

Development Application – Mixed Use Development

Statement of Environmental
Effects

7-9 Merriwa Street, Gordon

PREPARED FOR
Giles Tribe Architects

June 2024

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Mecone acknowledges the Traditional Custodians of the land on where this project is undertaken and across the Mecone offices that this report is prepared, paying respect to the Elders past and present. We recognise the ongoing connection of Aboriginal and Torres Strait Islander peoples to land, waters, and culture.

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* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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Appendices

- Appendix 1** Clause 4.6 Written Variation Request (Building height)
- Appendix 2** Ku-ring-gai Development Control Plan Assessment
- Appendix 3** Architectural Plans
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- Appendix 6** Civil Works Plans
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- Appendix 12** Geotechnical Investigation Report
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- Appendix 15** Traffic Impact Assessment
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- Appendix 20** Cost Report
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1 General Information

1.1 Application summary

This Statement of Environmental Effects (SEE) has been prepared on the behalf of Giles Tribe Architects (the client) to support a Development Application (DA) pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The DA proposes the demolition of structures and the construction of a mixed-use building comprising of 27 residential apartments and three commercial tenancies, civil works (including basement car parking), landscaping and tree removal. The specifics of the proposed development are contained within Section 3 of this SEE.

The Estimated Development Cost (EDC) of the proposed development is \$32,811,667. As the EDC for the proposal exceeds \$30 million, the DA constitutes 'Regionally significant development' pursuant to clause 2 within Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* (SEPP Planning Systems 2021). While the DA is to be lodged with Ku-ring-gai Municipal Council (Council) for assessment, pursuant to Section 4.5(b) of the EP&A Act, the Sydney North Planning Panel (SNPP) will be the consent authority for the DA.

This SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the EP&A Act. The SEE is to therefore be read in conjunction with information annexed to this report as outlined in the Table of Contents.

Specifically, the SEE includes the following information:

- A description of the site in its local and regional context;
- Identification of the proposed works;
- An assessment of the project against relevant statutory planning considerations, Environmental Planning Instruments (EPIs) and Council's policies;
- An assessment of all environmental impacts associated with the project; and
- Identification of measures to mitigate and manage potential environmental impacts arising from the proposed development.

To summarise, the proposal is permissible with consent pursuant to the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015), is generally in accordance with relevant standards within PLEP 2010, provisions within the Ku-ring-gai Development Control Plan (KDCP) and associated design policies that relate to the development proposed by this DA.

1.2 Project team

The DA has been prepared on behalf of Giles Tribe Architects. The list of documents prepared for this DA, and the project team responsible for delivering such documents is listed within **Table 1** below.



Table 1 – Project team	
Item	Description
Statement of Environmental Effects	Mecone
Clause 4.6 Written Variation Request	Mecone
Plan of Management	Mecone
Architectural Plans	Giles Tribe Architects
Landscape Package	Studio IZ
Site Survey Plan	C&A Surveyors
Civil Engineering	Smart Structures Australia
Accessibility Capability Statement	Design Confidence
Arboricultural Impact Assessment	Naturally Trees
Geotechnical Assessment and Comments	Stantec
Preliminary Site Investigation	Stantec
Traffic and Parking Assessment	Traffix
Services Report	Goldfish & Bay
BCA Report	Certitude
Waste Management Plan	Elephant's Foot
BASIX and NatHERS Certificates	Bonnefin Consulting
NABERS Embodied Emissions	Certified Energy
Cost Estimate Report	Construction Consultants



2 The site

2.1 Site location

The subject site comprises of a single allotment that is legally identified as Lot 2 in Deposited Plan 566663, and has an address of 7-9 Merriwa Street, Gordon¹. The site is located within the Ku-ring-gai Government Area (LGA) and forms part of the Gordon local centre, which is approximately 13 kilometres north of the Sydney Central Business District (CBD) and 7 kilometres south of the Hornsby town centre. Refer to **figure 1** for a map showing the location of the site in relation to the surrounding area.

