* provide the basis for the redevelopment of the Centre over a long time frame.

Section 4.1 of the draft *DCP* establishes the basis for the structural change to the Centre specifying the site amalgamations that are required to achieve the building envelopes contemplated in the *Plan*.

For example, Site 1 is to be located in the proposed Precinct E.

For the development depicted in Section 4.5.2 to proceed in Precinct E, Site 1 will need to be amalgamated with a number of privately owned commercial properties fronting the Pacific Highway and Gilroy Lane will need to be closed.

In this regard, there is extensive work to be carried out before such a development can be contemplated.

The proposed reclassifications will provide Council the opportunity to use its land as a catalyst to achieve the desired outcome to the maximum benefit of the community.

If a satisfactory community benefit is not achieved, Council is not obliged to divest itself of its land assets because of the reclassifications proposed.

In the current phase of planning, I am of the view that a detailed cost/benefit analysis is not essential.

However, a detailed cost/benefit analysis will need to be prepared as a basis for negotiation if and when Council proposes to include its land in a redevelopment scheme and the specific nature of such a scheme is determined so as to ensure that the inclusion of the land in the scheme provides appropriate community benefits.

6.8 Inappropriate Classifications

The following issues have been raised concerning the inappropriate classifications proposed:

- Sites 2, 3 and 6 largely retain their existing use and in these circumstances their reclassification is unwarranted;
- minor modifications to the building envelopes proposed in the draft *DCP* would obviate the need to reclassify Sites 2 and 6;
- no sound basis has been given for the reclassifications and it is inappropriate to reclassify the land at this time;
- it is inappropriate to reclassify land containing Sydney Blue Gum High Forest on Site 6 as “operational land”;
- access to facilities associated with the Turramurra Uniting Church from Site 1 is vital for the Church’s activities and its facilities that are used by at least 36 organisations;
- it is preferable for parking and access to be available at-grade from Site 1 to the Church and Council approved direct access to the Church from this area;
- “community land” is at present effectively used for the purpose for which it was acquired, i.e. parking and access, and should, therefore, be maintained as “community land”; and
- in 1994, Council did not accept a recommendation from its officers to classify land used for car parking as “operational land”.

Consideration of Submissions/Comment:

The classification of the land needs to be considered in the context of why the reclassifications have been proposed.

The underlying purpose of the reclassifications is to enable Council’s land to be used as a catalyst for the restructure and redevelopment of the Centre in the form that is ultimately decided by Council to be appropriate and to achieve the benefits to the community that flow from that action.

The land to be reclassified falls into the following two (2) categories:

- land acquired and used for car parking and access purposes, i.e. Sites 1, 3, part of 4, 5 and 6; and
- land used for community facilities, i.e. Sites 2 and the residue of Site 4.

It is essential for appropriate parking, access and community facilities to be established to meet to community needs in the redevelopment of the Centre.

However, those facilities do not need to be in the same location and form as the existing facilities currently owned and operated by Council.

Council should adopt specific car parking and community facilities policies for the Centre, prior to proceeding with the proposed reclassifications, which ensure that existing public car parking capacity is to be at least maintained at current levels and to ensure that community facilities are provided to meet community's needs and standards.

In respect to classification, I note that Site 2 has been classified as "*operational land*" since 1994 and has been zoned to enable retail/commercial development.

Despite this, Council has not taken any action to divest itself of the land.

It is appropriate for Council to rationalise the use of its land resources to facilitate a structural reform of the Centre.

In any event, should Council ultimately find that there is no public benefit in incorporating its land into the redevelopment of the Centre or decide that the public interest is best served by retaining the land for community use, Section 33 of the *LGA 1993* enables Council to resolve that public land classified as "*operational land*" can be reclassified as "*community land*".

I am of the opinion that the reclassifications are appropriate.

6.9 Effects of Reclassification

The following issues have been raised concerning the effects of the proposed reclassifications:

- the reclassification of the land will result in the loss of the security of tenure of Council-owned land;
- “community land” should not be sold off because there is too little of it and there is a need to retain it in public ownership;
- all “community land” should be kept as such for the benefit of future generations;
- any reclassification of “community land” should be accompanied by an equivalent increase in “community land” elsewhere;
- the land to be reclassified could not be replaced in the future;
- if the benefits accruing from the reclassification of the land are not realised, the land should be reclassified as “community land”;
- community control and ability to influence development outcomes would be lost if the land was reclassified;
- there is no community consensus supporting the reclassification of the land;
- “community land” should never be reclassified and should be kept as open space; and
- the retention of the land proposed to be reclassified as “community land” would have little impact on the overall density of development in the Centre.

Consideration of Submissions/Comment:

The reclassifications will enable Council’s land to be sold.

However, it is expected Council would use its standing as owner of the land to negotiate the inclusion of its land into an amalgamated site for redevelopment on basis of achieving the best outcome for the local community at the appropriate time and in the best interests of the community.

The amount of “community land” available in a town centre is not important and there are no generally accepted standards for the level of “community land” to be attained.

What is important is that community needs are satisfied and appropriately located land is available to satisfy these needs.

The land proposed to be reclassified is essentially used for car parking, access and community facilities.

The land on which these facilities are provided has no unique or special characteristics that make it more suitable than other land or facilities that could provide the same level of utility to the community.

The classification of land does not, of itself, indicate that the land is to be sold off for redevelopment as indicated in the previous section of this report.

6.10 Car Parking Provision

The following issues have been raised concerning the impact of the proposed reclassifications on the provision of car parking in the Centre:

- the provision of car parking is vital to the operation of the Centre;
- there is a need to expand the amount of car parking associated with development in the Centre and surrounding areas and the plans do not provide any evidence of increased parking supply;
- it is inappropriate to reclassify land that was acquired primarily for parking using funds obtained from businesses in the Centre or established using funds obtained and/or set aside by Council for the purpose of establishing public car parking;
- access to and safety within underground parking areas are problematical;
- there is no guarantee that parking will be made available in conjunction with the activities of the Turramurra Uniting Church;
- parking facilities should be provided at-grade and not in basement car parks because of security concerns with the latter;
- no provision has been made for commuter parking; and
- no information has been provided concerning the accessibility, management and pricing of car parking to be established to replace existing at-grade public parking.

