

## Chapman Planning Pty Ltd



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29 November 2012

Joint Regional Planning Panel - Sydney West  
23 – 33 Bridge Street  
SYDNEY NSW 2000



**Attention: Panel Secretariat – Suzie Jattan**

BY: .....

**Application No: 2011SYW127**

**Property: 1444B – 1454 Pacific Highway, Turramurra**

I refer to the above mentioned development application on the agenda of the Sydney West Joint Regional Planning Panel (JRPP) on 6 December 2012. Enclosed with this letter are amended plans prepared to address the reason for refusal with particular reference to building height.

It is understood that an assessment of the amended plans cannot be completed prior to the meeting on 6 December 2012. The amended plans are prepared to confirm that the reasons for refusal regarding building massing and height, visual impacts and context with surrounding development can be resolved.

I note there were a number of pre-development application meetings with Council and Council's Urban Design consultant during design of the proposal with the building height (as proposed) generally supported in achieving a suitable stepping in building form to meet topography. Further, Draft Ku-ring-gai (Local Centres) LEP 2012 applies to the subject site. The Council report on the Draft LEP recommended a 23m height control. The exhibited version of the Draft LEP has a 17.5m height control.

Notwithstanding, the amended plans meet the 5 – 6 storey height controls under the KPSO.

The KPSO and associated DCP 55 do not specify a length of building control with reference to creating view corridors between buildings to provide a leafy outlook. Building A – D has a 6m setback and the landscape plan shows canopy tree planting in the side setback. Further, the amended plans show the context with surrounding development with the length of building consistent with the approved building at Lamond Drive (81m) and the existing building in Finlay Road.



Additionally, enclosed with this letter are formal responses to the issues raised in the Council report from the applicants Urban Designer, Flora and Fauna Consultant, and Arborist as follows:

- Urban Design: Peter John Cantrill – Tzannes Associates.
- Flora and Fauna: Elizabeth Ashby – Keystone Ecological
- Arborist: Russell Kingdom – Advanced Treescape Consulting
- Landscape: Derek Osborne – Aterra Design Pty Ltd.

The applicant requests consideration of the amended plans and response to the tree and landscape issues by the JRPP. It is acknowledged that formal assessment of the amended plans is required and in this regard we request deferral of the application.

If you require clarification of the issues addressed in this letter and amended plans please contact Garry Chapman on 9560 7013.

Thank you



Garry Chapman  
Chapman Planning Pty Ltd

Cc: Mr Grant Walsh  
Executive Assessment Officer  
Ku-ring-gai Council  
Locked Bag 1056  
PYMBLE NSW 2073

November 29, 2012

Joint Regional Planning Panel - Sydney West Region  
Panel Secretariat  
23 - 33 Bridge Street  
SYDNEY NSW 2000

Dear Panel

**DA0605/11 Ku-ring-gai Council: 1444B-1454 Pacific Highway, Turramurra**

I have been recently appointed by the applicant to review the development application for the proposed development at 1444B – 1454 Pacific Highway.

I have viewed the application and read report to the Panel by the Assessment Officer Grant Walsh. I also have viewed amended plans prepared for the applicant.

In relation to the application as submitted I agree with most of the reasons given for refusal that relate to the building form, that is, reasons 1, 2 and 3. The amended plans prepared to address issues raised in the Council report respond to building height with the upper levels (5 and 6 Storeys) setback 9m from the north-west boundary. The other matters regarding building length and visual impact can be addressed by further detail.

With further advice and further amendment I am confident that these issues can be addressed to the satisfaction of the Assessment Officer and the Panel.

I therefore recommend that the Panel defer the matter for consideration pending the undertaking of further amendments.

Yours sincerely



Peter John Cantrill  
Director



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Mr Dugald Mackenzie  
4/3 The Postern  
Castlecrag NSW 2068

By email: dugald@mackenziearchitects.com.au

26<sup>th</sup> November 2012

**RE: 1444 Pacific Highway Turramurra**

Dear Dugald,

Thank you for passing on Council's latest round of comments (dated 19<sup>th</sup> October 2012) of my Updated Impact Assessment – Blue Gum High Forest (31<sup>st</sup> August 2012) and Updated Vegetation Management Plan (31<sup>st</sup> August 2012). Council's Ecological Assessment Officer Mr John Whyte has concluded that yet another Impact Assessment is required for Blue Gum High Forest (BGHF) and the Vegetation Management Plan (VMP) needs some amendment.

In essence, Council's criticisms are as follows:

1. The extent of the BGHF on site has not been demonstrated and therefore the impact of the proposal not determined;
2. Hydrological impacts on BGHF have not been considered and the location of the rain gardens will starve the BGHF that is on site and downslope of the buildings;
3. The VMP must include the retention of trees 385, 384, 265, 202, 203 and 2;
4. The VMP is to include the numbers of shrubs and ground covers and the number of each species to be planted in each Management Unit;
5. The VMP is to include the Landscape Plan; and
6. The VMP is to show the core riparian zone.

There is also a criticism of the Landscape Plan that has an ecological basis:

7. Only species listed in the NSW Scientific Committee's final determination of BGHF are to be planted.

Frankly, I am surprised at some of these questions - some are repeated from past criticism and have already been dealt with in the latest amended plans and the raft of supporting reports. This may be attributed at least in part to a mix-up at Council, as I note that the list of ecological documents cited by Mr Whyte is confused.

I address each of these matters in turn below.

1. **BGHF extent.** There is difficulty in defining the extent of a natural vegetation community in the context of urban gardens, as the vegetation type is largely represented only by canopy trees. Some of these trees might be remnant, but most are regrowth or planted.

While it is acknowledged that the vegetation community is made up more than the canopy, in urban "remnants", the soil processes are significantly altered and the understorey components are almost entirely planted or restricted to weedy native species.

The mapping procedure adopted by Council has been to mostly confine the extent of the community according to the extent of the tree canopy, but confining it to the extent of the trunks may be equally as valid.

Therefore, given this uncertainty, I chose instead to concentrate on the numbers of trees as a measure of the impact – a figure that is unassailable and easily determined.

Notwithstanding that methodology, the extent of BGHF on site was clearly shown in Figure 1 and Figure 3 of the Updated Impact Assessment (UIA) at pages 4 and 11 respectively. Although not explicitly stated (for reasons discussed above), the area of BGHF shown within the site in Figure 3 totals approximately 4,300 square metres.

The extent of BGHF in the immediate vicinity of the site is clearly shown in Figure 4 of the UIA. The extent of this unbroken polygon (as mapped by Council), of which the subject site's vegetation is a part, was estimated to be at least 45 hectares (see page 14, paragraph 3 of the UIA).

An area of 4,077 square metres is to be retained and managed as vegetation consistent with BGHF as either regeneration or revegetation areas, representing 44% of the site and 80% of the BGHF trees.

The extent of loss of individual trees attributable to BGHF is clearly detailed in the UIA at Figure 2 (page 5) and Table 1 (page 19), and represents approximately 250 square metres in area. Note that this is distributed around the edges of the existing "remnants" and is concentrated on trees of lesser ecological value or those that are otherwise condemned by the arborist for reasons of safety.