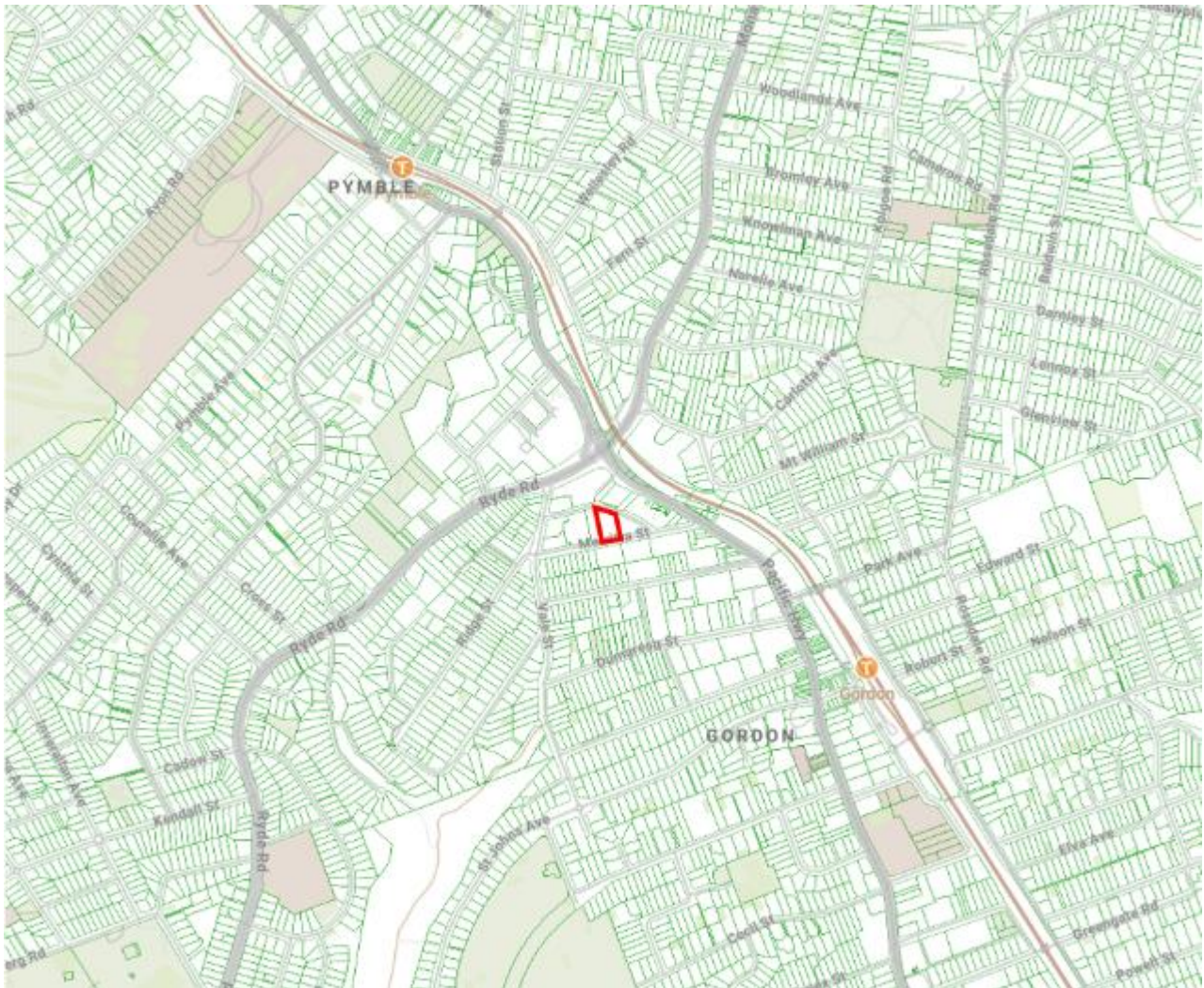


Figure 1: A map of the locality (the subject site is outlined by the red border).

Source: Mecone Mosaic, 2024

¹ A small allotment (Lot 1, DP 566663) is located at the front of the site, however it does not form part of the subject site.



2.2 Site description

The subject site is located on the north-western side of Merriwa Street. It comprises of an irregularly shaped parallel allotment with an area of approximately 2,786.6m². The primary (southeast) frontage has a 35.785 metre frontage to Merriwa Street (excluding the width of Lot 1, DP 566663, which is encompassed by the subject site on all frontages except the Merriwa Street frontage), while the rear (i.e. northern) boundary has a splayed 45.25 metre frontage to Fitzsimons Lane. The northeast boundary adjoins a commercial site, while the southwest side boundary adjoins a vacant site.



Figure 2: An aerial photo of the subject site (outlined in red) and surrounding sites.

Source: MetroMap, 25 March 2024

While highly modified by existing development, the site contains a rear-to-front downhill slope with maximum falls of approximately 10.1-11.1 metres.

Development on the site comprises of the following:

- A large part-five-and-six-storey office building, which is understood to have been constructed in the early- to mid-1970s,
- A large five storey carpark between the rear of the aforementioned building and the Fitzsimons Lane road frontage.
 - Due to the sloped and modified topography of the site, parts of this car parking structure comprise of both basement and above-ground parking,
 - There are four points of vehicular access to the site and this carpark. Two one-way and at-grade driveways (i.e. entry and exit driveways) are located on the Merriwa Street frontage, with two two-way driveway ramps being located on the Fitzsimons Lane frontage,
- Associated landscaping and civil works.



Landscaped areas within the Merriwa Street setback also contains numerous large trees.

The allotment at Lot 1, DP 566663 contains an electrical substation.



Figure 3: A photo of the subject site, taken from Merriwa Street to the southwest of the site.

Source: Mecone, 6 April 2024

The subject site is mapped by the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015) as being located within an MU1 mixed use zone. It is also identified by the Ku-ring-gai Development Control Plan (KDCP) as being located within the Gordon local centre. Aside from Class 5 acid sulphate soils, the site is not mapped as containing any significant land affectations (including vegetation mapped by Council's 'Greenweb' maps). The site does not contain a heritage item, is not within a Heritage Conservation Area (HCA) and is not in proximity to a heritage item.

The subject site is also burdened by easements for support purposes for land on adjoining sites above the site, however there are no other easements burdening the site.





Figure 4: A photo of the subject site, taken from Merriwa Street to the southeast of the site.
 Source: Mecone, 6 April 2024



Figure 5: A photo of the subject site, taken from Fitzsimons Lane to the northeast of the site.
 Source: Mecone, 6 April 2024



2.3 Adjoining and surrounding sites

Two sites adjoin the subject site's side boundaries. The site adjoining the northeast side boundary is 1 Merriwa Street, Gordon. This corner site contains a part-four-and-five storey commercial office building and basement parking.

The site adjoining the southeast boundary is 11-15 Merriwa Street, which is currently vacant. The earlier demolition of structures was approved by Development Consent no. DA0062/13 in 2013. Two subsequent approvals have been issued for mixed use development, with the latter of these (Development Consent no. DA0447/14) being approved in 2015 for the construction of a mixed-use building comprising of three retail spaces and 65 residential units, basement parking and landscaping works. It is not known whether works on the approved development have 'substantially commenced' or if the consents for the two approvals have lapsed.

Development on the southern (i.e. opposite) side of Merriwa Street is variable and reflective of a progressive transition from higher density residential development to the east and lower density residential accommodation to the west. Sites towards the highway comprise of high-density residential development (i.e. residential flat buildings), which progressively transitions to medium density residential development (i.e. townhouse-style development) and low-density residential development (i.e. dwelling houses and associated outbuildings).



Figure 6: A photo of 17-23 Merriwa Street, taken from Merriwa Street to the south of that site.

Source: Mecone, 6 April 2024

Development on sites on the northern side of Merriwa Street (which includes the subject site and the surrounding area that is encompassed by Merriwa Street, Ridge Street, Ryde Road and the Pacific Highway) comprises predominantly mixed-use development (e.g. shop top housing) and some



commercial developments. Remaining commercial sites within this area are generally transitioning to shop-top housing style mixed use developments, examples of which are shown within **figures 6 and 7**.



Figure 7: A photo of Fitzsimons Lane, looking west towards Ridge Street from the rear of 11-15 Merriwa Street.

Source: Mecone, 6 April 2024

Development within the wider area is more varied, and is reflective of the wide range of zones within that area. Areas of note within this area include the Gordon town centre and Gordon railway station, which are located approximately 400 meters and 630 metres southeast of the subject site respectively.



3 The proposal

3.1 Development overview

Pursuant to Section 4.16 of the EP&A Act, consent is sought for the demolition of all existing structures and the construction of an eight storey (plus basement and rooftop terrace) mixed use development comprising of residential apartments and commercial tenancies.

An overview of the works being proposed is as follows:

- Demolition of all structures of the site,
- The construction of the mixed-use development, which is to contain:
 - 27 residential apartments, including:
 - One x two-bedroom apartment,
 - 13 x three-bedroom apartments, and
 - 13 x four-bedroom apartments,
 - Three commercial tenancies, which will address the Fitzsimons Lane frontage,
 - A rooftop communal open space area,
- Civil works (including stormwater and services),
- Landscape works (including the removal of 15 trees),
- The provision of new onsite utilities and connections,
- Strata subdivision.



