
DEVELOPMENT APPLICATION

EXECUTIVE SUMMARY

Primary Property	1 Ray Street, Turramurra
Lot & DP	Lot 1 DP221290, Lot 2 DP221290, Lot 1 DP 519532
Proposal	Demolition of existing supermarket and construction of a new supermarket, associated site works, car parking and signage
Development application no.	DA0133/13
Ward	Comenarra
Applicant	Coles Group Property Developments Ltd
Owner	Coles Group Property Developments Ltd
Date lodged	24 April 2013
Issues	Owner's consent, inadequate information, urban design, DCP compliance
Submissions	Yes
Land & Environment Court	N/A
Recommendation	Refusal
Assessment Officer	Adam Richardson

LEGISLATIVE REQUIREMENTS:

Zoning	Business B2
Permissible under	Local Centres LEP 2012
Relevant legislation	SEPP 55 SEPP (Infrastructure) 2007 SEPP 64 – Advertising and Signage SREP (Sydney Harbour Catchment) 2005 Local Centres LEP 2012 Local Centres DCP
Integrated development	NO

PURPOSE OF REPORT

This matter is reported to the JRPP as the application has a capital investment value of more than \$20 million (\$20,205,000). Pursuant of Clause 5 of Schedule 4A of the Environmental Planning and Assessment Act, 1979, the JRPP is the consent authority.

HISTORY

Pre-DA

A formal Pre-DA consultation was held between Council officers and Coles representatives on 22 November 2012 to discuss the proposed development.

The Pre-DA advice did not raise any significant issues, rather, it made suggestions to improve the development's design and function, notwithstanding its highly progressed design at the time of the Pre-DA.

The Pre-DA was informed by the controls of the now repealed Ku-ring-gai Planning Scheme Ordinance and accompanying DCP's, which did not contemplate the extent of development now encouraged and envisaged under the Local Centres LEP and its DCP's. At the time the LEP was in draft form and no draft DCP existed upon which definitive advice could have been given that may have informed the current design.

DA history

24 April 2013	Application was lodged.
09 May to 10 June 2013	Application was notified.
15 May 2013	Amended plans were tendered to Council to address design inaccuracies and supporting report deficiencies.
26 June 2013	RMS concurrence was issued.
1 July 2013	Request for additional information letter sent to applicant (Council's letter).
24 July 2013	Additional advice was given to applicant regarding truck movement restrictions in Ray Street precinct.
21 February 2014	Council writes an letter to applicant suggesting withdrawal of the application within 21 days due to in activity in responding to letter of 1 July 2013.
3 March 2014	Letter received from Coles requesting additional time to consider withdrawal of DA.
10 March 2014	Time lapses upon which Coles can withdraw DA, no response provided, Council proceeds to finalise assessment of the DA.

Council's letter:

It is important to note that the applicant has had little contact with Council since Council sent a written request for additional information on 1 July 2013. Council's letter raised the following matters and requests for information:

- *inadequate owner's consent for works proposed on Council land*
- *inadequate contamination information*
- *unjustified departures from the specialist precinct controls of the Local Centres DCP*
- *concerns with the built form and its lack of integration with the DCP controls*
- *inadequate information concerning the proposed landscaping scheme and impact of the development on trees*
- *inadequate information concerning traffic impact of the development and further investigations requested concerning the way local traffic movements will operate and function*

Council's letter of 1 July 2013 forms **Attachment 13**.

Relevant to the lack of response to Council's preliminary assessment letter by the applicant is the history pertaining to the Ray Street precinct. As detailed below, the land comprising the precinct is owned exclusively by Coles and Council, with Council being the majority land owner. Many discussions have been held over the years between Council and Coles as to a larger redevelopment of the precinct, however nothing has materially progressed in this regard.

Council at its meeting of 12 November 2013 considered a report that investigated the future planning of the Ray Street precinct. The report also considered the implications of this application on the redevelopment of the Ray Street precinct as envisaged by the LEP and DCP. Council resolved the following:

- A. That a Planning Proposal be prepared, in accordance with section 55 of the Environmental Planning and Assessment Act, 1979, to reclassify No.5 Ray Street (lot 2 DP 221290) and No.12 William Street (Lot 1 DP 519532) from Community land to Operational land via an amendment to Ku-ring-gai Local Centres LEP (2012). In addition the planning proposal remove RE1 zone from the precinct and replace it with a B2 Local centre zone.*
- B. That Council undertake a public hearing under the provisions of the Local Government Act, 1993 for the proposed reclassification to reclassify No.5 Ray Street (Lot 2 DP 221290) and no.12 William Street (Lot 1 DP 519532) Community land to Operational land.*
- C. That Council formally seek to discharge all interests to reclassify No.5 Ray Street (Lot 2 DP 221290) and No.12 William Street (Lot 1 DP 519532)*
- D. That the Planning Proposal be submitted to the Department of Planning and Infrastructure for a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.*
- E. That upon receipt of a Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and with the Gateway Determination requirements.*

- F. That a report be brought back to Council at the end of the exhibition and public hearing processes.*
- G. That Council prepares a master plan for a potential Turramurra Community Hub based on the current controls in the Local Centres LEP 2012 (and taking into account Council's resolution with regard recommendation B above) which are a B2 – Local Centres zone, maximum building height of 5 storeys (17.5 metres) and floor space ratio of 1.8:1.*
- H. Council allocate funds of \$150,000 to the project for the year 2013-2014 from the section 94 reserve.*
- I. That Council maintains an equivalent area in its master planning for a civic square/urban park within the Ray Street/William Street precinct. The new space is to have minimum dimensions of 40 x 50 metres; an open north aspect and not to be overshadowed by new buildings; active frontages to at least two sides; and a location that is visible and easily accessible from the rail station.*
- J. A report is brought back to Council reporting on the results of the background studies and options assessment and recommending a preferred master plan option, timing and next steps.*
- K. That a meeting be held between all Councillors and representatives of Coles at the earliest opportunity.*

The master planning process and general work involved to realise the development scope envisaged by the resolution is significant and is a medium term project. Further, the resolution of Council does not give any certainty of development potential or outcome.

The discussions and collaborative work following from the resolution are ongoing and independent of the current development application. The applicant has considered Council's requests to withdraw the application (an appropriate course of action given recent developments), however has chosen not to exercise that option. The current application should not be left in an undetermined state indefinitely and must be dealt with in a timely manner, hence this report.

Site description

Visual character study category:	Post 1968
Easements/rights of way:	Yes – various drainage easements and rights of way
Heritage Item:	No
Heritage conservation area:	No
In the vicinity of a heritage item:	No
Bush fire prone land:	Yes
Endangered species:	No
Urban bushland:	No
Contaminated land:	No

The subject site comprises the following:

- The existing Coles supermarket which is owned by Coles Group Property Development, known as Lot 1 DP 221290
- The existing public car park and library site that is owned by Ku-ring-gai Council known as Lot 2 DP 221290
- The existing public car park site that is owned by Ku-ring-gai Council known as Lot 1 DP 519532
- A portion of the road reserve along William Street and Higgs Lane.

Combined, the site has a total site area of 8,632m² and is generally triangular in shape, bounded by Ray Street, the northern rail corridor and Forbes Lane. The combined site currently supports a small Coles supermarket, Council's public car park and the Turramurra library.



Figure 1 – Ownership

Surrounding development

Surrounding development consists of commercial development along the adjoining Pacific Highway to the south and west, residential development to the north and west and the Northern rail corridor to the east. It is noted that the Turramurra town centre benefits from development controls under the Local Centres LEP that encourage its broad redevelopment as a commercial and residential centre.

The proposal

Consent is sought for the following works:

- demolition of the existing Coles supermarket

- site excavation works
- construction of a new Coles supermarket with:
 - car parking for 109 vehicles (including 6 external spaces)
 - a ground floor open space sales area
 - ground floor 'back of house' facilities
 - first floor offices and plant area
- fit out and use as a Coles supermarket
- business identification signage
- associated public domain, car parking and landscaping works in Council's adjoining property and road reserve

Amended plans dated 15 May 2013

The applicant submitted unsolicited amended plans and information to Council prior to the issue of Council's letter of 1 July 2013. The amended plans proposed the following changes to the application:

- amend plan inaccuracies and misrepresentations, includes changes to back of house design and basement car park layout
- provide an amended traffic report

COMMUNITY CONSULTATION

In accordance with the notification provisions of the Local Centres DCP, owners of surrounding properties were given notice of the application. In response, submissions from the following were received:

1. *Pei Chi – Unit 26, 10-12 Ray Street, Turramurra*
2. *Janet Harwood – via email janetsh@optusnet.com.au*

If the proposed development is to create a larger supermarket which requires more frequent deliveries and greater volumes of stock, I'm concerned that this will cause more noise and amenity issues for local residents.