I consider that adequate information has been provided and that there is no need for yet another impact assessment for BGHF.

2. **BGHF and hydrology.** The criticisms seem to be related to a previous iteration of the plan as the rain gardens have been re-located in response to this criticism in the past.
3. **Retain specific trees in the VMP.** This is a reiteration of a past list of trees provided by Council for retention. They have already been addressed:
  - a. Tree number 2 – is already being retained.
  - b. Tree number 202 – is already being retained.
  - c. Tree number 203 - As detailed in previous replies to Council, despite moving the footprint, this cannot be retained due to incursion into the TPZ. This tree is *Pittosporum undulatum*, a very common component of bushland in the local area. In many places it is regarded as a weed due to its dominance of bushland in the absence of fire. As an understorey species, it is faster growing than a tree and more easily and quickly replaced.
  - d. Tree number 265– is already being retained.
  - e. Tree number 384 – is considered to be a dangerous tree and recommended by the Arborist for removal. It is an *Acacia*, and therefore a fast-growing pioneer species that will be replaced by the proposed regeneration and revegetation.
  - f. Tree number 385– does not pass the Visual Tree Assessment by the arborist and will not survive the TPZ incursion. Being *Eucalyptus saligna* Sydney Blue Gum, it is a component of BGHF and its loss acknowledged as such. It will be compensated for by the proposed regeneration and revegetation.
4. **Details of plantings for each Management Units in the VMP.** The VMP contains such details - see pages 12 to 19 and Appendix B.

5. **VMP is to include the Landscape Plan.** This is not reasonable. The Landscape Plan has been prepared by another consultant and has been supplied in the bundle of documents.
6. **The VMP is to show the core riparian zone.** It does - see Figure 3 on page 11.
7. Plantings to be restricted to the list in the Final Determination. This issue was specifically addressed previously. I reiterate:
  - a. The Scientific Determination list is not comprehensive; this is stated within the Scientific Determination itself.
  - b. Strict adherence to this list will not produce a diverse vegetation community, which is an important objective.
  - c. We cannot rely on natural regeneration from the soil seedbank entirely because of the long history of severe disturbance in the Management Units slated for revegetation.
  - d. Those management Units slated for revegetation are primarily controlled by the Landscape Plan and have important aesthetic and amenity objectives as well. The Scientific Determination list is far too restrictive to meet these criteria.
  - e. The list from which the revegetation is primarily sourced has been developed from the species reported in the scientific literature as occurring naturally within Blue Gum High Forest.

Please be assured that I am happy to revisit any of my work to deal with well-founded criticism. However, I am becoming increasingly exasperated having to repeatedly respond to the unfounded criticisms as provided in the Council response of 19<sup>th</sup> October 2012. I run a very busy consultancy and since the end of August when I completed your reports I have been attending to a myriad of other complex projects. In order to deal with these questions today, I have had to re-acquaint myself with the entire file and the many iterations of the plans.

I hope that this project is coming to a conclusion soon.

Yours sincerely,

**Elizabeth Ashby**

**Principal Consultant  
Keystone Ecological**

Item	Council Response	Keystone Ecological Response to Council
Flora and Fauna Assessment	Impact assessment not satisfactory for BGHF and request a new 7 part test	<ul style="list-style-type: none"> <li>Done – see Updated Impact Assessment report.</li> </ul>
	Fails to demonstrate the local occurrence of the extent of the BGHF community and the impact on this	<ul style="list-style-type: none"> <li>The local occurrence is judged to be at least the uninterrupted polygon shown in Council's mapping of which the subject site is a part.</li> <li>There is good scientific evidence to support the contention that the local occurrence of BGHF – especially in an urban setting where it is principally represented by remnant and regrowth canopy trees – that it is functionally connected to other BGHF trees tens of kilometres away.</li> </ul>
	Insufficient consideration of hydrological impacts Rain garden positions will starve some areas of BGHF of water	<ul style="list-style-type: none"> <li>More detailed assessment provided in Updated Impact Assessment report.</li> <li>Rain gardens repositioned so that all areas of BGHF in the lower part of the site will receive overflow waters.</li> <li>Groundwater interception is not considered to be a major problem with BGHF as the roots are within the top few metres of soil and the groundwater was found to occur many metres deeper.</li> <li>Notwithstanding that fact, these waters are to be collected and re-introduced to the vegetation below the buildings.</li> </ul>
Vegetation Management Plan	Include trees 2,202,203,265,384,386	<ul style="list-style-type: none"> <li>New footprint retains 2,202,265 and 386.</li> <li>Cannot retain 203 or 384.</li> <li>203 is <i>Pittosporum undulatum</i>, a very common component of bushland in the local area. IN many places it is regarded as a weed due to its dominance of bushland in the absence of fire.</li> <li>As an understorey species, it is faster growing than a tree and more easily and quickly replaced.</li> </ul>
	Use species listed in the Scientific Determination for revegetation.	<ul style="list-style-type: none"> <li>Scientific Determination list is not comprehensive; this is stated within the Scientific Determination itself.</li> <li>Strict adherence to this list will not produce a diverse vegetation community, which is an important objective.</li> <li>We cannot rely on natural regeneration from the soil seedbank entirely because</li> </ul>

		<p>of the long history of severe disturbance in the Management Units slated for revegetation.</p> <ul style="list-style-type: none"> <li>Those management Units slated for revegetation are primarily controlled by the Landscape Plan and have important aesthetic and amenity objectives as well. The Scientific Determination list is far too restrictive to meet these criteria.</li> <li>The list from which the revegetation is primarily sourced has been developed from the species reported in the scientific literature as occurring naturally within Blue Gum High Forest.</li> </ul>
List the numbers and types of species to be planted in each Management Unit	<ul style="list-style-type: none"> <li>This is provided in the Landscape Plan as it controls the revegetation MUs.</li> <li>Natural regeneration will be encouraged in the remaining MUs and planting will only be considered if and when natural regeneration is judged to fail.</li> </ul>	
Consolidate MUs 1,9,10,12 and 13	<ul style="list-style-type: none"> <li>The proposed consolidation of MUs was not considered to be logical or workable.</li> <li>The MUs have been simplified into 6 and classified according to their objectives (e.g. fully structured BGHF or understorey BGHF) and the relevant management technique (e.g. revegetation or bush regeneration).</li> </ul>	
Establish locations of photo points	<ul style="list-style-type: none"> <li>Done – see VMP</li> </ul>	
Baseline quadrat data to be incorporated into VMP	<ul style="list-style-type: none"> <li>Baseline data are to be collected by the bush regeneration contractor immediately prior to other works; it is too early in the process to provide these data as part of the VMP.</li> <li>The VMP provides guidelines for the establishment of these quadrats and the collection of relevant data.</li> </ul>	
Show the riparian zone in the VMP	<ul style="list-style-type: none"> <li>Done – see VMP and the Landscape Plan</li> </ul>	
Establish the rain gardens as a separate MU in the VMP and provide specific details	<ul style="list-style-type: none"> <li>Done – see VMP and the Landscape Plan</li> </ul>	
Specify the qualifications required for the contractors carrying out the work	<ul style="list-style-type: none"> <li>Done – see Section X in VMP</li> </ul>	



28 November 2012



Mr. Dugald MacKenzie  
**MACKENZIE ARCHITECTS**  
4/ 3 The Postern  
Castlecrag, NSW 2068

**RE: RESPONSE TO LANDSCAPING REFERRAL CONDITIONS  
1448-1454 PACIFIC HWY, TURRAMURRA NSW**

Dear Dugald,

We have reviewed Councils landscape referral dated 11 October 2012. The conclusion by Tempe Beaven lists three reasons for not supporting the proposal.