FIGURE 8: A photomontage of the subject site, as viewed from Merriwa Street to the southwest of the site.
Source: Luda Studios, 2024





FIGURE 9: A photomontage of the proposed development, as viewed from Fitzsimons Lane to the northwest of the site.

Source: Luda Studios, 2024

The use of the proposed commercial tenancies will be subject to separate proposals following approval of this development application.

As indicated within Section 1 of this document, the proposal constitutes regionally significant development pursuant to clause 2 within schedule 6 of SEPP (Planning Systems) 2021.

The specifics of each element of the proposal are contained within the following sections below.

3.2 Proposed building details

While reference is made to the architectural plans submitted with this DA, **Table 2** provides an outline of the dwellings, tenancies and associated facilities that will make up the proposed building.

Table 2: Details of proposed mixed-use building

Building level	Details and features
Basement	- Car parking, comprising of: 19 resident spaces, and - Seven commercial spaces (including one accessible space), - Segregated residential and commercial waste storage areas,



	• A bulky waste storage room, • A waste collection bay, • A fire services pump room, • Residential storage areas, and • A switch room.
Level 1	• One x three-bedroom apartment, • One x four-bedroom apartment, • 13 residential car parking spaces, • Residential storage areas, and • Communal passageways (including a building access point to Merriwa Street) and fire exits.
Level 2	• One x three-bedroom apartment, • One x four-bedroom apartment, • 16 residential car parking spaces (including two visitor spaces), • Residential storage areas, and • Communal passageways.
Level 3	• One x three-bedroom apartment, • One x four-bedroom apartment, • 12 residential car parking spaces (including five visitor spaces, one of which will also serve as an accessible and carwash bay) • Residential storage areas, and • Communal passageways.
Level 4	• One x two-bedroom apartment, • One x three-bedroom apartment, • One x four-bedroom apartment, • Three x commercial premises of varying sizes (one of which will also include a storage area), all of which will address the Fitzsimons Lane frontage, • A shared storage room, communications room, a cleaner's water closet and an accessible unisex water closet, • Communal passageways (including a building access point to Fitzsimons Lane), and • Onsite Stormwater Detention (OSD) tanks.
Level 5	• Three x three-bedroom apartment, • Two x four-bedroom apartment, and • Communal passageways.
Level 6	• Three x three-bedroom apartment, • Two x four-bedroom apartment, and • Communal passageways.
Level 7	• Three x three-bedroom apartment, • Two x four-bedroom apartment, and



	Communal passageways.
Level 8	- Three x four-bedroom apartment, and - Communal passageways.
Rooftop	- A rooftop communal open space area (including rooftop landscaping, synthetic turf area, play area and covered outdoor BBQ/dining area), - A unisex accessible water closet, and - An enclosed rooftop plant area.

3.3 Car parking and access

Car parking

The proposed parking arrangements will provide 68 car parking spaces that will comprise of the following:

- 54 residential car parking spaces, including 10 platinum (i.e. 3.8 x 6 metre) spaces for residents with disabilities,
- Seven residential visitor spaces (including one accessible space and one carwash bay),
- Seven commercial spaces, including one accessible space,
- 10 bicycle parking spaces.

The design of all parking facilities will be in accordance with relevant Australian Standards.

Carpark access and design

The four existing vehicular access points to the site will be rationalised into a single vehicular access and egress point at the southwest (i.e. lowest) point of the site; all unused driveway crossings and laybacks will subsequently be removed freeing up additional space for on-street parking. While a new basement level will be provided below the proposed building, the carpark on levels 1, 2 and 3 will be situated both behind southern parts of the building on those respective levels and beneath the northern part of the building. Aside from moving parking away from the boundaries, such a design will relocate parking both beneath the building and landscaped areas (as opposed to the current car parking arrangements, which as shown by **Figure 6** is closer to the Fitzsimons Lane frontage and projects significantly above ground level on that frontage); this will significantly improve the quality of the Fitzsimons Lane streetscape.

3.4 Civil works

Stormwater

The proposed stormwater works will include provision of collection systems which will direct captured flows to OSD tanks to be provided on Level 4 within the building envelope. Overflows from this system will be directed to the Merriwa Street frontage on the southeast side of the site. Water collected from



within the basement level will be captured within a tank, which will be pumped out to the to the Merriwa Street frontage on the southwest side of the site.

Earthworks

Earthworks will predominately comprise of excavation below the existing building for the purpose of creating the basement. Most other excavation required to facilitate construction has already been undertaken as a result of earlier development.

3.5 Landscaping and tree removal

Landscaping

A wide range of landscaping and landscaping treatments are proposed within the site at ground level, including the planting of 15 trees within the site.

Landscaping on the site outside of the building and driveway footprints is to comprise of a combination of turfed areas, masses of small-to-medium sized plants and shrubs, and larger trees with:

- Mature heights of between 15 and 30 metres, and
- Mature canopy widths of between five and 10 metres.

Landscaping within planters and the rooftop communal open space area will comprise of small to moderate size shrubs and small-to-medium size trees. Such treatments on the rooftop will also be complemented by synthetic turf and a play area with soft fall rubber surfaces with mounts, tunnels and slides for children's play.

Reference is made to the Landscape Design Report plans (prepared by Studio IZ) that have been submitted as part of this DA for further detail.

Tree removal

It is proposed to remove 15 trees on the site, all of which are located within the boundaries of the site. such removal is required as affected trees will be located on/very close to the building and the new/expanded driveway. All existing trees within road reserves adjoining the site will be retained, with precautions to be undertaken during works to ensure the retention and health of those remaining trees. Further reference is made to the arboricultural impact appraisal, prepare by Naturally Trees for further details.

3.6 Demolition

All existing structures are to be demolished. Refer to the submitted demolition plan for further information. All demolition works will be undertaken in accordance with relevant standards.



3.7 Waste management

Demolition and construction waste

All waste generated by proposed demolition and construction works will be recycled onsite where possible, with any waste transferred offsite to be sent to authorised waste management facilities in accordance with any conditions imposed in the event of approval.

Operational and post-occupation waste generation

All dwellings have been designed to provide internal storage for up to two days of typical waste generation.

Residents and commercial tenants will be required to transfer waste from apartments and commercial tenancies to the waste storage rooms on the basement level. Any bulky waste will also be transferred to a dedicated bulky waste storage area on the basement level. Signage will be installed in the waste storage room, with educational information to also be provided to residents and commercial tenants regarding waste protocols and separation. Internal waste chutes and associated communal waste storage areas on each level are not proposed.