The existing Coles supermarket has consent to operate 24 hours a day, 7 days a week with deliveries be able to occur at any time. The proposed development seeks to maintain this arrangement with up to 10 small and large truck deliveries a day. The acoustic report submitted with the application considers this issue and has regard to the location of the loading dock relative to residential properties and the prevailing background noise level. The report concludes that deliveries throughout the day and night would comply with the NSW Industrial Noise Policy, prepared by the EPA.

This application is one of many commercial developments in the village of Turramurra. It must not be determined in isolation.

The application has been assessed against the controls of the Local Centres LEP, its accompanying DCP and the matters for consideration prescribed by Section 79C of the EP&A Act. The application must be considered on its planning merits alone without regard to other unrelated matters.

Within a 2km radius of the site, sensitive ecological lands exist. The cumulative impact of this development on those sensitive lands must be considered as part of this application.

Although the subject site is within the suggested radius to sensitive vegetation, it does not contain any such vegetation.

Separation is required between the proposed Coles and Council's library to address overshadowing of future public open space.

The DCP allows for a zero setback to the boundary with Council's library. It is noted that the proposed area of open space (town square) associated with the Precinct is sufficiently separated from the development and would not be overshadowed by it, as it is to the north of the Coles site.

Some of the car parking within the Coles development should be allocated for public purposes to facilitate use by commuters.

The supermarket development is only required to provide car parking for the demand that it generates. There is no requirement for public car parking that is not associated with the supermarket development.

Amended plans:

The amended plans were not notified as the changes made to the scheme did not result in a greater environmental impact than that of the original scheme.

INTERNAL REFERRALS

Landscaping

Council's Landscape Assessment Officer commented on the proposal as follows:

Tree impacts

Proposed removal of the following 22 out of 35 trees identified in the arboricultural impact assessment report is partially supported. The SoEE states that 12 trees are located within the Coles site footprint. However, 8 trees: 10 & 12 – 18 are located adjoining the Coles site and it is most likely that the root systems of Trees 12 – 18 are currently deflected by the existing Coles driveway retaining wall and footings:

- *1 - 4: 4 Casuarina cunninghamiana (River Oak). Trees 1 & 2 are located within Council land at the site's south-eastern corner of the proposed reconfigured carpark. Trees 3 & 4 are located within the Coles site. All proposed removals are supported. The removal of Tree 1 is subject to concurrence from the land manager as the tree is located off site.*
- *5, 6 & 8 – 10: 5 Eucalyptus microcorys (Tallowood). Trees 5, 6 & 10 are located within Council land and on the eastern side of the reconfigured carpark. Trees 8 & 9 are located within the Coles building footprint. All proposed removals are supported, subject to concurrence from the land manager for trees 5, 6 & 10.*

- 7: 1 *Ulmus glabra* 'Lutescens' (Golden Elm) is located within Council land situated on the site's eastern side of the carpark. Proposed removal of this tree is supported, subject to concurrence from the land manager.
- 12, 16 & 17: 3 *Alectryon tomentosus* (Rambutan) are located within the planting strip along the southern side of the Turramurra Library site. Tree 12 exhibits failure at the included main fork of 4 trunks at 1 metre above ground. At this stage only Tree 12 is supported for removal, subject to concurrence from the land manager.
- 13 – 15: 3 *Cupressus glabra* (Arizona Cypress) located within the planting strip along the southern side of the Turramurra Library site. Tree 14 exhibits extensive dieback and Trees 13 and 15 are poor specimens. Proposed removal is supported, subject to concurrence from the land manager as these trees are located off site.
- 18: 1 *Callitris rhomboidea* (Port Jackson Pine) is located at the south-western corner of the planting strip along the southern side of the Turramurra Library site. The tree's multiple trunks are spreading although failures were not apparent and its foliage is sparse. Proposed removal of this tree is supported, subject to concurrence from the land manager as these trees are located off site.
- 25 – 29: 5 *Eucalyptus microcorys* (Tallowood) are located within Council land along the western side of the reconfigured carpark. All proposed removals are supported, subject to concurrence from the land manager as these trees are located off site.

All 13 trees, except for Tree 11, to be retained are located off-site.

Reduction of the existing island planter upon which Tree 11: *Lophostemon confertus* (Brushbox) is likely to have only a minor negative impact, subject to careful demolition and construction procedures being employed to avoid damage to the tree as this tree has stabilised in its current growing environment and the species has a high resilience to development impacts.

Assessment of the likely impact of installation of the proposed stormwater line within its 12 metre radius tree protection zone has not been made by the arborist. The arboricultural impact assessment report does not assess the likely impact of installation of the proposed stormwater line upon this tree.

Landscape plan/tree replenishment

The landscape plan proposes trees, shrubs and groundcovers in isolated planters and the existing lineal planter along the southern boundary of the Turramurra Library site. Ornamental understorey trees should be replanted along the southern planting strip of Turramurra library to replace the existing trees to intermittently screen the northern façade of the Coles building from Turramurra Library.

The north point on each sheet of the landscape plan is to be made consistent with the architectural plans.

Recommendation

The application is not supported for the following reasons:

1. *None of the existing trees identified in the arboricultural impact assessment report are shown on the survey plan/s.*
2. *Inadequate information concerning the diameter of the proposed stormwater line and the proposed method for its installation between the north-eastern corner of the proposed Coles store and the gully pit at eastern bend in William Street that will pass through the planting bay within the 12 metre radius tree protection zone of Tree 11: Lophostemon confertus (Brushbox).*

More information required

1. *All existing trees identified in the arboricultural impact assessment report are to be accurately plotted (to centre of trunk) on the survey plan/s.*
2. *Provide the diameter of and proposed method for installation of the proposed stormwater line between the north-eastern corner of the proposed Coles store and the gully pit at eastern bend in William Street that will pass through the planting bay and within the 12 metre radius tree protection zone of Tree 11: Lophostemon confertus (Brushbox).*
3. *An amended landscape plan*

Engineering

Council's Development Engineer commented on the proposal as follows:

The following documents were used for the assessment:

- *JBA Statement of Environmental Effects dated April 2013, and addendum dated 15 May 2013;*
- *Leffler Simes architectural plans, Issue B;*
- *Lockley Land Title Solutions survey plan (3 sheets);*
- *ARUP Transport Impact Assessment Rev A dated 9 May 2013;*
- *MPN Consulting Civil Engineering Report dated 22 April 2013;*
- *SLR Consulting Waste Management Plan dated 22 April 2013;*
- *Coffey Geotechnics Geotechnical Assessment dated 10 April 2013;*
- *Coffey Environments Preliminary Site Contamination Assessment dated 18 April 2013.*

Water management

The site falls towards the north-eastern corner. A Council trunk drainage pipe, which previously traversed the site in a northerly direction, is to be removed in conjunction with the works. The new pipe has already been constructed clear of the proposed basement and the applicant is in negotiations with Council's Property Services Section regarding the relocation of the easement.

The Civil Engineering Report states that no on site detention is to be provided. This is not accepted for this total redevelopment of the site and it is noted that the previous approval included on site detention. Section 6.7.2 of Council's DCP 47 Water management does not state

that on site detention need not be provided if the impervious area is not increased. The site is at the top of the Lovers Jump Creek catchment so there is no possibility that peak outflows from the site will coincide with peak outflows for the whole catchment.

Section 5.3.1 of the Civil Engineering Report states that a 25 000 litres rainwater tank is to be provided. Although it is shown on the MUSIC model, it is not referenced in Section 5.3.3.6 of the Report and is not shown on the Stormwater Management Plan, Drawing SKC.01 Rev. A. There is no indication of the proposed re-use. These inconsistencies must be rectified.

Traffic and parking

The architectural plans show that 103 parking spaces are proposed in the basement carpark, with an additional 6 at-grade spaces in the north-western corner of the site.

For the proposed retail development within 400 metres of Turramurra station, Council's controls require one parking space to be provided for every 26 square metres, ie 126 spaces for the 3 275 square metres of gross floor area proposed. The shortfall is 17 spaces. This would not usually be acceptable for a new development.

The traffic report contains parking surveys of a limited section of the carpark. It is considered that to justify the parking shortfall, surveys of the whole carpark with a breakdown of carpark users to determine how many are actually parking to shop at the supermarket would be useful.

The turning paths included in the traffic report do not demonstrate that vehicles can stand in the loading dock entirely within the site or that the largest vehicle delivering to the site can negotiate all turns on the proposed vehicle access route without encroaching into the oncoming lane. Both these issues were specifically raised in the Pre DA minutes.

