

COUNCIL PANEL ASSESSMENT REPORT

Panel Reference	2017SNH084
DA Number	DA0610/17
LGA	Ku-ring-gai
Proposed Development	Demolition of existing structures and construction of a mixed use development comprised of shop top housing containing 56 apartments, use of ground floor commercial space as an Aldi supermarket and small retail suite, basement parking, signage and associated works
Street Address	810-818 Pacific Highway, Gordon
Applicant/Owner	RPS Group / Pacific Highway Gordon P/L & Ku-ring-gai Council
Date of DA Lodgement	11 December 2017
Number of Submissions	7 submissions in response to 1 st notification, 1 submission in response to notification of amended plans
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	CIV in excess of \$20 million Works on land to which Council has an interest in excess of \$5 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • SEPP 55 – Remediation of Land • State Environmental Planning Policy No. 64 • State Environmental Planning Policy No. 65 • SEPP (Infrastructure) 2007 • State Environmental Planning Policy (BASIX) • Sydney Regional Environmental Plan (Sydney Harbour Catchment) • Ku-ring-gai LEP (Local Centres) 2012 • Ku-ring-gai Local Centres DCP 2015 • Ku-ring-gai Development Contributions Plan 2010 • Clause 92 (1)(B) of the Environmental Planning Assessment Regulation 2000
List all documents submitted with this report for the Panel's consideration	Attachment A1 – Zoning map for report Attachment A2 – Location Sketch Submitters map for report Attachment A3 – Architectural drawings Attachment A4 – Amended landscape plans Attachment A5 - Clause 4.6 written variation
Report prepared by	Kerry Gordon – Kerry Gordon Planning Services
Report date	29 August 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?	No
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Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

DEVELOPMENT APPLICATION

EXECUTIVE SUMMARY

Property	810-818 Pacific Highway, Gordon
Lot & DP	Lot 12 in DP 631351 and Lot 2 in DP 786550
Proposal	Demolition of existing structures and construction of a mixed use development comprised of shop top housing containing 56 units, use of ground floor commercial space as an Aldi supermarket and small retail suite, basement parking, signage and associated works
Development Application No.	DA 0610/17
Ward	Gordon
Applicant	RPS Group
Owner	Pacific Highway Gordon P/L & Ku-ring-gai Council
Date lodged	11 December 2017
Issues	Traffic impact upon the intersection of Pacific Highway/Dumaresq Street, breach of height controls, interface of supermarket and footpath, road widening, accessibility, entrance to residential portion of development
Submissions	7 submissions in response to 1 st notification, 1 submission in response to notification of amended plans
Land & Environment Court	N/A
Recommendation	Refusal
Assessment Officer	Kerry Gordon – Planning Consultant

LEGISLATIVE REQUIREMENTS:

Zoning	B2 Local Centre
Permissible under	Ku-ring-gai Local Environmental Plan (Local Centres) 2012
Relevant legislation	SEPP 55, SEPP 64, SEPP 65, SEPP (Infrastructure), SREP (Sydney Harbour Catchment), Ku-ring-gai Local Centres DCP 2015
Integrated development	Yes

History

DATE	EVENT
11/12/2017	DA 0610/17 was lodged
21/12/2017-14/2/2018	Initial notification of application
22/2/2018	Re-notification due to being integrated development
31/01/2018	Response received from Ausgrid
18/03/2018	Comments received from RMS requiring further traffic modelling
11/03/2018	Applicant provides response to RMS request for further information
22/03/2018	Response received from Department of Primary Industries - Water
28/03/2018	Letter sent to applicant after initial assessment raising concerns with design of proposal
3/5/2018	Applicant provided amended plans for discussion at meeting
4/5/2018	Meeting with applicant
11/05/018	GTAs received from Water NSW
29/05/2018	Letter sent to applicant after meeting addressing amended plans
31/05/2018	Applicant provides amended photomontages and plans
1/06/2018	Meeting with applicant to discuss letter
10/06/2018	RMS response provided
28/06/2018	Council seeks clarification of response from RMS
29/08/2018	RMS provide clarified response
6-10/07/2018	Amended plans provided by applicant, including a 4m road widening setback along the Pacific Highway frontage, setback of car park outside the road widening area, changes to access to supermarket from Pacific Highway
31/7/2018	Notification of amended plans
13/08/2018	Additional information provided by applicant
20/08/2018	Additional information provided by applicant

THE SITE AND SURROUNDING AREA

The site:

Visual character study category:	N/A
Easements/rights of way:	Easement for electricity purposes and restriction on use of land
Heritage Item:	No
Heritage conservation area:	No
In the vicinity of a heritage	Yes, adjoins Council Chambers
Bush fire prone land:	No
Endangered species:	No
Urban bushland:	No
Contaminated land:	No

Site description:

The site is known as 810-818 Pacific Highway, Gordon and comprised two allotments, being the Council Chambers and the site the subject of the proposed mixed use building (“the development site”). The development site is located on the north-western corner of the Pacific Highway and Dumaresq Street and has a rear boundary to Radford Place.

The development site is an irregular shape, with a frontage 41.04m to the Pacific Highway, a frontage of 58.265m to Dumaresq Street and a frontage of 33.21m to Radford Place with a northern side boundary of 55.11m and an area of 2,357m². The development site slopes significantly from the Pacific Highway frontage to Radford Place, falling approximately 9.3m from north-east to south-west.

The development site is currently developed with a 4-5 storey office building built close to the Dumaresq Street frontage and with setbacks from all other boundaries, including a significant setback from the Pacific Highway (see following aerial photograph of the site, outlined in red, and surrounds).



Figure 1: Aerial photograph of development site (outlined in red) and surrounds

The Council Chambers site is located to the immediate north of the development site and has vehicular access from Radford Place to the rear. The portion of the Council Chamber's site involved in the proposed development is limited to a strip along the southern boundary between the Council Chamber's building and the boundary.

The land between the building on the development site and the Council Chamber's building is currently used as pedestrian access to the Council Chambers as well as public access between the Pacific Highway and Radford Place. The Council Chambers is listed as a local heritage item.

Surrounding development:

The surrounding development is a mixture of commercial, civic and residential uses. Immediately adjoining the development site to the north is the Ku-ring-gai Council Chambers and office building.

Opposite the site to the south is the Gordon Centre, a retail/commercial shopping mall. Opposite the site to the east are smaller scale retail/commercial properties and opposite the site to the west is an open air carpark associated with the Council building. Further to the west, south-west and north-west are residential developments, including low and higher density properties.

THE PROPOSAL

An application has been made to Council for the demolition of existing structures and the removal of all trees and construction of a mixed use development comprised of shop top housing containing 56 units, use of ground floor commercial space as an Aldi supermarket and small retail suite, basement parking, signage and associated works. The development is described in more detail below:

- Three levels of basement parking are proposed, with access via Radford Place, providing 140 parking spaces (70 for Aldi and commercial suite, 61 residential spaces and 9 residential visitor spaces – including a share space).
- At ground level at the Radford Place frontage, it is proposed to provide a small commercial suite (91.29m²) at the corner of Radford Place and Dumaresq Street, with the remainder of the floor providing a loading area with turntable, goods handling area, garbage storage and mechanical plant. This floor is underground at the Pacific Highway frontage of the site due to the slope of the land. This level is to be constructed in close proximity to the boundary at Dumaresq Street and with a setback of 3m to Radford Place. The 3m setback is to provide a footpath, but is also to be occupied by a substation.
- The ground level of the development (at the Pacific Highway frontage) contains an Aldi supermarket with minimal setback from Dumaresq Street, 3m setback from Radford Place and variable setback of 7m (to partially underground lifts from carpark) to 14m (at corner of Pacific Highway and Dumaresq Street). However, after the road widening to the Pacific Highway of 4m is provided for, the setbacks to the Pacific Highway range from 3m to 11m. The supermarket has a variable setback from the northern boundary of 3m-11m but is primarily set back 3m. Due to the cross-fall over the site, this level is partially below ground (up to 2.66m below) at the northern side of the Pacific Highway frontage and is one storey above ground at the Radford

Place frontage. The lift core for the residential component of the development projects forward of the supermarket at the Pacific Highway frontage of the site by 4m, having a setback from the widened Highway of approximately 4m-5m

- Above the supermarket is 5-7 levels of residential apartments, with the two upper levels being located only over the eastern portion of the building. The residential component has the same setbacks to Dumaresq Street and Radford Place as the supermarket but the central portion of the building has a greater setback from Dumaresq Street. The residential component is closer to the Pacific Highway frontage, with a variable setback of 4.5m-7.4m, reducing to 0.5m – 3.4m. The residential apartments have a variable setback from the northern boundary of approximately 5m-22m. The residential apartments have pedestrian access from the Pacific Highway to a pathway near the northern boundary which leads to two foyers accessing lifts located at the front and back of the building.
- The residential component of the development contains 56 apartments, comprised of 9 x 1 bedroom, 39 x 2 bedroom and 8 x 3 bedroom apartments, of which 14 are adaptable apartments (Platinum Level).
- The supermarket is proposed to operate between 7am and 10pm seven days a week.
- The application also includes a pedestrian thru-site link between the development and the Council Chambers which is to be constructed partially on the development site and partially on Council land. The application also seeks consent for 4 business identification signs associated with Aldi.



Figure 2: Photomontage as viewed from the intersection of Pacific Highway and Dumaresq Street

COMMUNITY CONSULTATION

In accordance with Volume C, Part 5 of the Ku-ring-gai Local Centres Development Control Plan 2016, owners of surrounding properties were given notice of the application. In response, 7 submissions from person representing 5 properties identified in the attached list were received to the initial notification. The amended plans were notified and 1 submission was received in response to the second notification. The issues raised in the submissions are summarised and addressed following.

Concerns with the adequacy and safety of the intersection of Dumaresq Street and Pacific Highway to deal with the additional traffic generated by the development and the potential need to widen one or both streets, which would impact the site and development design.

RMS has indicated widening of the Pacific Highway in the vicinity of the site is potentially required but has not stipulated the necessary width of the property which would be required. The applicant in response to discussions with the RMS has provided a 4m wide strip for road widening and redesigned based on this width.

Existing modelled/observed queue lengths in Dumaresq Street show queuing past Radford Place and up to the exit point of the Gordon Centre car park, and with

intersection levels of service expected to deteriorate in the future, it is expected that queue lengths would increase, however this has not been addressed by the applicant. While the recommended mitigation measures in Dumaresq Street mentioned in the applicant's traffic report may assist in reducing queue lengths, this information has not been incorporated onto the application.

The matter could potentially be addressed by the modification of lane arrangements in Dumaresq Street and the traffic signals but this has not been given concurrence/approval by RMS

Location of entry off Radford Place, which is opposite the entry to the carpark of the Gordon Centre and the impact upon traffic safety and access to the Gordon Centre.

Given the abovementioned concerns with the queuing length of traffic on Dumaresq Street, concerns are raised that the queuing will impact entrance and exit from both the Aldi supermarket and the Gordon Centre car parks.

Need for an Aldi supermarket in the area. Aldi supermarket should be located away from Gordon Centre to revitalise shopping strip between the two uses.

The proposed supermarket is permissible with consent in the zone and, as such, this concern is not one that is required to be considered in the assessment of the development application.

Too many high-rise apartments in the area.

The proposed shoptop housing is permissible with consent in the zone and, as such, this concern is not one that is required to be considered in the assessment of the development application.

Area at the rear of the site should be reserved as green space.

There are no provisions in the LEP or DCP which would require the provision of green space at the rear of the site and, as such, this is not a concern that can be addressed in the assessment of the application.

There is a need to minimise pollution.

It is not clear whether the concern relates to air, water or noise pollution. All forms of pollution as they relate to the application have been considered in the assessment of the application and it is not considered that the proposal will result in an unacceptable pollution impact.

There is a need to protect the residential ambience of area.

The site is zoned for a mix of uses and, as such, the proposal seeks retail and residential uses on the site which is appropriate. The site is located sufficient distance from residential properties that it will not result in any unacceptable impacts in relation to shadowing, loss of privacy or loss of views.

There is a need to ensure pedestrian safety given increase in traffic generation.

It is not considered that the design of the proposal gives rise to any pedestrian safety concerns.

There is insufficient parking for the development.

The parking provision is consistent with the requirements of Council's DCP.

There are inadequate schools for the extra population.

The provision of schools is a matter for State government and is not a matter for consideration in the assessment of the application.

Noise impacts from deliveries, use of car park and construction

Noise impacts from construction can be appropriately mitigated by conditioning hours of construction and the preparation of a Noise Management Plan. Operational noise from use of the car park is not considered likely to result in unacceptable impacts upon residential properties given the distance separation. Noise from loading activities can be minimised by restricting hours of loading and requiring the loading dock door to be shut during unloading and loading.

The design of the rear façade should be attractive and graffiti resistant.

Concerns were raised with the applicant in relation to the original design for the rear façade (ie facing Radford Place) of the development. The amended design incorporated a number of design features to improve the appearance of the façade including provision of panel lift doors rather than roller shutters, removal of a sign and better division of the façade treatment into smaller elements to reduce its bulk. A condition of consent is suitable in relation to managing graffiti removal.

INTERNAL REFERRALS

Development Engineer

Council's Development Engineer provided the following comments in relation to the application.

Water management

The stormwater plans show all roof areas to be collected and conveyed to a suspended combined detention / retention tank structure comprising a total of 36m³ and 15,000 litres respectively located within the basement goods handling area with the discharge conveyed to the kerb and gutter in Radford Place. Runoff from trafficable roof areas will be directed to the OSD portion of the tank, whilst non-trafficable roof areas will be collected by a separate stormwater pipe system for storage within a rainwater tank for non-potable re-use.

The methodology adapted by the design engineer as noted within the Stormwater Management Report suggests that a 15,000 litres rainwater storage volume would be adequate to satisfy Council's streamflow objectives under Part 24C.3 of the DCP. Rainwater harvesting will be primarily used for toilet flushing. The BASIX water commitments of 4,000 litres have been satisfied. In addition to toilet flushing, it is proposed to irrigate 526sqm of common landscaped area.

The captured stormwater will be treated using 2 x 'SPeLFilter' Cartridges located within the detention tank as well as 'SPeL Stormsack filter baskets' within the stormwater pits. The pollutant load standards set out in Part 24C.6 of the DCP have been met.

Surface runoff from the south-east portion of the site, comprising of the Ground Floor entry pavement adjacent to the corner of Pacific Highway and Dumaresq Street, will bypass the proposed OSD system and discharge to kerb and gutter along Dumaresq Street.

The Civil Drawings C1.01 to C3.01 by ACOR Consultants, Rev B, dated 28/11/17 are to be amended. Additional details are required as per the recommendations below.

Vehicle access and accommodation arrangements

The site is zoned B2 Local Centre as per Ku-ring-gai Local Environmental Plan (LEP) Local Centres 2012. The parking has been designed in accordance with Part 22 – 'General Access and Parking' - Section 22R.1 and Part 8 – 'Mixed Use Development' - Section 8B.2 of the DCP.

The proposal details a total of 142 car parking spaces which complies with Council's range of 107 to 146 car parking spaces.

The proposal details five (5) accessible spaces for the Aldi / retail car park (a provision of 7%), three (3) accessible spaces for residential tenants (one per unit) and one (1) accessible space for residential visitors (a provision of 10%). The total of nine (9) accessible spaces complies with Council's DCP requirement.

Access is via Radford Place via 2 separate vehicular crossings which comprise a 6.6m wide basement access allowing 2 way access, and a 4.6m wide loading dock access allowing single width access. The driveway widths satisfy the requirements of Part 22.2 of the DCP.

Council's Traffic Engineer is to provide separate comments as to the parking restrictions required in Radford Place, given the turning path required for delivery vehicles accessing the loading dock and basement access.

Waste collection

The development allows a garbage truck to enter and depart the loading dock area which allows access to the garbage bin bay and ALDI compactor in a forward direction. The turning manoeuvrability as provided by the proposed turntable is suitable for the small waste collection vehicle as shown by the swept paths within the Appendix of the Traffic Report.

Construction management

An indicative construction management plan has not been submitted. A CTMP will need to be submitted to show truck turning path diagrams demonstrating how construction vehicles for all stages of development will turn into and out of the site.

It is expected that a work zone permit will not be sought.

Impacts on Council infrastructure

It may be conditioned that detailed design drawings suitable for construction issue purposes be submitted and assessed by Council's Operations Department for approval under the Roads Act. The following infrastructure works are required:

- replacement of footpath surrounding the site
- construction of 2 commercial vehicular crossings of 6.6m wide basement access and 4.6m wide loading dock access along Radford Place
- construction of a through site link which consists of a footpath and steps of variable width inside the northern boundary
- 3m wide footpath 3m inside the boundary on Radford Place

Geotechnical investigation

A geotechnical investigation was carried out using borehole testing. The boreholes encountered a subsurface profile below the existing pavements comprising fill over residual silty clay then shale bedrock at variable depth. Groundwater was present within the bedrock profile.