Waste will be transferred from communal areas (including bathrooms) by a building manager; the manager will also be responsible for the cleaning of bins as required. All bins are to be collected weekly, however should the future occupation of the commercial tenancies require more frequent waste collection, then this would be subject to separate approval(s).

Reference is made to both the architectural plans (prepared by Giles Tribe Architects) and the Waste Management Plan (prepared by Elephant's Foot) that have been submitted as part of this DA for further details.

3.8 Post-occupation operation

Rooftop terrace

To ensure that local residential amenity is maintained, the communal rooftop terrace will be available for residential use during the following times:

- Monday to Friday: 7:00am to 10:00pm
- Weekends and public holidays: 8:00am to 10:00pm

The communal terrace will not be available for use at other times.

Commercial tenancies

This application does not seek consent for the occupation and use of the three commercial tenancies. As such, any future commercial activities (including hours of operation) will be subject to separate consent(s) and associated operating conditions as required.



4 Planning and environmental assessment

This section of the SEE includes an assessment of the proposed development in terms of the matters for consideration as listed under Section 4.15(1) of the EP&A Act, which for reference is as follows:

- (1) *Matters for consideration—general. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—*
 - (a) *the provisions of—*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
 - (v) *(Repealed)**that apply to the land to which the development application relates,*
 - (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
 - (c) *the suitability of the site for the development,*
 - (d) *any submissions made in accordance with this Act or the regulations,*
 - (e) *the public interest.*

The key legislation, Environmental Planning Instruments (EPIs) and development control plans that are of relevance to the development are as considered within this Section of this SEE.

- *State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP)*
- *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP)*
- *State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP)*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP)*
- *State Environmental Planning Policy (Sustainable Buildings) 2022 (SB SEPP)*
- *Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)*
- *Ku-ring-gai Development Control Plan (KDCP)*



Details regarding the assessments of these EPIs and the DCP are contained within Section 4 of this SEE, in addition to **Appendices 1** and **2**, which are attached to this report.

4.1 Environmental Planning Instruments

4.1.1 State Environmental Planning Policy (Planning Systems) 2021

Pursuant to clause 2.19(1) of the SEPP, development that is specified in Schedule 6 (Regionally significant development) is declared to be regionally significant development. The SEPP identifies the proposed development as being regionally significant development, as the **\$32,811,667** EDC of the proposed development exceeds the \$30 million threshold specified by clause 2 within Schedule 6 of the SEPP. Reference is made to the Cost of Works report that forms part of this DA package, for details regarding the proposed cost of works.

With regard to the above and pursuant to Section 4.5(b) of the EP&A Act, the SNPP will be the consent authority for this application.

4.1.2 State Environmental Planning Policy (Housing) 2021

Following the recent repeal of SEPP 65, the provisions relating to residential apartment building design being incorporated within Chapter 4 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP)².

Pursuant to Section 144(3) of the Housing SEPP, the proposal is one to which the provisions of Chapter 4 of the Housing SEPP apply. The development has subsequently been designed with regard to both the design quality principles contained within Schedule 9 of the SEPP and the provisions of the Apartment Design Guide (ADG).

The design of the revised development has been directed by Victor Schneider, a registered architect at Giles Tribe Architects (registration number 11157). The Urban Design Response accompanying this modification application confirms that the modified building designs will:

- Achieve the design principles set out within Schedule 9 of the Housing SEPP, and
- Generally satisfies relevant design objectives, guidance, and criteria within the ADG.

To summarise, the development (if modified as proposed) will satisfy relevant design principles and outcomes as prescribed by both the Housing SEPP and the ADG.

² While the implementation of Chapter 5 (which relates to Transport Oriented Development (TOD)) is imminent, this proposal has not been lodged pursuant to the provisions of Chapter 5; the provisions of this Chapter will therefore not be discussed further.



4.1.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the subject development application, as the site is located within both the Ku-ring-gai LGA and the MU1 zone.

Section 2.6(1) of this SEPP provides that a person must not clear non-exempt vegetation in any applicable area without a permit granted by the Council. Provisions relating to biodiversity protection and offsets are not relevant to the site and proposal, as the site is not within an area of biodiversity significance as identified by biodiversity value mapping.

The aims of Chapter 2 of the SEPP are as follows:

- (a) *to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) *to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

As indicated within Section 3.5 of this SEE, part of this proposal seeks consent for the removal of 15 trees.

Pursuant to section 2.10(1) of the SEPP, Council may issue consent for the removal of the trees, noting that with regard to clauses 2.10(2) and (3) of the SEPP, the site and its immediate surroundings are not affected by heritage and biodiversity considerations.

4.1.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4.6 within Chapter 4 of the RH SEPP requires a consent authority to consider:

- Whether the land is contaminated,
- If it is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- If the land requires remediation to be made suitable for the proposed development, it is satisfied that the land will be remediated before the land is used for that purpose.

Based on available information, current development on the site has been in place since at least the existing building on the site was originally used for residential purposes until at least the early-to-mid 1970s, prior to which time the site was used for residential purposes.

The commercial nature of the site's existing uses is unlikely to have caused notable contamination of the site. Such findings are also reflected by a Preliminary Site Investigation report, which found that there was a low potential for any significant contamination soils on the site, that reported contaminants were below adopted criterion, and that the site is capable of being made suitable for the proposed development. The report also recommends that a Detailed Site Investigation be undertaken prior to works commencing, and that a hazardous building material assessment be undertaken prior to demolition works.



Further, any demolition and construction works will be undertaken in accordance with Australian Standards, including AS 2601 to ensure the safe removal of any such hazard materials.

With regard to the above, the consent authority can therefore be satisfied that the site is suitable in its present state for the proposed residential development.

4.1.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

The provisions of Part 2, Division 17 of the TI SEPP do not apply to this proposal, as the site does not adjoin a classified road, and the proposal is not of a size that constitutes 'traffic generating development' as defined by Schedule 3 of the TI SEPP. Given that the adjoining site at Lot 1, DP 566663 contains an electrical substation, the provisions of Section 2.48 of the TI SEPP applies; Council must therefore give written notice to the relevant electricity supply authority and take into consideration any response to the notice that is received within 21 days after that notice is given.

4.1.6 State Environmental Planning Policy (Sustainable Buildings) 2022

This SEPP applies state-wide and aims to ensure sustainable building design, minimise resource consumption and ensure consistent assessment of building sustainability.