Concern is raised by both Council and Roads and Maritime Services regarding the implication of these encroachments which may result in traffic in Ray Street turning right into Forbes Lane being held up by the large vehicle and queuing extending back onto the Pacific Highway.

A loading dock management plan is required.

Council infrastructure

The proposed works include the reconfiguration of Council's carpark, which is necessitated by the construction of the new building to the site boundaries. The Civil Engineering Report commits only to the linemarking of Council's carpark, however works, such as relocation of islands and kerbs, as well as surface level adjustments, will be required. Reconstruction of some or all of the carpark pavement will be required.

A concept plan showing removal of the islands, location and dimensions of new islands and finished surface levels should be submitted at this stage for Council's assessment. The plan should note that all works are to be carried out in accordance with Council's standards and specifications.

Geotechnical and environmental investigation

The site is expected to be underlain by residual clays and weathered shale, possibly with some filling over. The report contains recommendations for excavation methods and support, as well as further investigations comprising boreholes and standpipes. Reference is made to the need to obtain approval for temporary anchors which extend beyond the site boundaries.

The preliminary site contamination assessment identifies asbestos-containing building materials and imported fill as two potential causes of contamination as well as recommending groundwater monitoring wells be installed due to the presence of the service station on the other side of the Pacific Highway. It is noted that the use of the site is not to be changed, and that conditions could be imposed which would require compliance with any recommendations made as a result of further investigations to be carried out after demolition.

The application is deficient in the following information:

- The turning paths included in the traffic report do not demonstrate that vehicles can stand in the loading dock entirely within the site or that the largest vehicle delivering to the site can negotiate all turns on the proposed vehicle access route without encroaching into the oncoming lane. Both these issues were specifically raised in the pre DA minutes.*
- A loading dock management plan is required.*
- A concept plan is required, showing in more detail the works in Council's carpark, including removal of islands, location and dimensions of new islands and finished surface levels. The plan is to note that all works are to be carried out in accordance with Council's standards and specifications.*
- On site detention is required and is to be shown on the stormwater management plan. The volume and permissible site discharge are to be determined using Council's On site Detention Calculation Sheet in Appendix 3 of DCP 47.*
- The rainwater tank is to be shown on the Stormwater Management Plan and the documentation is to indicate how the retained roofwater is to be reused.*

Heritage

Council's Heritage Advisor commented on the proposal as follows:

Heritage status

The site is not a heritage item nor is it within a HCA but is within the vicinity of a heritage item at No 8 Ray Street (roughly opposite the site but slightly to the north) and the Turrumurra Railway Station, both of which are items in Schedule 5 of the Local Centres LEP.

Part 5.10 (5) of the Local Centres LEP requires Council to make an assessment the extent to which the carrying out of the proposed development would affect a heritage items within the vicinity of the proposed development.

Heritage Impact Statement (HIS)

The applicant has not provided a HIS or acknowledged the nearby heritage items. With regard to the item at No 8 Ray Street, the SEE only refers to the western side of Ray Street as being characterised by 1970s/80s flat buildings of two to three storeys as well as a series of small commercial buildings. The SEE makes no reference to the Turramurra Railway Station.

Chapter 4.4 of the SEE considers visual impacts and states the development is unlikely to result in the loss of any significant views currently available to or from nearby development and thus it is considered that the development will not have an adverse impact on views and vistas from the surrounding area and as such is acceptable in this regard.

Comments

The heritage item at No 8 Ray Street is a relatively early building and appears to be the only remaining early building in the Street. It is likely dated to pre 1890 before the railway opened. The building at its rear appears to be the original kitchen/laundry building. It was converted into a boarding house and ultimately a flat building in the Inter War period, which is probably why it survived. The adjoining site to the north appears to have been an orchard. From the 1943 aerial photograph of the area, the Coles site and Council carpark site contained residential buildings. Although William Street and Higgs Lane were formed, it is unclear if the road reserve to the existing Coles site had been formed.

Despite the applicant not considering heritage as an issue in this application, in my opinion the proposed development would have very limited impacts on the item at No 8 Ray Street and no impacts on the Turramurra Railway Station, particularly as there is considerable tree screening along the eastern side of the Council car park and the rail corridor.

As considerable excavation is proposed on the site and there is evidence that the site formerly contained housing and prior to that orchards it is highly likely the excavation will reveal deposits from the earlier use of the land. In this case an archaeology condition should the DA be approved.

Urban design

Council's Urban Design Consultant has assessed the development and has commented on the proposal as follows:

Introduction

This review is provided on the recommendation that the desired outcome is that the applicant and Council commence negotiations regarding the development of the T1 precinct. Council has in place a series of objectives under the both the Local Centres DCP Part 1B and Turramurra Town Centre Public Domain Plan that provides a general framework for the applicant of what needs to be achieved on the

site. However, this precinct now requires a master plan that looks at Council's sites and private landholders' sites in detail.

The active Local Centre intended by Council to deliver vibrant public domain spaces will not be achieved unless a coordinated, long-term strategic design partnership is established between private landholders and Council.

This is critical to the success of the Turramurra Local Centre. The Coles site is the largest privately owned landholding and hence should not be viewed in isolation.

Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character, or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies.

The precinct will be undergoing significant change with this being the first major commercial redevelopment in any of Ku-ring-gai Council's five Local Centres. It therefore carries the additional responsibility of really needing to deliver the best possible urban design outcome that demonstrates to communities the positive impact that development of the centres can achieve. Also in context is Council's long-term planned redevelopment of their site for a new library as well as extensive community facilities framing a new civic space intended to serve as a town square.

The site is highly visible from all four boundaries as they each adjoin public-owned land assets – from the point of entering Ray Street at the Pacific Highway immediately to the south as well as Council's car park to the north and east and street frontages of Ray Street to the west and Forbes Lane to the south.

Historically, supermarkets are accommodated in a building type that has struggled to achieve desirable urban outcomes. Internal commercial functions tend to dictate both built form and façade expression that results in a very disengaged public/private domain interface that is alienated from its surrounds or fails to deliver satisfactory urban character. Unfortunately, urban design requirements are generally seen by proponents to be in direct conflict with their operational requirements.

This scheme has opted to retain the large, flat-floor box building type while giving it a modern aesthetic. This is an inadequate urban response. This site needs to present a model that challenges, explores and presents an alternative to this well-established but problematic building type. Furthermore, the scheme demonstrates very little consideration has been made regarding the Town Centres DCP and Turramurra Town Centre Public Domain Plan. This is unacceptable.

There is no demonstrated engagement of the potential public domain spaces other than an attempt to provide a single active frontage to Ray Street. The proposed basement entry does not consider that this is the frontage that is intended to address a new civic space. Forbes Lane is to be retained as a service lane rather than be developed as a Town Centre Street. The northern façade proposes no engagement with the landscape area and Council's public library (that is intended to be replaced in Council's long-term ambitions).

The address to Ray Street and corner with Forbes Lane has provided a glazed frontage enabling a view from the street into the store. This intervention is supported in principal although internal

planning results in a view of escalators rather than activities within the supermarket. When looking at site arrangement, people will be approaching the new supermarket from the car park to the east rather than from Ray Street to the west. This generates a conflict for pedestrian desire lines and location of the building entry.

The remaining elevations to the north and east present as unbroken walls that turn their back to the public spaces while back-of-house functions are retained in Forbes Lane to the south. This is an undesirable outcome for the precinct.

There is great potential for a new building on this site that delivers the objectives of the Local Centres DCP Part 1B and Turrumurra Town Centre Public Domain Plan both visually, spatially and functionally which has not been pursued either by Council or the applicant. As such, the current proposal is not supported on grounds of unsatisfactory context.

Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing transition proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The supermarket building type always presents challenges to scale. This needs to be addressed by a more rigorous approach to the expression of built form and considered design response to the expression of facades in contributing to their engagement of the public domain and nuances of activating the interface.

Built form

Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook. The built form is a response to both the regulatory controls and the neighbouring built fabric.

The proposed building type may offer an efficient solution to the internal operational requirements of a supermarket but this has been at the expense of achieving a desirable urban outcome. This again demonstrates the need to establish a strategic partnership between Council and the proponents to define the urban objectives and character of the precinct that can be delivered as each site comes on line. At the heart of this will be laying down the public domain to drive the requirements of all development in the precinct. This is not yet in place. As a result, the site is being considered in isolation and does not yet know its identity.

This is demonstrated in the expression of built form that has minimal to no articulation. The façade expression presents a modern aesthetic applied to otherwise vast areas of flat walls, with a glazed component along one street frontage.

Materials selection is superficial, not appearing to engage with its role in establishing a new architectural character for the precinct although this is understandable given there is no detailed master plan to define that character. Rather, materials selection is purely functional, expressed

largely as a checkerboard arrangement of colours intended to provide interest. This is applied across vast areas of unbroken walls that do not successfully translate into an engaged interface.