**1. Insufficient deep soil and front setback.**

The front boundary has been adjusted to accommodate the deceleration lane. This adjusted boundary is 6m from the building basement not 10 as required in the DCP. Council is arguing that there is insufficient deep soil in the setback area to support suitable trees to soften the appearance of the development.

By reducing some of the paths in the front setback zone from 1.2m to 1m. (which is acceptable under the accessibility standard AS1428) we can demonstrate that there is 265m<sup>2</sup> of deep soil available as defined by the DCP. Refer diagram attached 28.11.12. Assuming a soil depth of 750mm there is 198m<sup>3</sup> of soil available for tree planting.

To determine a suitable number of trees for this soil volume we have referenced Lindsey, P. & Bassuk, N. 1991. Specifying soil volumes to meet the water needs of mature urban street trees and trees in containers. Journal of Arboriculture 17 (6) : 141-149.

They propose that a mature tree requires 0.6m<sup>3</sup> of soil for every 1m<sup>2</sup> of canopy area. E.g. a tree with a 10m. dia has a canopy area of 78.5m<sup>2</sup> and requires 47m<sup>3</sup> of soil. With 198m<sup>3</sup> available we propose that four large trees could be sustained within the front set back area.

The attached diagram illustrates the effect of four 10m dia trees in the front setback zone.

**2. Adverse Tree Impacts.**

Most of this will need to be answered by the arborist Russel Kingdom. We can offer the following:

- The deceleration zone will probably result in the loss of tree no. 351 (which is exotic) and incursions less than 10% into trees 345 and 346.
- There was a drafting error associated with tree no. 2. The corrected incursion is 9.8%, acceptable under the standard.
- There was a drafting error associated with the landing at level 161.41. However this landing should be suspended so the correction does not affect the incursion into tree 265.

### 3. Insufficient information

- *Deep Soil Calculation*  
We have taken out the area for the entry sign and a 3m. Wide scour protection zone and the percentage changed from 53.3% to 53.1%.
- *Arborists report*  
Prepared by Russel Kingdom
- *Architectural Plans*  
We don't understand comments in relation to unit E01. There are no trees near by.

We have allowed for preliminary engineering details in relation to piercing adjacent tree 391 the area of four piers as well as a 500mm working area around each pier has been included in the calculation of the TPZ incursion.

- *Amendments to Landscape Plan*  
Plans are to be prepared at 1:100 instead of 1:200 – This will take a bit of work but could be done in a couple of days.  
Tree nos. are to be shown on planting plan – This can easily be done.  
Turf finish to bio swale – This is a standard detail. Martens Engineers need to amend their documents to coordinate with the landscape documents, this can easily be done.  
Council have suggested that there is insufficient space at the side of the garden to plant new Blue Gum trees. Also some of the proposed plants at the front of the building are too close to the building. We can easily change a few of the proposed plant species and the planting layout. This will take a little of work but can be done in a day.
- *Basix*  
We can assist the basix consultant with the preparation of another drawing if required.

In short we do not believe there are any insurmountable issues from a landscape perspective.

Sincerely



**Derek Osborne AAILA**

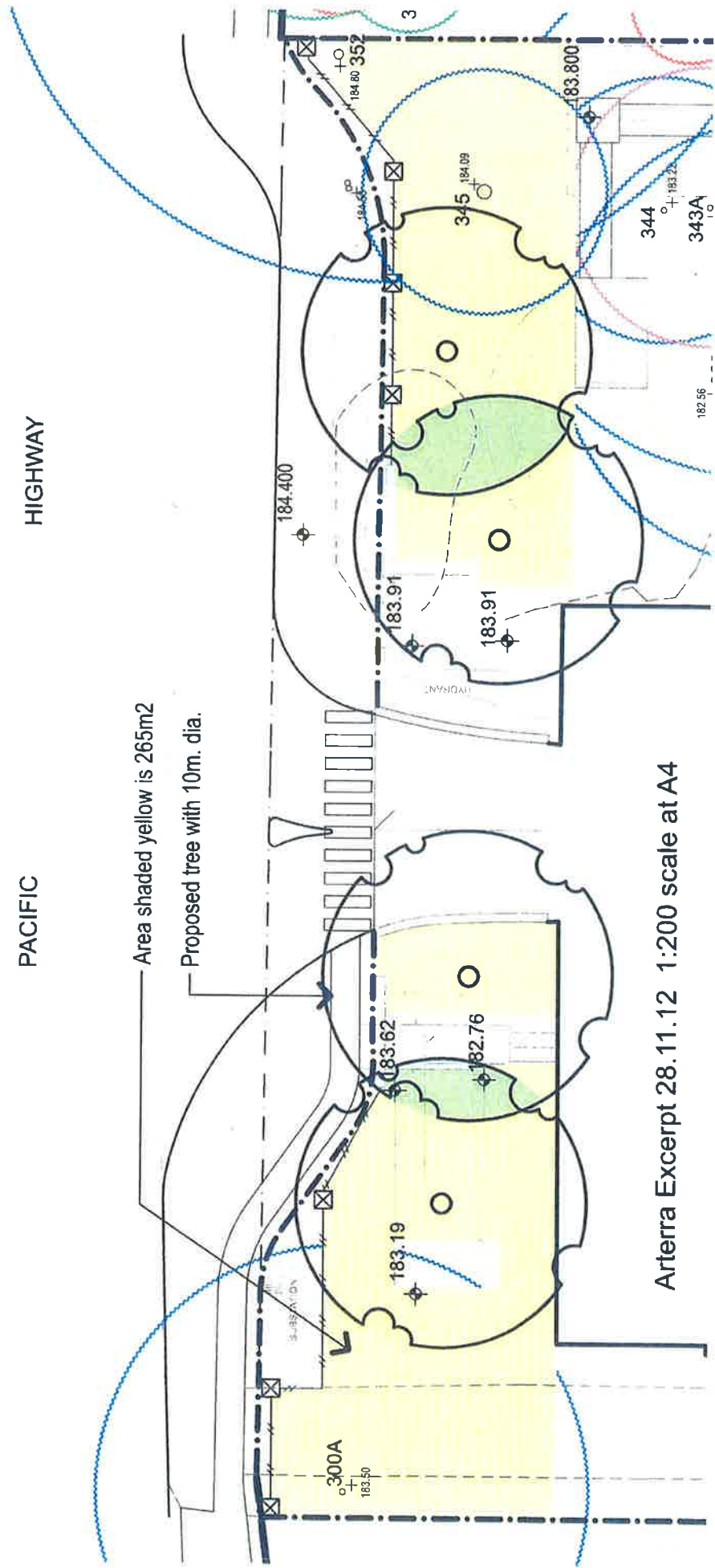
Associate / Registered Landscape Architect (980)  
dosborne@arterra.com.au