Consideration of Submissions/Comment:

Sites 1, 3, 4, 5 and 6 were acquired by Council for car parking and access to overcome the shortcomings associated with older retail/commercial development which would have been established prior to the advent of mass car ownership.

The maintenance of this car parking is essential to cater for existing development during the Centre's redevelopment phase.

However, it is not essential for the car parking to be maintained in the same form as it was established.

Council should adopt a public car parking policy which indicates the manner in which any public car parking which is to be eliminated due to the restructuring of the Centre is to be replaced and managed to compensate for any parking which may be lost by the reclassification of Sites 1, 3, 4, 5 and 6, prior to proceeding with the reclassification of these sites.

This policy should provide a clear and unambiguous statement that the extent of public parking in the Centre is to at least be maintained at current levels.

In any event, it is not unusual for car parks to be classified as “*operational land*”.

7.0 Recommendation

The reclassification of Sites 1 to 6 from “community land” to “operational land” under the terms of the *Local Government Act 1993* is appropriate provided that before the land is reclassified Council adopts a car parking policy and a community facilities policy for the Turramurra Centre which clearly and unambiguously specifies:

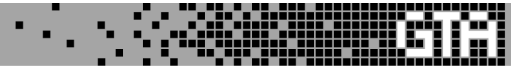
- the manner in which any public car parking which is to be eliminated due to the restructuring of the Centre is to be replaced and managed to compensate for any parking which may be lost by the reclassification of those sites; and
- the nature, range and location of community facilities to be provided in the Centre.

A copy of this report should be made available for public inspection as required by Section 47G of the *Local Government Act 1993*.

People who made submissions concerning the proposed reclassifications should be advised accordingly.

Andy Ludvik
Ludvik & Associates Pty Ltd

Date: 2 November 2006



TRAFFIC AND TRANSPORT CONSULTANTS

Our Ref: FS10430

1 November 2006

Ku-ring-gai Council
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Attention: Mr. Greg Piconi

Dear Greg,

RE: Turramurra Town Centre – Post Consultation Traffic Impacts

I refer to your e-mail dated 25th October 2006 in relation to the above and in the context of the additional land use yields for zones A and D within the Turramurra Town Centre which have originated from the public exhibition and are as indicated below in Table 1. (Information provided by Ku-ring-gai Council)

Table 1 – Additional Yields

Zone	Total GFA	Net Retail ¹	Commercial	Residential
A	10,000 m2	1500 m2	-	70 dwellings
D	3,000 m2	1100 m2	-	20 dwellings

The following assessment is based on Traffic Option D3SV-Revision 1 (Refer attachment A) which was developed to accommodate Councils preferred Urban Design Option D for the Turramurra Town Centre and to maintain easy access to the railway station from the Pacific Highway. Reference should be made to GTA Consultants Traffic and Parking report **"Volume 2, Addendum 3"** in this respect.

ASSESSMENT

Land Use and Traffic Generation

Councils preferred land use option D generated a net increase of **1,152 peak hour vehicle trips** within the Turramurra Town Centre.

Peak hour traffic generation for the proposed additional land uses within zones A and D have been calculated on the basis that the retail development is either all supermarket (Option 1) or all specialty retail (Option 2). It is noted that the land use option could include a combination of supermarket and specialty retail uses but this option has not been included within this assessment.

¹ Traffic generation for retail has been considered both as supermarket in the first instance and specialty stores in the second instance.

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Option 1 results in a total net increase of **1,700 peak hour vehicle trips** and Option 2 results in a total net increase of **1,416 peak hour vehicle trips**. Details of the trip generation calculations are included in Attachment B with increases in trip generation by specific zones indicated in Table 2 below:-

Table 2 – Traffic Generation Zone Comparison (peak hour trips)

Zone	Original Land Use Option D	Option 1	Option 2
A	95 trips	366 trips	203 trips
D	402 trips	583 trips	463 trips

Analysis of the traffic impacts of this additional development has been undertaken for both Options 1 and 2 in order to provide a best and worst case assessment.

Traffic assignment assumptions were applied to both Options as per those within GTA Consultants Traffic and Parking **“Volume 2, Addendum 3”** report and new traffic flow assignment diagrams were produced as provided in Attachment C. It is important to note that even though the increases in land use occur at specific locations within the Turrumurra Town Centre the impacts of this would have an affect on all intersections in the Pacific Highway traffic system.

Operational Assessment (Traffic Modelling)

An assessment of the traffic impacts as a consequence of these increases in land uses were undertaken using SCATES for the arterial road network of the Pacific Highway. It has been assumed that the impacts of these land use increases on the local intersections within Turrumurra Town Centre would, as a minimum, be as outlined within the Traffic and Parking **“Volume 2, Addendum 3”** report. i.e. Traffic Management measures required at the intersections of Eastern Road/Brentwood Avenue and Turrumurra Avenue/Brentwood Avenue/Boomerang Street.

The key outcomes of the **SCATES assessment** are indicated in Table 3 and described further within this letter.

Table 3:- Scates Analysis Summary Table

Intersection	Peak	Pre-Consultation (LOS) Land Use Option D			Post Consultation Option 1 (LOS)			Post Consultation Option 2 (LOS)		
		Main Road	Side Road	System Total	Main Road	Side Road	System Total	Main Road	Side Road	System Total
Pacific Highway/Ray Street	AM	A	E	C	A	F	D	A	E	C
	PM	A	A	A	A	B	A	A	A	A
Pacific Highway/Kissing Point Road	AM	A	A	A	A	A	A	A	A	A
	PM	A	A	A	A	B	B	A	A	A
Pacific Highway/Turrumurra Avenue	AM	B	B	B	B	B	C	C	B	C
	PM	D	B	C	E	B	E	E	A	D

Note:- 1. Red shading indicates intersection failure.