As previously stated, proposed building type is problematic and a dressing up of the façade does not hide the fact. There are opportunities for a built form that articulates internal functions expressed three dimensionally in façade composition that brings them to the street and engages with a new public domain. Internal planning will need to be reconsidered to overcome the logistical difficulties that a slightly sloping site may present while achieving a vibrant ground level relationship specific to the public domain functions adjacent. Building setbacks to Forbes Lane have not been provided counter to the DCP objectives.

Density

Good design has a density appropriate to its site and its context, in terms of floor space. Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

There are no issues with density. There may be opportunities for the site to look at density where a detailed T1 precinct plan is in place that may explore ways to deliver optimal public domain spaces.

Resources, energy and water efficiency

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and re-use of water.

Operationally, the proposed development will need to be meeting its energy reduction targets. This is in context of the high energy demands of supermarkets for 24hr lighting, ventilation and refrigeration. Again, there are opportunities for the applicant to work with Council to achieve innovative solutions for water harvesting, energy generation and the like that maximise sustainable use of resources.

Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

No significant landscape treatments are proposed. This is another lost opportunity that needs to be reconsidered.

There needs to be an engagement of proposed precinct landscape that incorporates the site. In turn the proposed built form needs to demonstrate an active private/public domain landscape engagement that is not achieved in the current proposal.

Again this reinforces the need for a detailed precinct master plan, partnership with Council and that any proposed development demonstrates that the Local Centres DCP and Turrumurra Town Centre Public Domain Plan have been addressed.

Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires spaces of appropriate dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts, and service areas, outlook and ease of access for all age groups and degrees of mobility.

The scheme proposes to maximise internal operational efficiency with the aim being to optimise the customer retail experience.

The location of main entry needs to consider more carefully the relationship of the supermarket to the precinct. From where are pedestrians actually going to arrive? Does the location of the entry adequately reflect that path? Is there a way to provide more active frontages? Is the car park entry and basement walls an appropriate address to a proposed civic space?

There is an opportunity to work with Council to take advantage of the northern side of the site that may provide a wonderful space for shoppers to meet or rest.

The proposed entry is generally consistent with Council's objectives to address Ray Street. Again, this generates the problem of the direction from which people will be walking to the supermarket, from the east and from below. The entry as such needs to reconsider how this will work such that it does not become a little used entry with main activity coming from the basement below. The positioning of the escalators may have been proposed as a solution to this conflict but may also have the effect of cutting off the street from where the real pedestrian action is occurring – the basement.

Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

Large expanses of unbroken walls do not encourage safe walking communities.

The strategy of the scheme is to provide one pedestrian point of entry at Ray Street (with basement entry directly below requiring pedestrian entering from Council's car park to negotiate through the basement or up to Ray Street, one vehicle entry from the east through the current Council car park and one loading dock/back-of-house zone along Forbes Lane.

The impact is that on a 3718m² site, a single pedestrian access point is proposed. This needs to be reconsidered as part of an alternative supermarket model.

There is no strategic hierarchy of pedestrian networks through the site that would demonstrate a connectedness to future public spaces and facilities.

Social dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities.

The proposal does not meet criteria of providing a positive contribution to the social fabric of the precinct because it has been considered as a site in isolation of its context and has not met the objectives of the Local Centres DCP nor Turramurra Town Centre Public Domain Plan.

Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The proposed aesthetic is for a clean, crisp, modern retail box. Again, this needs to be presented in context of defining the proposed desired architectural character for Precinct T1. The box needs to be articulated three dimensionally.

The future aesthetic needs to demonstrate a coordinated approach from both Council and the subject site owners in consultation with the community. This dialogue has not yet commenced.

Summary

The scheme is not supported on the basis that it has not engaged with nor addressed the Local Centres DCP Part 1B and Turramurra Town Centre Public Domain Plan. The result has been that many of the design decisions proposed in the scheme are diametrically opposed to the objectives of these two documents.

To achieve an optimum urban outcome for the Turramurra Local Centre, all future applications need to be developed in partnership with Council due to the importance of this site in context of Council's extensive adjacent landholdings and the strategic location of the precinct within Turramurra.

Should negotiations not be possible, though this is not anticipated nor desired, future applications must take Council's planning documents seriously and demonstrate the public domain objectives are achieved.

Planning comment:

The urban design advice correctly encourages the redevelopment of the Ray Street precinct in a way which is consistent with the controls and character of the DCP. Despite this, Council is bound to consider and assess the proposal before it, in which case the current design presents many issues particularly with pedestrian access, interaction with the public domain as well as a poorly articulated and bulky building that does not complement its setting.

EXTERNAL REFERRALS

Roads and Maritime Service

As discussed elsewhere in this report, the application has been referred to the RMS under the requirements of Clause 102 of SEPP (Infrastructure) 2007. Concurrence was issued by way of letter dated 26 June 2013.

STATUTORY PROVISIONS

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require consideration of the potential for a site to be contaminated.

In accordance with SEPP 55 (clause 7), the consent authority must not grant consent to development on land unless,

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Accompanying the development application is a preliminary site contamination assessment prepared by Coffey Environments.

The report satisfies the criteria of a 'Phase 1' contamination report and is essentially a desktop assessment of the potential for contamination. The report concludes that, on the data available, the potential for contamination is low and any likely contamination could be remediated for the proposed use/development, however goes on to recommend further investigation.

Council in its letter of 1 July 2013 requested additional investigations consistent with this recommendation be undertaken, to determine what if any remediation works would be necessary as part of the DA (Clause 7(b)). To this date no additional information has been provided to Council and it cannot be satisfied with regard to the matters for consideration prescribed by Clause 7 of the SEPP.

Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005

Matters for consideration under SREP 2005 include biodiversity, ecology and environmental protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour. The proposal is not in close proximity to, or within view, of a waterway or wetland and is considered satisfactory. Water re-use measures will minimise the impact on downstream waterways.

State Environmental Planning Policy (Infrastructure) 2007

RMS:

104 Traffic-generating development

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) new premises of the relevant size or capacity, or*
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

*(2) In this clause, **relevant size or capacity** means:*

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

(3) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) take into consideration:*
 - (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) the accessibility of the site concerned, including:*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) any potential traffic safety, road congestion or parking implications of the development.*

(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.

Having regard to Schedule 3 of the SEPP, the capacity of the development requires concurrence of the RMS.

The RMS have considered the development and issued concurrence, subject to the following conditions:

- 1. Forbes Lane shall be restricted to Left In / Left out on Ray Street by the implementation of a raised concrete median on Ray Street.*
- 2. The swept path of the longest vehicle entering and exiting Ray Street and William Street respectively from the Pacific Highway as well as manoeuvrability through the local streets shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council and RMS for approval, which shows that the proposed development complies with this requirement.*
- 3. The connection of William Street through the car park from Ray Street to the roundabout shall be maintained to achieve overall traffic flow and circulation.*
- 4. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.*
- 5. The required sight lines to pedestrians or other vehicles in or around the car park or entrances should not be compromised by landscaping, signage, fencing or display materials. In addition, measures should be implemented to improve visibility to pedestrians and other vehicles where sight distance is restricted.*
- 6. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.*
- 7. A Construction traffic management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for approval, prior to the issue of the first Construction Certificate.*
- 8. A loading dock access plan is to be submitted to Council for approval prior to issue of the first Occupation Certificate.*
- 9. All works / regulatory signage associated with the proposed development are to be at no cost to RMS.*

As the development is recommended for refusal, the RMS concurrence is noted.

RailCorp

It is noted that the development site is within proximity to the Northern Rail Corridor. However, the extent of works having regard to the controls of the SEPP are not such that they require concurrence and have not been formally referred to RailCorp. However, RailCorp were notified as an adjoining land owner and have made no comment.

State Environmental Planning Policy No. 64 - Advertising and Signage

Supporting the proposed supermarket redevelopment is a business identification strategy that incorporates a mixture of flush wall signs and under awnings signs. A total of 9 signs are proposed.

Such signs are subject to the controls and assessment criteria of the SEPP No. 64, with the following assessment provided against the Schedule 1 assessment criteria:

Schedule 1 Assessment criteria

1 Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

The proposed signage is consistent with the established character for signage within the Turramurra Local Centre.

2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The surrounding area does not constitute a special area.

3 Views and vistas

- Does the proposal obscure or compromise important views?*
- Does the proposal dominate the skyline and reduce the quality of vistas?*
- Does the proposal respect the viewing rights of other advertisers?*

The signage does not affect the views or vistas enjoyed by any surrounding property.

4 Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- Does the proposal screen unsightliness?*
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- Does the proposal require ongoing vegetation management?*

The proposed signage is assessed as respecting the streetscape and established setting. The signage is appropriate for its commercial setting.