PACIFIC

HIGHWAY

Area shaded yellow is 265m<sup>2</sup>

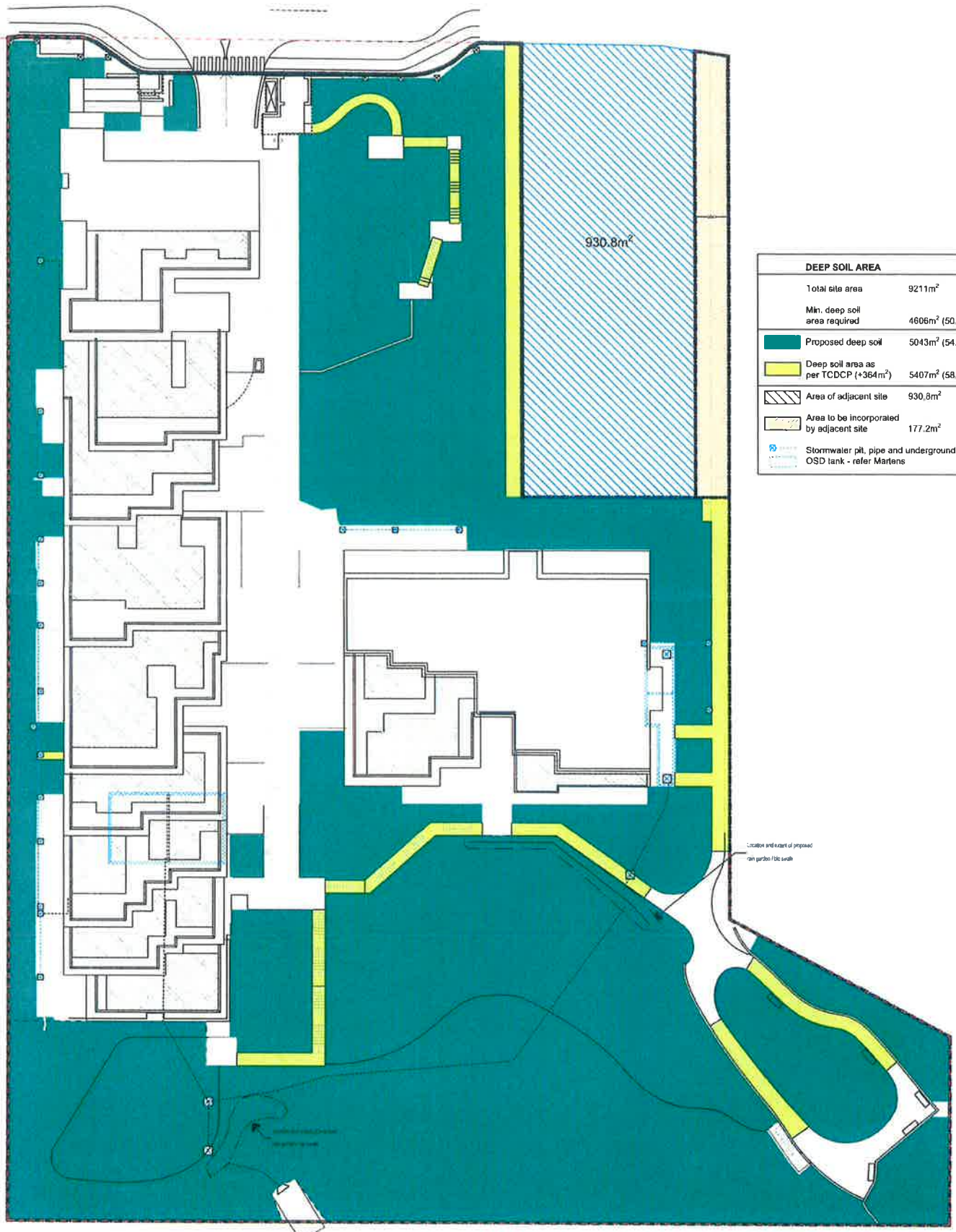
Proposed tree with 10m. dia.



Arterra Excerpt 28.11.12 1:200 scale at A4

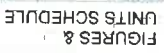
PACIFIC

HIGHWAY









LEVEL 158.41  
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**MACKENZIE ARCHITECTS**

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**PROJECT INFORMATION**

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Client: [REDACTED]  
Project Number: [REDACTED]  
Date: [REDACTED]

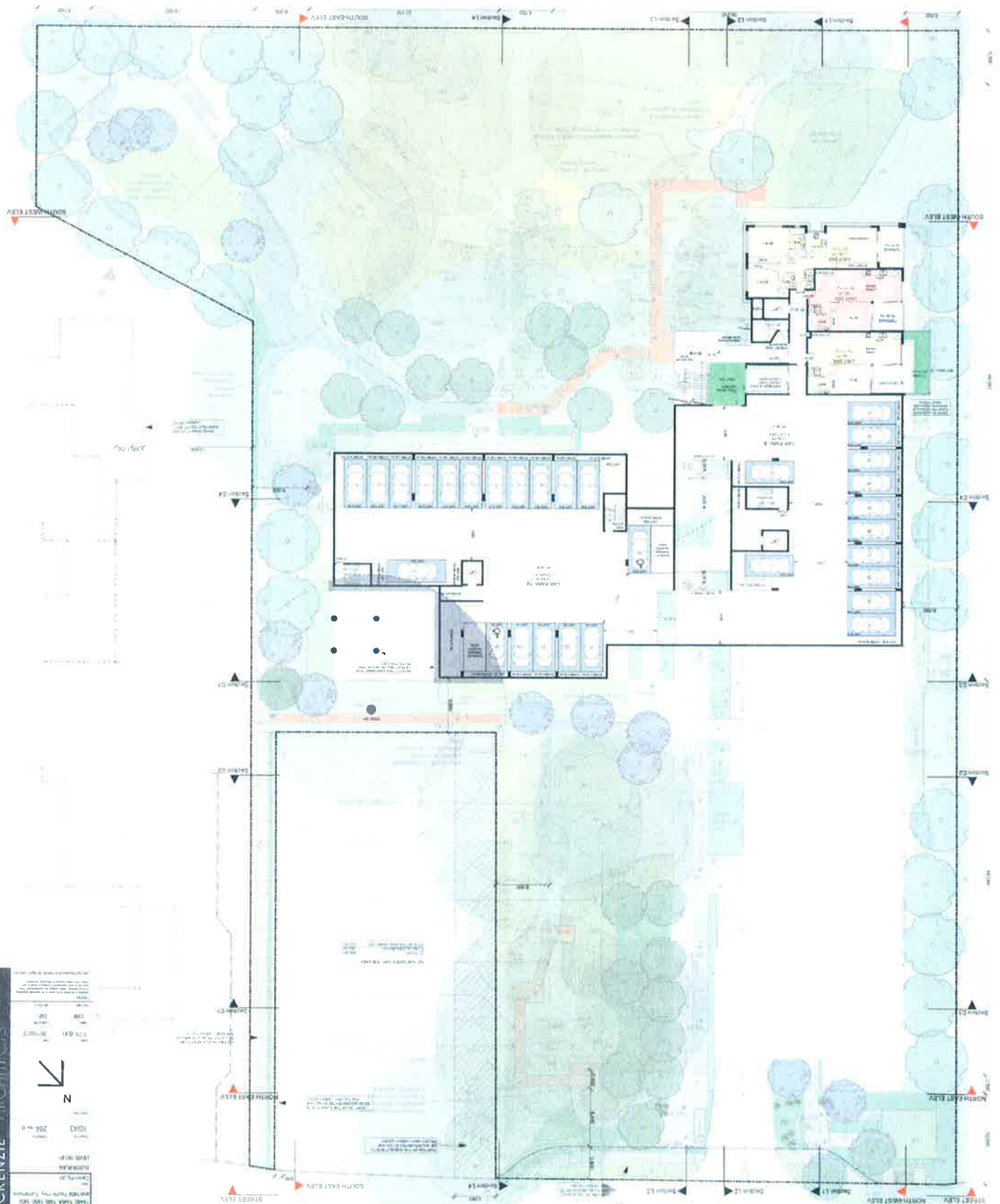
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LEVEL 161.41  
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**MACKENZIE ARCHITECTS**