In accordance with Chapter 2 and both Schedules 1 and 2 of the SEPP, a BASIX certificate and associated documents (e.g. energy efficiency certificates) and an Embodied Emissions Report forms part of this development application package. Further reference is subsequently made to those documents for details regarding how the proposal will satisfy relevant provisions of the SEPP.

All proposed works will be undertaken in accordance with the commitments of all BASIX certificates and associated information. The proposal is therefore consistent with this SEPP.

4.1.7 Ku-ring-gai Local Environmental Plan 2015

The *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015) is the primary EPI that applies to the subject site, and provides the zoning, key development standards and objectives for development types within the Ku-ring-gai LGA.

4.1.7.1 PERMISSIBILITY

The subject site is located within an MU1 Mixed Use zone (**figure 10**). The proposed development is most appropriately defined by the KLEP 2015 as a 'mixed use development' that comprises of the following uses as defined by the KLEP 2015:

- A 'residential flat building', and
- 'Commercial premises'.



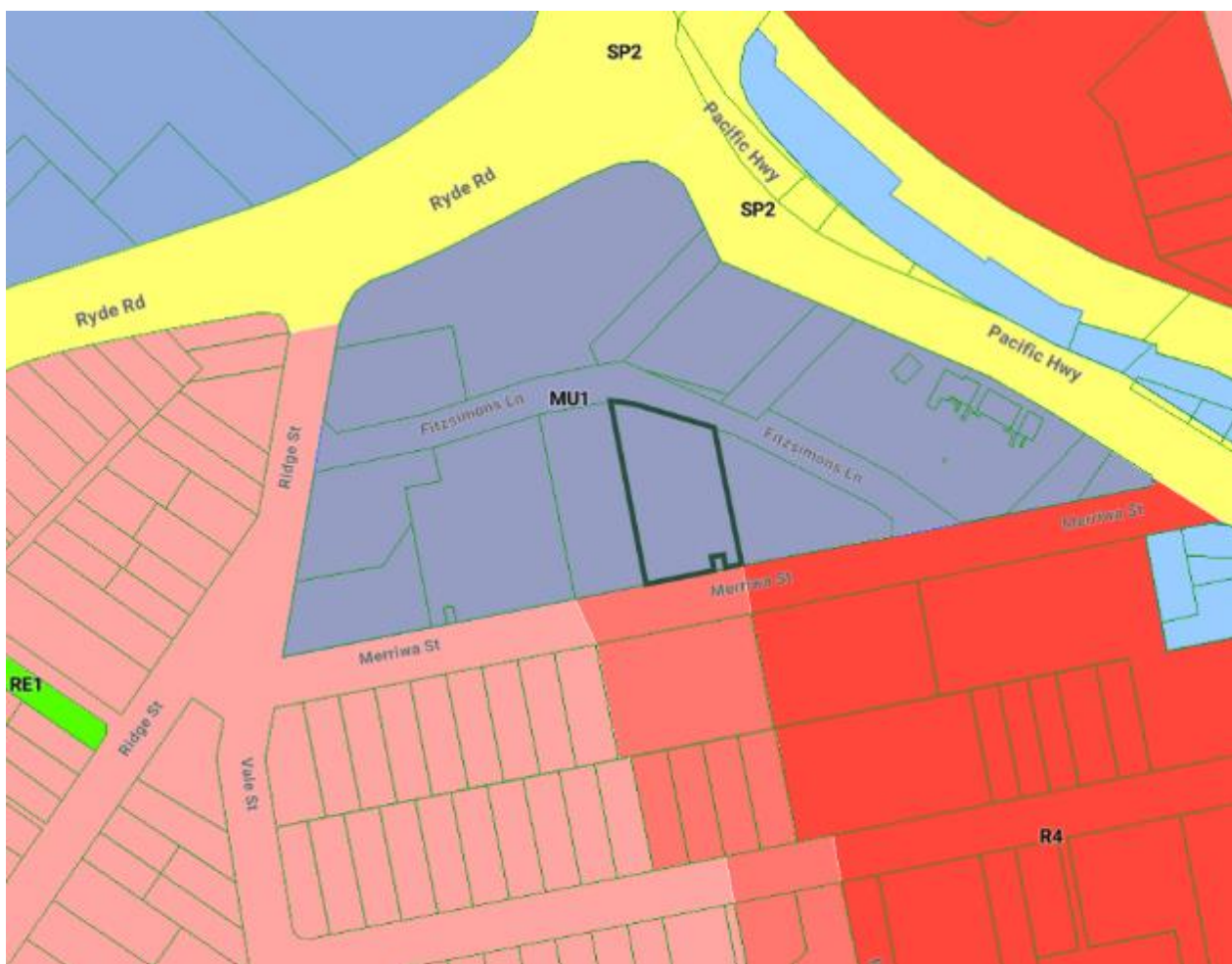


FIGURE 10: An extract of the KLEP 2015 land zoning map. The site is denoted by the dark green border.
Source: Mecone Mosaic, 2024

For reference, each of the above land uses and their associated land use definitions are contained within **Table 3** below.

Table 3: Details of proposed uses and associated KLEP 2015 land use definitions	
Land use	KLEP 2015 definition
Mixed use development	mixed use development means a building or place comprising 2 or more different land uses.
Residential flat building	residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing. Note— Residential flat buildings are a type of residential accommodation—see the definition of that term in this Dictionary.
Commercial premises	commercial premises means any of the following— (a) business premises,



Land use	KLEP 2015 definition
	(b) office premises, (c) retail premises.

All proposed uses as defined above are permissible with consent within the MU1 zone under the KLEP 2015.

As outlined within Section 3.8 of this SEE, the occupation of the three commercial tenancies will be subject to separate consent for occupation and/or fitout.

4.1.7.2 ZONE OBJECTIVES

The objectives of the MU1 mixed use zone under the KLEP 2015 and a response to each are contained within Table 4 below.

Table 4 – Responses to MU1 zone objectives

Objective	Mecone response
<i>To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.</i>	The proposed development will provide three tenancies of varying sizes and layouts, which will be capable of accommodating a range of potential business, retail and/or office premises that will generate employment opportunities.
<i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i>	Both road frontages will provide varying degrees of streetscape activation. The design of the development will however focus on the delivery of a diverse and active frontage addressing Fitzsimons Lane in accordance with clause 6.7 of the LEP 2015 (refer to the assessment of this clause within Section 4.1.7.3 of this SEE).
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	The proposed land uses within the development are consistent with those on surrounding sites (particularly on the northern side of Merriwa Street) and as such will not cause land use conflict on surrounding sites and zones.
<i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i>	The proposed commercial tenancies are to be located on Level 4 of the development, however this is a consequence of the site being a parallel allotment with a significant rear-to-front downhill slope. The placement of the proposed commercial tenancies on the Fitzsimons Lane frontage will however: • Be in accordance with clause 6.7 of the KLEP 2015 (refer to the separate assessment below), and • Will also appear to be located on the 'ground floor' on the building's ground floor when viewed from Fitzsimons Lane.