5 Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- Does the proposal respect important features of the site or building, or both?*
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The scale, size and location of the proposed signage is assessed as being appropriate for the subject site and building to which it would relate. It is noted that the proposed signage is characteristic of the signage of the existing supermarket on site.

6 Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

N/A

7 Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

The proposed wall signs are to be internally illuminated. This illumination is acceptable as it is low intensity lighting within the signage structure rather than external lighting that can cause light spill and potential amenity issues.

8 Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The proposed signage is assessed as being satisfactory with respect to safety and security of the site and surrounding area.

Ku-ring-gal Local Centres LEP 2012

Zoning and permissibility:

The site to which the application relates is zoned Business B2 under the Local Centres LEP. The proposed development is defined as a retail premises and is permissible in the zone.

Business zone objectives:

- *provides a retail use that serves the needs of people who live in, work in and visit the local area.*
- *encourages employment opportunities in accessible locations.*
- *helps to maximise public transport patronage and encourage walking and cycling within the town centre.*

The development is consistent with the objectives of the B2 business zone.

Development Standards:

Development Standards	Proposed	Complies
Building height: 17.5m	13.4m	YES
FSR: 1.8:1	0.88:1	YES

5.9 Preservation of trees or vegetation

Clause 5.9 requires that a person must not ring bark, cut down, top, lop, remove, injure or wilfully destroy any tree without the authority conferred by a development consent or permit. Council's Landscape Officer has advised that the proposed tree removal is acceptable.

5.10 Heritage conservation

The provisions of Clause 5.10 apply to development that relates to a heritage item or is located in a heritage conservation area. Council's Heritage Advisor has considered the objectives of Clause 5.10 and advised that the proposal will have an acceptable impact on the heritage significance of the heritage item in the vicinity of the site.

6.1 Earthworks

The extent of excavation associated with the proposed development is satisfactory in the context and is acceptable with regard to the considerations of Clause 6.1.

6.2 Stormwater and water sensitive urban design

The development satisfies Clause 6.2, and any development consent granted for the development would have appropriate conditions concerning the capture, treatment and disposal of stormwater generated by the proposal. It is acknowledged that the existing site conditions are 100% hardstand with the proposed development maintaining this arrangement.

6.6 Ground floor development in business zones

Clause 6.6 seeks to ensure that the ground floor within business zones is activated with business uses, rather than occupied with other uses permissible in the zone. The proposed development has been designed with regard to this Clause. However, the internalised design of the supermarket does not maximise its interaction with the street frontage. As discussed within the comments of Council's Urban Design Consultant, further amendments to the design and configuration of the supermarket are needed to maximise the interaction with the Ray Street frontage. It is considered that the design could be improved through additional pedestrian entries or through additional glazing into the supermarket, as the current view through the glazed section of the front façade is of the escalators from the basement car park.

6.7 Minimum street frontages for lots in business zones

Clause 6.7 requires developments of more than 2 storeys within the business zones to have a minimum 20m primary street frontage. The proposed development is assessed as being satisfactory with the requirements of Clause 6.7. The site has a frontage of more than 20 metres to Ray Street, which is the

primary frontage.

POLICY PROVISIONS

Local Centres DCP

At the time the Development Application was lodged with Council, the Local Centres LEP had been gazetted but its supporting DCP had yet to be adopted by Council. Subsequently, neither the submitted design for the supermarket nor the supporting information lodged with the application has had any regard to its controls (which were nonetheless in draft form at the time of lodgement). Notwithstanding this, the following assessment is provided against the relevant controls within the DCP:

Volume B Part 1 of the Local Centres DCP provides guidance for development on land identified as an urban precinct or site. An urban precinct has been nominated for each of the Local Centres Covered by the LCLEP. The controls are site specific performance based provisions to achieve the development outcome, the primary objective of which being the provision of Community Infrastructure as part of redevelopment within the urban precinct.

Part 1B of the DCP establishes the controls for the Turramurra Local Centre. The Local centre has been then divided into 4 key sites / areas, with the Ray Street Precinct to which the development site relates falling within T1.

The planned future character of Precinct T1 is as follows:

Precinct T1 – Pacific Highway and Ray Street Retail Area

Precinct T1 is a triangular parcel of land bounded by the Pacific Highway, the railway and Ray Street. The area currently comprises a small freestanding supermarket, a Council library and a strip of shops fronting the Pacific Highway. The remainder of the area is occupied by public car parking and traversed by Forbes Lane (one way), Higgs Lanes and William Street road reserves (currently used for car parking).

- i) In the future this precinct will become a community focal point, centred on a large new town square. A new Turramurra branch library will also be provided fronting the proposed public space.
- ii) This area will also become a major shopping destination with a new larger supermarket and associated specialty shops.
- iii) Forbes Lane will be widened (through development setbacks) to create a new two-way street with on-street parking and "kiss-and-ride" area for the train station.
- iv) Shop-top housing will be provided on the retail podium providing further support for the retail and community uses. Council's parking will be relocated to new basement parking upon redevelopment.
- v) Shops along the Pacific Highway will be encouraged to have an active street frontage to Forbes Lane to create a quieter shopping precinct away from the Pacific Highway which will also activate the laneway.

Supporting this desired future character are a set of specific controls and built form objectives. The controls include matters relating to community facilities, tailored building setbacks, guidance on appropriate built form, desired pedestrian access, and the suitable location of car parking and service

access.

1B.2 – Local centre community infrastructure:



Figure 1B.2-1:
Community infrastructure plan.



Legend

- Footpath embellishment
- New or existing park to be upgraded
- New/realigned road
- Proposed pedestrian promenade
- New community facility

Objectives

- 1 To meet the objectives and strategies of Council's Town Centre Public Domain Plan 2010.
- 2 To implement the work programs within the Ku-ring-gai Contributions Plan 2010.

Controls

- 1 Development is to be designed to support and to compliment the provision of Key Community Infrastructure. These items are listed below and illustrated in Figure 1B.2-1.

Proposed Community Infrastructure

The following proposed Community Infrastructure is to be provided through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA):

Controls

- 1 A new public space with minimum dimensions of 40 metres by 50 metres located on William Street. The new public space is to have the character of a town square.
- 2 An upgraded and improved Turramurra Village Park.
- 3 A new local park on the intersection of Duff Street and Allen Street.
- 4 An extension of Cameron Park to create a new town park.
- 5 A new Turramurra branch library on Ray Street with frontage to, and entry from, the new town square.
- 6 A new multi-purpose community facility, to be owned by Council, on Gilroy Lane.
- 7 An improved Forbes Lane widened to a minimum of 13 metres (through development setbacks) to create a new two-way street with on-street parking one side; 2 metre footpaths both sides; and a kiss-and-ride immediately adjacent for the train station.
- 8 Improvements to the Rohini Street footpath area including terracing to allow level areas for outdoor dining.
- 9 An improved Gilroy Lane widened to be a 13 metre wide right-of-way with two-way traffic; on-street parking (one side); and footpaths (both sides).
- 10 Embellishment of Council's pedestrian access ways from Gilroy Lane to Rohini Street.
- 11 A new public street connecting Kissing Point Road and Duff Street with two way traffic, on-street parking (one side); and footpaths (both sides). The land is to be dedicated to Council as part of redevelopment. The road will be a minimum of 15 metres wide and will function as an Asset Protection Zone (APZ). In addition the new street will be designed to aid fire fighting and incorporate access specifications identified in *Planning for Bushfire Protection 2006*; and designed to minimise impact on adjoining Blue Gum High Forest.
- 12 Improvements to Kissing Point Road including a new dedicated left-turn lane from Kissing Point Road to the highway.
- 13 Embellishment of all the footpath areas within the Urban Precincts on Kissing Point Road, Pacific Highway, Ray Street, Gilroy Road, Eastern Road, Turramurra Avenue and Duff Street. Works will include underground power lines, new street lighting, high quality paving and furniture, and street tree planting.
- 14 Construction and embellishment of a new urban park and area within private land.

Having regard to the above controls, the T1 precinct within which the proposed development is located is subject to objectives 1, 5 and 7 listed above.

Importantly, the community infrastructure controls for T1 envisage a new town square, library and the associated widening of Forbes Lane. Strategically, for these items to be developed, it requires coordinated development of both Council and Coles' land holdings.

If the current scheme proceeded as currently proposed, the widening of Forbes Lane along the frontage of the Coles site could not be undertaken as the specific setback controls (discussed further

on in the report) have not been met. The new town square in its intended DCP location could not be built as it relies upon part of the Council carpark of which Coles' scheme redevelops. More importantly, for the proposed town centre to succeed it requires the partial closure of William Street which could not occur, as William Street is the proposed route for Coles delivery vehicles to the loading dock of the supermarket. Hence any closure of William Street would restrict access to the loading dock and compromise the supermarket's serviceability.