Prior to any demolition and excavation commencing, it is recommended that a detailed dilapidation report be prepared for the adjoining building to the north of the site.

All of the boreholes were 'dry' during and on completion of auger drilling, and in the monitoring period following installation of the standpipes. Given the expected relatively low permeability of the soil and bedrock profile, the construction of a drained basement design would be feasible and appropriate. Groundwater seepage into the basement excavation would be expected to be reduced as the excavation progresses, and the surrounding profile is drained, particularly given the location of the site along a ridge. Long term groundwater flows would be expected to be of limited volume and would be able to be controlled by draining to a sump, or sumps for periodic pumped disposal to the stormwater system.

The report also contains recommendations for excavation methods and support, vibration monitoring and dilapidation survey of neighbouring structures, all of which can be included in conditions of consent.

In response to the amended application, Council's Development Engineer provided the following comments:

The information submitted which intends to address some of the outstanding issues is as follows:

- *CTMP by Cardno dated 16 April 2018.*
- *Letter from ACOR dated 2nd May 2018 titled "Civil Response to request for further information".*

This letter from ACOR states that:

"we enclose the updated Civil Drawings reflecting all the requisite changes described below"

However, civil drawing have not been received by Council. With the omission of these civil drawings the requirements requested previously, the engineering issues have not been satisfactorily addressed.

The following response is provided in respect of the items that have been addressed:

Footpath/through link excluded from OSD

ACOR have provided a detailed written response regarding the footpath/through link and a justification for excluding this from the stormwater management. Council does not support this justification. This is land within the property boundaries therefore the stormwater generated on this portion of land shall be discharged from a site in a controlled manner to a recognised public drainage system.

CTMP

The submitted CTMP is not satisfactory, there is not sufficient detail.

Traffic

Council's Traffic Engineer provided the following comments in relation to the original application.

Comments are made in response to the respective sections of the Traffic Impact Assessment proposal by Cardno.

- (i) The report refers to a Council proposal to alter the intersection of Dumaresq Street and Pacific Highway so there are 3 lanes exiting Dumaresq Street. Will this require any road widening, and if so, has the developer agreed to allocate the necessary land for this road widening?*
- (ii) Deliveries to the site should take place outside of Council opening hours. This is to prevent the need for any parking to be lost in Radford Place, which is needed for people visiting Council.*
- (iii) There will need to be a condition limiting the length of delivery vehicles to the site to a maximum 15.5m.*

2 Existing conditions

2.2.5 Traffic volumes

Traffic surveys were undertaken in May 2017 and the results presented in the Traffic Impact Assessment. It is unclear, though, if these results are used elsewhere in the Traffic Impact Assessment, and a base case/existing conditions assessment doesn't appear to be undertaken (see 6.4 below).

2.3.2 Gordon Cultural Hub

The assessment notes the preparation of a Master Plan by Council for the Gordon Cultural Hub, and associated transport modelling work undertaken by Transport Modellers Alliance, or TMA (on behalf of Council).

The microsimulation transport modelling work undertaken by TMA for the Gordon Cultural Hub tested various redevelopment development scenarios using the previously agreed (with RMS) transport upgrades, under the guise of a "baseline scenario". At this time, Local Government Amalgamations were announced, and Council resolved to defer the Gordon Cultural Hub Master Plan, as the Council merger proposal created significant uncertainty for the project.

Noted in the Cardno assessment was a summary of the results of the TMA study which noted that the Saturday peak was generally worse than the Thursday PM peak and that various proposed road upgrades in the baseline scenario caused significant delays on the other side street access such including Dumaresq Street.

Although Cardno was probably unaware, the TMA study was incomplete, as it was yet to test future/additional transport upgrades that would be required to address impacts from the Gordon Cultural Hub Master Plan and redevelopment of other sites across the Gordon local centre.

4 Parking requirements

4.1 Car parking requirement

The provision of 142 spaces within the basement car park complies with the requirements of the Ku-ring-gai Local Centres Development Control Plan (DCP). This provision, however, is at the higher end of the range specified in the DCP and given the site's proximity and access to public transport, parking provision (particularly the residential component) could tend towards the lower end of the range. There is the potential to reduce the parking provision by providing additional car share vehicles/spaces.

4.3 Bicycle requirement

There is no evidence of the provision of bicycle lockers or support facilities for employees/staff (shower & ancillary change room) as required in the DCP. There are bicycle stands on Car Park Level P1, but these would not comply with the requirements of Austroads Guidelines in terms of class of facility for employees. If this bicycle parking is intended for public/visitor use, then it should be located at-grade and close to the front entrance or similar location, where there is casual/passive surveillance.

Cycling facilities is important to encourage alternative transport, and this is supported by the inclusion of Dumaresq Street and Park Avenue as a future cycling route in the Ku-ring-gai Bicycle Plan.

4.4 Loading and servicing

The Traffic Impact Assessment notes that deliveries would need to be coordinated outside of peak hours (i.e. early in the morning), and that parking within Radford Place would need to be modified to accommodate swept paths of service vehicles. Deliveries outside of Council opening hours are supported to minimise vehicle movements and potential conflicts.

While the need to modify parking arrangements in Radford Place (to accommodate deliveries outside of Council opening hours) may be considered, such an arrangement would rely on compliance of kerbside restrictions which may be difficult to enforce outside of typical working hours. If there is non-compliance, this may prevent access to the loading area by service vehicles.

The plans show continuous roadway entrances to the car park entry and the service vehicle entry. Given the land uses north of the site (Council Chambers, office building and other residential flat buildings) and the proposed commercial/retail uses on the Radford Place and Dumaresq Street frontages, a continuous footpath should be provided on the Radford Place frontage to improve pedestrian access and amenity.

6 Traffic assessment

6.4 Traffic modelling

The traffic modelling in the Traffic Impact Assessment tested the traffic impacts on a future "base case" traffic infrastructure scenario. While this is a logical scenario, the traffic impacts of the proposal against the existing situation was not tested.

This is important because the timing of the works proposed in the “base case” traffic infrastructure scenario depend on development in the Gordon local centre, particularly the Gordon Centre site. Also, the works proposed in the “base case” traffic infrastructure scenario are inherently linked, and it would therefore be difficult to deliver the upgrade of the intersection of Pacific Highway and Dumaresq Street without delivering a series of other major road upgrades in Gordon which would not all be triggered by a development at this scale. Furthermore, the “base case” traffic infrastructure scenario incorporates road widening on the western side of Pacific Highway to accommodate the upgrade of the intersection of Pacific Highway and Dumaresq Street, but this has not been taken into account in the development application.

Analysis needs to be undertaken by the applicant on the traffic impacts of the proposal on the existing road layout/infrastructure, to determine the impacts on the intersection of Pacific Highway and Dumaresq Street.

6.5 Gordon Centre driveway interaction

Currently, queue lengths in Dumaresq Street at the traffic signals typically develop past Radford Place during the PM peak period, which impacts on access to and from Radford Place.

SIDRA traffic modelling of the proposal incorporating the future “base case” traffic infrastructure scenario indicates that the access to Radford Place would be blocked during the Saturday peak due to the queue lengths in Dumaresq Street, and indicates that the queue length in Dumaresq Street during the Thursday PM peak would be at the threshold of blocking Radford Place. This is likely to cause queuing back to Pacific Highway and impact on access between Radford Place and Dumaresq Street.

This suggests that the proposal under existing conditions is likely to impact significantly on the access to/from Radford Place, and as a consequence, the exit from the Gordon Centre car park in Dumaresq Street.

7 Conclusion

7.2 Recommendations

There is a recommendation in the Traffic Impact Assessment to include a car share vehicle if considered favourable to the application, in order to offset the loss of on-street parking [in Radford Place].

The provision of at least 1 car share vehicle is a requirement of the DCP and not an optional inclusion. Furthermore, based on the site’s location and proximity to public transport, there should be a reduction in car parking and provision of more than 1 car share vehicle, minimise car parking and promote forms of transport other than the private vehicle.

In response to the amended application the subject of this report, Council’s Traffic Engineer provided the following comments:

Below each original finding a comment has been provided in light of the amended plans and additional information provided by Cardno, and a draft condition was also provided where appropriate:

1. *Parking provision is at the higher end of the range specified in the DCP and given the site's proximity and access to public transport, parking provision (particularly the residential component) could tend towards the lower end of the range;*

While the total number of spaces has reduced from 142 to 140 and technically complies with the DCP, this has not been specifically addressed by the applicant.

2. *There is no evidence of the provision of bicycle lockers, or other support facilities for employees/staff. This should be addressed by the applicant;*

The provision of secure bicycle parking and a shower for staff has been addressed. However, provision of lockers for personal and ancillary cycling equipment (such as helmet, backpack, change of clothes etc) has not been addressed and could be provided in the staff room adjacent to the entry door. These facilities could be made a requirement via a condition of consent, as follows:

Provision shall be made for staff lockers, for personal ancillary equipment near the staff amenities area.

3. *Bicycle stands on Car Park Level P1 would not comply with the requirements of Austroads Guidelines in terms of class of facility for employees. This should be addressed by the applicant;*

This has now been addressed

4. *Bicycle parking for public/visitor use should be located at-grade and close to the front entrance or similar location, where there is casual/passive surveillance;*

This has now been addressed.

5. *Deliveries outside of Council opening hours are supported but modifications to parking arrangements in Radford Place (to accommodate deliveries outside of Council opening hours) would rely on compliance of kerbside restrictions which may be difficult to enforce outside of typical working hours. If there is non-compliance, this may prevent access to the loading area by service vehicles. The access should be designed to consider parked vehicles on the western side of Radford Place;*

This has now been addressed

6. *A continuous footpath should be provided on the Radford Place frontage;*

It is not clear if this has been addressed, but can be a requirement via a condition of consent:

A continuous footpath treatment shall be provided on the Radford Place frontage. Detailed civil engineering design are to be submitted to Council for approval under S138 of the Roads Act

7. *Traffic impacts of the proposal against the existing situation were not tested. This should be provided by the applicant for the traffic assessment component to continue;*

This was provided by the Applicant's transport consultant (Cardno) in a short report dated 21 March 2018, and submitted to Roads and Maritime Services for assessment. The Cardno report concluded that

...The modelling shows that the intersections of Dumaresq Street and Park Avenue with Pacific Highway are operating with high DoS (>1.0) which will be exacerbated under future growth (without this development).

Mitigation measures, such as modification to the left turn from Dumaresq Street onto the Pacific Highway will improve intersection performances. This arrangement should be considered as an interim arrangement until such time that funding is secured for further works in line with the S94 plan.

Roads and Maritime Services reviewed the additional information, and on 29 June 2018 responded by:

- providing concurrence to the extension of the right turn bay on Pacific Highway;*
- requesting that all access be obtained from the local road network [compliant]; and*
- flagging that it is likely that the frontage of the site may be impacted by proposals for future road widening.*

The Roads and Maritime Services response of 29 June 2018 did not specifically give concurrence or conditions relating to the proposed modification to the left turn from Dumaresq Street onto the Pacific Highway [to provide a shared left/right turn kerbside lane]. This arrangement requires modification to the traffic signals and the pedestrian phase across Pacific Highway which requires specific approval from RMS.

The RMS was contacted by Council to clarify whether it supported the proposed modification of the lane arrangements in Dumaresq Street [and subsequent modifications required to the traffic signals] but to date RMS has not provided a response. The proposal to modify the lane arrangements and traffic signals is supported in principle but Council is unable to provide approval for traffic signal modifications, or line marking/lane arrangements associated with traffic signals, as councils do not have delegations from RMS to approve or authorise these types of traffic facilities. This remains an outstanding matter.

In terms of a condition which we may be able to set, we could use the following wording (although it may need to be a deferred commencement condition):

The applicant is to obtain concurrence from Roads and Maritime Services for the modification to the left turn lane from Dumaresq Street onto the Pacific Highway (and associated modifications to traffic signals)

8. *Road widening is foreshadowed on the western side of Pacific Highway to accommodate the upgrade of the intersection of Pacific Highway and Dumaresq Street, but this has not been taken into account in the development application;*

This has now been addressed.

9. *The proposal (with future road upgrades) is still likely to cause queuing back in Dumaresq Street from Pacific Highway on Saturday peak hour, and impact on access between Radford Place and Dumaresq Street. The proposal under existing conditions is likely to impact significantly on the access to/from Radford Place, and as a consequence, the exit from the Gordon Centre car park in Dumaresq Street. This should be addressed by the applicant.*

In the short report provided by the applicant's transport consultant (Cardno) dated 21 March 2018, this aspect was not addressed. Existing modelled/observed queue lengths in Dumaresq Street show queuing past Radford Place and up to the exit point of the Gordon Centre car park, and with intersection levels of service expected to deteriorate in future, it is expected that queue lengths would increase. While the recommended mitigation measure in Dumaresq Street (see Item 7 above) may assist in reducing queue lengths, this information has not been provided.

10. *The provision of at least 1 car share vehicle is a requirement of the DCP, and not an optional inclusion.*

This has now been addressed

Landscape

Council's Landscape Assessment Officer provided the following comments in relation to the original application.

The proposal is not acceptable in its current form.

Amended plans and further information is required to enable assessment.

Tree removal

Twenty one trees have been assessed by the arborist. Seventeen trees are proposed to be removed and one (1) palm tree transplanted. No objection is raised to the proposed tree removal, however the architectural and landscape plans do not accurately indicate all of the existing trees including tree's 1, 2, 3, 4, 5, 6, 7, 8 and 20. The trees are also not numbered. Amendments will be required to address this issue.

Landscape proposal

The location and design layout of the landscape space on the northern side of the proposed building is considered acceptable in relation to the streetscape and the heritage item.

Amendments will be required to the landscape plan in relation to species selection, additional tree planting and a finishes board for the hard landscape works within the site and the public domain.

The transplanting of T9 - Phoenix canariensis (Canary Island Date Palm) from the south eastern corner of the site to the north eastern corner of the site adjacent to the Council Chambers is appropriate in relation to the heritage character of the Council Chambers and also retains a significant landscape element within the Pacific Highway streetscape.

It will be difficult to provide suitable planting to soften the basement wall of the building (3 to 9 metres high) along the rear section of the northern boundary. Although the wall will not be visible from the Pacific Highway it will be visible from Radford Place and the Council Chambers. It appears that the landscape details indicate that Boston Ivy be planted to soften the wall. In the event that the Ivy does not perform well due to the shady environment it is recommended that the finished material for the wall be architecturally attractive.

The proposed retaining walls along the Pacific Hwy frontage and adjacent to the curved ramp section starting at the Pacific Hwy entrance will be approximately 1 to 2 metres and will be visible from the public domain and in close proximity to the Chambers. The proposed finish of the retaining walls (grey brick with white mortar) is to be considered by Council's Heritage Advisor.

In response to the amended application, the subject of this report, Council's Landscape Assessment Officer provided the following comments:

The proposal is not acceptable in its current form.