2. Blue shading indicates long delays and/or queues on critical link.

Option 1 SCATES Outcomes

- The intersection of Ray Street/Pacific Highway would operate satisfactorily, although at capacity during the AM peak period, but queues and delays would increase on the Ray Street approach. SCATES indicates that the critical link on the Ray Street approach, even with two right turn lanes and one left turn lane would operate with a level of service F in the AM peak period;
- The intersection of Kissing Point Road/Pacific Highway would operate satisfactorily during both the AM and PM peak periods;
- The intersection of Turramurra Avenue/Pacific Highway would fail under Option 1 conditions with an overall level of service E which would not be acceptable to the Roads and Traffic Authority and would require substantial infrastructure works to ensure that it operates at any reasonably level;

Option 2 SCATES Outcomes

- The intersection of Ray Street/Pacific Highway would operate satisfactorily, with queues and delays on the Ray Street approach similar to those proposed in Urban Design Option D. SCATES indicates that the critical link on the Ray Street approach, with two right turn lanes and one left turn lane would operate with a Level of Service E in the AM peak period;
- The intersection of Kissing Point Road/Pacific Highway would operate satisfactorily during both the AM and PM peak periods;
- The intersection of Turramurra Avenue/Pacific Highway would operate satisfactorily, although at capacity during the PM peak period. SCATES does however indicate main road queues and delays during the PM peak period which would need to be addressed;

CONCLUSION

The assessment of Option 1 indicates that the level of intensity of land use development is too high and would require additional road infrastructure changes over and above what has already been proposed in Traffic Option D3SV-Revision 1 for it to be acceptable. Considering the fact that Traffic Option D3SV-Revision 1 incorporates widening of the Pacific Highway together with widening of most of the local road approaches it is difficult to ascertain what additional infrastructure changes could be provided to support this option.

The assessment of Option 2 indicates that this option would be far more acceptable than Option 1 with the queues and delays on the Ray Street approach no less problematic than what was proposed within Urban Design Option D. The main issue with this option would be how to address the long queues and delays on the Pacific Highway at the Turramurra Avenue intersection.

It is apparent that these increases in land use would be less preferable than what is currently proposed by Ku-ring-gai Council but should these changes need to be provided then as a minimum any retail development proposed should be of a specialty type to minimise the levels of traffic generation and subsequent impacts.



I trust that this provides you with the necessary information you require but should you require anything further or wish to discuss any of the above please do not hesitate to contact me on the number below.

Yours sincerely,
GTA CONSULTANTS

A handwritten signature in black ink, appearing to read 'Alan Stewart', with a large, flowing loop at the end.

Alan Stewart
Senior Project Manager

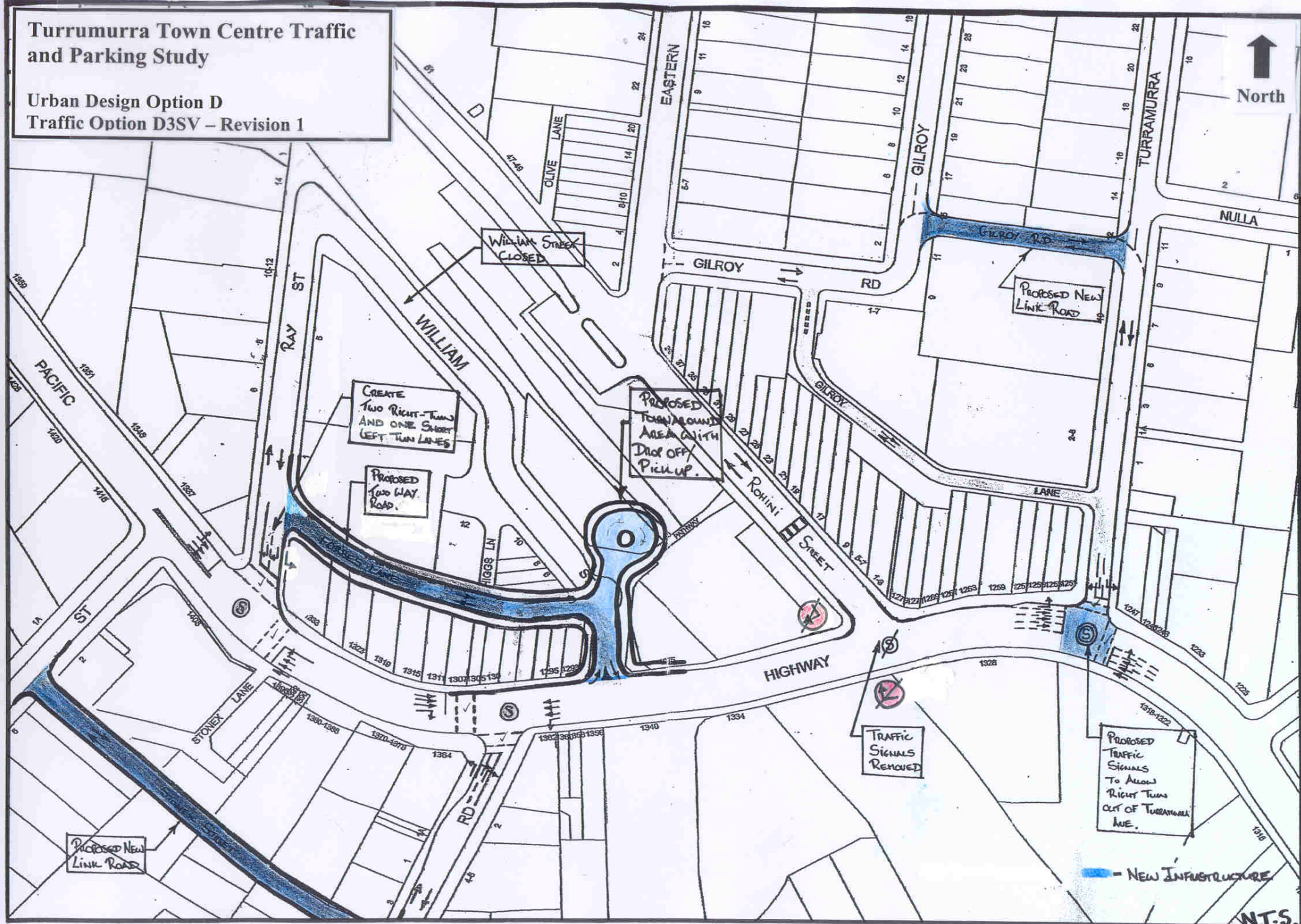
Encl.