The current scheme fails to consider and respond to the future planning and character of the Precinct and were it to proceed as currently designed, would inhibit its implementation and render the Precinct planning obsolete.

1B.3 Local centre building setbacks:



Figure 1B.3-1:
Building setbacks plan.

Legend

- 9m setback
- 6m setback
- 5m setback
- 3m setback
- 2m setback
- Land dedication

Note: In all cases, where land dedication is required for a public purpose, such as a road or walkway, the affected land is to be excluded from deep soil calculations and included in setback requirements.

Controls

- 1 Building setbacks are to be in accordance with *Figure 1B.3-1*, and as follows:

Precinct T1

All buildings in the B2 zone are to have a zero setback to all lot boundaries with the following exceptions:

- i) Properties 1 Ray Street and 12 William Street are to provide a minimum 5m building setback to Forbes Lane (northern side). The land is to be dedicated to Council at no cost.
- ii) Properties 1293-1333 Pacific Highway are to provide a minimum 2m building setback to Forbes Lane (rear of properties). The land is to be dedicated to Council at no cost.
- iii) Provide minimum 6m building setback to the railway line for a landscape zone.

As detailed above, the Coles's site benefits from zero setbacks to all boundaries, with the exception being to the Forbes Lane frontage where the DCP requires a 5m setback to facilitate the widening of Forbes Lane to a dual carriageway.

The proposal is designed with a zero setback to all boundaries. The non-compliant setback to Forbes Lane was raised as an issue but the applicant has not provided a response. If the current design is maintained and built, it will prevent the widening of Forbes Lane from Ray Street to its intersection with William Street.

The increase in width to Forbes Lane is identified within Council's Contributions Plan 2010 and its Public Domain Plan 2010 as necessary works to facilitate two way traffic flow and pedestrian access within the northern section of the Turrumurra Town Centre. These works have been identified as strategically important as any future RMS road widening of Pacific Highway will place a greater reliance on traffic movements within Forbes Lane for local traffic circulation.

Council's Development Engineer has also raised a concern over the manoeuvrability of large delivery vehicles (which are 19m long articulated vehicles) that would service the site. The road widening would enable safe and more efficient access to and from the site for these vehicles.

Aside from the setback issues to Forbes Lane, the proposed development results in an unreasonable burden to Council's adjoining parcel of land (Lot 1 DP 519532), which adjoins the south-eastern corner on the Coles' site. The issue arises that in order to naturally ventilate the supermarket's basement car park, the eastern elevation at the basement level is proposed to be 'open', with metal gridded openings. These openings have a nil setback and extend along the boundary with Council's allotment. Whilst Council's land is currently used as a car park, no specific issue arises, particularly as the Coles development proposal includes the re-configuration of this car park. However, this land enjoys a commercial zoning 'B2' under the Local Centres LEP and were Council to redevelop this site, the ability to do so would be constrained as any future development would need to acknowledge and respect these openings to satisfy necessary fire safety and BCA requirements.

The Ray Street Precinct controls envisage a co-ordinated redevelopment of all land holdings, rather than an adhoc approach which would substantially undermine the potential of the precinct as a whole.

1B.4 – Local centre built form:

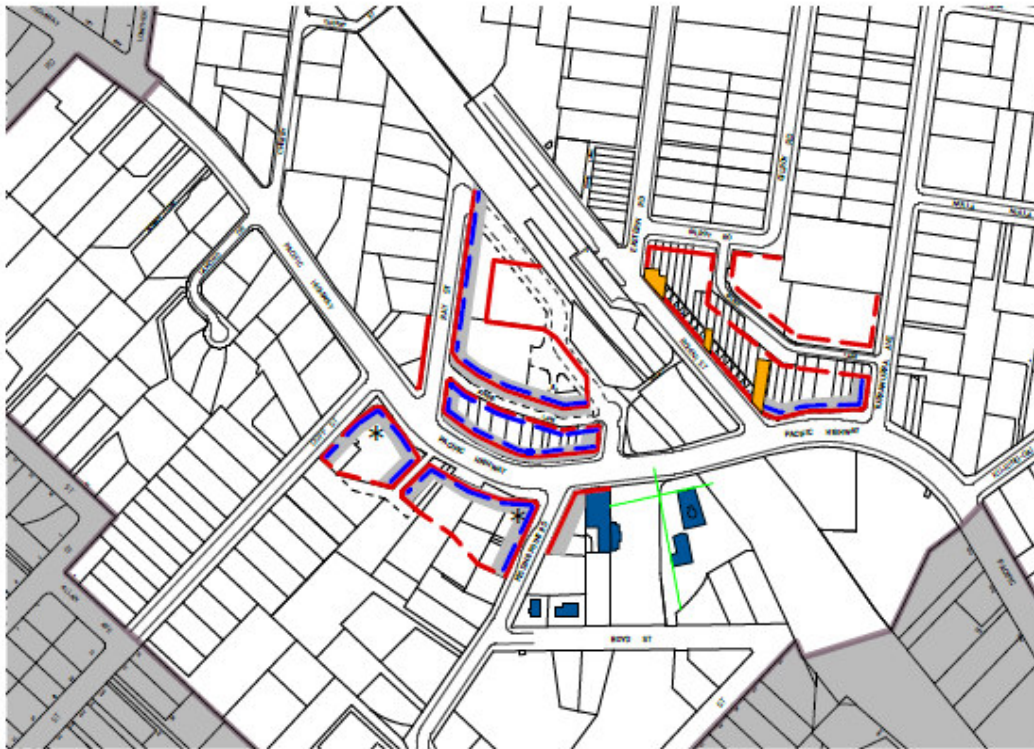


Figure 1B.4-1:
Built form plan



Legend

- Principal active frontage
- Supporting active frontage
- 3 storey street wall
- 2m upper level setback above street wall height
- Character street wall
- Heritage item
- Landmark building
- Building alignment
- Character item

Controls

- 1 Buildings are to be designed in accordance with the control plan, *Figure 1B.4-1*, and as follows:

Precinct T1

- i) Create a consistent street wall of 3 storeys (11.5 metres) built parallel to the street alignment for buildings fronting the Pacific Highway, Forbes Lane and Ray Street.
- ii) Provide a 2m setback to all levels above the street wall height along the frontages of the Pacific Highway, Forbes Lane and Ray Street.
- iii) Buildings aligned with Ray Street are to be designed to minimise overshadowing of the proposed town square.
- iv) Provide active frontages addressing the new town square, the Pacific Highway and Ray Street. Ray Street is to have a quieter commercial character, and the town square is to have a vibrant leisure-oriented retail character.
- v) Provide active frontages to Forbes Lane where possible.

The proposed development is designed with little regard to the built form controls of the DCP.

As a supermarket, it is designed and orientated to have a single access point to the Ray Street frontage and is serviced by pedestrian foot traffic from the street and basement.

This design optimises security and customer function of the supermarket and results in a dominant built form that essentially turns its back on the adjoining land holdings, to the detriment of the built form and function of the public domain.

The dominant built form of the northern elevation has no relationship with the area designated as the proposed town square and by inhibiting its potential as an active frontage effectively sterilises its future public use.

The built form controls requires Coles' to develop its site with due regard to surrounding land holdings.

1B.5 – Local centre public domain and pedestrian access:

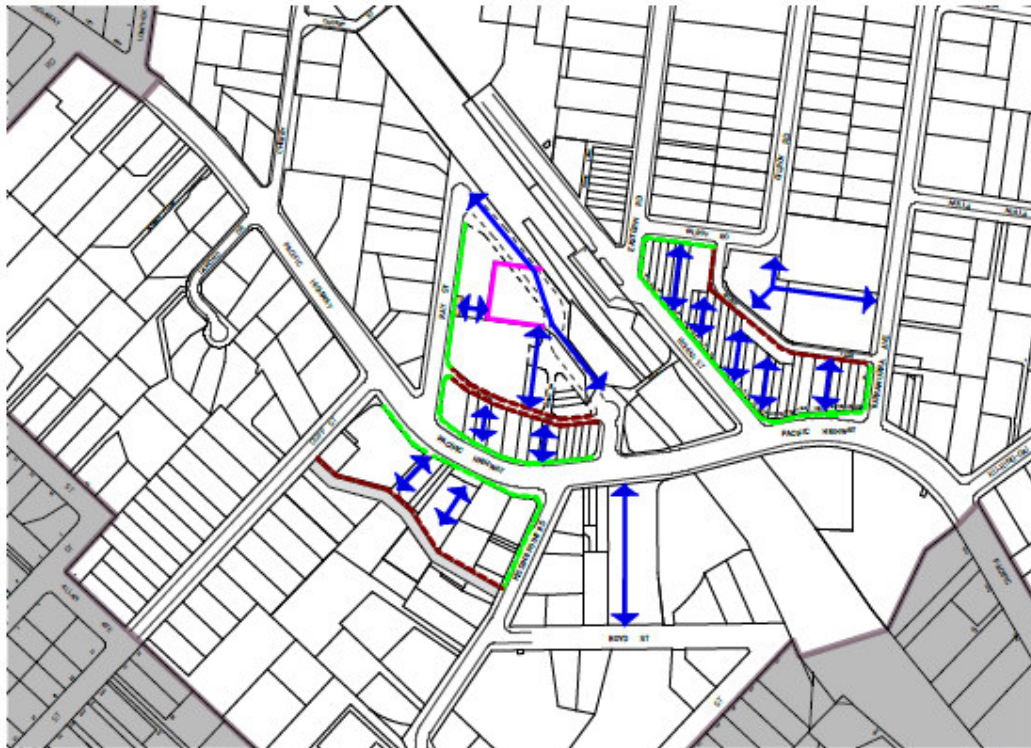


Figure 1B.5-1:
Public domain and pedestrian access plan.