10443 204 Ave B  
FLOOR PLAN  
1:200  
N

DATE: 10/10/10  
DRAWN: [Name]  
CHECKED: [Name]  
APPROVED: [Name]





















LEVEL 182.41'  
1/200



**MACKENZIE ARCHITECTS**

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**PROJECT TEAM**

Architect: Mackenzie Architects  
Client: [Redacted]  
Date: 10/10/13

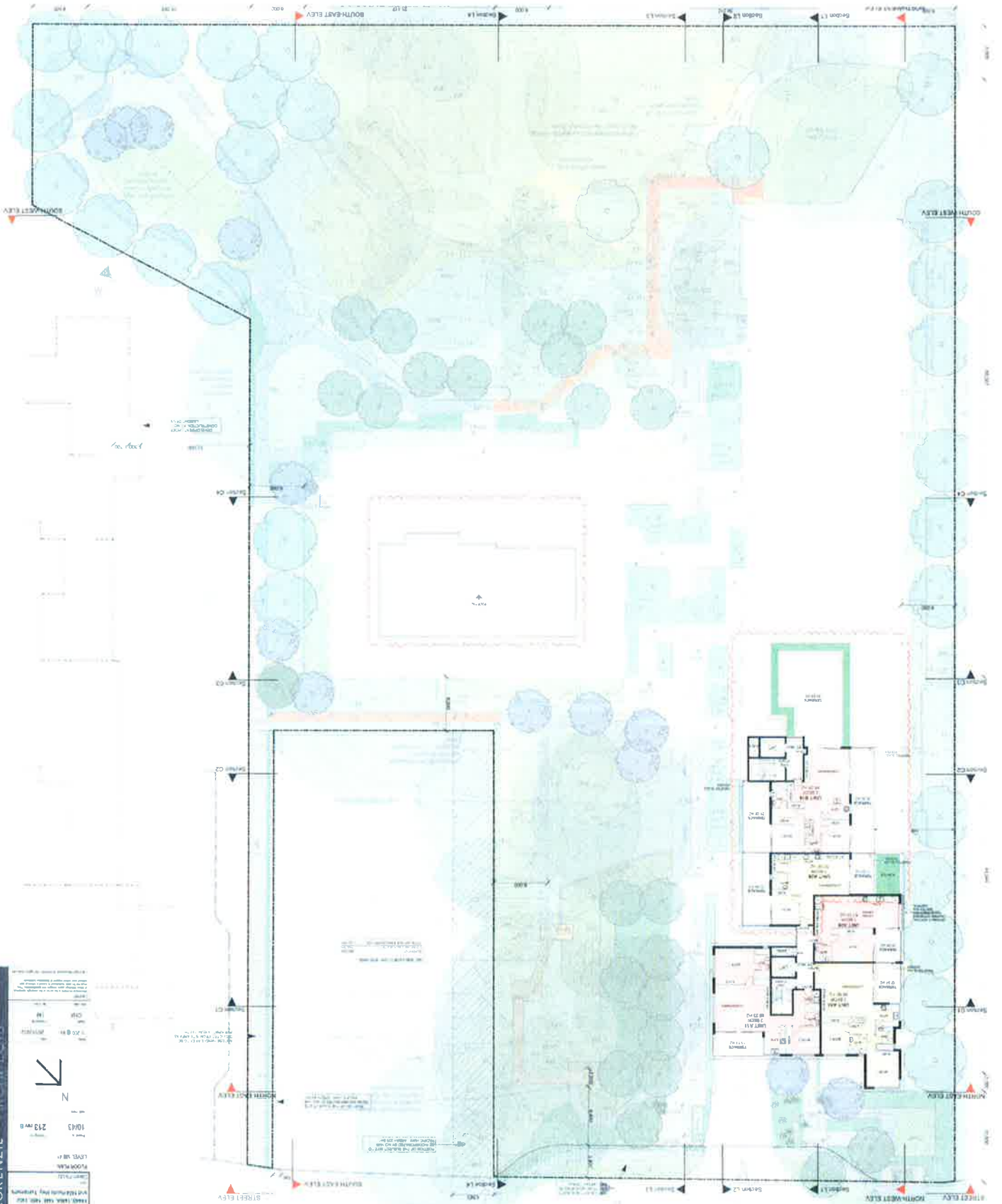
**NOTES**

1. All dimensions are in meters unless otherwise specified.  
2. All elevations are in meters above sea level unless otherwise specified.  
3. All areas are in square meters unless otherwise specified.