ATTACHMENT A

TRAFFIC OPTION D3SV-REVISION 1

Turrumurra Town Centre Traffic and Parking Study

Urban Design Option D
Traffic Option D3SV - Revision 1



ATTACHMENT B

TRAFFIC GENERATION TABLES

TRIP GENERATION TABLES - TURRAMURRA TOWN CENTRE



Land Use Option D

	Net Retail	Net Commercial	Traffic Generation 1 (veh trips/hr)	Net Residential	Dwellings (120m2)	Traffic Generation 2 (veh trips/hr)	Community Facilities	Traffic Generation 3 (veh trips/hr)	Total Traffic Generation	Existing Trips	Net Trip Difference
Area A	1279		59	11902	99	55			374	279	95
		1279	28								
	1500 Supermarket		233								
Area B				2654	22	12			12		12
Area C	820		38	7057	59	32			88	30	58
		820	18								
Area D	5721		263	9544	80	44	2000 (Library)	46	659	257	402
		5721	126				4000 Leisure Centre	180			
Area E	3310		152	21529	179	99	1500	30	819	159	660
		3310	73				(Community Facilities)				
	3000 Supermarket		465								
Area F				2256	19	10			10	7	3
Area G				8277	69	38			38	21	17
					527						
Total	15,630	11,130	1,454	63,219	527	290	7,500	256	2,000	753	1,152

Land Use Option 1 - Supermarket

	Net Retail	Net Commercial (Offices) - GFA	Traffic Generation 1 (veh trips/hr)	Net Residential	Dwellings (120m2)	Traffic Generation 2 (veh trips/hr)	Community Facilities	Traffic Generation 3 (veh trips/hr)	Total Traffic Generation	Existing Trips	Net Trip Difference
Area A	1279		59	20302	169	93			645	279	366
		1279	28								
	3000 Supermarket		465								
Area B				2654	22	12			12	0	12
Area C	820		38	7057	59	32			88	30	58
		820	18								
Area D	5721		263	11944	100	55	2000 (Library)	46	840	257	583
		5721	126				4000 Leisure Centre	180			
	1100 Supermarket		171								
Area E	3310		152	21529	179	99	1500	30	819	159	660
		3310	73				(Community Facilities)				
	3000 Supermarket		465								
Area F				2256	19	10			10	7	3
Area G				8277	69	38			38	21	17
					617						
Total	18,230	11,130	1,857	74,019	617	339	7,500	256	2,453	753	1,700

Land Use Option 2 - Specialty Stores

	Net Retail	Net Commercial	Traffic Generation 1 (veh trips/hr)	Net Residential	Dwellings (120m2)	Traffic Generation 2 (veh trips/hr)	Community Facilities	Traffic Generation 3 (veh trips/hr)	Total Traffic Generation	Existing Trips	Net Trip Difference
Area A	2779		128	20302	169	93			482	279	203
		1279	28								
	1500 Supermarket		233								
Area B				2654	22	12			12	0	12
Area C	820		38	7057	59	32			88	30	58
		820	18								
Area D	6821		314	11944	100	55	2000 (Library)	46	720	257	463
		5721	126				4000 Leisure Centre	180			
Area E	3310		152	21529	179	99	1500	30	819	159	660
		3310	73				(Community Facilities)				
	3000 Supermarket		465								
Area F				2256	19	10			10	7	3
Area G				8277	69	38			38	21	17
					617						
Total	18,230	11,130	1,574	74,019	617	339	7,500	256	2,169	753	1,416

ATTACHMENT C

TRAFFIC ASSIGNMENT DIAGRAMS

GTA Consultants

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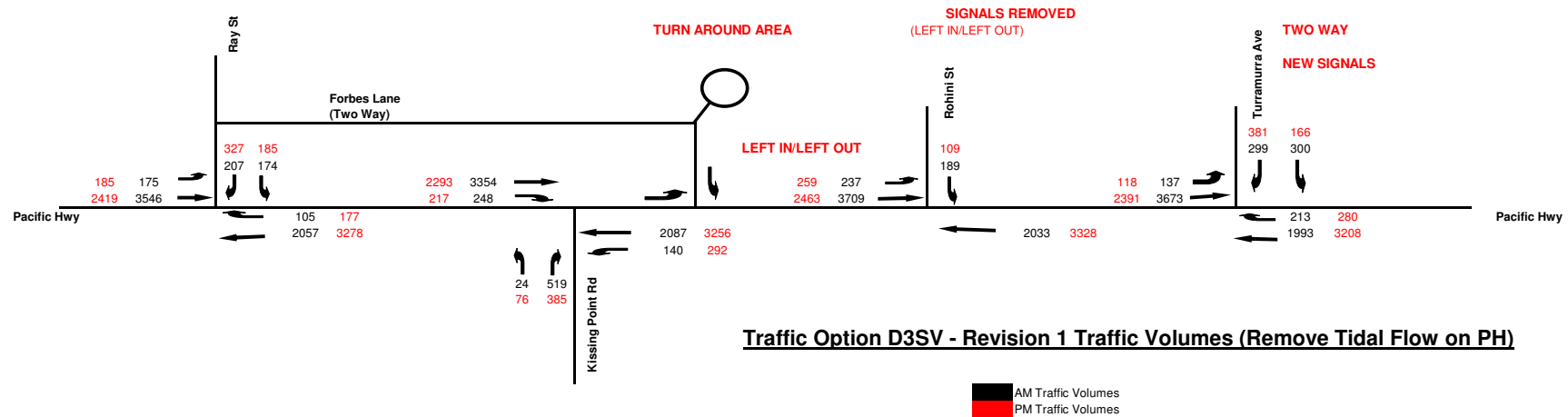
Ku-Ring-Gai Council

Turramurra Traffic and Parking Study - FS10430



TRAFFIC AND TRANSPORT CONSULTANTS

Additional Land Use Option 1 (Zones A & D Retail = Supermarkets)



Traffic Option D3SV - Revision 1 Traffic Volumes (Remove Tidal Flow on PH)