Objective	Mecone response
	The proposed arrangement is therefore consistent with both: • How the LEP envisions such development within the local area, and • Commercial elements contained within other mixed-use developments on surrounding dual frontage sites (i.e. those addressing both Merriwa Street and Fitzsimons Lane). Further, the “ground floor” appearance of the proposed commercial tenancies will present in a similar manner to those within other developments, examples of which are shown within Figure 7 of this SEE.
<i>To support the integrity and viability of adjoining local centres by providing for a range of “out of centre” retail uses such as specialised retail premises and compatible business activities.</i>	The design of the tenancies will provide for future business activities (including ‘out of centre’ uses) that would support the Gordon local centre.

To summarise, the proposed development will be consistent with the objectives of the MU1 zone.

4.1.7.3 ASSESSMENT OF LEP PROVISIONS

An assessment of the proposal against relevant provisions within KLEP 2015 is contained within **Table 5** below.

Table 5: Assessment of relevant KLEP 2015 provisions

Clause	Requirement	Mecone response
Clause 4.1 Minimum Lot Size	The site is not subject to a minimum lot size provision.	Not applicable
Clause 4.3 Height of Buildings	Maximum permitted height: 23.5 metres	Variation sought Maximum proposed building height: 25.99 metres (2.49 metre/10.6% variation) Refer to the written variation request, which has been prepared pursuant to clause 4.6 of the KLEP 2015 and is attached as Appendix A to this SEE.
Clause 4.4 Floor Space Ratio	Maximum permitted FSR: 2:1	Proposed FSR: 1.97:1
Clause 4.6 Exceptions to	(2) Development consent may, subject to this clause, be granted for development even though the	Complies



Development Standards	development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	Refer to the written variation request (attached to this report as Appendix 1) for a written request prepared pursuant to clause 4.6 to vary building height as prescribed by clause 4.3(2) of the KLEP 2015.
Clause 5.10 Heritage Conservation	(1) The objectives of this clause are as follows— (a) to conserve the environmental heritage of Ku-ring-gai, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	Complies The site does not contain, nor is it in proximity to a mapped heritage item or Heritage Conservation Area (HCA). Due to the: • Nature of existing/prior uses on the site, • Associated amounts of site excavation and disturbance, • Scale of development within the surrounding area, and • Site not being in proximity to any special features (such as foreshore area), it is extremely unlikely that the site contains Aboriginal objects and/or places of heritage significance. In the event of approval however, matters regarding Aboriginal heritage can be governed by conditions relating to undiscovered find protocols.
Clause 6.1 Acid Sulphate Soils	(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulphate Soils Map as being of the class specified for those works.	Complies The site is classified as containing Class 5 Acid Sulphate Soils, however, is not located within 500 metres of adjacent Class 1, 2, 3 or 4 land. The proposed development will therefore not lower the water table on adjacent Class 1, 2, 3 or 4 land. An acid sulphate soil management plan is therefore not required.
Clause 6.2 Earthworks	Development consent is required of the carrying out of earthworks. In deciding whether to grant consent, a consent authority must consider whether the works will result in impacts to the locality and the detailed matters set out under subclause 6.2(3).	Complies Noting that considerable prior excavation has occurred as a result of earlier development, additional excavation is proposed to facilitate the construction of the development, in particular the lower basement areas. The geotechnical report submitted as part of this application demonstrates that (subject to recommendations) such earthworks



		is not expected to intercept groundwater and will not give risks to impacts and/or hazards that could adversely affect surrounding sites. The proposal will therefore address matters for consideration as prescribed by clause 6.2(3) of the LEP.
Clause 6.5 Stormwater and Water Sensitive Urban Design	(2) Before granting development consent to development on any land to which this Plan applies, the consent authority must be satisfied that— (a) water sensitive urban design principles are incorporated into the design of the development, and (b) riparian, stormwater and flooding measures are integrated, and (c) the stormwater management system includes all reasonable management actions to avoid any adverse impacts on the land to which the development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems, and (d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways and groundwater systems.	Complies (a) Water sensitive urban design principles have been adopted into the building and associated stormwater design. (b) Not applicable, as no flooding or riparian land matters apply to the subject site. (c) The proposed stormwater management system will collect stormwater runoff and control releases from the site, noting that it will be designed to one in 100-year storm event. Such a system will avoid adverse impacts on both surrounding sites and areas further downstream within the stormwater catchment. (d) Not applicable, as the design of the stormwater system will prevent any adverse environmental impacts arising.
	(3) For the purposes of subclause (2)(a), the water sensitive urban design principles are— (a) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments, (b) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes,	Complies (a) The design of the stormwater system includes measures to improve stormwater quality to prevent contamination of waterways; refer to the submitted stormwater plans for further information. (b) The proposed development is not expected to intersect groundwater or groundwater flows. Minor seepage may be experienced, with any water capture expected to be minor and controllable via 'pump and sump' measures.