Issue/s:	<p><i>Landscape proposal</i></p> <p><i>The landscape plans are not acceptable as they do not meet the objectives and controls outlined in Part 8 and Part 14D of the Local Centres DCP and Part 19F of the Ku-ring-gai DCP for the following reasons;</i></p> <ul style="list-style-type: none"> <i>• Impacts of the podium level and ramps on the Pacific Highway streetscape and the Heritage Item have not been satisfactorily addressed.</i> <i>• The landscape plan is conceptual and does not provide adequate and accurate details of the proposed works.</i> <i>• Insufficient deep soil area provided for the proposed relocation of the Phoenix canariensis (Canary Island Palm).</i> <i>• Insufficient and inconsistent information provided on the proposed finished soil levels of the podium.</i> <i>• Inconsistent and incomplete plant schedule</i> <i>• Insufficient information on the number and location of species to be planted</i> <i>• Insufficient podium tree planting.</i> <i>• Inappropriate species selection</i> <i>• No schedule of finishes has been provided</i> <i>• Revision number indicated on the plan is inconsistent with the latest amended plans</i> <i>• No north point</i> <p><i>Plan inconsistencies</i></p> <p><i>There are numerous inconsistencies between the plans;</i></p> <ul style="list-style-type: none"> <i>• In accordance with the finished levels indicated on the architectural and landscape plans there is insufficient clearance above the ground floor supermarket and back of house to provide the soil depths indicated on</i>
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	<p><i>the landscape plan for the podium planting. The levels indicated on the landscape plans will result in a depth of soil ranging from 0 to 200mm. The soil depth diagram LA-06 indicates podium soil depths of 400 to 900 mm however the plans do not provide sufficient details of how this will be achieved.</i></p> <ul style="list-style-type: none"> <i>• The finished level of the podium RL129.9 on Architectural Plan DA32 has not been accurately indicated. In accordance with the scale indicated on the plan RL 129.9 above the lifts and back of house should be at a higher level on the plan.</i> <i>• There are inconsistencies between the level of the accessible path to the residential component of the building and the level of the lift core and back of house area. The accessible path landing at RL169.69 is lower than the finished level of the back of house RL129.90.</i> <p><i>Streetscape amenity impacts</i></p> <p><i>The amended proposal will have significant adverse impacts on the Pacific Highway streetscape and the Heritage Item;</i></p> <ul style="list-style-type: none"> <i>• The access ramp to ALDI results in a hard, unrelieved edge to the eastern side of the podium area facing the Pacific Hwy.</i> <i>• The main wall along the eastern side of the podium facing the Pacific Hwy will be 2 to 3 metres higher than the footpath. The 1.2 metres high fencing above the retaining wall will also accentuate the height of the proposed wall.</i> <i>• The garden immediately adjacent to the Heritage Item extends too far into the footpath area creating a pinch point for pedestrian access to and from the Council Chambers.</i> <i>• Insufficient podium soil depth will restrict the planting of medium to tall tree species.</i> <i>• The amount of soft landscaped area between ALDI and the Council Chambers has been significantly reduced due to the 4 metres road widening and the excessive width of the accessible paths.</i> <p><i>BASIX Certificate</i></p> <p><i>The amended BASIX Certificate is not accurate;</i></p> <ul style="list-style-type: none"> <i>• The Certificate does not accurately reflect the common areas of garden and lawn detailed on the landscape plans.</i>
<p>Major amendments required to address the issues</p>	<p>Architectural and landscape plans</p> <p><i>To enable the establishment of a quality landscaped area that meets the objectives and controls outlined in the Apartment Design Guide, Part 8 and Part 14D of the Local Centres DCP and Part 19F of the Ku-ring-gai DCP the following issues are to be satisfactorily resolved;</i></p> <ul style="list-style-type: none"> <i>• To minimise the impacts of the eastern side podium wall on the Pacific Hwy streetscape and the Heritage Item the wall is to be lowered as much as possible and terraced to enable planting to soften the structure. The fencing is to be relocated into the garden area so that it becomes a secondary element to the planting. The relocation and redesign of the ramps is recommended to enable more opportunity for soft landscaping to soften the podium structure.</i> <i>• To ensure the long term survival of the Phoenix canariensis (Canary Island Palm) the width of the garden bed is to be extended in a southerly direction by a minimum of 2 metres. This will require relocation/redesign of the access ramps to ALDI.</i> <i>• To provide sufficient depth of soil for the establishment of the podium planting and to minimise impacts on the Heritage Item and the Pacific</i>

	<i>Hwy streetscape it is recommended that the ground floor level be lowered by at least 1 metre.</i>
Additional amendments required to address the issues	<p>Landscape plan</p> <p><i>The amended landscape plan is unsatisfactory and would need to address the following issues:</i></p> <ul style="list-style-type: none"> <i>• The landscape plan provided is conceptual and does not provide adequate details of the proposed works. A plan is to be submitted in accordance with Step 3 of the DA Guide 2015.</i> <i>• A landscape plan indicating the hard landscape works is to be provided in black and white only. The plan shall indicate the finished levels of all paths, retaining walls and garden areas.</i> <i>• A detailed schedule of finishes in accordance with Part 2D 1, 2 & 3 of Town Centres Public Domain Plan 2010 is to be submitted;</i> <i>• The existing paving along the Pacific Highway, Dumaresq Street and Radford Place nature strips is to be removed and replaced with the specified pavers.</i> <i>• All public infrastructure is to be installed in accordance with the Technical Manual – Part 3</i> <i>• To increase the soft landscaped area available for planting the paths within the ground level private communal open space (COS) are to be reduced to a maximum of 1.2 metres excluding a small area immediately in front of the main entrance to the residential apartments.</i> <i>• All existing trees are to be indicated on the Existing Tree Plan LA-04 in accordance with the arborist report by Joanne Leigh dated 10/10/17.</i> <i>• Tree 16 – Syzygium sp. (Lillypilly) is in poor health and is to be removed.</i> <i>• To allow for a clearance of 1 metre for the canopy of the T9 - Phoenix canariensis (Canary Island Palm) the centre of the trunk of the tree is to be located a minimum distance of 6 metres from the southern wall of the Council Chambers.</i> <i>• To ensure the long term survival of the T9 - Phoenix canariensis (Canary Island Palm) the width of the garden bed is to be extended in a southerly direction by a minimum of 2 metres.</i> <i>• The plans shall refer to the tree transplanting methodology outlined in the report by Tree Transplanters Australia dated November 2017.</i> <i>• There is insufficient space available for the planting of 2 street trees along the Pacific Highway. To provide continuity of the street tree planting the existing Lagerstroemia indica (Crepe Myrtle) located on the Pacific Hwy nearest the corner of Dumaresq St is to be replaced with a Pyrus calleryana 'Capital'.</i> <i>• An additional Pyrus calleryana 'Capital' is to be planted on the Radford place nature strip midway between the corner of Dumaresq St and the carpark entrance.</i> <i>• 3 x Lagerstroemia indica (Crepe Myrtle) are to be planted in the garden bed within the ALDI forecourt area adjacent to the Pacific Hwy.</i> <i>• To ensure the long term survival of the tree and screen planting the depth of soil on podium shall be in accordance with Part 23.5 of the Local Centres DCP.</i> <i>• 2 x super advanced tree specimens with a minimum container size of 200 litres are to be planted within the main COS area. The additional tree planting is to include 1 x Nyssa sylvatica (Tupelo) and 1 x Jacaranda mimosifolia (Jacaranda)</i> <i>• Hedera canariensis (Common Ivy) is not an appropriate species due its invasive nature.</i> <i>• To improve pedestrian access to and from the Council Chambers the garden bed adjacent to the southern side of the Chambers is to be relocated a minimum distance of 4 metres from the existing boundary</i>

	<p><i>along the Pacific Highway.</i></p> <ul style="list-style-type: none"> • <i>The balustrade on top of the retaining wall along the eastern edge of the podium footprint facing the Pacific Highway is to be relocated and incorporated into the soft landscaping.</i> • <i>The plant schedule is to be updated to reflect the amendments to the planting.</i> • <i>The plant schedule is to include the numbers of each species to be planted.</i> • <i>The plans shall clearly indicate the numbers of small shrubs, ground covers and climbers to be planted</i> • <i>An additional retaining wall will be required to resolve the proposed 1 metre level difference within the main COS area.</i> • <i>The stormwater details are to be indicated on the plans</i> • <i>The amended plans shall indicate the correct revision number and a north point.</i> <p>BASIX Certificate</p> <p><i>The BASIX Certificate is unacceptable and would need to address the following issues:</i></p> <ul style="list-style-type: none"> • <i>The common areas of garden and lawn in accordance with the landscape plan is to be included in the Common area landscape calculation</i> <p>Plan inconsistencies</p> <p><i>Amended landscape and architectural plans would need to be submitted to address the following inconsistencies;</i></p> <ul style="list-style-type: none"> • <i>In accordance with the finished levels indicated on the architectural and landscape plans there is insufficient clearance above the ground floor supermarket and back of house to provide the soil depths indicated on the landscape plan for the podium planting. The levels indicated on the landscape plans will result in a depth of soil ranging from 0 to 200mm. The soil depth diagram LA-06 indicates podium soil depths of 400 to 900 mm however the plans do not provide sufficient details of how this will be achieved.</i> • <i>The finished level of the podium RL129.9 on Architectural Plan DA32 has not been accurately indicated. In accordance with the scale indicated on the plan RL 129.9 above the lifts and back of house should be at a higher level on the plan.</i> • <i>There are inconsistencies between the level of the accessible path to the residential component of the building and the level of the lift core and back of house area. The accessible path landing at RL169.69 is lower than the finished level of the back of house RL129.90.</i>
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Environmental Health

Council's Environmental Health Officer provided the following comments in relation to the original application.

The Acoustic Assessment prepared by Koikas Acoustics (Ref: 3298R20171025jt810PacificHighwayGordon) dated 29 November 2017 refers to architectural drawings from 2016 and not the drawings submitted with the current application. This may affect the consultant's recommendations with regard to acoustic treatments on the building and glazing to the residential units as configurations may have changed between the revisions of the plans.

- 1. The application indicates that all 56 residential units will be mechanically ventilated and the acoustic assessment supports this due to elevated background noise levels given the close proximity to the Pacific Highway. Details need to be provided as to where the plant associated with the air conditioners will be located. It is noted that there is a proposed mechanical plant room located near the residential garbage area on the loading dock level however it is unclear if this is designated for air conditioning plant and it appears to be of insufficient size. The applicant needs to review the space required to accommodate all the air conditioning plant and the ventilation requirements for the equipment particularly if they are to be located within the basement/loading dock areas with limited natural ventilation. If the air conditioning is to be located on the roof of the building screening structures may be required for visual and acoustic amenity. The applicant should seek appropriate advice from a mechanical services consultant and an acoustic engineer.*
- 2. A revised acoustic report will need to be provided following confirmation of the locations of the air conditioning plant to include assessment of any potential noise impacts upon the future occupants of the building and recommendations for acoustic treatments where necessary. Under the Council's DCP the noise level criteria applicable for night-time (10pm – 7am) noise from equipment such as air conditioning for the development is that it not be audible within any habitable room of residential premises. The acoustic assessment will need to be based on achieving a noise level of 0dB above background at night for equipment that may be operated after 10pm and not the daytime criteria of 5dB above background. The assessment also needs to assess the noise impacts from the plant room for the proposed supermarket and the cumulative noise impacts of all equipment operating simultaneously. The assessment should include the residential occupants of the development and the nearest potentially affected residential properties on Dumaresq St Gordon.*
- 3. The application indicates that the bathroom, laundry and kitchen exhausts for the residential units will discharge through the building façade. The acoustic consultant has also provided detail of acoustic treatments where air supply may be required to supplement ventilation to habitable rooms and has detailed acoustic treatments to penetrations through the façade/roof of the building. The assessment report does not comment on any potential noise impacts from these vents and the submitted plans do not identify the location of the discharge points for the car park or garbage room exhaust systems. The discharge locations for the basement exhaust systems need to be identified and noise impacts considered by the acoustic consultant in relation to the proximity of all discharge/intake points to the residential units and private and communal open spaces.*

In response to the amended application, the subject of this report, Council's Environmental Health Officer provided the following comments:

A further acoustic report has not been submitted but the following has been indicated on the plans:

1. *Air conditioners for the residential units are located on the roofs of the building - above residential Level 6 at the rear of the building and above residential Level 8 at the front of the building. The plans show louvered enclosures with roofs over the mechanical plant deck.*

The positioning of air conditioners on the roof is preferred to individual units being placed on balconies and the enclosures can be acoustically treated to ensure compliance with noise criteria.

2. *Car park exhaust riser is located at the front of the building above residential Level 8.*

This location is unlikely to create any noise impacts to surrounding residential properties due to the adjoining commercial uses and proximity to the Pacific Highway.

3. *Waste storage areas are located in the lower basement levels.*

The waste storage areas in the basement are unlikely to create odour impacts for the residential units above.

It is considered that noise impacts could arise in the early hours of the morning from various deliveries to the supermarket and therefore conditions should be applied to restrict the hours during which deliveries can be undertaken and require closure of the door to the loading dock after 10pm to minimise the noise disturbance to nearby residents and occupants of the building.

Council's Environmental Health Officer recommended a series of conditions which should be included in any consent granted.

Building

Council's Building Surveyor provided the following comments in relation to the original application.

The BCA report submitted indicates that the DA plans in general complies with the Building Code of Australia requirements.

There were some issues that don't fully comply with the deemed to satisfy provisions of the BCA including egress and hydrant design, however the consultant has advised that these matters can be resolved by applying an alternative solution at CC stage.

Heritage

The amended application was referred to Council's Heritage Advisor as the site adjoins an item of heritage (Council Chambers) and the following comments were received.

Heritage status

With regard to the Heritage Schedule of KLEP2012, the subject site:

- *is not* a heritage item;
- *is* located within the immediate vicinity of a number of heritage items – 818 Pacific Highway (on the adjoining site) and 799 Pacific Highway – former Gordon Public School (on the opposite side of the road); and,
- *is not* located within a Heritage Conservation Area (HCA) or within the immediate vicinity of a HCA.

Clause 5.10 of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 requires that, before granting consent to the proposed works, Council must consider the effect of the works on the heritage item, nearby items or conservation areas concerned. Clause 5.10 (5) allows Council to require a Heritage Management Document before granting consent.

Controls

The Ku-ring-gai Local Centres Development Control Plan in Section 14D sets out the objectives and controls for the Gordon local centre. A number of the controls relate directly to heritage matters. These are addressed below.

14D. URBAN PRECINCTS AND SITES - GORDON	
14D.4 Setbacks	Compliance
2 Building setbacks are to be in accordance with Figure 14D.4-1, and all properties within the R4 zone are to provide setbacks in accordance with this Part 7 of this DCP	<p>No</p> <p>Figure 14D.4-1 requires a 15 metres setback. This has not been achieved, although the tower section of the proposed building is set away from its northern boundary and this will provide some visual (and physical) separation between the proposed apartment tower and the Council Chambers building. However, this visual separation is less unsatisfactory at ground level as a Ground Floor level of the proposed building extends across almost the whole of the gap between the tower and the northern boundary. One of the objectives of the Pacific Highway setback control is to provide opportunities for street tree plantings or footpath widening, which would have enhanced the setting of the Council Chambers. This objective is not achieved by the proposal. A setback along the Pacific Highway boundary is provided, however this appears to be made in response to the need to accommodate future road widening rather than to provide views and an appropriate setting for the historic Council Chambers.</p>
14D.5 Built form	
1 All development within the Gordon local centre, as outlined in Figure 14D.5-1, is to be designed to support and enhance the planned future character of the centre. This is to be done through the Built Form requirements for each Precinct as stipulated in this DCP.	<p>No</p> <p>The DCP requires the Pacific Highway frontage to be the principal active street front with the objective of encouraging new infill development that respects the existing characteristics of the street, and that has well designed facades addressing public spaces.</p> <p>The proposal has a number of elements that result in the development being separated from the public domain, including a long fenced ramp, the floor level of that part of the building adjoining the footpath not being similar to the footpath level, a partly undercroft area set below footpath level for most of its extent, and the lift core on the front façade. These elements</p>

	result in an unsympathetic development that will not respect the existing characteristics of the streetscape which includes historic buildings (Council Chambers and Former Gordon Public School).
14D.9 Precinct G3: Civic Hub	
<p>1 Development is to be designed to support and enhance the planned future character for this precinct as follows:</p> <p>i) The precinct also contains three significant heritage items including the old Gordon school building, the Council chambers building and Gordon pre-school.</p> <p>ii) The vision for this precinct is for it to become the civic hub for the LGA. Council will retain a strong long term presence in the area, Council is planning for a range of improved civic and community facilities as well as a public park. Accommodation for a range of community services will be encouraged.</p> <p>iii) New buildings will be designed to protect and enhance the setting of the two of the three heritage listed buildings by creating setbacks between new and old and allowing the heritage buildings to be viewed in "the round".</p>	<p>No.</p> <p>The proposed development will restrict the ability of the Council Chambers building to be viewed in the round due to the proposed podium and letter box structure. The proposed development will also adversely affect the setting of the Council Chambers as it will introduce unsympathetic elements into the streetscape.</p>
7.vii) 15 metres setback to the Pacific Highway applying to No.810 and No. 828 Pacific Highway for a landscaped forecourt and view corridors to the heritage item at 818 Pacific Highway	<p>No.</p> <p>The setback ranges between 3 metres and 11 metres.</p>

Ku-ring-gai Local Centres Development Control Plan in Section 19F sets out the objectives and controls for heritage items and development within the vicinity of a Heritage Item. Relevant controls are addressed in the table below.