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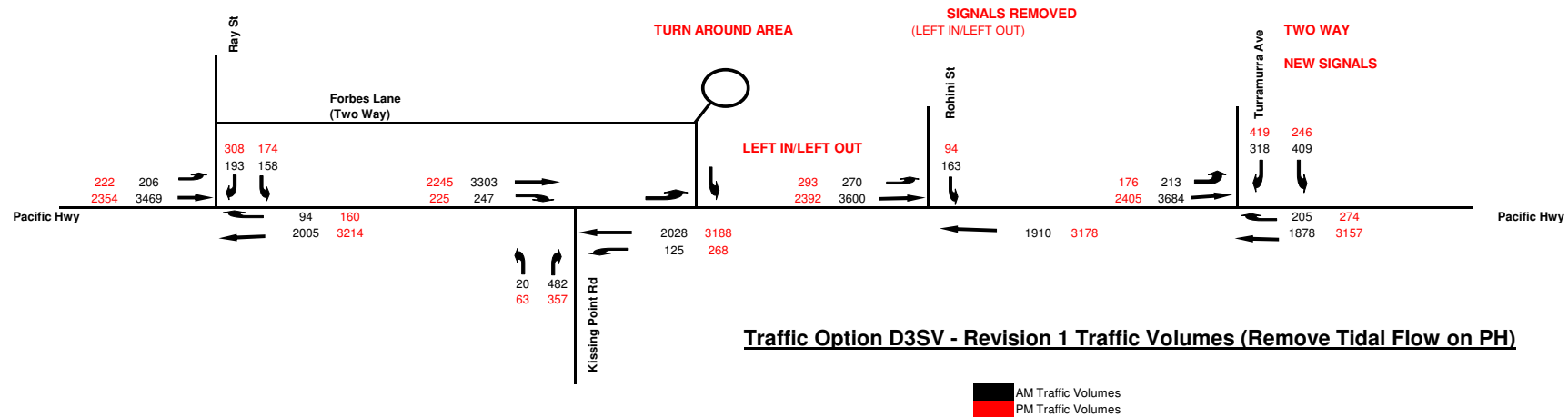
Ku-Ring-Gai Council

Turramurra Traffic and Parking Study - FS10430



TRAFFIC AND TRANSPORT CONSULTANTS

Additional Land Use Option 1 (Zones A & D Retail = Specialty Stores)



TURRAMURRA CENTRE - ESTIMATED YIELD TABLE

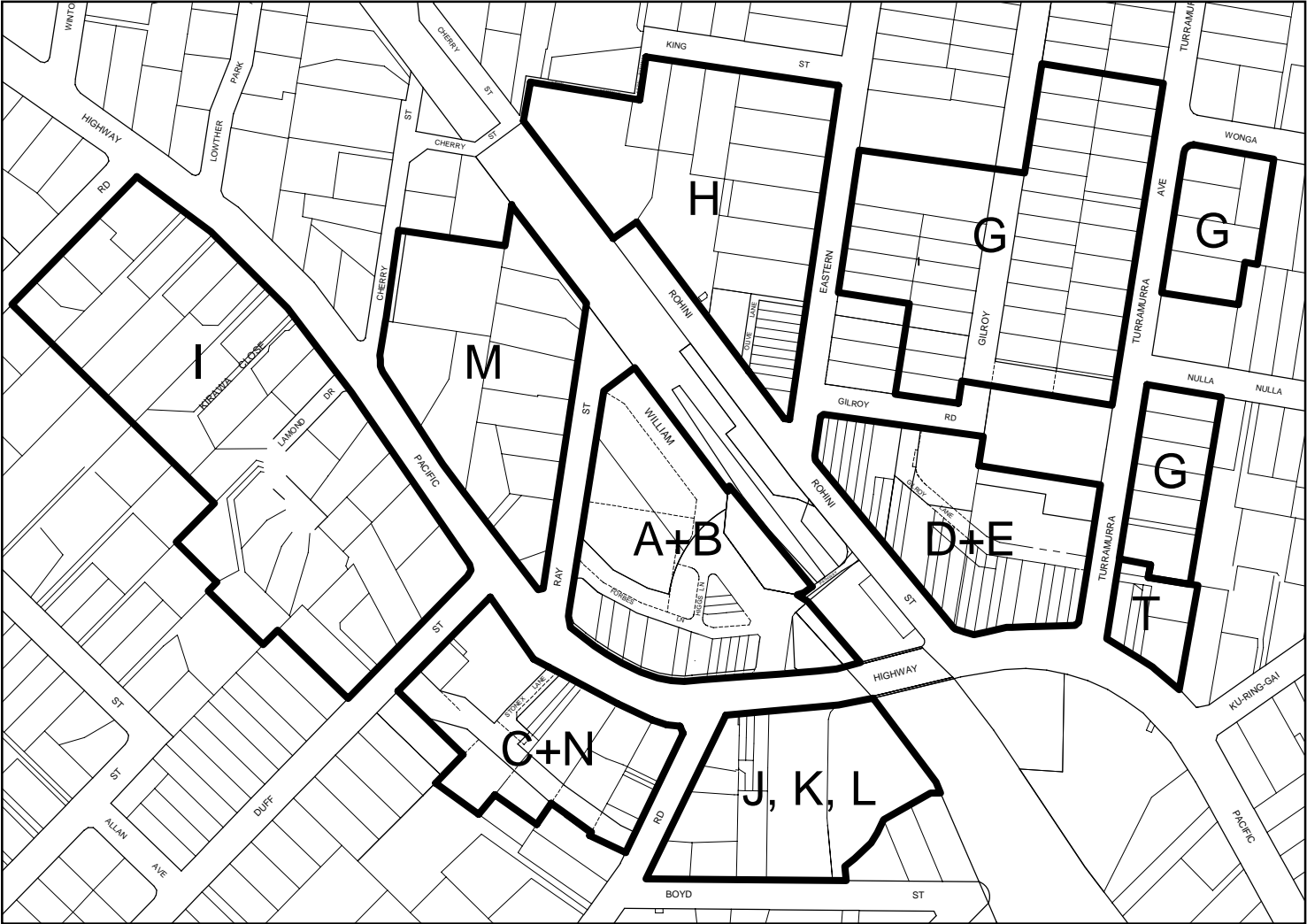
Updated 10.11.06

Precinct	EXISTING				FULL DEVELOPMENT SCENARIO			
	2006				Full development under Town Centres LEP and LEP 194/200			
	Dwellings	Population	Commercial GFA(m ²)	Retail GFA(m ²)	Dwellings	Population	Commercial GFA(m ²)	Retail GFA(m ²)
A & B. Council								
Carpark/Coles/Forbes/Pacific	0	0	2181	4980	119	214	3595	5000
C&N Mobil/Stonex#	0	0	1205	4713	163	293	3900	8720
D & E Rohini/Gilroy/Rail	0	0	7139	7139	486	875	1980	10500
G. Gilroy/Turramurra	50	145	0	0	280	504	0	0
H. Eastern	257	463	2039	2039	285	513	700	2000
I. Duff/Pacific/Lamond/Finlay	60	142	0	0	495	891	0	0
J,K,L. Kissing Pt								
Rd/Pacific/Boyd/Hillview/Bank Heritage	14	41	0	641	102	184	1092	1092
M. Ray/Pacific	106	306	1093	1093	206	371	0	0
T. Masonic Group (Turramurra/Pacific)	0	0	233	233	0	0	233	233
Totals	106	306	1326	1326	206	371	11500	27545
Approx. Net leatble Floor Area (NLFA)							9200	22036

Assumes yields in Precinct C based on exhibited Draft LEP

► All the numbers in the Dwellings column under Full Development Scenario are calculated on the basis of an average of 110sqm dwelling.