Legend

- Pedestrian through site link
- Entry plaza/forecourt
- Awnings
- Awnings where possible
- Colonnade

Controls

Precinct T1

- 1 Provide internal shopping arcades linking the Pacific Highway and Forbes Lane.
- 2 Provide an internal shopping arcade linking Forbes Lane with the new town square.
- 3 Provide an internal link between the new town square and Ray Street.
- 4 Provide a pedestrian forecourt at the entrance to the buildings on Ray Street.
- 5 Provide a continuous pedestrian connection from the rail station entrance along the south western boundary of the rail line through the proposed town square to Ray Street.
- 6 Provide continuous awnings to Pacific Highway and Ray Street.
- 7 Provide awnings to Forbes Lane where ever possible.
- 8 Provide a colonnade around the proposed town square.

The site specific planning controls for the Precinct recognise that for it to succeed as a focal point in the Turrumurra Town Centre it must have strong pedestrian links with the surrounding area and hubs such as the Pacific Highway and adjoining Turrumurra Railway Station.

The effect of the development is that it significantly inhibits the provision of these pedestrian access points and links, particularly the flow of foot traffic from Pacific Highway to the proposed town square.

The design does not facilitate or encourage pedestrian access to it, and has poor pedestrian links to the Ray Street frontage. Shoppers will access the supermarket in two main ways:

1. shoppers driving and parking in the basement and accessing the supermarket from the basement and;
2. pedestrians from the train station / eastern side of the Turrumurra village that would likely access the supermarket through the basement as it is the most direct route into the retail area.

The proposed configuration is undesirable due to conflict with vehicular traffic and in the event of redevelopment envisaged by the DCP, would also be diminished as the town square and closure of William Street would provide a safer environment and legibility of access.

The current design is not appropriately resolved and is clearly conflict with the controls of the DCP.

1B.6 Local centre building entries, car parking and service access:

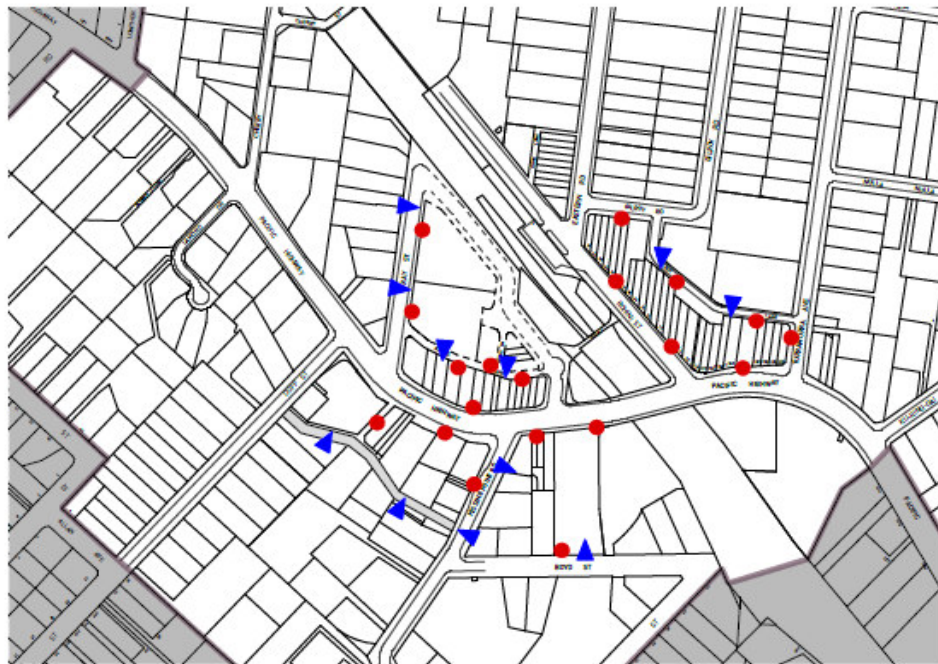


Figure 1B.6-1:
Building entries, car parking and service access plan.

Legend

- ▶ - Vehicular access to site
- - Pedestrian access to site

Controls

Precinct T1

- 1 Vehicle access to car parking and service/loading is restricted to Forbes Lane and Ray Street.
- 2 No vehicle access is permissible from the building frontage along the edge of the proposed town square.
- 3 Residential foyers and lobbies are to be located off Ray Street, Forbes Lane and the Pacific Highway.

The development conflicts with the desired pedestrian and vehicular access envisaged by the DCP which encourages a coordinated development of the Precinct.

In isolation, the proposed pedestrian and vehicular access points for specific development are acceptable given its proposed use and the topographical constraints of the site. However, the DCP restricts vehicular access to Ray Street / Forbes Lane but such access for the development is not encouraged as it would further alienate the Ray Street frontage. In addition, the expected traffic movements along an un-widened Forbes Lane would create potential local traffic issues.

3B3.1 – Land contamination:

The development has been supported by a phase 1 contamination report, which suggests that further investigation as to the potential for soil contamination is necessary. This information has been requested of the applicant but not submitted. Having regard to the specific considerations of the DCP, the development site could be made suitable for the proposed use, however Council considers that additional investigation in this regard should be undertaken which provides for a definitive inventory of what remediation works are necessary.

7B – 7.3 – Development in the vicinity of a heritage item:

The controls of the DCP have been given consideration by Council's Heritage Advisor who is satisfied that the proposed development has an acceptable impact upon the listed heritage item with Ray Street.

1C – 1.2 Earthworks:

The proposed earthworks associated with the development are assessed as being satisfactory for the proposed use / development, and consistent with the controls of the DCP in this regard.

2C – Access and parking:

The proposed development has been supported by an access report which demonstrates that equitable and disabled access is available into and around the building. This access has also been supported by disabled car parking designed to satisfy the required design criteria.

Pedestrian movement and circulation within the basement is also satisfactory, noting that this comment is made having regard to shoppers parking in the car park, rather than pedestrians from other parts of the Turramurra Town Centre, which is otherwise discussed elsewhere in this report.

The development is assessed as being satisfactory with the considerations of the DCP in this regard.

2R.2 – Car parking rates:

Shops	1 space per 17m ² gross floor area. For minor additions to existing shops or conversion of existing shops, 1 space per 28m ² .	1 space per 17m ² may be considered for reduction to 1 space per 26m ² , and 1 space per 28m ² may be reduced to 1 space per 35m ² where development within 400m radius of a railway station ticket office as follows For developments over 10,000m ² gross floor area a lower parking rate might be considered. Servicing facilities to be provided to satisfy Council's requirements.
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Having regard to the development as a supermarket, the car parking rates for a shop (specified above) apply. As it is a new supermarket, it generates parking at a rate of 1 space per 17m² of GFA. However,

as the site is within 400m of the Turrumurra Train Station, it benefits from a reduced rate of parking to 1 space per 26m² of GFA.

The development proposes a total of 3275m² of gross floor area, which at the rate of 1 space per 26m² of GFA, generates a parking demand of 126 car spaces.

The development has proposed car parking dedicated solely to the supermarket of 109 spaces, a deficiency of 17 spaces.

It is noted that the development scheme re configures Council's adjoining car park, however the existing 91 car spaces are maintained, albeit in a better organised and configured manner than the current arrangements. The variation in car parking is not seeking to rely on Council's car park.