19F DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS OR HERITAGE CONSERVATION AREAS (HCAS)	
19F.1 Local Character and Streetscape	
General	Complies
1 All development in the vicinity of a Heritage Item or HCA is to include a Heritage Impact Statement.	No A Heritage Impact Statement was not provided with the amended application.
2 Development on sites that either directly adjoin or are in the vicinity of a Heritage Item or an HCA is to have regard to:	No The proposed development will have an adverse impact on the setting of the Council Chambers building as it will introduce visually intrusive elements into the
i) the form of the existing building or buildings including height, roofline, setbacks and building alignment;	
ii) dominant architectural language such as horizontal lines and vertical segmentation;	
iii) proportions including door and window openings, bays,	

<p>floor-to ceiling heights and coursing levels; iv) materials and colours; v) siting and orientation; vi) setting and context; vii) streetscape patterns.</p>	streetscape.
Retail/Mixed Use Setting	Complies
<p>3 New development adjacent to or in the vicinity of a Heritage Item or HCA within a retail/mixed use setting such as an existing row of two storey shops, are to:</p> <p>i) retain the existing characteristics of the street including the setback, height and rhythm of facades, and is to be sympathetic to the materials and detailing of the earlier facades.</p> <p>ii) retain a pedestrian building scale at the street level and to set back any levels that are higher than the adjacent Heritage Item</p>	<p>No The proposed development does not retain the existing setback, (this setback is required to enhance the setting of the Council Chambers building).</p>
Views	Complies
<p>4 New development in the vicinity of a Heritage Item or HCA is to demonstrate that it will not reduce or impair important views to and from the Heritage Item from the public domain.</p>	<p>No The proposal will obstruct views to the southern side of the Council Chambers building, in particular to the side entry, an important architectural feature.</p>
19F.2 Building Setbacks	
Setbacks	Complies
<p>1 The front setback of development adjacent to a Heritage Item or buildings within an HCA is to be greater than that of the Heritage Item or building within the HCA. Where variations in setbacks exist, the larger setback will apply</p>	Yes
Residential Context	Complies
<p>2 All medium and high density development is to have a stepped facade to any common boundary with a Heritage Item or building within the HCA. The facade is to be stepped back above an 8m height from natural ground level as per Figure 20F.2-1. Facades greater than 8m high will not be permitted adjacent to a Heritage Item or building with an HCA.</p>	<p>No The garden podium is not higher than 8 metres, however it is not set back 12 metres from the boundary.</p>
<p>3 In addition to the side and rear setback controls in Section A of this DCP, new development adjacent to a Heritage Item or building within an HCA, is to comply with the following:</p> <p>i) adjacent development is to have a minimum 12m building separation to the Heritage Item (more if side set back requirements are not met within the 12m) as per Figure 20F.2-2;</p> <p>ii) adjacent development is to not exceed a facade height of 8m from existing ground level, including balustrades; and</p> <p>iii) adjacent development with a building mass above 8m high from existing ground level is to be stepped back an additional 6m from the Heritage Item as per Figure 19F.2-2; and</p> <p>Where variations in setbacks exist the larger setback will apply.</p>	<p>No The garden podium is less than 12 metres from the Council Chambers.</p>
19F.3 Gardens and Landscaping	
Gardens, Setting and Curtilage	Complies

<p>1 Development in the vicinity of a Heritage Item or an HCA is to:</p> <p>i) retain original or significant landscape features associated with the Heritage Item or HCA, or which contribute to its setting;</p> <p>ii) retain the established landscape character of the Heritage Item or HCA; and</p> <p>iii) include appropriate screen planting on side and rear boundaries.</p>	<p>No The existing landscaped setback on the subject site contributes to the setting of the Council Chambers building and allows for views to the side of the building, including the side entry.</p>
19F.4 Fencing	
Fences on adjoining sites	Complies
1 New front fences on adjacent sites are to be no higher than the front fences of the adjoining Heritage Item or HCA. Open and transparent front fences such as timber or metal picket are preferred.	No
2 No metal panel fencing is to be constructed on any boundary of a Heritage Item.	Yes

A heritage impact statement was not included with the amended application, contrary to the requirements of KDCP control 19F.1.1.

The key issues of the proposed development with regard to its heritage impacts are:

- its impact on the desire of Council to enhance the role of Gordon as the civic and administrative heart of the Ku-ring-gai LGA*
- its impact on the planned future character of the Civic Hub Precinct of Gordon town centre*
- its impact on the setting of the heritage items located within the vicinity of the subject site, particularly its impact on the Ku-ring-gai Council Chambers building*
- the compatibility of the proposed development with the nature and scale of buildings provided for by KDCP controls*

The Council Chambers, built c.1930, was designed by the well-known architect Hardy Wilson of Neave and Berry and were built following the establishment of Ku-ring-gai Municipality in 1928. The Council Chambers has been identified as having historic, architectural, cultural, social and aesthetic significance. It is an important and attractive building in Gordon town centre and a key civic and administrative component of the Civic Hub Urban Precinct. The side of the Council Chambers facing the subject site has an attractive entry that also provides access to the building. The other heritage item near the subject site, the former Gordon Public School, also contributes to the positive historic characteristics of the Civic Hub Urban Precinct. The proposed development will not enhance the contribution the Council Chambers makes to the Civic Hub Urban Precinct.

The objectives and controls of KDCP seek to conserve the contribution of the Council Chambers to the Civic Hub Urban Precinct. The 15 metre setback along the Pacific Highway frontage of the subject site required by KDCP controls would retain views to the historic Council Chambers building and would enhance the character of the Civic Hub Urban Precinct as the Council Chambers is a key component of the Precinct. An alternative option has been put forward in the proposed development. This option provides a physical separation of about 16 metres between the tower component of the proposed development and its northern boundary - the side boundary adjacent to the Council Chambers - rather than a 15 metres front boundary setback. In general, this approach is acceptable as it could potentially provide views to the Council Chambers building. However, good views to the Council Chambers will not be provided by the proposed development as the garden podium of the apartment tower

and the apartment letterbox/awning structure will restrict the view. If this matter cannot be resolved, a 15 metres setback from the Pacific Highway boundary must be provided.

There are a number of components of the proposal that will adversely affect the setting of the Council Chambers building, including: the long ramp that stretches across almost half of the front boundary, the proposed fence along the ramp, the set down from the footpath level to the Ground Floor level creating an irregular below ground level space associated with the supermarket entry, and the prominence of the lift core on the Pacific Highway façade at Ground Floor level. These features would be incongruous and visually intrusive elements in the streetscape that forms the setting of the Council Chambers building. Typically, buildings in the Gordon town centre have a ground floor level similar to the footpath and an immediate relationship with the footpath.

It is important that the proposed building complies with relevant KDCP controls for such development as it is these controls that determine the desired future character of the area that forms the setting of the Council Chambers and of the former Gordon Public School. An assessment of compliance with the built form controls does not form part of the heritage comments as reliance is placed on the urban design assessment.

Conclusion and recommendation

The proposal is not supported on heritage grounds as it would have an adverse impact on the heritage values of the Council Chambers. The proposal is therefore recommended for refusal.

Urban design

Council's urban design consultant provided the following comments in relation to the original application:

1. Pacific Highway and Dumaresq Street road widening

There appear to be primary site conditions that have the potential to require a significant if not complete redesign of the development.

a) The traffic impact statement prepared by Cardno (14 Nov 2017) at figure 2.3 p 5, and section 6.4.2 p19-20 with figure 6-3 identifies proposed road widening along the Pacific Highway and Dumaresq Street. These diagrams appear to affect future site boundaries and thus proposed development. This has not been identified in the Site Analysis nor addressed in the architectural or landscape design.

If not accommodated, it is likely that there will be significant impacts to proposed:

- basement in the vicinity of the north-eastern corner and possibly along the eastern boundary*
- landscape along the highway frontage with insufficient space to accommodate a footpath and adequate screening of a semi-basement wall*
- significant loss of footpath at the south-eastern corner and subsequent streetscape implications*
- new lane along the highway will result in a changed relationship of footpath*

levels at the south-eastern corner that may affect compliant BCA access to premises and/or result in either the building having to be raised or the entry location relocated, or unsightly ramps having to be installed. The south-eastern corner is proposed as the primary pedestrian entry area. It should be remembered that primary function of the B2 zone is the retail use and must not be compromised in the streetscape

- road widening in Dumaresq St may result in a loss of footpath width leading to additional ground level setbacks being required, and/or ability to provide street trees.

- b) RMS concurrence will be required so that the geometries and ground levels of the proposed road works are confirmed and coordinated between both Council (unclassified road) and the RMS (classified road).*
- c) The proposed design needs to clearly indicate how and where future road works have been resolved on all architectural drawings and all other consultant input be coordinated to reflect any changes. This will require resubmission of the application.*

2. Height

The cl 4.6 request seeking a variation to the height standard is not supported, cannot be supported on three urban design grounds;

- a) the site boundaries and future ground levels along the Pacific Highway and Dumaresq Street have not been resolved*
- b) regardless of (a), the proposed development does not demonstrate a better outcome than would be achieved with a compliant development*
- c) regardless of (a), the aesthetic resolution of the proposed development has not adequately responded to the visual prominence of the site, nor achieved the desired architectural character anticipated for this important site*

3. Local character and context, precincts and individual sites

- a) Design quality is the main object of SEPP 65, the complexities of this specific site demand the architecture works harder than may be otherwise acceptable on other sites in Ku-ring-gai.*
- b) Three dimensional expression - the development appears more as being a vertical extrusion of the floor plans rather than considering the compositional expression three dimensionally. There is some improvement to the articulation of the massing addressing the highway, but it is unsuccessfully executed.*
- c) The massing - needs a more robust transition expressing the base, middle and roof. The base and middle, in particular, follow a continuous vertical plane along the Dumaresq Street and Radford Place elevations differentiated only by a change in material. There is an absence of a sense of the structural order expressed vertically. All building elements appear to be expressed equally resulting in a lack of drama or contrast. The result is an unsatisfactory pedestrian scale that is exacerbated by the steep topography, and a building that appears excessively bulky when viewed from the public domain beyond the site to the south-west and along the Highway.*

- d) *Elevations and façade treatment - the design is not demonstrating a sufficiently nuanced composition, resolution, and architectural expression. This further contributes to the proposed building appearing overly bulky and 'heavy' in the streetscape. The result is an aesthetic typical of any other large unremarkable apartment building and of insufficient design quality for this site. The use of wall cladding above the podium tends to create an overly busy façade, which may be distracting, but does not address the more fundamental composition deficiencies of the massing.*
- e) *Treatment of the building base as an element in its own right is insufficiently modulated, with expansive flat planes appearing too utilitarian along Dumaresq Street, Radford Place and the public walkway. This can be resolved with a modulated use of materials in a finer-grained layering of the wall planes, a more innovative expression of the internal functions behind the walls, and physically separating the base and middle to read as connected but separate elements. The inclusion of some windows along Dumaresq Street is welcomed, but overall is insufficient.*
- f) *Shade devices on windows do not contribute to the overall composition. Their treatment should be demonstrating an architectural commitment as an integrated design element rather than add-ons easily removed post-DA.*
- g) *The awnings along Dumaresq Street should align with the built form vertically so there is a clear expression of the structural order. As proposed the base appears as a disparate element, as if the 'supermarket' has been conceived separately with the apartments then separately located above.*

4. Electrical infrastructure

The substation capacity should be confirmed and accommodated so that sufficient capacity is provided for the expected life-time of the building. Consider projections for increasing numbers of electrical cars. The design should anticipate separate supermarket and residential facilities for recharging.

5. Services

The location of all building services including substations and fire hydrants to be confirmed and fully identified on architectural plans and elevations so that impacts on street frontages are addressed in the DA design.

6. Inconsistent drawings - stormwater with architectural and landscape design

- a) *The OSD/rainwater tank proposed to be suspended above the goods handling area (DA04) appears to be outside the building footprint. There are insufficient levels shown on the architectural and landscape plans to confirm adjacent ground levels in the public stairway/ground along the northern boundary. Therefore, it is unclear whether the tank is located underground, and if so, at what depth so there is sufficient soil for proposed tree 1 x Angophora Costata shown on the landscape plan.*
- b) *A stormwater pit at the south-eastern corner is shown on the architectural drawings adjacent to the curved landscape planter (which is preferred) while the engineering drawings show it adjacent to the south-eastern corner column at the ALDI entrance area, which is undesirable. This will need further resolution should road widening require amendments.*

7. Livable housing

Ku-ring-gai requires 15% of units to be to Platinum Level Livable Housing Design. The development proposes 20% of the development will be able to achieve Platinum Level, which is commended. It should be noted that the fourth edition of Livable Housing Design Guidelines has elevated the livable housing requirements from voluntary to mandatory where local development controls reference Livable Housing.

8. Insufficient information

All architectural and landscape plans need to provide more detailed information of proposed ground levels in landscape areas adjacent to the building on all sides of the building. The public stair needs RLs top and bottom of each flight. Detailed RLs will be required around all street boundaries once RMS and Council road requirements are finalised.

Council's urban design consultant provided the following comments in response to the amended application.

- 1. Over-arching design quality policies for principles of Good Design - EP&A Act Part 1 cl 1.3 Object (g) is not demonstrated consistent with the NSW Planning's Planning Circular PS18/01 for Local Character; Better Placed Objective 1 for Better Fit; Objective 7 for Better Look and Feel; Evaluating Good Design Objective 1 Better Fit - design criteria (DC) 4, 5, 6, 7, 8, 9; Objective 3 Better for Community DC 2, 4, 7; and Draft Urban Design Guide Part 3 (p75-76) overarching considerations for Public Realm, Streetscape and Landscape Design Strategies (6) and (11), (13).**
- 2. Public domain interface along the Pacific Highway frontage – design resolution is unsatisfactory.**

The impact of the 4m RMS land acquisition is critical to the design response for the site. KDCP_LC 14D.4 (1) requires a 15m setback, which the applicant sought to vary at pre DA stage. A variation to setback from the existing site boundary was able to be supported on urban design grounds where the objectives for heritage could be demonstrated, and it would be possible for the public/private domain interface to be satisfactorily addressed. However, this variation had not accommodated a 4m land dedication that directly impacts on the pedestrian amenity of the public footpath, the ability to resolve the public domain interface between the boundary and building floor levels, and resolution of site geometry with proposed building mass above the podium level.

Figures 3, 4 and 5 in this report identify areas that either demonstrate the design of the public/private domain interface that are deficient as proposed or require further detail to demonstrate a functional and positive pedestrian streetscape design that satisfies new over-arching NSW design quality policies. (NOTE: Amendments to internal layout that now accommodates supermarket trolleys within the building is supported.)

No amendments have been made to the building form along the highway frontage in response to the confirmed 4m land dedication required for RMS road widening. The amendments have been confined almost entirely to ground works within a diminished public/private interface zone.

c) Relationship between the geometries of the ALDI pedestrian ramp and building mass of Unit 107 and above - is awkward. Resolution of the pedestrian ramp results in an awkward conflict at the junction of the ramp and building mass above that will be just above pedestrian eye-height. It will be prominent in the streetscape being at the most visible north-eastern corner and located on the new boundary line. This is largely a result of proposed floor levels of the ground floor supermarket and first floor residential above necessitating an excessively long ramp and resulting in a poor relationship of residential use to the ground plane in a B2 zone.

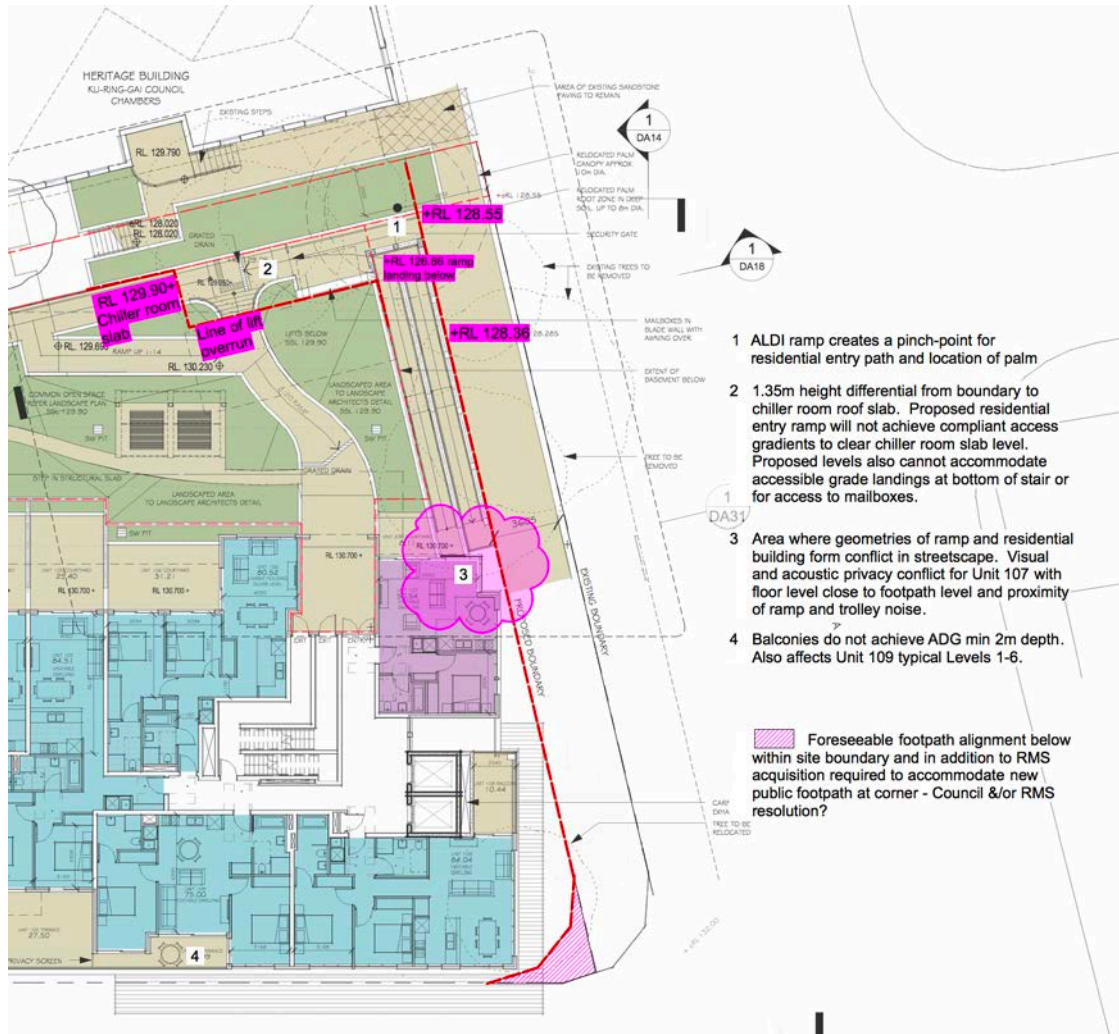


Figure 4: Excerpt DA06 (E) Level 1 - unresolved impacts to streetscape and access as identified

d) Extent of street activation remains largely below boundary ground levels along the Highway frontage – the effect is now exacerbated by the land acquisition because 4m of the site that had been available to resolve the disparate ground levels is no longer available. The supermarket floor level remains set too low across the sloping topography to achieve the desired character of an activated street frontage on this visually prominent site viewed from the public domain on all boundaries. Photomontage view DA28 (B) clearly demonstrates the lack of visual street activation. It appears as a

residential apartment development, which is inconsistent with the B2 zone and mixed-use development objectives. However, it should be noted that raising the supermarket floor level will then require a substantial redesign due to flow-on impacts to the podium footprint and interface relationship on all other public domain boundaries, and with the heritage item. Alternatively, the supermarket could be accommodated below the Pacific Highway level in a lower ground/basement level with an additional retail level of smaller tenancies above that would enable a direct engagement with the Highway frontage.