TURRAMURRA YIELD TABLE



MEMO

TO	Bill Royal, Ku-ring-gai Council
FROM	Peter Woodley
DATE	03 November 2006
REFERENCE	UH26 003
SUBJECT	8 Kissing Point Road, Turramurra – Objection to Draft Town Centre DCP

I am writing in relation to the objection from the owner of 8 Kissing Point Road, Turramurra, relating to the potential impact of the proposed Draft DCP controls for Precinct J,K,L, on the heritage item at 8 Kissing Point Road, and the proposed heritage item at 2-4 Boyd Street.

Heritage considerations were integral to the development of the Draft DCP, taking into account both existing and potential heritage items. As you are aware, detailed consideration was given to the Hillview site which is included within this precinct, as well as the site bounded by the Pacific Highway, Kissing Point Road and Boyd Street. Consideration was first given to which buildings should be retained in the Town Centre, followed by how these can then be integrated into the rejuvenation of the Town Centre, and acknowledgement of the constraints which may be placed on new development within their vicinity.

In the case of the Pacific Highway/Kissing Point Road/Boyd Street site (the subject site) 8 Kissing Point Road and 2-4 Boyd Street were both assessed as being worthy of retention. The remaining buildings between Kissing Point Road and the corner with Pacific Highway were not considered worthy of retention.

In developing the Draft DCP proposals for the subject site, the opportunity to build close to the street frontage at the Pacific Highway corner was identified. The provision of a mixed use, street wall type development at this corner, 3 storeys in height, has the potential to form a good contextual streetscape for the adjoining heritage items at 1356 and 1359 Pacific Highway, being sympathetic in both form and function.

The area in the middle of the site presented clear opportunities for new residential development with frontages to both Kissing Point Road and Boyd Street. The proposed DCP controls provide substantial setbacks on both these

frontages (10m) which I believe is more than adequate to ensure sight lines to the heritage items (8 Kissing Point Road and 2-4 Boyd Street) are maintained, with adequate space provided for landscaped settings which is essential in integrating new development into the residential sections of Turrumurra. The proposed controls provide a clear transition between the mixed use 'main street' type development on the Pacific Highway corner, to the lower scale of the residential heritage items with substantial landscaped areas around them. The maximum setback of 16m between the proposed new 5 storey residential development and the heritage items is considerable and provides ample opportunity for landscaping to screen the new development and provide a planted backdrop to the heritage items thus softening the transition in scale. It is also worth noting that there is no proposed reduction in the physical curtilage of the heritage items (defined by their allotment boundaries).

The objection essentially presents two options. Either no development of the scale and density proposed, or the delisting of 8 Kissing Point Road and its inclusion within the development site. The former option, I understand is not a reasonable option considered relative to the overall strategy for the Town Centre. In terms of reducing the impacts of new development on the heritage items, I believe the proposed building envelopes have sufficiently addressed this issue, as illustrated by their siting, height and the substantial setbacks provided. The key to integrating new development will rest upon the design details of a specific proposal, and how it meets the draft controls, particularly in terms of façade articulation, materials and detailing, and landscaping.

The other suggested option, the delisting 8 Kissing Point Road and integrating it into the development site, would I believe be difficult to sustain, given that it is an existing heritage item, and has been assessed and recommended for retention as part of the Town Centre study. However, should the owner wish to pursue this option, then I believe it should be treated like any other request to remove a heritage item, including a formal submission to Council, incorporating a detailed heritage assessment undertaken by a professional heritage consultant appointed by the owner.

PW

5.12.1 WASTE STORAGE & RECYCLING FACILITIES

Design Objectives

- Efficient, effective and sustainable waste management practices.
- Waste collection and storage within the site that does not affect the amenity of residents with regard to smell, visual appearance or noise disturbance.
- Provision of waste and recycling storage areas designed and constructed to meet the requirements of the building's land use and its occupants.
- Design and management of waste and recycling facilities to protect public health.

General

- G1 All waste and recycling facilities shall comply with the BCA and all relevant Australian Standards.
- G2 All waste and recycling storage containers shall be stored within the boundary of the subject site.
- G3 All putrescible and non-putrescible waste materials stored in any waste and recycling room or at centralised collection points shall be contained in approved rigid containers supplied by the Council.

Space

- G4 Sufficient space shall be provided within the premises for the storage of, in separate containers, the volume of waste and recycling likely to be generated during the period between collections.
- G5 Sufficient space shall be provided to adequately house any additional equipment to handle or manage the waste generated
- G6 For buildings exceeding four (4) storeys, where a chute system is proposed, a fully enclosed Waste and Recycling Materials Compartment shall be provided within each storey of the building. The facility shall be designed to contain the waste chute hopper and the number of recycling storage bins equivalent to 2 x 240 litre bins for every 4 units per storey.

Access to collection point

- G7 The positioning of the waste and recycling room shall be conveniently accessible and have unimpeded access for both occupants and collection service operators. In the event that the proposed development will be protected by a security system and/or locked gates, the waste and recycling room/s shall have unimpeded access for the collection service providers. Where security gates are provided to the development, gates must be accessible by council's master key.
- G8 The maximum grade of any access road leading to a waste and recycling room shall be not more than 1:6.5. The turning area at the base of any ramp is to have a maximum grade of 1:5 (20%) in any direction.
- G9 The waste and recycling collection point shall be on a level surface away from gradients and vehicle ramps.
- G10 The Waste Management Plan shall describe how the waste management system is to be managed and who is responsible for each stage of the process. (see Waste Management Plan in the Appendices A2)

Construction

G11 The floor of any waste and recycling room shall be constructed of either:

- (i) concrete at least 75mm thick; or
- (ii) other equivalent material

graded and drained to a Sydney Water Corporation approved drainage fitting located in the room.