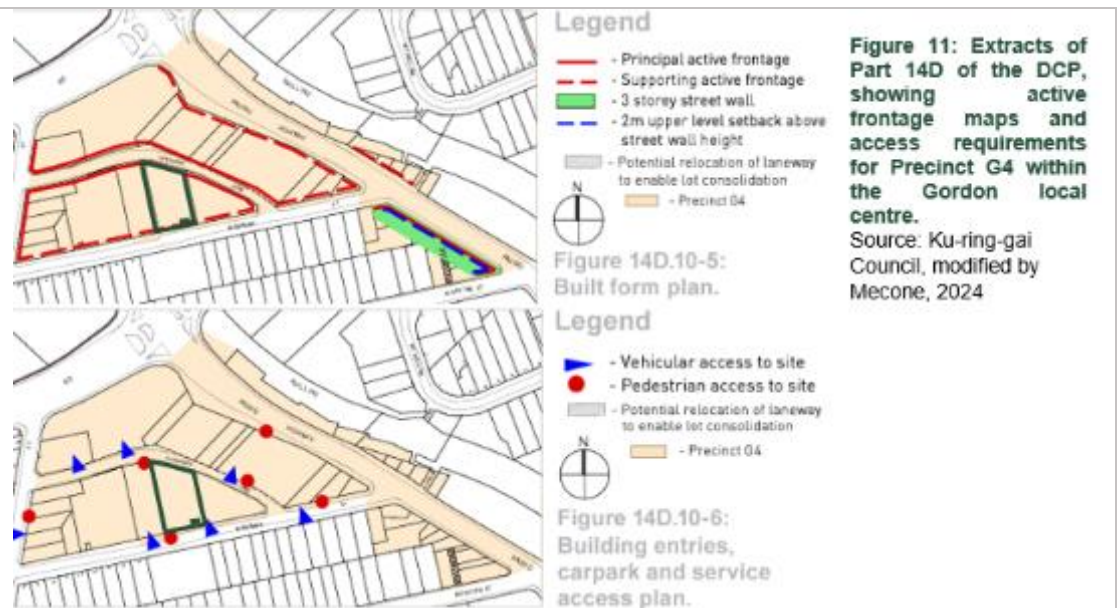


	(c) integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space, and recreational and visual amenity, (d) retention, where practical, of on-site stormwater for use as an alternative supply to mains water, groundwater or river water.	(c) Stormwater management measures are incorporated into the proposed development, and includes stormwater retention and detention systems that will not encroach on common facilities. (d) Onsite stormwater will be provided where possible.
Clause 6.6 Requirements for multi dwelling housing and residential flat buildings	(2) Despite any other provision of this Plan, development consent must not be granted for the erection of multi dwelling housing or a residential flat building on a lot in a residential zone unless the lot has an area of at least 1,200 square metres and minimum dimensions (width and depth) of at least— (a) if the area of the land is less than 1,800 square metres—24 metres, or (b) if the area of the land is 1,800 square metres or more—30 metres.	Not applicable While the development includes a residential flat building component, it is not located within a residential zone.
Clause 6.7 Active street frontages in Zones E1 and MU1	(2) This clause applies to land in Zone E1 Local Centre or Zone MU1 Mixed Use. (3) Development consent must not be granted for the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that after its erection or change of use the ground floor of the building— (a) will not be used for the purposes of residential accommodation or a car park or to provide ancillary car parking spaces, and (b) will consist of design elements that encourage interaction and flow between the inside of the building and the external public areas of the building, and	Noted The site is within an MU1 zone. Complies Refer to the discussion below.



	(c) will be used for purposes that encourage the movement and flow of people between the internal and the external public areas of the building.	
	(4) Subclause (3)(b) does not apply to any part of the building that— (a) faces a service lane and the consent authority is satisfied does not require active street frontages, or (b) is used for 1 or more of the following purposes— (i) a lobby for a commercial, residential, serviced apartment or hotel component of the building, (ii) access for fire services, (iii) vehicular access.	Noted.
	Discussion of clause 6.7(3) The site is unusual in that: • The Merriwa Street and Fitzsimons Lane frontages are located at significantly different levels (i.e. the sloped topography results in Merriwa Street being located approximately 10-11 metres below the Fitzsimons Lane frontage), and • Site modifications caused by previous development create levels and conditions that are not conducive to multiple buildings being proposed on the site. A single-building design is therefore required with habitable levels that will step down the slope, however both the internal floor layout and proposed unit numbering prevents internal splitting or stepping of floor levels. Such unique site conditions are compounded by the KLEP 2015 requiring that an active street frontage be provided at ground level, noting that the Part 14D of the DCP identifies: • Fitzsimons Lane as the 'Principal active frontage', to which new development is to place active use areas such as commercial activities, and • Merriwa Street as the 'supporting active frontage', to which new development is to place vehicular access, pedestrian access and landscaped areas. Refer to figure 11 below.	





Noting that ground level would be located at the lower (i.e. Merriwa Street) frontage, the requirements of the LEP and DCP subsequently contradict each other, as:

- The LEP requires that the active frontage be provided at ground level, however
- The DCP also requires that the active frontage be provided on the higher Fitzsimons Lane frontage (while providing landscaping and building access on the lower Merriwa Street frontage).

The design of the proposed development has responded to this issue by providing the three commercial tenancies on the building level addressing the Fitzsimons Lane frontage. From Fitzsimons Lane, the building design will provide the commercial tenancies at a perceived ground level that will also:

- Not be used for the purposes of residential accommodation or a car park, and
- Be used for purposes that encourage the movement and flow of people between the internal and the external public areas of the building (which in this case is the Fitzsimons Lane setback area).

Such a built form outcome is also similar to that of development approved³ on dual frontage allotments to the west of the site, examples of which include:

- Development Application no. DA0447/14 at 11-15 Merriwa Street, and
- Development Application no. DA0474/13 at 17-23 Merriwa Street (refer to **figures 6 and 7**), which shows that the northern building of that approved development

³ While these developments were approved under the former *Ku-ring-gai Local Environmental Plan 2012*, clause 6.6(3) of that since-repealed EPI contains planning provisions and outcomes that are very similar to clause 6.7 within the KLEP 2015, specifically in that:

- will not be used for the purposes of residential accommodation or a car park or to provide ancillary car parking spaces, 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.*

	providing ground floor commercial tenancies addressing Fitzsimons Lane and the southern building providing ground floor residences addressing Merriwa Street. Given the: • Perception of commercial tenancies being provided at ground level, and • Subsequent streetscape activation within Fitzsimons Lane, that is consistent with other sites within the surrounding MU1 zone, such an arrangement is appropriate in the context of this local area.	
Clause 6.8 Minimum street frontages for lots in employment and mixed use zones	(2) Development consent must not be granted for the erection of a building on land identified as “Area 1” on the Key Sites Map if the land will not have a primary street frontage of at least 20 metres.	Complies Merriwa Street frontage length: 35.785 metres Fitzsimons Lane frontage length: 45.25 metres

4.2 Draft Environmental Planning Instruments

4.2.1 State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

Low- and mid-rise development

From 22 November 2022 to 13 January 2023, an Explanation of Intended Effect (EIE) was exhibited and proposed amendments to *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). Amongst other things, such amendments intend to increase the size and densities of specific building typologies within certain zones that are in proximity to certain types of transport, such as heavy rail.

At the time of writing this SEE, the timing of finalisation and the details of the proposed amendments to the Housing SEPP are unknown, however the site's distance to Gordon railway station is such that the TOD reforms may apply to the site. Given that this proposal does not seek to utilise the bonuses potentially offered by the future changes to the Housing SEPP, such reforms will however have no impact on this proposal.

4.3 Ku-ring-gai Development Control Plan

The Ku-ring-gai Development Control Plan (KDCP) is the primary Development Control Plan that applies to the site.