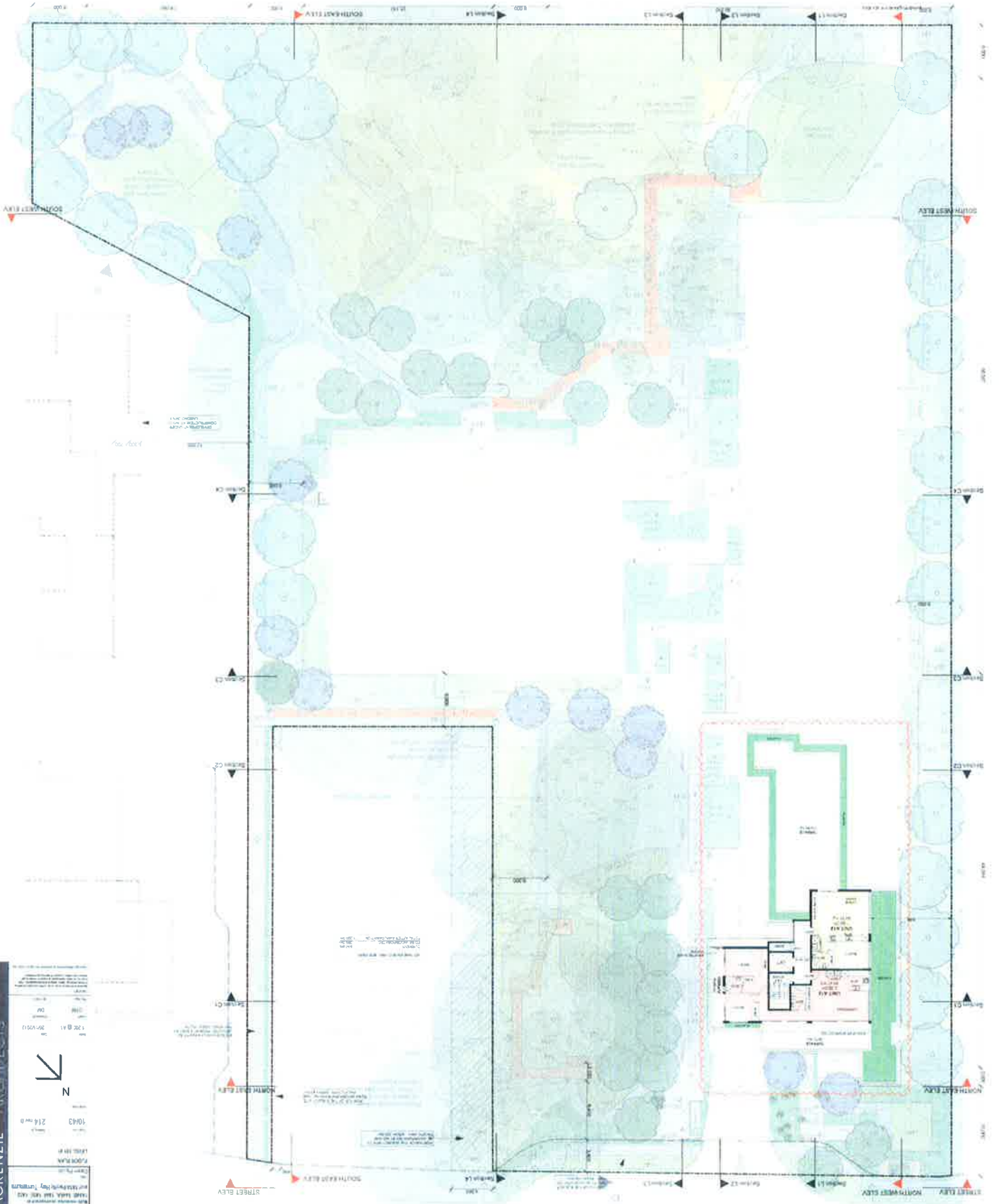




LEVEL 188.41  
1:200



LEVEL 191.41  
1:200



**MACKENZIE ARCHITECTS**

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**PROJECT INFORMATION**

Project Name: [REDACTED]  
Project Number: [REDACTED]  
Project Location: [REDACTED]  
Project Date: [REDACTED]  
Project Status: [REDACTED]

**DESIGNER INFORMATION**

Designer Name: [REDACTED]  
Designer Title: [REDACTED]  
Designer Contact: [REDACTED]

**CLIENT INFORMATION**

Client Name: [REDACTED]  
Client Title: [REDACTED]  
Client Contact: [REDACTED]