The variation to the car parking requirements of the DCP is supported by a detailed parking analysis of the demand for car parking of the existing Coles supermarket on site. The parking analysis also refers to other Coles' supermarkets of comparable size in suburban village centres. This report advocates that a car parking rate of 1 space per 33m² is more representative of the likely demand for car parking generated by the proposed supermarket and that the proposed 109 spaces is more than adequate for the expected demand.

Council's Development Engineer has considered this car parking variation and supports the variation on the basis of the justification provided with the application. Despite this, Council has requested that further analysis is undertaken of how the current combined Coles and Council car park is to be utilised as it is Council understanding that the majority of its adjoining car parking is utilised by Coles shoppers. Council has requested that this information be provided to confirm that its public car parking spaces are not relied upon by shoppers, particularly in the event of those spaces are resumed in any future redevelopment of its land.

3C - 3.1 Green buildings:

Part 3.1 of Volume C of the DCP establishes a series of energy efficiency controls to all non-residential dwellings of which the development is.

The DCP requires that all commercial buildings in excess of 2,000m² in gross floor area are to be designed with regard to the Green Building Council of Australia's Rating Tools for commercial buildings.

Namely, the DCP requires an ESD report to be provided which demonstrates:

- water efficiency
- energy efficiency
- efficient use of heating and cooling systems
- reduced dependency on lighting

No information has been submitted to Council to demonstrate that the proposed building complies or is capable of complying with the energy efficiency requirements of the DCP, despite this information being requested of the applicant.

3C - 3.4 – Waste management:

A waste management plan prepared in accordance with the DCP has been submitted and is acceptable.

3C – 3.7 – Materials, finishes and colours:

The application includes a finishes board, as well as detailed elevations and plans that provide details relating to materials, finishes and colours.

This information satisfies the necessary obligations of the DCP in this regard, however these elements do not overcome or supersede the design concerns raised by Council's Urban Design Consultant.

3C – 3.9 – Construction, demolition and disposal:

The proposed development has been supported by a waste management plan which details the treatment and disposal of waste generated by the development.

This plan accords with the consideration of the DCP. The development is otherwise satisfactory with the considerations of the DCP.

4 – Water management:

The proposed development has been supported by a stormwater plan, providing details of the way stormwater generated by the development is to be captured and discharged into the Council system.

Consistent with the comments of Council's Development Engineer and requests made in Council's correspondence to the applicant, the stormwater information submitted with the application does not satisfy the design requirements of the DCP.

Whilst the development is capable of complying in this regard, Council is yet to be satisfied as to the design of the system and if a compliant system affects the design of the development. It is considered that prior to any approval of the development being contemplated that a stormwater plan prepared in accordance with the requirements be submitted to Council to its satisfaction.

Section 94 Plan

The extent of redevelopment contemplated by this application is subject of Council's Contributions Plan 2010.

As the development is not recommended for approval application or assessment of the proposal against Council's Contributions Plan 2010 is not warranted.

LIKELY IMPACTS

As is evident in this assessment, the proposed development has not adequately demonstrated that it

will have an acceptable impact upon the surrounding natural, social, economic and built environments.

SUITABILITY OF THE SITE

There is insufficient information to carry out a full and proper assessment of whether the site is suitable for the proposed development.

ANY SUBMISSIONS

The submissions received have been considered in the assessment to determine this application.

PUBLIC INTEREST

Refusal of the application for the reasons detailed in this report is considered to be in the public interest.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be unsatisfactory. Therefore, it is recommended that the application be refused.

RECOMMENDATION

PURSUANT TO SECTION 80(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT the Sydney West Joint Regional Planning Panel, as the consent authority, refuse development consent to DA0133/13 for the demolition of the existing Coles supermarket, construction of a new supermarket including associated landscaping, car parking and ancillary site works at 1 Ray Street, Turramurra for the following reasons:

Owner's consent

Particulars

1. No land owner's consent for works proposed on Lot 2 DP 221290 has been provided with the application. The development fails to provide information required by Clause 50 of the Environmental Planning and Assessment Regulation 2000.

Unjustified departures from Local Centres DCP

Particulars

1. The proposed development, due to its servicing reliance on William Street, inhibits the provision of community infrastructure as envisaged in Volume B, Clause 1B.2 of the Local Centres DCP.
2. The proposed development fails to provide a 5m setback to Forbes Lane which will inhibit the future widening of Forbes Lane foreshadowed in the Local Centres DCP and the Ku-ring-gai Contributions Plan 2010.
3. The proposed development fails to provide pedestrian access links through the Ray Street precinct as envisaged by the Local Centres DCP. Further, development of the site in the isolated manner proposed precludes this access from ever being achieved.

Insufficient information

Particulars

1. The contamination information submitted with the application suggests that the site is potentially contaminated and that further investigation in this regard is necessary. This information has not been provided. Council cannot be satisfied of the suitability of the site for the development with regard to Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land.
2. The documentation submitted includes MPN Consulting Civil Engineering Report and Drawing SKC.01 Revision A. The report states that on site detention is not required. The rationale for this is not accepted for this total redevelopment of the site. Volume C Part 4B.5 of the Local Centres DCP does not state that on site detention need not be provided if the impervious area is not increased. The site is at the top of the Lovers Jump Creek catchment so there is no possibility that peak outflows from the site will coincide with peak outflows for the whole catchment. The report also states that a 25 000 litres rainwater tank is to be provided. Although it is shown within the MUSIC model, it is not referenced in Section 5.3.3.6 of the MPN Report and is not shown on the Stormwater Management Plan, Drawing SKC.01 Rev. A. There is no indication of the proposed reuse for the rainwater tank.
3. The operation of the loading dock is not clearly described and a loading dock management plan was not provided to outline details such as size of delivery vehicles, hours of deliveries, approach and departure routes, responsibilities and complaints management. The turning paths included in the traffic report do not demonstrate that vehicles can stand in the loading dock entirely within the site or that the largest vehicle delivering to the site can negotiate all turns on the proposed vehicle access route without encroaching into the oncoming lane. Concern is raised by both Council and Roads and Maritime Services regarding the implication of these encroachments, which may result in traffic in Ray Street turning right into Forbes Lane being held up by the large vehicle and queuing extending back onto Pacific Highway. The scheme fails to take into consideration the need for upgrading works to Pacific Highway, Ray Street and Forbes Lane intersections.

4. No details of the proposed works on Council's land have been provided. A concept plan is required, showing the works in Council's carpark, including removal of islands, location and dimensions of new islands and finished surface levels. The plan(s) should note that all works are to be carried out in accordance with Council's standards and specifications, and at no cost to Council.
5. No details have been provided as to how the development is to be executed, particularly to what extent disruption to the public car park on its land will occur.
6. No details have been provided with regard to the usage characteristics of existing car parking on site and what percentage of parking is utilised by Coles' customers.
7. No details have been provided in respect of prospective measures to be employed to restrict the basement car park being utilised by commuters as all day parking.
8. No details have been provided to demonstrate that the proposed building will satisfy the Green Building controls of Volume C Clause 3.1 of the Local Centres DCP.
9. Inadequate information regarding tree impacts – no arboricultural impact assessment of proposed drainage works within the TPZ of T11 *Lophostemon confertus* (Brush Box) has been provided.
10. Inadequate information regarding proposed drainage works – no detail concerning the diameter of the proposed stormwater line and the proposed method for its installation between the north-eastern corner and the gully pit in William Street.
11. Inadequate detail on survey – all existing trees have not been accurately plotted/shown on the submitted site survey.

Design inadequacies

Particulars

1. The fire hydrant booster is poorly located on the most visually prominent façade of the building.
2. The supermarket layout fails to adequately cater for pedestrian shoppers who would likely approach the site from the east. To access the supermarket, pedestrian shoppers would enter the supermarket through the basement, creating a conflict with vehicle movements within the basement and diminishes the function of the Ray Street elevation and designed pedestrian access.
3. The basement design that is reliant upon openings on the eastern elevation of the development for natural ventilation which restricts the future development opportunities of the adjoining parcel of land Lot 1 DP 519532. Any future intensification of use of this land would need to consider and respect the openings, restricting the scope and extent of development that could be contemplated on that Lot.

Adam Richardson
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Selwyn Segall
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Manager Development Assessment

Michael Miocic
Director Development & Regulation

Attachments:

A1 – Zoning map –	2014/082126
A2 – Objector’s map	2014/082128
A3 – Demolition Plan	2013/101364
A4 – Excavation Plan	2013/101367
A5 – Site Plan	2013/101374
A6 – Basement car park	2013/101383
A7 – Ground and mezzanine floor plans	2013/101388
A8 – Roof Plan	2013/101389
A9 – Elevations	2013/101393
	2013/101393
A10 – Perspectives	2013/101403
A11 – Sections	2013/101410
A12 – Landscape Plan	2013/101354
A13 – Council’s letter	2013/136370