Figure 5: Excerpt DA28 (B) Photomontage – unsatisfactory street activation resulting from supermarket floor level below ground, lack of presence or definition of residential entry, and clear residential dominance in the primary streetscape

- e) *Supermarket entry ground levels – no RLs were provided to enable a full review of how the new boundary levels and supermarket entry demonstrate comfortable, inviting and safe pedestrian access. Much of the entry frontage appears will be steeply ramped due to the proposed supermarket floor level being too low.*
- f) *Activation of street frontage with ultimate pedestrian environment post RMS lane widening – no details are provided for the proposed RMS alignments and anticipated finished roadway and footpath levels. This may further impact on the streetscape character due to the 2-way cross fall in topography falling north to south and east to west. GANSW Draft Urban Design Guide for Streetscape, Landscape and the Public Realm at Design Strategies overarching considerations is that streets be considered in design as ‘places’ rather than just roads. The impacts to the pedestrian experience are critical to the success or otherwise of this mixed-use development.*
- g) *Streetscape interface with the Council Chambers heritage item – the ALDI ramp structure results in a poor ground plane relationship for the setting of the item. The amended alignments of the paths is supported, however, the design resolution of the ramp with the topography fails to achieve a desirable urban*

interface between the heritage item which impacts approximately 50% of the primary site frontage along the Highway.

Further, it appears the proposed ramps will not achieve the required clearances over structure and accommodate accessible gradients and required landings, which may additionally impact the relationship.

- h) Photomontages have not accommodated the additional traffic lane along the highway – needed to accurately represent future street character, and design response.*
 - i) Primary residential entry along the highway – is impacted by the access ramp, resulting in an unpleasant street address and building entry that is poorly defined and lacks clarity.*
 - j) Relocated palm – from an urban design perspective, the tree is important for the interface and setting of the heritage item and proposed new development. It helps also to create a focal point at the termination of Park Avenue as it intersects with the Pacific Highway.*
- 3. Height** – *proposed development significantly exceeds Ku-ring-gai's permitted maximum contrary to KLEP_LC cl 4.3 (2) which fails to satisfy 4.3 (1) objectives.*
- a) The overall development does not demonstrate that it achieves the minimum quality expected of all development in Ku-ring-gai. This is an important, visually prominent site in the public realm and demands an exemplary design response. Therefore, there are no urban design grounds on merit to warrant support of the variation.*
 - b) Overshadowing impacts appear to result for future redevelopment of The Gordon Centre opposite in Dumaresq Street.*
- 4. Balconies** – *Units 210, 310, 410, 510 and 605 do not achieve ADG 4E-1 (1) minimum balcony depth of 2m and Units 103, 107, 108 and 109 do not achieve 4E-1 (2) for minimum depth of 3m for ground level apartments.*
- 5. Insufficient information** – *Elevations provide no RLs which are needed to test survey levels resulting in the design being conceptual at best, no updated landscape plans, generally incomplete submission of supporting application documents.*

EXTERNAL REFERRALS

Roads and Maritime Service

The application was referred to the RMS under the provisions of clause 104 (traffic generating development) of SEPP (Infrastructure). In response RMS provided the following comment to the original application.

Roads and Maritime has reviewed the submitted documentation and noted that the traffic modelling was undertaken as per a future scenario which includes extensive road works within the Pacific Highway corridor including upgrade of Pacific Highway & Dumaresq Street intersection. However, currently there is no funding commitment to undertake these road works. Therefore, to understand the potential impact due to

the proposed development, it is necessary to undertake the modelling based on the current road configuration which would also include any interim measures (if needed) to mitigate the potential impact in the road network.

The modelling should be undertaken based on Roads and Maritime Guidelines and Technical Directions and if other/alternate rates are used it should be supported by survey to comparable sites. Upon receipt of this information, Roads and Maritime will resume the assessment of the application and provide a response accordingly.

In response to the additional information provided by the applicant the RMS provided the following response.

Roads and Maritime has reviewed the submitted application and the additional modelling information provided on 8 March 2018. Roads and Maritime further held a meeting with the developer inclusive of Council on 4 June 2018 and determined that the mitigation measures would be required to accommodate the proposed Aldi development at this site. To alleviate queuing on Pacific Highway southbound due to proposed development, the right turn bay shall be extended by 40 Metres at the full cost to the developer. It is further noted that all access to the site will be provided via the local road network from Radford Place. Therefore Roads and Maritime raises no objections to the development proposal subject to the following conditions being included in any determination issued by Council:

- 1. Roads and Maritime has previously acquired a strip of land for road along the Pacific Highway frontage of the subject property, as shown by blue colour on the attached Aerial – "X".*

A strip of land has previously been dedicated as Public Road by private subdivision (DP 768782), along the Pacific Highway frontage of the subject property, as shown by yellow colour on the attached Aerial – "X".

Therefore all buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Pacific Highway boundary.

- 2. Roads and Maritime is currently in the process of starting preliminary investigations for the Pacific Highway upgrade. The estimated road width is still unknown and further investigations are currently underway to determine what road cross section is required. Roads and Maritime will eventually manage the upgrade from a local road to a sub-arterial or arterial road, however the timing and design surrounding this upgrade is still not confirmed.*
- 3. The proposed extension of the right turn bay on Pacific Highway shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.*

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

4. *The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.*

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

Details should be forwarded to: Suppiah.Thillai@rms.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

5. *Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system in Pacific Highway are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.*

Details should be forwarded to: Suppiah.Thillai@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

6. *All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pacific Highway.*
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 a Construction Certificate.*
8. *A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pacific Highway during construction activities.*

As the comments from RMS were unclear, particularly in relation to point 2 and whether any of the subject site would be required for road widening, further clarification was requested from RMS. RMS provided no further clarification of the requirements for the subject site in terms of road widening.

The final set of amended plans, which incorporate 4m of road widening along the Pacific Highway frontage of the site, were provided (partly) in response to RMS comments dated 29 June 2018, where RMS (amongst other things) advised that it is investigating road widening improvements to Pacific Highway and while it does not have details on the extent, advised that it is likely that the site frontage of 810 Pacific Highway would be impacted.

While the amended plans would satisfy future RMS road widening requirements, RMS has not indicated that concurrence would be provided for required works to Dumaresq Street and the modification of the traffic signals (and associated road markings) at the intersection of Pacific Highway and Dumaresq Street, which were deemed necessary by the applicant's traffic engineer (on 21 March 2018) to reduce queue lengths in Dumaresq Street for traffic waiting to turn onto Pacific Highway.

It is also worth noting that while the applicant's proposal to modify the traffic signals (and associated road markings) at the intersection of Pacific Highway and Dumaresq Street was supported by traffic modelling that demonstrated the resulting level of service at the intersection, there was no information on the resulting average queue length.

In the absence of such concurrence from RMS and even if a deferred commencement condition were proposed requiring approval from the RMS to be obtained, there is no certainty that RMS will approve the works necessary to reduce the queue lengths in Dumaresq Street.

Unless the queuing length is shortened, the proposed development will result in unacceptable delays to traffic entering and exiting the Gordon Centre and Radford Place (impacting the subject development and adjoining sites which also access from Radford Place, including Council).

Water NSW

The application was referred to Water NSW as 'integrated development' as it was considered to be likely to be an aquifer interference activity. In response, Water NSW provided General Terms of Approval which should be included in any consent issued.

Ausgrid

The application was referred to Ausgrid pursuant to clause 45(2) of SEPP (Infrastructure) due to the existing infrastructure on the site. Ausgrid provided the following comments.

The assessment and evaluation of environmental impacts for a new development consent (or where a development consent is modified) is undertaken in accordance with requirements of Section 4.15 of the Environmental Planning and Assessment Act 1979. One of the obligations upon consent authorities, such as local councils, is to consider the suitability of the site for the development which can include a consideration of whether the proposal is compatible with the surrounding land uses and the existing environment.

In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

There are existing electricity substation assets A kiosk substation is located at the end of Radford Place Gordon.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances

which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Any portion of a building other than a BCA class I0 structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/1 20/1 20. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

STATUTORY PROVISIONS

State Environmental Planning Policy No. 55 - Remediation of Land

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

A Phase I Environmental Site Assessment was prepared by EIS, dated 14/9/16, which identified the that site did not have a risk of PASS onsite but had a history of a car park, battery service station and motor services station, with fill of potential unknown source and as such was potentially contaminated. As such a Phase II report was recommended.

A Phase II Environmental Site Assessment report was prepared by EIS, dated 9.12.16, after the carrying out of soil sampling onsite. The site was found to be contaminated with zinc and TRH(F1), with the ground water having elevated levels of copper/nickel, benzene, ethylbenzene, naphthalene, TRH and benzo(a)anthracene. As such the site will require remediation and the preparation of a Remedial Action Plan (RAP) was recommended. Section 10.1 of the report recommended that prior to the preparation of the RAP *“a supplementary site assessment should be undertaken to characterise the nature and extent of the impact from the volatile contaminants. The investigation should be designed to inform a Quantitative Human Health Risk Assessment”*.

As such any consent issued should require the preparation of the RAP, subject to the recommendations in Section 10.1 of the report, the remediation of the site and the issuing of a validation report in relation to the remediation works prior to the release of a construction certificate for the building works (other than demolition).

State Environmental Planning Policy 64 – Advertising and Signage

SEPP 64 is applicable to the proposed signage. The application includes:

- (i) One 2.5m x 2m Aldi logo sign on the Dumaresq Street elevation of the projecting residential lift at the front of the building
- (ii) One 4m x 3m Aldi Logo sign with direction sign for parking below on the first floor level façade of the supermarket on the Dumaresq Street elevation near the corner with Radford Place
- (iii) One 4m x 3m Aldi Logo sign with direction sign for parking below on the first floor level façade of the supermarket on the Radford Place elevation near the corner with Dumaresq Street
- (iv) One 2.5m x 2m Aldi logo sign on the Pacific Highway elevation of the projecting residential lift at the front of the building

The signs are not dimensioned and the dimensions are scaled from the plans and as such are only approximate.

The following provisions of SEPP 64 are applicable to the assessment of the signage.

Prior to granting consent for signage it must be consistent with the objectives of SEPP 64 as follows:

- (a) *to ensure that signage (including advertising):*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*

The signage is simple, of appropriate size and design and is appropriately located on the facade, being of a size that will not be intrusive in the streetscape

- (b) *to regulate signage (but not content) under Part 4 of the Act, and*

Noted.

- (c) *to provide time-limited consents for the display of certain advertisements, and*

The signage is for business identification and, as such, is not an advertisement.

- (d) *to regulate the display of advertisements in transport corridors, and*

The signage is for business identification, not an advertisement.

- (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

The signage does not constitute advertising, being business identification signs.

Further, SEPP 64 requires assessment of any sign against the Schedule 1 Assessment Criteria, which is provided following.

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 signage is appropriate to and compatible with the area. There is no theme for outdoor advertising in the locality.

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 signage will not detract from the amenity or visual quality of any of the identified areas, being of reasonable size and location.

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 is located on the building facade and as such does impact any of the above.

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 sign is appropriate to the streetscape and form of the development and appropriately identifies the use of the site without clutter or unsightliness. The signs do not require ongoing vegetation management or protrude above structures or buildings in the area.

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 signage is compatible with the scale of the building and respects the important features of the building.

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?*

The signage is not advertisement, being a business identification signage.

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?*

No information is provided in relation to illumination of the signage. A condition of any consent would require that the signage not be illuminated.

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 will have no detrimental implications for safety.

SEPP 65 – Design Quality of Residential Apartment Development

As the proposal is for buildings containing three or more storeys and four or more residential apartments, the provisions of SEPP 65 and the *Apartment Design Guide* are relevant to the assessment as the application. The Plan sets aims and design principles as well as standards that cannot be used as grounds for refusal. These design principles are detailed and discussed following, together with consideration of the requirements of the *Apartment Design Guide*. Ku-ring-gai Council does not have a design review panel referred to under Clause 27.

Principle	Proposed
Context and neighbourhood character	
<i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and character they create when combined. It also includes social, economic, health and environmental conditions.</i>	Insufficient detailed information resolving ground levels that would demonstrate the proposed development adequately addresses street activation and a satisfactory footpath pedestrian environment.
<i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent</i>	No information was submitted regarding how the development has considered and responded to likely impacts resulting from future RMS road widening of the Pacific Highway.

<p><i>sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>The impact of the 4m RMS land acquisition is critical to the design response for the site. KDCP_LC 14D.4 (1) requires a 15m setback, which the applicant sought to vary at pre-DA stage. A variation to the setback from the existing site boundary could potentially be supported on urban design grounds where the objectives for heritage could be achieved and if a satisfactory public/private domain interface is achieved.</p> <p>However, the front setback is not supported as the private/public domain interface post road widening has not been satisfactorily resolved.</p> <p>The current design provides a supermarket floor level with a poor relationship to the future footpath level, providing both poor activation of the streetscape (which is a requirement of the LEP) and an inappropriate form of accessible access, which detrimentally impacts the streetscape of this important site within the streetscape.</p> <p>ALDI access ramp creates an unpleasant interface relationship affecting approximately 40% of the primary street frontage. This detrimentally impacts how the site is perceived from the footpath and also the foreground views to the heritage item as viewed from the corner of Pacific Highway and Dumaresq Street, failing to satisfy the objective of the setback provisions of the DCP.</p>
<p>Built form and scale</p>	
<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>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.</i></p>	<p>The proposed development significantly exceeds Ku-ring-gai's permitted maximum under the LEP.</p> <p>The overall development does not demonstrate that it achieves the minimum quality expected of all development in Ku-ring-gai. This is an important, visually prominent site in the public realm and demands an exemplary design response. Therefore, there are no urban design grounds on merit to warrant support of the variation of the height control.</p>
<p>Density</p>	
<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the</i></p>	<p>The proposed development is consistent with the FSR control contained in the LEP and as such the density is appropriate to the site. However, the expression of height and bulk on the site resultant from the density is unsatisfactory, due largely to the significant</p>

area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	above ground (at the rear) loading level.
Sustainability	
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>A BASIX certificate has been provided with the application.</p> <p>The assessment of the design of the development with regard to solar access and cross ventilation is addressed following in relation to the Apartment Design Guide and is acceptable, subject to conditions.</p>
Landscape	
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>Concerns are raised with the landscape design of the proposal which have been specified in the referral response of Council's Landscape Assessment Officer.</p>
Amenity	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The amenity of the proposed building is generally acceptable, providing for an appropriate level of solar access, natural ventilation, privacy and outlook. Concern is raised in relation to the visual privacy of Apartment 107 as viewed from the widened footpath on Pacific Highway</p> <p>The layout of the dwellings is appropriate and generally compliant with the design criteria of the Apartment Design Guide, subject to recommended conditions of consent, which include the widening of a number of balconies to be compliant with the ADG minimum width criteria.</p>

Safety	
<p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>The development is appropriately designed in relation to safety, with casual surveillance of all road frontages and the internal ground level communal open space.</p> <p>However, concern is raised in relation to the pedestrian safety, with the development providing unsafe gradients for entry at the corner of Dumaresq Street and the Pacific Highway.</p>
Housing diversity and social interaction	
<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>The proposal provides a reasonable mix of dwelling sizes and an appropriate level of accessible apartments, subject to a condition of consent for all Platinum Level units to have Final (As-Built) Liveable Housing Australia certification prior to an Occupancy Certificate being issued.</p>
Aesthetics	
<p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<p>The design of the facades and roof form is appropriate, subject to the resolution of the access to the supermarket as previously discussed.</p> <p>Further detail is required to demonstrate context within the streetscape for resolution of street alignments, and continuous awnings to the south along the Highway.</p>

Apartment Design Guide

Design Criteria	Required	Proposed	Compliance
2E - Building Depth	12m – 18m	Approximately 18-29m	No , the width of the front and rear portions of the building is increased by the design option of placing the lift towers at the edges of the building, rather than internally.