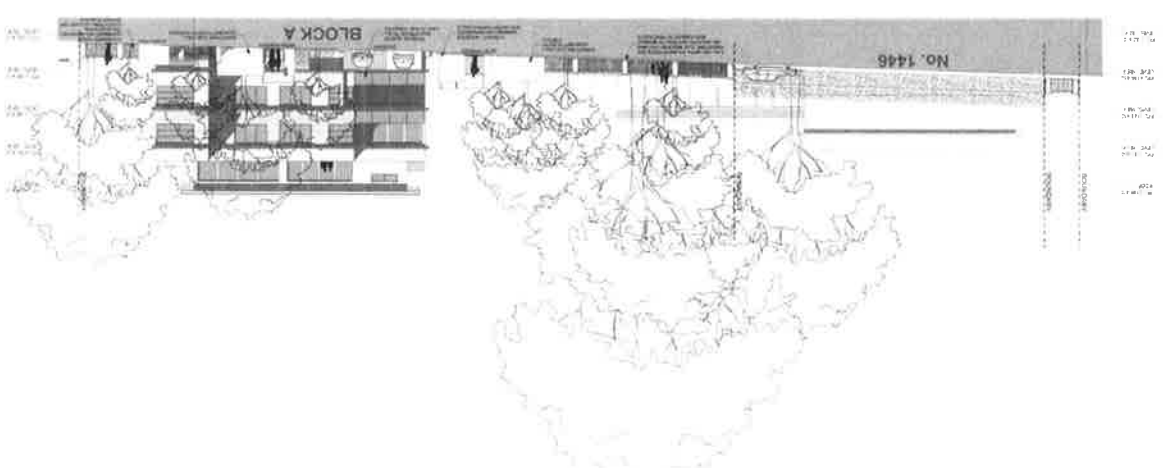
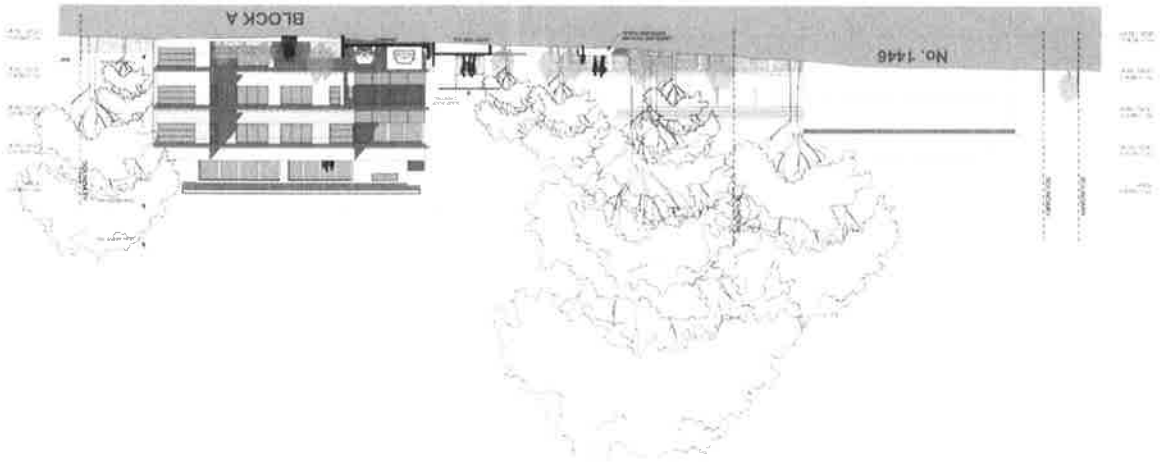
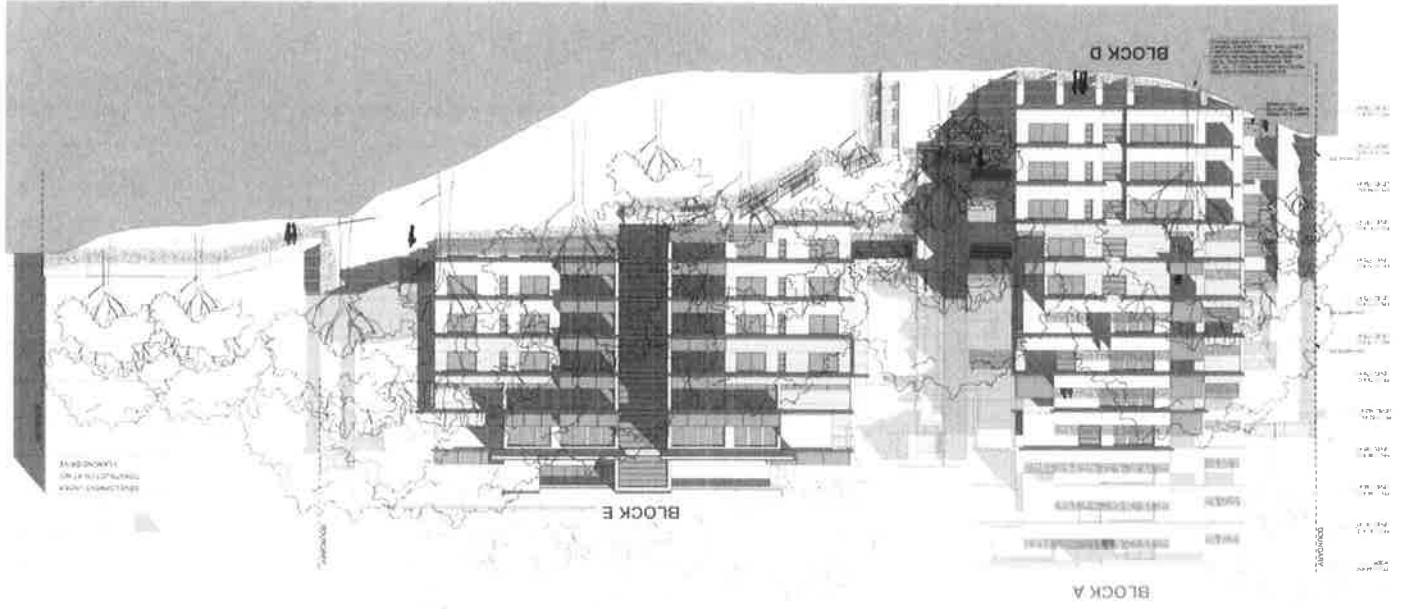
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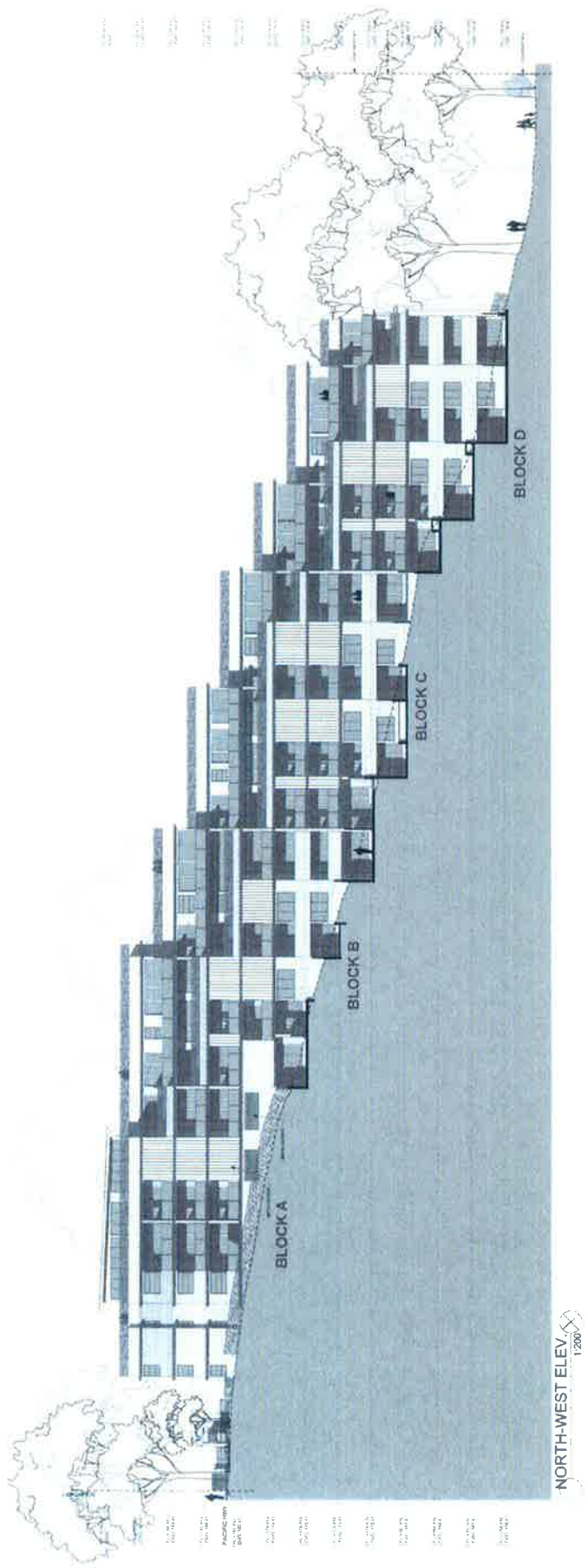
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## 1200