G12 All floors shall be finished to a smooth even surface coved at the intersection with walls and plinths and provided with a ramp to the doorway where necessary.

G13 The walls of any waste room, recycling room and waste service compartment shall be constructed of solid impervious material and shall be cement rendered internally to a smooth even surface coved at all intersections.

G14 All waste and recycling rooms shall be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock. This does not include waste and recycling service compartments located on residential floors of multi-occupancy dwellings.

Note: This control is to aid in cleaning of the area.

G15 A close-fitting and self-closing door that can be opened from within the room shall be fitted to all waste and recycling rooms.

G16 In the event that Council permits the installation of a roller shutter door (under special circumstance only), a sign shall be erected in a conspicuous position drawing attention to the fact the door must be kept closed at all times when not in use.

G17 All waste and recycling rooms shall be constructed in such a manner (eg. no gaps under access doors etc) as to prevent the entry of vermin.

G18 All waste and recycling rooms shall be ventilated by either:

- (i) mechanical ventilation system exhausting at a rate of 5L/s per m² of floor area, with a minimum rate of 100L/s; or
- (ii) permanent, unobstructed natural ventilation openings direct to the external air, not less than one-twentieth (1/20th) of the floor area.

G19 All waste and recycling rooms shall be provided with artificial light controlled by switches located both outside and inside the rooms.

G20 Clearly printed "NO STANDING" signs shall be fixed to the external face of each waste and recycling room.

G21 Clearly printed signage shall be affixed in all communal waste collection and storage areas, specifying which materials are acceptable in the recycling system and identifying the location of waste and recycling storage areas, as well as waste and recycling service compartments.

G22 No compaction equipment is to be used for 120 and 240 litre bins.

G23 Any facet of the waste management system that is visible from outside the building shall be designed consistent with the overall appearance of the development.

Mixed Use:

M1 In a mixed use development, the waste handling, storage and collection system from residential waste and commercial waste shall be completely separate and self-contained.

M2 There shall be at least two separate centralised waste and recycling storage areas, one for residential waste and one for commercial. The Waste Management Plan shall identify the collection points and management systems for both residential and commercial waste streams.

M3 An area shall be nominated on relevant plans for on-site composting and/or worm farm if the proposal has a residential component.

M4 Where there is a residential component, any new dwellings shall be designed so as to allow the internal accommodation of one receptacle to collect waste and another to collect recycling, each with the capacity to store one day's worth of materials.

Development with a commercial component:

This section applies to any development that incorporate a commercial/business use (eg. retail premises, hospitals, restaurants and food retailers, light industries, residential care facilities)

M5 All commercial premises shall have a dedicated and enclosed waste and recycling room(s) which has adequate storage area to meet the generation rates.

M6 The design of the waste and recycling rooms shall be based on the following criteria:

- (i) the proposed and potential land use of the building
- (ii) the floor area of the building
- (iii) the number of separate occupancies contained within the development:
- (iv) waste generation rates associated with the land use
- (v) type and amount of waste to be produced
- (vi) the proposed number and sizes of bins to contain waste materials.

The size and design of the waste/recycling storage shall allow for future changes of use.

M7 The design and location of the waste and recycling room shall allow for adequate vehicle access, manoeuvring and loading for an 11 metre rigid

vehicle, weighing GVM of 22 tonnes.

M8 The minimum floor to ceiling height within the vehicle accessway leading to and from the waste and recycling room/s shall be 4.5 metres for the entire length of travel required within the development.

M9 For recycling materials, clinical, medical or liquid waste, the design shall reflect the separate storage, operation and management of these waste materials within the development.

M10 In the event of the generation of:

- (i) more than 1.5 cubic metres per day of food waste, other than unprocessed or uncooked fruit and vegetables, or
- (ii) organic veterinary or medical waste,

stored waste shall be refrigerated unless collected daily.

M11 Where refrigeration is required:

- (i) the temperature shall be maintained at or below 5°C;
- (ii) all refrigeration equipment installed with sufficient space for cleaning both the equipment and the storage area;
- (iii) the floors walls and ceiling of the refrigerated waste room constructed of a smooth impervious material and coved at all intersections;
- (iv) the floor of the refrigerated waste room shall be graded to the doorway and a floor waste, designed in accordance with Sydney Water guidelines, shall be located outside the room as close as practicable to the doorway; and
- (v) noise attenuation measures in place to ensure that the noise generated by the refrigeration equipment associated with the waste and recycling room shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act 1997.

M12 In circumstances involving the use of baling equipment for paper and cardboard, sufficient area shall be provided for the storage of a minimum of four (4) bales without impacting on the access and service conditions for collection materials for each day.

M13 Where liquid wastes such as oils are generated by the business, a separate bunded storage area for these wastes shall be provided with drainage directed to a grease trap. The bunded area is to be weather protected and have a capacity not less than 20% of the storage contents to contain any spill.

Note: Liquid waste from grease traps shall only be removed by licensed waste contractors approved by Sydney Water Corporation and the NSW Environment Protection Authority.

M14 Any construction for food premises shall be in accordance with the 'National Code for the Construction and Fit-out of Food Premises'

Note: Contact Council for a copy of this Code and advice on the construction of food premises.

M15 For retail premises, light industry, hospitals, residential care facilities, a waste service compartment shall

- (i) be provided on each storey of the building;
- (ii) have the capacity to store at least one day's volume of waste and recycling likely to be generated on that floor;
- (iii) provide for the separation of paper and cardboard for recycling on each storey.

M16 If more than 10m³ of waste and recycling is likely to be generated per day, then the central waste and recycling room shall be separate from the goods receival dock.

M17 Separate space and collection arrangements shall be made for clinical/hazardous waste.

M18 For offices, provision shall be made on each floor and in the central waste and recycling storage area, for the separation and storage of all recyclable cardboard, paper and paper products likely to arise on the premises.