			However, this does not result in unacceptable amenity impacts and as such is acceptable.
3B – Orientation	Designed to optimise solar access and minimise overlooking 4 hours solar access retained to solar collectors of neighbouring buildings or does not further reduce solar access by more than 20%	Solar access to the proposed dwellings has been appropriately maximised. The proposal will not result in the loss of solar access to solar collectors of neighbouring buildings.	Yes
3C – Public Domain Interface	Direct street entry to ground floor apartments Balconies/windows orientated to overlook the public domain Front fence design is permeable Opportunities for concealment minimised Services concealed Access ramps minimised	No ground level apartments other than to the north, each of which has access to a courtyard but no access from the street as they don't front the street. Balconies and windows are oriented to overlook the public domain. The front fence is elevated above podium level. The design does not provided any areas for concealment. No details provided. The access ramp provided to the supermarket is inappropriate and excessive in length. Concern is raised that the access ramps to the residential entry do not satisfy the required grades.	No but acceptable Yes The overall height of the fence on the retaining wall is unacceptable given the lack of landscaped screening. Yes No
3D – Communal Open Space	Min. 25% (589.25m ²) Min dimension of 3m Consolidated area Equitable access	576m ² provided	No , deficient by 13.25m ² (note, would comply after road widening)

	Min 2h to 50% communal open space at mid-winter	Adequate solar access to ground level COS	Yes
3E – Deep Soil Zones	Min. 7% (164.99m ²) > 1,500m ² 6m min. dimension	104m ² (note, much of the area is below 3m in width)	No
3F – Visual Privacy	Up to 4 storeys 12m between habitable rooms/balconies <ul style="list-style-type: none"> 6m between habitable rooms/balconies 3m between non-habitable rooms 5-8 storeys <ul style="list-style-type: none"> 9m between habitable rooms/balconies 4.5m between habitable rooms 	The separation distances to all street frontage are compliant. The separation distance from the northern boundary are compliant other than in relation to the north-western apartment at Levels 1-5 where the apartment is setback a minimum of approximately 5.6m to the balcony and 6m to the wall.	Yes No , breach of approximately 0.4m to the balcony on Levels 1-2 and 3.4m to the balcony and 3m to the wall at levels 3-5. The variation is reasonable as privacy screens are proposed along the side of the balcony and window to protect the privacy of the apartment and future development on the adjoining site.
3G – Pedestrian Access and Entries	Entry addresses public domain Clearly identifiable Steps and ramps integrated into building design	The entry to the building is problematic due the floor level of the supermarket and the ramp compromises the sense of entrance to the residential portion of the development.	No
3H – Vehicle Access	Integrated into façade Visual impact minimised Entry behind the building line or from secondary frontage Clear sight lines Garbage collection screened Pedestrian and vehicle access separated	The car parking is located below ground level with entrance from Radford Place. Appropriate sight lines are available Garbage is stored within the building. Vehicular and pedestrian access is appropriately separated.	Yes Yes Yes Yes
3J – Bicycle and Car Parking	Within 800m (walking distance) of a railway station:	Site is within 800m of Gordon Railway Station	Yes for residential No for Visitors

	<p>Min. RMS Rate Applies:</p> <p><u>20 or more units:</u></p> <p>1 bedroom: 0.6 spaces 2 bedroom: 0.9 spaces 3 bedroom: 1.4 spaces Visitor 1 per 5 units Parking facilities for motorbikes and bicycles</p>	<p>Required</p> <p>9 x 1 bed = 5.4 39 x 2 bed = 35.1 8 x 3 bed = 11.2 Residential 52 spaces Visitor 56/5 = 11.2 spaces Provided 61 residential spaces 9 visitor spaces</p>	
4A – Solar and Daylight Access	<p>Min. 70% (40/56 units) receive 2 hours solar access</p> <p>Max. 15% units (8/56 units) have no solar access</p> <p>Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited</p> <p>Design incorporates shading and glare control</p>	<p>45/56 (80%) apartments receive 2 hours of solar access</p> <p>6/56 (11%) of apartments do not receive solar access in midwinter</p> <p>No light wells proposed</p> <p>No information provided</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Unknown</p>
4B – Natural Ventilation	<p>Min. 60% (34/56 apartments) are cross ventilated in first 9 storeys</p> <p>Cross-over/Cross-through Max 18m depth</p> <p>Light wells are not the primary source of ventilation for habitable rooms</p> <p>Single aspect units have limited depth to maximise ventilation</p>	<p>50/56 (89%) apartments cross ventilated</p> <p>No apartments greater than 18m in depth</p> <p>No light wells</p> <p>Single aspect apartments limited in depth</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4C – Ceiling Heights	<p>Habitable: 2.7m</p> <p>Non-habitable: 2.4m</p> <p>Mixed Use: 3.3m ground floor</p>	<p>3.2m floor to floor for residential</p> <p>Ground floor 5m floor to floor</p>	<p>Yes</p> <p>Yes</p>
4D – Apartment Size and Layout	<p>Studio: 35m² 1 bed: 50m² 2 bed: 70m² 3 bed: 90m²</p> <p>Additional bathrooms +5m²</p>	<p>All apartments are compliant</p>	<p>Yes</p>

	<p>Each habitable room must have a window > 10% floor area of the room.</p> <p>Habitable room depths =max 2.5 x ceiling height</p> <p><u>Or</u> if open plan layout =max 8m from a window Master bed: min 10m² Other bedroom: min 9m² Living room min. width: Studio and 1 bed: 3.6m 2 and 3 bed: 4m Crossover/through: min 4m</p>		
4E – Private Open Space and Balconies	<p>Studio: 4m²</p> <p>1 bed: 8m², min depth 2m</p> <p>2 bed: 10m², min depth 2m</p> <p>3 bed: 12m², min depth 2.4m</p> <p>Ground floor apartments 15m², min 3m</p>	All apartments comply with the minimum area requirement, but Apartments 109, 210, 310, 410, 510 and 606 fail in relation to the minimum depth of 2m	No. However, if the 2 nd bathroom was deleted and the bedroom recessed such that the entire balcony was 2m wide, the balconies would be acceptable and this could be a condition(s).
4F – Common Circulation and Spaces	<p>Max 8 apartments off a single core</p> <p>> 10 storeys: max 40 units/lift</p>	<p>A maximum of 5 apartments are provided off a single core.</p> <p>The building is not >10 storeys</p>	<p>Yes</p> <p>N/A</p>
4G – Storage	<p>Studio: 4m³</p> <p>1 bed: 6m³</p> <p>2 bed: 8m³</p> <p>3 bed: 10m³</p> <p>At least 50% within the basement</p>	Inadequate information is provided, however, storage areas are provided in the basement.	No
4H – Acoustic Privacy	<p>Orientate building away from noise sources</p> <p>Party walls limited or insulated, like rooms together</p> <p>Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms</p>	Acoustic report provided which indicated satisfactory acoustic privacy will occur.	No
4J – Noise and Pollution	Site building to maximise noise insulation	See above comments.	Yes

	Noise attenuation where utilised necessary	Attenuation necessary for noise from Pacific Highway	
4K – Apartment Mix	Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building	An appropriate mix of dwellings is provided which are distributed throughout the buildings.	Yes
4L – Ground Floor Apartments	Direct street access Casual surveillance whilst providing privacy	No ground floor apartments have direct street access as no apartments are at ground level facing a street. Casual surveillance is provided to adjoining streets and the common open space.	Yes
4M – Facades	Composition of building elements Defined base, middle and top Building services integrated into the façade	Other than the relationship of the supermarket with the Pacific Highway street frontage the composition of the development is appropriate.	Yes
4N – Roof Design	Roof design integrated into the building Incorporates sustainability features May include common open space	The roof design is appropriate and incorporates a communal open space area.	Yes
4O – Landscape Design	Responsive to streetscape Viable and sustainable	See landscape comments	No
4P – Planting on Structures	Appropriate soil profiles and structural design Irrigation and drainage systems	See landscape comments	No
4Q – Universal Design	At least 20% of units (12 or 56 apartments) to achieve silver level universal design requirements for adaptability	17/56 (30%) apartments are proposed at Silver or higher level	Yes
4U – Energy Efficiency	Adequate natural light to habitable areas Adequate natural	Adequate natural light and ventilation are provided for all	Yes

	ventilation Screened areas for clothes drying Shading on northern and western elevations	apartments. Screened clothes drying areas are required to be provided for each apartment, but are not shown.	No
4V – Water Management and Conservation	Efficient fixtures/fittings WSUD integrated Rainwater storage and reuse	See comments from development engineer	No
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	Satisfactory subject to conditions	No
4X – Building Maintenance	Material selection reduces ongoing maintenance costs	Materials proposed are generally satisfactory.	Yes

State Environmental Planning Policy (Infrastructure)

The application was referred to Ausgrid pursuant to clause 45(2) of SEPP (Infrastructure) due to the existing infrastructure on the site. Ausgrid have raised no objection to the proposal, subject to conditions.

Clause 102 requires Council to take into consideration the impact of road noise upon the amenity of dwellings when assessing an application for residential development that adjoins a road that carries more than 40,000 vehicles per day, which is applicable in this case. An Acoustic Assessment was prepared by Koikas Acoustics (Ref: 3298R20171025jt810PacificHighwayGordon), dated 29 November 2017, however it refers to architectural drawings from 2016 and not the amended application. Accordingly, a condition of consent would be necessary to require an updated acoustic report to be prepared prior to the issue of a construction certificate to address the amended application plans.

The application was referred to the RMS under the provisions of clause 101 (site with frontage to a classified road) and 104 (traffic generating development) of SEPP (Infrastructure). A final response to the amended application has not been received from RMS at the time of writing of this report, as is otherwise discussed earlier in this report.

SEPP (BASIX)

All housing in NSW is required to meet a designated target for energy and water reduction.

A BASIX Certificate was submitted with the amended application which indicates that the proposal meets the required reduction targets and an appropriate condition of consent may be imposed to ensure future compliance with these targets.

Concerns have been raised in relation to the consistency between the BASIX Certified plans and the amended plans the subject of this report (see landscape comments).

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. Given the proposed soil and sedimentation controls, there will be no impact on downstream waterways during construction.

Ku-ring-gai Local Environmental Plan (Local Centres) 2012

Zoning and Permissibility

The subject site is zoned B2 Local Centre under the Ku-ring-gai Local Environmental Plan (Local Centres) 2012. The proposed use is defined as commercial premises and shop top housing, both of which are nominated uses which are permissible uses with consent.

Objectives of the Zone

The objectives of the B2 Local Centre zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for residential housing close to public transport, services and employment opportunities.*
- *To encourage mixed use buildings that effectively integrate suitable business, office, residential, retail and other development.*

The proposal is consistent with the objectives, providing for a retail facilities and residential accommodation in proximity to public transport opportunities.

Part 4 Principal Development Standards

Development Standard	Proposed	Complies
Cl. 4.3 Building Height – 26.5m	31.1m	No
Cl. 4.4 Floor Space ratio – 3:1	2.98:1	Yes

Clause 4.6 – Exceptions to development Standards

Height of Buildings Clause 4.3 of LEP 2012 sets a maximum height control of 26.5m. The proposal has maximum heights as follows:

Roof to western portion of building

RL 146.7 - 28.7m – breach 2.2m

Roof to eastern portion of building	RL 153.5 - 31.1m – breach 4.6m
Western lift overrun	RL148.0 - 29.6m – breach 3.1m
Eastern lift overrun	RL 154.4 – 30.9m - breach 4.4m
Mechanical plant on western portion of building	RL148.4 – 29.6m – breach 3.1m
Mechanical plant on eastern portion of building	RL153.0 – 29.5m – breach 3m

The applicant has submitted a clause 4.6 variation request to the height control applicable to the site. Clause 4.6 permits variations to development standards, subject to a written request from the applicant satisfying the provisions of the clause. The building height control is a numerical development standard, being consistent with the definition of “*development standards*” contained within Section 1.4(1) of the Environmental Planning and Assessment Act and is not a prohibition.

The clause 4.6 variation request provided by the applicant offers the following justification (summarised) for the breach of the height control.

- The maximum breach is 5.11m at the south-western elevation and 0.9m at the eastern and western elevations at the top of the lift shaft.
- The breach of the height does not result in a breach of the FSR control and, as such, the impacts of the variation are negligible, particularly when considering the future character of the Gordon Local Centre and the expected population growth in the area.
- The proposed development benefits the Gordon Local Centre through the provision of an additional anchor store which will increase customers to Gordon.
- The design of the development benefits the adjacent heritage listed Council Chambers through the landscape buffer.
- The design will not result in detrimental impacts upon local amenity or any sensitive land uses such as open space or heritage impacts.
- The development is in keeping with the desired future character of the Gordon Local Centre being a local retail hub.
- The site's proximity to local services, retail and the Gordon Railway Station means it is an ideal strategic location to increase population density within the Ku-ring-gai LGA, increasing use of walking and public transport.
- The proposed height provides a transition from the 38.5m maximum height of the Gordon Centre, satisfying the objective of the height control.
- The development will increase the housing choice in the area which is characterised by large amounts of established, low-density housing.
- The development provides a large area of communal open space and improved pedestrian link between Pacific Highway and Radford Place, allowing the development to make a bold new statement on its prominent corner position.
- The frontages to Pacific Highway and Dumaresq Street provide street activation.
- Adequate planning grounds exist to vary the control because the proposal is consistent with the objectives of the B2 zone as it will provide employment in an accessible location, maximise public transport patronage and encourage walking and cycling, provide for residential housing close to public transport and employment and be a mixed use building.
- Contravention of the height control will allow the provision of seven levels of residential apartments above the ground floor, thus providing a greater housing supply and choice to assist in achieving the regional housing targets.
- The extent of variation is minimal.
- The site slopes steeply from its front boundary to the rear and therefore a minor contravention of the height control enables the building to respond to the topography appropriately.

- The development of an Aldi supermarket will provide more competition which will provide many multiplier benefits to the Gordon Local Centre.
- The variation will result in a better planning outcome when compared to a compliant scheme as it allows a viable mixed use development of the site which protects the heritage significance of the adjacent Council chambers which is in the public interest.

Assessment of variation request

Clause 4.6 has objectives as follows:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(3) requires the clause 4.6 variation request to justify contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Further, clause 4.6(4) requires the consent authority must not grant consent to a development that contravenes a development standard unless it is satisfied that:

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

and concurrence has been received. In this case the Panel does not need the concurrence of the Secretary and can assume concurrence. However, clause 4.6(5) requires consideration of the following when considering whether to grant concurrence:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

In assessing whether the proposal with significant breaches in the height control, of up to 4.6m when assessed based on the survey plan and the proposed RLs on the architectural plans, seeks an appropriate degree of flexibility and achieves a better outcome than a complaint development, the reasons for the variation are relevant.

As indicated by the applicant, the proposal complies with the maximum FSR for the site and as such the breach of the control does not result from a desire to provide floor space in excess of that permitted for the site. It is noted, however, that the GFA definition does not include the majority of the loading dock level which has a floor to floor height of 5.5m. Whilst this space is not included as GFA, as it is wholly above

ground level (at the rear of the building), it effectively raises the height of the building by 5.5m above that which would normally be expected of a building with a compliant GFA, particularly at the rear. It is therefore considered that the breach of the height control being sought is resultant from three key elements.

The site is steeply sloping away from the Pacific Highway frontage and is significantly lower at the rear and this is the first key element.