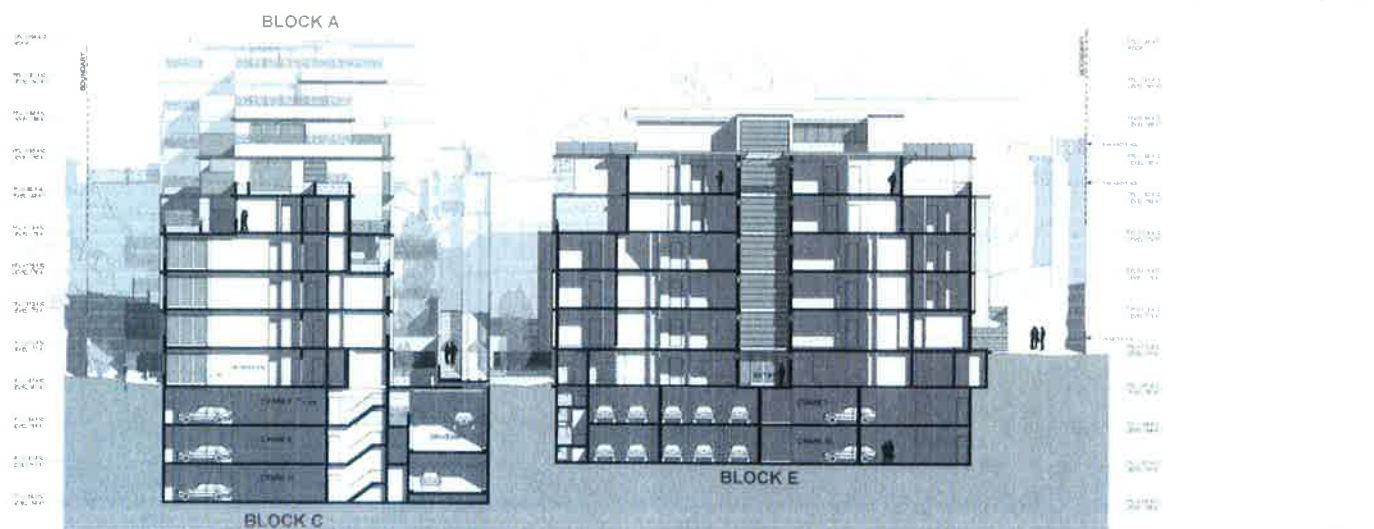


**MACKENZIE ARCHITECTS**

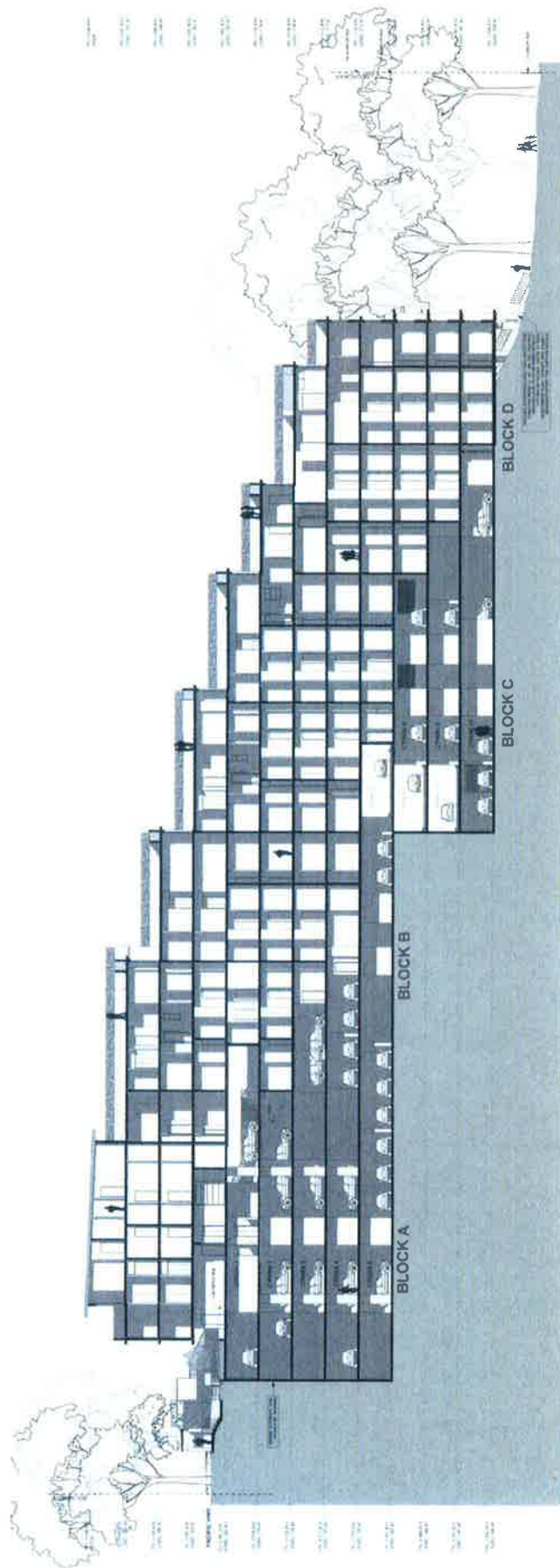
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ENGINEER	10/10/10
LANDSCAPE ARCHITECT	10/10/10
INTERIOR DESIGNER	10/10/10
CONTRACTOR	10/10/10
DATE	10/10/10

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Section C2  
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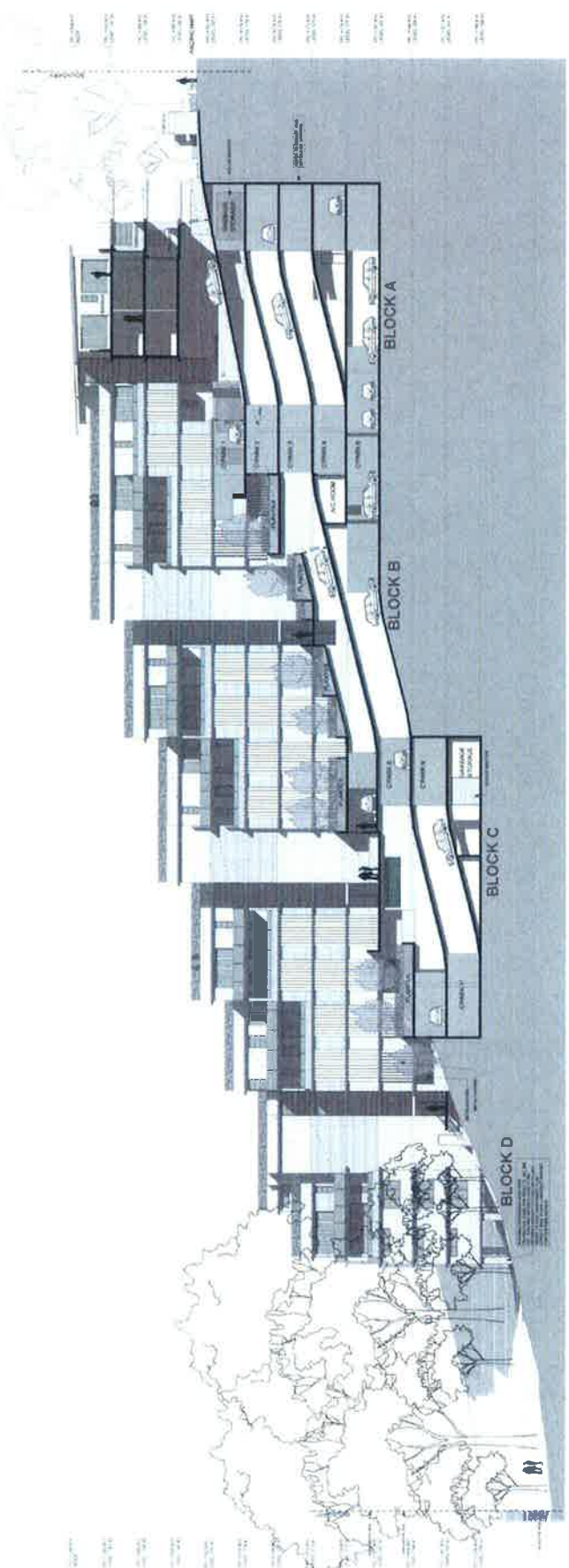




Section L1  
1:200

**EXTERNAL FINISHES KEY**

□	WALL/CEILING/CLADDING
□	FLOOR FINISH
□	PAVING/CLADDING



Section L2  
1:200

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