Residential:

R1 Centralised collection points are required in the following circumstances:

- (i) Attached dwellings where the number exceeds four dwellings in total;
- (ii) Where site characteristics (eg. steep sites, little street frontage) make access to the street difficult for individual unit holders and where placement of bins on the street frontage is assessed as dangerous for either the public or service personnel, or would have a detrimental effect on the street amenity; and
- (iii) Where centralised collection points would suit the collection service.

High-medium density housing

This section applies to attached dwellings where the number exceeds four dwellings in total (eg. residential flat building, multi-dwelling housing) where basement parking is provided.

R2 Council's standard waste and recycling service for multi-dwelling housing and residential flat development, where the number of units exceeds four is as follows:

Waste Type	Number of Units	Number of Bin/s
Waste (garbage)	N/A	1 x 120L MGB per unit dwelling or 1 x 240MB per 2 units
Co-mingled recycling of glass, steel and aluminium cans and plastic etc	For every 4 units or part thereof.	1 x 240L MGB (communal)
Recycling of paper and cardboard	For every 4 units or part thereof	1 x 240L MGB (communal)
Green waste	<p>Optional Please contact Council's Waste Service Team to discuss options. Green waste bins will be subject to Owners Corporation Agreement on a fee for service basis. Green waste bins will be serviced from the street frontage due to the small number of bins involved.</p> <p>Note: To check the service level for the relevant collection zone contact Council's Customer Service Section. All bins are collected weekly except green waste bins. Please contact Council's Waste Service Team to discuss options.</p> <p>R3 All new dwellings shall be designed so as to allow the internal accommodation of one receptacle to collect waste and another to collect recycling, each with the capacity to store one day's worth of materials.</p> <p>R4 A centralised waste and recycling room must be provided in the basement that has sufficient capacity to store all waste and recycling likely to be generated in the entire building in the period between normal collection times.</p> <p>R5 The full path of travel to and from the waste and recycling room is to be designed to allow a 6 metre rigid vehicle, weighing GVM 6 tonnes, to enter and exit the development in a forward direction.</p> <p>R6 The minimum floor to ceiling height within the vehicle accessway leading to and from the waste and recycling room/s shall be 2.5 metres for the entire length of travel required within the development.</p> <p>R7 Noise attenuation measures are required to ensure that the use of, and collection from, the waste and recycling room shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act 1997.</p> <p>R8 An area is to be nominated for on-site communal composting.</p>	

Multi-dwelling housing

This section applies to multi-dwelling development, such as row houses, townhouses, villa units, where basement car parking is not provided and dwellings are separately accessed via a private access road, or where communal arrangements are required under R1 (ii) or (iii).

R9 Council's standard waste and recycling service is:

Waste Type	Bin Type
Waste (garbage)	1 x 120L
Co-mingled recycling	1 x 240L
Recycling of paper and cardboard	1 x 240L
Green waste (communal)	1 x 360L (subject to Owners Corporation Agreement on a fee for service basis)

Note: To check the service level for the relevant collection zone contact Council's Customer Service Section. Waste is collected weekly while all other waste types are collected on a fortnightly basis.

R10 All new dwellings shall be designed so as to allow the internal accommodation of one receptacle to collect waste and another to collect recycling, each with the capacity to store one day's worth of material.

R11 All such developments shall allocate, within each property boundary, an area for storing Council specified waste and recycling bins, preferably located at the rear of the buildings to minimise visual clutter. The storage area is to be a minimum of 3m from openable windows and integrated with the landscaping. See A2.1 in the Appendices for bin characteristics.

R12 An area is to be nominated for on-site communal composting.

R13 Centralised collection points are to be provided, directly accessible from the street/rear lane and/or the internal road. Collection points shall be located a minimum of 12 metres from any openable window. One collection point is to serve a maximum of 6 units.

R14 Where on site collection points are provided, the full path of travel to and from the collection points is to be designed to allow a 6 metre rigid vehicle, weighing GVM 6 tonnes, to enter and exit the development in a forward direction.

R15 A path shall be established for wheeling bins to the collection point; it must be level and free of steps or kerbs.

Low/medium scale residential

This section applies to detached dwellings (eg. detached dual occupancy; and two or more attached dwellings where the number does not exceed four dwellings in total (eg. attached dual occupancy, small-scale multi-dwelling housing).

R16 Council's standard waste and recycling service is:

Waste Type	Bin Type
Waste (garbage)	1 x 120L
Co-mingled recycling	1 x 240L
Recycling of paper and cardboard	1 x 240L
Green waste (communal)	1 x 360L (subject to Owners Corporation Agreement on a fee for service basis)

Note: To check the service level for the relevant collection zone contact Council's Customer Service Section. Waste is collected weekly while all other waste types are collected on a fortnightly basis.

R17 Developments shall allocate, within each property boundary, an area for storing Council specified waste and recycling bins, preferably located at the rear of the premises to minimise visual clutter. The storage area is to be a minimum of 3m from openable windows and integrated with the landscaping. See A2.1 in the Appendices for bin characteristics.

R18 All new dwellings shall be designed so as to allow the internal accommodation of one receptacle to collect waste and another to collect recycling, each with the capacity to store one day's worth of material.

R19 A path shall be established for wheeling bins to the collection point; it must be level and free of steps or kerbs.

R20 An area is to be nominated for on-site communal composting.

5.12.2 CONSTRUCTION, DEMOLITION & DISPOSAL

Design Objectives

- Avoid the generation of waste through design, material selection and building practices.
- Plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development.

Design Controls

General:

- G1 A Waste Management Plan (WMP) shall be submitted as part of the development application for any proposed development or alteration to land or building.

Note: Plans and drawings of the proposed development that highlight the location of and space allocated to the waste management facilities and the nominated waste collection point shall be attached to the WMP. The path of access for both users and collection vehicles shall also be highlighted. Please refer to A2.5 in the Appendices.

- G2 In the design of developments, waste shall be minimised by:
- matching building dimensions to standard sizes of building materials;
 - using recycled materials, selecting materials that reduce waste or do not require disposal, or can be reused or recycled in the future;
 - utilising component parts that may be easily replaced;
 - designing with minimal site disturbance by avoiding unnecessary excavation or fill.
- G3 Provide source separation facilities on building sites so that different waste streams may be easily separated during construction and demolition to encourage the reuse and recycling of materials.