The second key element is that the application is for a supermarket. A supermarket, usually but not always, has a single large level floor plate which is difficult to achieve on a steeply sloping site and results in the design approach seen in the subject application of a supermarket which has a floor below the footpath level in Pacific Highway by up to 2.5m, above the footpath level in Dumaresq Street by up to 6.5m and above the footpath level in Radford Place by up to 7.2m. The use for a supermarket also requires significantly larger loading and goods handling areas than other uses in a mixed use development, which needs to be provided with significant floor to ceiling height to allow large trucks to enter the site. As can be seen in the following figure (figure 6) which shows the areas of the loading level of the development which are included in the definition of GFA, the significant majority of this level is excluded from the FSR calculation. As such, whilst the applicant is correct in stating the proposal is compliant with the FSR, simple compliance does not tell the full story in relation to the height and bulk of the proposed development. As can be seen from the rear elevation, the first 7m of height of the building is largely not included in FSR calculation, but it does significantly add to the height of the development.

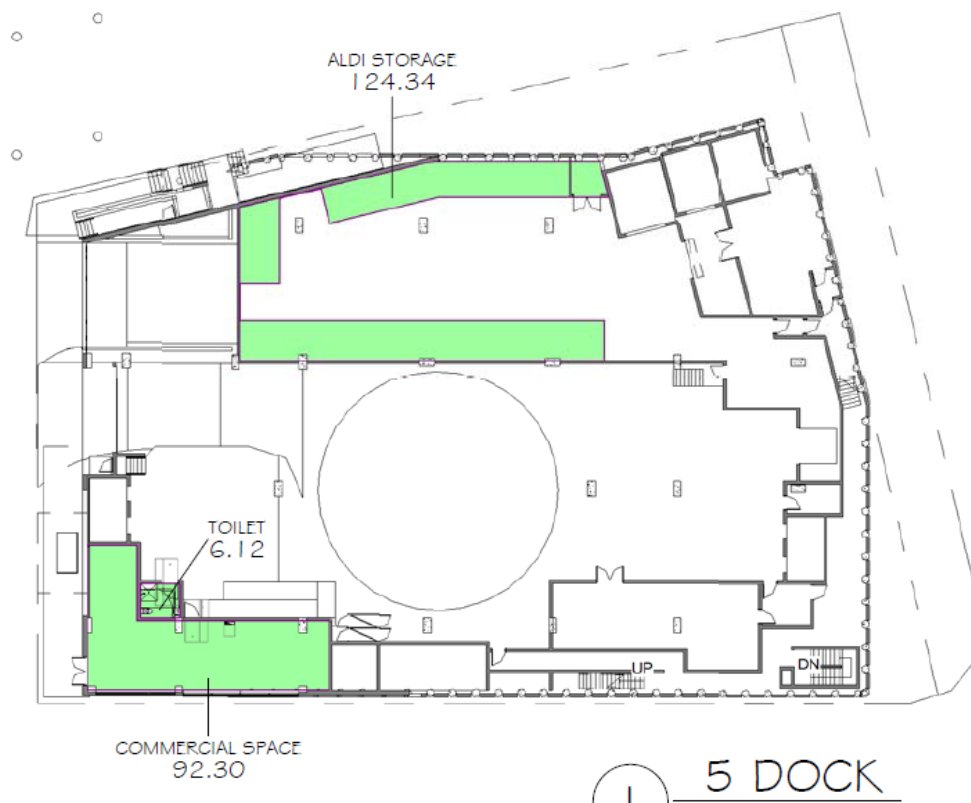


Figure 6: Calculation sheet for GFA showing much of the loading level is not included in the calculation of GFA but adds to the height and bulk of the building

The third key element is the applicant's choice to provide a lesser setback to Pacific Highway than that required in the DCP and a significantly greater one than required in the DCP from the northern boundary. This design choice, apart from making it more difficult to provide appropriate accessibility into the supermarket, narrows the building, which in order to achieve the maximum FSR, pushes the development higher.



Figure 7: Rear elevation of proposal – red line denotes ceiling level of loading area, most of which is excluded from definition of GFA but adds to the height and bulk of the building

Whilst a supermarket is permissible in the zone, the site is not a suitable one for the development as proposed, seeking a supermarket over one level on a steeply sloping site, with very large loading and goods handling area and residential accommodation in the form chosen. It is the design choices for the proposal that result in the significant height breach and the design choices also result in a development with poor activation to Pacific Highway, a poor sense of address to the residential component and poor accessibility to the supermarket and residential entry.

An alternative design could potentially overcome these concerns and comply with the height control whilst still achieving a similar GFA. For these reasons it is not considered that the clause 4.6 has established that breaching the control is necessary or reasonable on this site or that it results in a better outcome than a compliant development. In the absence of a well-founded argument for the breach, it is not in the public interest to vary the control to the extent sought as such variations may lead to the abandonment of the control.

It is also noted that there appears to be an error in the clause 4.6 request as it refers to minimum subdivision requirements. This appears to be an error that potentially resulted from “cutting and pasting” another document. It is therefore not well founded.

Part 5 Miscellaneous Provisions

Heritage Conservation Clause 5.10 of LEP 2012 requires consideration to be given to the impact of development within the vicinity of items of heritage. The impact of the proposal upon the adjoining heritage item (Council Chambers) has been assessed by

Council's Heritage Advisor as unsatisfactory for the reasons stated previously in this report.

Part 6: Additional Local Provisions

Earthworks Clause 6.1 of LEP 2012 provides the following matters for consideration in relation to applications for earthworks:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

The development application was accompanied by a geotechnical report which assessed the impact upon soil stability and GTAs have been issued by Water NSW addressing the impact of interception with the water table on the drainage pattern.

- (b) the effect of the development on the likely future use or redevelopment of the land,*

The excavation is proposed in conjunction with the redevelopment of the site.

- (c) the quality of the fill or the soil to be excavate, or both,*

The site has been identified as being contaminated and will require remediation to make it suitable for the proposed land uses. Conditions are required for any consent issued in relation to the preparation of a RAP, the remediation and validation of the site and the need for testing of the soil for contamination and classification prior to its disposal.

- (d) the effect of the development on the existing and likely amenity of adjoining properties,*

The amended development is unlikely to have any detrimental impacts upon adjoining properties, subject to appropriate building methods being used. Dilapidation reports would be required by a condition of consent for adjoining sites and infrastructure, including Ausgrid and RMS infrastructure.

- (e) the source of any fill material and the destination of any excavated material.*

No fill material is proposed to be imported. A condition may be imposed requiring testing of the soil for contamination and classification prior to its disposal.

- (f) the likelihood of disturbing relics.*

The site is not likely to contain any archaeological relics due to its location and disturbed nature.

- (g) The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.*

The site is not located in proximity to any waterway, drinking water catchment or environmentally sensitive area and subject to appropriate erosion measures during construction will not detrimentally impact any such area.

Stormwater and Water Sensitive Urban Design Clause 6.2 of LEP 2012 provides the following matters for consideration in relation to applications:

(a) water sensitive urban design principles are incorporated into the design of the development, and

The stormwater design has been assessed by Council's Development Engineer who is not satisfied with the water sensitive urban design aspects of the proposal.

(b) riparian, stormwater and flooding measures are integrated, and

The site is not in proximity to riparian land and is not flood prone.

(c) the stormwater management system includes all reasonable management actions to avoid any adverse impacts on the land on which the development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems, and

The site is not located adjacent to and does not include native bushland or waterways. The stormwater design has been assessed by Council's Development Engineer who is not satisfied the proposal will not have an unacceptable impact upon adjoining properties or the groundwater system.

(d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimizes and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways and groundwater systems.

See above comment.

Ground Floor Development in Business Zones Clause 6.6 of LEP 2012 applies to land zoned B2 and requires that consent shall not be granted to development for the purposes of a commercial premises unless the ground floor of the building will not be used for the purposes of residential accommodation or a car park and *"will provide uses and building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building"*. This provision does not apply to parts of the building that provide a lobby for residential or commercial components of the building, access for fire services, vehicular access or faces a service lane that does not require active street frontages. The objective of the control is as follows:

"To ensure that active uses are provided at the street level in business zones to encourage the presence and movement of people."

The amended application has provided an improved level of activation to Dumaesq Street and the Pacific Highway in terms of the length of each façade which is provided with full length windows.

The Pacific Highway frontage of the site is provided for the entire frontage with full height windows other than for the lift core to the residential component, however the windows are located between 0.9m – 2.7m below the ground level of the existing footpath. With the proposed road widening, and assuming the relocated footpath continues at the existing levels, the activated façade will be set back between 10m (for the portion 0.9m below the footpath level) to only 3m (for the portion 2.7m below footpath level – with a two way ramp between the footpath and windows).

The change in level and provision of a planter box at the footpath edge, along with the accessible ramp, dilutes the effectiveness of the activation of the street frontage to the Highway. A more appropriate design would increase the floor level of the supermarket to more closely respond to the footpath level, however this would have unacceptable height impacts with the current design as the building would need to be raised in the order of 1m-1.2m to provide a more acceptable height relationship between the private and public domains. As such, resolving the activation issue to the Pacific Highway would require a different design approach for the development of the site with a supermarket.

Approximately 50% of the Dumaresq Street frontage is activated with full height windows above, but in close proximity to the ground level of the footpath. The remainder of the frontage is occupied by fire egress, a hydrant/sprinkler room and a fire control centre and a wall of the supermarket of approximately 8m length with only highlight windows. The Dumaresq Street frontage is considered to comply with the requirements of the clause other than the 8m length of wall highlight windows and any consent issued should include a requirement for full height glazing to the 8m length of wall.

POLICY PROVISIONS

Ku-ring-gai Local Centres Development Control Plan 2016

The relevant provisions within Section A of the DCP include Part 8 – Mixed Use Development and Part 12 – Signage and Advertising, within Section B include Part 14D – Gordon Local Centre and within Section C include Part 21 – General Site Design, Part 22 – General Access and Parking, Part 23 – General Building Design and Sustainability and Part 24 – Water Management, the relevant parts of which are addressed following.

Development Standard	Proposal	Complies
Section A Part 8 – Mixed Use Development		
8A.1 – Local Character and Streetscape		
1. Must be designed by architect.	The proposal is designed by an architect.	Yes
2. Design based on existing high quality characteristics of neighbourhood.	The design is of appropriate design, other than in relation to its height, front setback and ground level interface.	No
3. Visual character to be maintained by consideration of visibility from street and adjoining sites and relationship to scale, layout and character of streetscape.	Relationship at ground level to streetscape is unacceptable.	No
4. Consider predominant high quality characteristics in site analysis.	See above comments.	No
5. Integrate with surrounding sites by appropriate scale, minimising overshadowing, integrating built form and soft landscaping.	Height and landscaped setting are not acceptable.	No
6. Visually prominent sites to be:		

<ul style="list-style-type: none"> • of high architectural and aesthetic design, • avoid tall and bulky structures through integration with landscaping, • use colours and finishes sensitive to locality, • retain significant landscaping, • consider view impact, and • soften visual impact with extensive landscaping. 	The site is visually prominent and the ground level/public domain interface has not been appropriately resolved.	No
<u>8A.2 Site Layout</u> 1. Site layout to demonstrate clear and appropriate design strategy. 4. Building to address street. 5. Where more than one street frontage the building shall address and provide entry points from all streets. 7. Hard landscaping to be minimised. 9. Single pedestrian entry point from street.	The site layout is problematic with the non-compliance with the 15m setback requirement resulting in poor private/public domain interface at the ground level. The building addresses the streets, but the ground level at the Pacific Highway frontage is too low. Entry points are provided from two streets. Hard landscaping has not been minimised at the Pacific Highway frontage. Single pedestrian entry from both streets.	No Yes Yes No Yes
<u>8A.3 Building Setbacks</u> 1. In B2 zone zero setback from street unless identified otherwise in Part 14. 3. In B2 zone no setback required to rear or side unless identified otherwise in Part 14. 4. Where building separation is provided for residential component requires compliance with Part 8A.4.	See assessment of setbacks from Pacific Highway and Radford Place in relation to Part 14 later. Nil setback proposed to Dumaresq Street. Setback from northern boundary complies. Overridden by SEPP 65.	No – Pacific Highway Yes N/A
<u>8A.4 Building Separation</u> 1. Sets separation requirements consistent with ADG for residential components.	See assessment under SEPP 65.	No
<u>8A.5 Wind Impact</u> 1. Location and design of buildings to ensure public pedestrian areas, COS and terraces are protected from wind generation and speed. 2. Integrate wind deflection features to ensure amenity of open space.	The application does not provide any information in relation to wind impacts.	No
<u>8B.1 Vehicle and Service Access and</u>	See assessment by Council's	Yes

to Platinum Level. 4. Minimum 70% of apartments to be visitable.	a Platinum Level. 100% of apartments are visitable.	Yes
<u>8C.5 Building Entries</u> 1. Comply with DDA. 2. Buildings to provide level and direct main entrances to lift/building. 3. Buildings with street frontage >18m to have multiple entries. 4. Buildings entries from principal active street frontages to provide flush transition with adjoining frontages. 5. Street footpath levels are not to be changes, with level adjustments to occur on site. Ramping and stairs to be positioned such that access and interface from the street is maximised and street activation is preserved. 6. Entries to residential to be separate from commercial. 8. Entries to be well lit and designed to avoid concealment.	The design provides for a poor level of pedestrian entry to both the supermarket and the residential component as has been discussed previously.	No
<u>8C.6 Internal Common Circulation Areas</u> Residential to comply with ADG	See assessment under provisions of SEPP 65.	Yes
<u>8C.7 Roof Forms and Podiums</u> 1. Upper storeys to be articulated with differentiated roof forms. 2. Service elements to be integrated into overall design of roof so not visible from public domain.	The roof form is appropriate. The design of the roof top services is appropriate.	Yes Yes
<u>8C.8 Communal Open Space</u> 1. Accessible in accordance with AS1428. 2. Located and designed for active and passive use with solar access and shade and not impact privacy of adjoining residents. 3. Incorporate shared facilities, wind screens, sun shade and landscaping. 4. Avoid concealment areas. 5. Separate from non-residential uses. 6. Provided with casual surveillance. 7. Garden maintenance storage areas to be provided. 8. 10m ² COS per dwelling.	The northern podium open space has questionable accessibility as the levels do not appear to be appropriate. The roof top space has appropriate accessibility. The location and solar access/shade is acceptable. Appropriate solar protection, but landscaping is unacceptable due to inadequate soil depth. No concealment areas provided. Separated from non-residential uses. Casual surveillance is provided. No storage area is provided. 560m ² of communal space	No Yes No Yes Yes Yes No Yes

9. At least one area minimum 80m ² and minimum dimension 8m with minimum 2 hours solar access between 9am and 3pm at midwinter and directly accessible from internal lobby.	required, 576m ² provided Solar access and minimum area/dimensions complies.	
10. Other areas of COS minimum dimension 5m.	Complies	Yes
8C.9 Building Facades and Articulation		
1. In B2 provide street wall façade along Pacific Highway.	Street wall façade not provided	No
4. Continuous length of residential component not >36m.	Residential façade appropriately modulated.	Yes
5. Length of component of building facing side or rear may exceed 36m if recessed adequately to appear as distinctive bays or wings.	Length of building appropriately modulated.	Yes
6. Facades at street level to engage with activates on street through using glazed shop fronts.	Inadequate activation of Pacific Highway and Dumaresq Street.	No
7. Above awning facades to be more solid than glazed.	Appropriate design	Yes
8. Facades to be modulated and articulated.	Appropriately modulated and articulated	Yes
9. Elevations to be well composed in terms of proportions and rhythms.	Appropriately composed other than ground level	No
11. Passive surveillance of street required.	Passive surveillance provided	Yes
13. Façade material to minimise ongoing maintenance.	Materials appropriate	Yes
14. Don't use single predominant finish/material.	Materials and finished appropriate	Yes
15. Façade to achieve desired future character.	Façade character acceptable other than ground level	No
18. Integrate signage, drainage, awnings, etc.	Awning and signage appropriate	Yes
19. Air-conditioning in basement or roof with appropriate screening.	Air-conditioners appropriately located and screened	Yes
20. Balconies not to run full length of façade.	Balconies appropriate.	Yes
21. Balconies not to project more than 1.5m from outermost wall of façade.	No unacceptable projection of balconies	Yes
22. Corner sites to be emphasised.	Corners appropriately emphasised	Yes
23. Corner buildings to address both streets.	Building addresses both streets.	Yes
8C.10 Ground Floor Commercial Uses		
1. Building entries to individual commercial premises are to be level with adjoining footpath and have windows/doors with direct visual connection to the street.	Entry to supermarket inappropriate level in relation to footpath.	No
2. Building slabs to be stepped to ensure ground level does not exceed 0.3m from footpath level.	Does not satisfy the control.	No
3. Ground floor street activation to be	Poor activation due to height	No

<p>provided.</p> <p>4. Buildings on principal active street frontages are to have 80% activation, have facades that address the street and provide awnings.</p> <p>6. Ground level dark alcoves or entrapment areas to be avoided.</p> <p>7. Sill heights of street front windows not > 1.2m above street paving.</p> <p>8. Graffiti resistant material at street level.</p> <p>9. Clear glazing to all windows of active street frontages.</p> <p>10. Security roller shutters not permitted eternally.</p>	<p>relationship of ground floor with footpath See above comment</p> <p>No entrapment areas</p> <p>Not satisfied to Dumaresq Street frontage</p> <p>No information provided</p> <p>Clear glazing proposed</p> <p>No roller shutters proposed</p>	<p>No</p> <p>Yes</p> <p>No</p> <p>Unknown</p> <p>Yes</p> <p>Yes</p>
<p><u>8C.11 Awnings</u></p> <p>Continuous awning to be provided along full length of active street frontage in the form of suspended steel box section type awning 3m-3.5m above the footpath and setback 0.6m from the kerb.</p>	<p>An appropriate awning is proposed to the Dumaresq Street frontage.</p> <p>No awning can be provided to the Pacific Highway frontage due to the required front setback.</p>	<p>Yes, Dumaresq Street</p> <p>No, Pacific Highway</p>
<p><u>8C.13 Internal Ceiling Heights</u></p> <p>In B2 zone minimum 3.3m for ground floor retail/commercial.</p> <p>Residential to comply with ADG.</p>	<p>Ground level floor to ceiling compliant</p> <p>See assessment under provisions of SEPP 65.</p>	<p>Yes</p> <p>Yes</p>
<p><u>8C.14 Visual Privacy</u></p> <p>1. Buildings design to maintain privacy between developments.</p> <p>3. Continuous transparent balustrades not permitted on lower 3 storeys.</p> <p>5. Compliance with ADG</p>	<p>This has been addressed previously in relation to the ADG and is satisfactory.</p>	<p>Yes</p>
<p><u>8C.15 Acoustic Privacy</u></p> <p>Design buildings to minimise impacts from noise and of noise.</p> <p>7. Commercial uses in B2 to operate only between 7am and 10pm weekdays and Saturdays and 8am and 9pm Sundays and public holidays.</p> <p>8. Loading docks associated with uses in B2 to operate between 6am-8pm weekdays. 8am to 5pm Saturdays and 8am to 2pm Sundays and public holidays.</p>	<p>The proposed hours of use of the supermarket are consistent with the DCP in relation to Monday to Saturday but also seeks the same hours on Sundays.</p> <p>No hours are proposed for the retails suite, but they could be conditioned.</p> <p>A condition of consent should be provided to limit use of the loading are, including for garbage collection, to the hours required by the DCP.</p>	<p>No.</p>

<p><u>8C.17 External Air Clothes Drying Facilities</u></p> <p>Each apartment is to have access to a screened balcony area for external clothes drying.</p>	No information provided.	Unknown,
Section A Part 12 – Signage and Advertising		
<p><u>12.1 Signage General</u></p> <p>1. Signage to be integrated into the architecture.</p> <p>2. Signage to be of appropriate materials.</p> <p>4. Flashing, moving, inflatable bunting, flag sings are not permitted. Third party signage, posters, above awning signs (other than building identification), roof signs, pole signs and internally/externally lit signs (other than those under Part 12.7) are not permitted.</p>	<p>Signs are appropriately integrated.</p> <p>No information on materials.</p> <p>Signs comply, no information on illumination.</p>	<p>Yes</p> <p>Unknown</p> <p>In part</p>
<p><u>12.3 Identification Signs - Business</u></p> <p>1. Maximum 2 for each shop front.</p>	4 proposed for supermarket	No
<p><u>12.7 Illumination of Signs</u></p> <p>Not to cause light spill impacts and are to be provided with automated timing.</p>	No detail of whether signs are to be illuminated.	Unknown
<p><u>12.8 Special Signs</u></p> <p>Corporate signs are to be restricted to the logo and be non-illuminated and erected on the main frontage of the building. The area of signage is not to exceed 15% of the solid wall area on the level at which it is displayed. Corporate logos are permitted on the façade of commercial buildings as building identification signage.</p>	Signs restricted to logo (other than car park direction signs). No detail on illuminated. Signs proposed on 3 frontages. Area of signs in total is compliant.	In part
Section B Part 14D – Gordon Local Centre		
<p><u>14D.2 Public Domain and Pedestrian Access</u></p> <p>A public pedestrian access link is to be provided between the Council Chambers and the subject site.</p>	Public link exists and is proposed to be upgraded.	Yes
<p><u>14D.3 Proposed Community Infrastructure</u></p> <p>The footpaths to Pacific Highway, Dumaresq Street and Radford Place are identified as requiring upgrade.</p>	Upgrade not proposed but may be required via condition.	No
<u>14D.4 Setbacks</u>	It is noted that the subject site and	In part

<p>The site is identified as requiring the following setbacks:</p> <ul style="list-style-type: none"> 15m from Pacific Highway 3m from Radford Place 	<p>the one on the other side of the Council Chambers are both identified as requiring a 15m setback from Pacific Highway, which is unique in the town centre. The proposal fails to comply with the setback from Pacific Highway but complies to Radford Place.</p>	
<p><u>14D.5 Built Form</u></p> <p>The site is identified as having a principal active frontage to Pacific Highway.</p>	<p>Principal frontage provided.</p>	<p>Yes</p>
<p><u>14D.6 Building Entries, Car Parking and Service Access</u></p> <p>The site is identified as requiring vehicular access to the site from Radford Place and pedestrian access from Dumaresq Street near Radford Place.</p>	<p>Access is appropriately located.</p>	<p>Yes</p>
<p><u>14D.9 Precinct G3: Civic Hub</u></p> <p>The site is located in Precinct G3 within which the following controls apply:</p> <ol style="list-style-type: none"> Buildings are to be designed to protect and enhance the setting of the heritage items by creating setbacks between new and old to allow heritage buildings to be viewed in "the round". Retain and upgrade public pedestrian access way between Pacific Highway and Radford Place. Modify traffic signals at intersection of Pacific Highway and Dumaresq Street. 15m setback from Pacific Highway to provide a landscaped forecourt and view corridors to the heritage item. Commercial and residential foyers and lobbies are to be located off Pacific Highway and Dumaresq Street. 	<p>The design of the building, in particular the setback from the Pacific Highway, the design northern podium, its fences and the pedestrian access ramp to the supermarket, result in unacceptable visibility of the adjoining heritage item from the public domain.</p> <p>The pedestrian accessway is appropriately upgraded.</p> <p>RMS have not granted approval for the modification of the intersection traffic signals.</p> <p>The proposal does not provide the required 15m setback.</p> <p>The proposal provides commercial access from Pacific Highway, but the residential lobbies are accessed via a path along the northern side of the site.</p>	<p>No</p> <p>Yes</p> <p>No</p> <p>No</p> <p>In part</p>
<p>Section B Part 19 Heritage Items and Conservation Areas –</p>		
<p><u>19F Development in the Vicinity of Heritage Items or Heritage Conservation Areas</u></p> <p>The site is identified as having a</p>	<p>See assessment by Council's Heritage Advisor.</p>	<p>No</p>

principal active frontage to Pacific Highway.		
Section B Part 21 – General Site Design		
<u>21.1 Earthworks and Slope</u> 1. Design should step with the site and have ground level as close as possible to existing ground. 2. Earthworks to be minimised. 5. Existing ground level to be maintained for a distance of 2m from any boundary.	The design of the proposed building has failed to adequately address the slope of the site, with the finished level of the supermarket having a poor relationship with the Pacific Highway frontage of the site.	No
<u>21.2 Landscape Design</u> Retain and enhance indigenous vegetation and visually prominent trees.	See assessment of Landscape Assessment Officer.	No
Section B Part 22 – General Access and Parking		
<u>22.1 Equitable Access</u> 2. Design access for all. 5. Entry access ramps must not dominate the front facade	The design of the access ramp to the supermarket is unacceptable, significantly increasing the distance required to be travelled by pedestrians from the intersection of Pacific Highway and Dumaresq Street. The resolution of the pedestrian access at the intersection of Pacific Highway and Dumaresq Street is unclear and would function poorly due to the inadequate front setback in combination with the cross fall of the slope of the site at the south-east corner of the site.	No
Privacy and Security		
Section B Part 23 – General Building Design and Sustainability		
<u>23.3 Sustainability of Building Materials</u> Maximise the use of sustainable building materials.	The proposed materials are generally acceptable.	Yes
<u>23.4 Materials and Finishes</u> Materials and finishes to be heavy weight, high quality and durable. Avoid highly reflective materials or large areas of one material. Base colours should be used for major areas of the building façade with contrasting colours to be restricted to small areas.	The proposed materials are generally acceptable.	Yes

<u>23.5 Roof Terraces and Podiums</u> Roof and terrace COS to incorporate facilities and shading and screening devices. Must contain soft landscaping to complement the buildings. Robust and drought tolerant species are to be used.	The roof terrace design is acceptable. The provision of landscaping to the northern podium is unacceptable, with inadequate soil depth and a poor hard edged relationship with the public domain.	No
<u>23.7 Waste Management</u> Appropriate facilities are to be provided for waste management, storage and collection.	See assessment by Council's Development Engineer	Yes, subject to conditions
Section B Part 24 – Water Management		
Appropriate stormwater management is to be provided for the development	See assessment by Council's Development Engineer	No

Ku-ring-gai Contributions Plan 2010

The subject application would attract the following contributions

Key Community Infrastructure	Amount
Gordon TC Local Parks & Sporting Facilities	\$825,228.53
Gordon TC New Roads & Road Mods	\$154,270.89
Gordon TC Townscape Transport & Pedestrian Facilities	\$396,653.41
LGA Wide Local Recreational & Cultural	\$110,987.74
Total:	\$1,487,140.57

LIKELY IMPACTS

The proposed development has the following unacceptable public impacts.

The lack of front setback from the Pacific Highway, the design of the pedestrian ramp and the raised podium to the north of the site unacceptably diminish the heritage significance of the adjoining Council Chambers building by unreasonably blocking public views from the intersection of Pacific Highway and Dumaresq Street contrary to the controls within the DCP.

The interface of the private and public domain along the Pacific Highway of the site is poor, with the activation of the site compromised by the relative levels of the proposed supermarket and footpath and the location and design of the accessible ramp.

SUITABILITY OF THE SITE

The subject site is considered to be unsuitable for the development proposed as the traffic impact of the development upon the functioning of the intersection of Pacific Highway and Dumaresq Street will be detrimentally impacted by the proposal by increasing the queuing length of traffic on Dumaresq Street and the impact has not been resolved by mitigation measures that have been approved by the Roads and Maritime Service.

Further, the height of the proposed development is excessive and the setback from Pacific Highway is inadequate, resulting in a development that is inconsistent with the desired future character of the area and the LEP and DCP controls for the Gordon Local Centre.

The design of the pedestrian ramp, together with the raised podium to the north of the site unacceptably diminishes the heritage significance of the adjoining Council Chambers building by unreasonably blocking public views from the intersection of Pacific Highway and Dumaresq Street contrary to the controls within the DCP.

The interface of the private and public domain along the Pacific Highway of the site is poor, with the activation of the site compromised by the relative levels of the proposed supermarket and footpath and the location and design of the accessible ramp.

For the above reasons, the proposed development is not considered to be suitable for the development site.

ANY SUBMISSIONS

A total of 8 submissions were received in response to the notification and have been addressed in the assessment report.

PUBLIC INTEREST

Given the above described unacceptable public impacts and the breach of the height and setback controls applicable to the development site, it is not considered that granting consent to the development application is in the public interest.

CONCLUSION

Having regard to the provisions of section 4.15(1) of the Environmental Planning and Assessment Act 1979, the development application is considered to be unsatisfactory and is therefore recommended for refusal for the reasons given below.

RECOMMENDATION

PURSUANT TO SECTION 4.16(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT the Sydney North Planning Panel, as the consent authority, refuse development consent to DA0610/17 for demolition of existing structures and construction of a mixed use development comprised of shop top housing containing 56 apartments, a supermarket and small retail suite, basement parking, signage, a public pedestrian access path and associated works at 810-818 Pacific Highway, Gordon for the following reasons:

1. The mitigation measures proposed by the applicant of modifying the traffic signals and road markings in Dumaresq Street have not been given concurrence by the Roads and Traffic Authority. In the absence of the mitigation measures, the proposed development application as the functioning of the intersection of Pacific Highway and Dumaresq Street will be detrimentally impacted by the proposal by increasing the queuing length of traffic waiting on Dumaresq Street to turn into the Pacific Highway. Unless queuing lengths are shortened, the proposed development will result in unacceptable delays to traffic entering and exiting the Gordon Centre and Radford Place.
2. The height of the proposal is excessive, in breach of Clause 4.3 of Ku-ring-gai Local Environmental Plan (Local Centres) and is not supported by a well-founded clause 4.6 variation request as there are not sufficient environmental planning grounds to justify contravening the development standard.
3. The setback and design are inconsistent with Control 7vii of Part 14D.9 Precinct G3: Civic Hub of Ku-ring-gai Development Control Plan (Local Centres) which requires a 15m setback to the Pacific Highway to provide for a landscaped forecourt and view corridors to the heritage item at 818 Pacific Highway. The proposed lack of setback, provision of accessible pedestrian ramp and elevated northern podium and associated fences result in an inadequate landscaped forecourt and interrupted public views to the heritage item.
4. The proposal does not satisfy Clause 5.10(1)(b) of Ku-ring-gai Local Environmental Plan (Local Centres) 2012 or Controls 14D.9.1(iii) and 19F.1.2 of Ku-ring-gai Development Control Plan (Local Centres) as the setting associated with the heritage item will not be conserved and the development does not protect and enhance the setting of the Council Chambers and for the building to be viewed in "the round".
5. The finished level of the supermarket is below the footpath level of Pacific Highway, which, in combination with the inadequate setback from the Highway and poorly resolved accessibility, results in a poor level of activation of the frontage to Pacific Highway. Further, the provision of highlight windows in the façade of the supermarket fronting Dumaresq Street (in proximity to the corner with the Pacific Highway) also prevents the activation of the frontage to an unacceptable level. Therefore, the proposal is inconsistent with the activation requirements of Clause 6.6 of Ku-ring-gai Local Environmental Plan (Local Centres) and cannot be approved. The design is also inconsistent with Objectives 1, 2, 3 and 4 and Controls 1, 2, 3, 4 and 7 of Part 8C.10 Ground Floor Commercial Use of Ku-ring-gai Development Control Plan (Local Centres).
6. The design provides a poor level of amenity to Apartments 109, 210, 310, 410, 510 and 606 by failing to provide balconies with a minimum depth of 2m as required by Part 4E of the Apartment Design Guide and due to the unacceptable relationship of Apartment 107 with the footpath level and pedestrian access ramp to the supermarket, which would result in unacceptable privacy impacts into Apartment- 107 from the public domain.

7. The design provides an unacceptable landscaped setting for the development and for the adjoining heritage item. The RLs provided with the application will result in inadequate soil depth on parts of the northern podium to allow adequate landscaping. The main wall along the eastern side of the podium facing the Pacific Highway will be 2 to 3 metres higher than the footpath, with 1.2 metres high fencing above the retaining wall. The accessible pedestrian ramp to the supermarket forward and the wall will result in a hard, unrelieved edge to the eastern side of the podium area facing the Pacific Highway and an inappropriate landscaped forecourt setting for the building and the heritage item.
8. The proposed design of the access ramp to the supermarket is unacceptable, significantly increasing the distance required to be travelled by pedestrians (with trolley, prams or mobility issues) from the intersection of Pacific Highway and Dumaresq Street. The resolution of the pedestrian access at the intersection of Pacific Highway and Dumaresq Street is unclear and would function poorly due to the inadequate front setback in combination with the cross fall of the slope of the site at the south-east corner of the site. The proposal fails when assessed against Controls 2 and 5 of Part 22.1 Equitable Access of Ku-ring-gai Development Control Plan (Local Centres).
9. The concept stormwater plan is not acceptable, due to the stormwater from the public pedestrian pathway bypassing the OSD system.
10. There are inconsistencies between the architectural and landscape plans and the BASIX Certificate.
11. The submitted construction traffic management plan (CTMP) is inadequate and unacceptable, failing to provide information and diagrams to show truck turning path diagrams demonstrating how construction vehicles for all stages of development will turn into and out of the site and how the operation of surrounding and adjoining site will be maintained during all construction phases of the development.

Signed



Kerry Gordon
Planning Consultant
Kerry Gordon Planning Services

Report Dated: 29 August 2018

Attachments:

- A1 – zoning extract
- A2 – submitters map
- A3 – architectural plans
- A4 – landscape plans
- A5 – written cl. 4.6 written variation