The relevant sections of the DCP that are considered to be applicable to the assessment of this proposal are listed as follows:

- Section A
 - Part 2: Site Analysis
 - Part 3: Land Consolidation and Subdivision



- Part 8: Mixed Use Development
 - Part 13: Tree and Vegetation Preservation
- Section B
 - Part 14D: Gordon Local Centre
 - Part 15: Land Contamination
- Section C
 - Part 21: General Site Design
 - Part 22: General Access and Parking
 - Part 23: General Building Design and Sustainability
 - Part 24: Water Management
 - Part 25: Waste Management

A detailed assessment of relevant DCP provisions are contained within **Appendix 2**, which is attached to this SEE. To briefly summarise however, the proposal is generally consistent with relevant development controls where they apply to this development proposal.

4.4 Planning agreements

Section 4.15(1)(a)(iii) of the EP&A Act provides that the consent authority must take into consideration any provisions relating to any planning agreements relating to the site and/or proposal.

There are no planning agreements in place that apply to this site.

4.5 The Regulations

There are no prescribed matters in the *Environmental Planning and Assessment Regulation 2021* (the Regulations) that will apply to this application, beyond those relating to the making, assessment and determination of Development Applications.

4.6 Relevant planning considerations

4.6.1 Traffic, parking and access

A Traffic and Impact Assessment (TIA) has been prepared as part of this DA package, which has found that the development proposed by this DA is supportable from a transport impact assessment perspective as detailed below.

4.6.1.1 PARKING

The proposed development will provide a carpark; part of the car parking areas will be within a basement, with the remaining car parking levels to be located under the northern part of the building (i.e. behind the southern part of the building). While the basement level will be a new addition, the location of the



remaining parking facilities will be similar to existing parking facilities, albeit beneath new commercial and residential levels.

Such an arrangement will contain 68 parking spaces. Such parking numbers are consistent with DCP requirements and are considered appropriate for this development. Further, the proposed consolidation of the four existing access points into a single access point within southwest part of the site will reduce potential points of traffic/pedestrian conflict and will provide additional on-street parking within the locality.

The design and placement of all car parking spaces and associated carpark access points are in accordance with relevant Australian Standards, in that such facilities will incorporate adequate access/manoeuvring facilities and approach sight distances.

4.6.1.2 TRAFFIC

Based on the submitted TPA, the assessed maximum peak traffic generation of the proposed development are summarised as follows:

- Morning peak: Approximately 58 vehicular trips per hour
- Evening peak: Approximately 44 vehicular trips per hour

The surrounding road network (including the intersection at Merriwa Street and the Pacific Highway is capable of accommodating projected additional traffic volumes without experiencing drops in levels of service. The surrounding road network will therefore not be adversely affected by the proposal.

4.6.1.3 CONSTRUCTION TRAFFIC MANAGEMENT

The site is in close proximity to major roads including Ryde Road and the Pacific Highway. As such, construction traffic will be able to enter and leave the site without overreliance upon Council's local road network. If deemed necessary by Council in order to approve construction traffic movements, then in the event of approval a condition(s) of consent can be imposed requiring that a Construction Traffic Management Plan (or similar) be submitted to, and approved by Council prior to commencement of works.

4.6.2 Civil works

4.6.2.1 EARTHWORKS

Proposed civil works will include earthworks that will generally consist of earthworks (i.e. cut and filling). Where possible, any filling works required on the site will utilise materials extracted from proposed excavation works, with any exported material to be reused on other sites or to be disposed of at a suitable waste management centre where applicable).

4.6.2.2 GEOTECHNICAL IMPACTS

Documentation submitted with this package includes civil engineering plans and a geotechnical assessment, both of which demonstrate that, subject to consultant recommendations, the proposed



earthworks will not give rise to adverse geotechnical impacts. The earthworks proposed by this DA will therefore be acceptable and will not adversely affect the proposed development and surrounding sites.

4.6.3 Water management

4.6.3.1 STORMWATER

As demonstrated within the Civil Engineering Report and associated civil engineering plans, the proposed development has been designed to capture and divert:

- Stormwater from the building and some paved areas at higher elevations to a 46.36m³ OSD tank contained on the northeast side of the fourth floor. Water captured within the tank is to be utilised for landscape irrigation and greywater purposes (i.e. bathrooms and laundries), and
- Stormwater from the carpark areas to a 13m³ OSD tank within the basement level.

Any overflows from these OSD tanks will be discharged to the public drainage system within Merriwa Street. The stormwater system (including OSD tanks) has been designed to accommodate flows up to and including the 1% AEP (i.e. a 1 in 100 year) storm event.

In addition to the measures outlined above, the OSD tanks will be fitted with Water Sensitive Urban Design (WSUD) measures such as internal filters to improve the quality of stormwater being captured on and discharged from the site.

Such measures will ensure that the volumes of post-development stormwater runoff from the site will not be increased, and as such will not adversely affect sites elsewhere within the water catchment.

4.6.3.2 EROSION AND SEDIMENT CONTROL

Erosion and sediment control measures are to be installed prior to commencement of works in accordance with submitted plans, and will remain in place until all works are completed and areas disturbed by the proposed works are redeveloped and/or revegetated. All such works will be undertaken in accordance with the *Protection of the Environment Operations Act 1997* and the document “*Managing Urban Stormwater – Soils and Construction (2004)*” (also commonly known as “The Blue Book”). It is also anticipated that if the DA is approved, conditions of consent will also require that erosion and sediment controls and stormwater management measures will be established prior to, and retained during, construction of the proposed development.

Such measures will prevent sediment and other such matter from contaminating local waterways.

4.6.4 Natural hazards

4.6.4.1 LANDSLIP HAZARD

Given the slope of the site, prior site disturbance and the levels of excavation being proposed, landslip hazard considerations have been adopted into the design and construction of the proposed development. Documentation submitted with this DA package includes civil engineering plans and a geotechnical investigation; these provide information demonstrating that, subject to recommendations, the proposed earthworks will not give rise to adverse geotechnical impacts or landslip risks.



4.6.4.2 GROUNDWATER AND SALINITY

The submitted geotechnical investigation identified that the proposed development is not expected to intercept groundwater and as such construction dewatering is not required. Any seepage experienced during works would be capable of being collected and pumped from the site as required.

4.6.5 Trees and vegetation

None of the trees to be removed are of biodiversity significance and will not result in degradation of local biodiversity, noting that the site is not identified by relevant mapping (including Council's Greenweb maps) as being affected by biodiversity considerations.

Further, the landscape plans submitted with this application demonstrate that appropriate landscaping will be provided that is attractive, drought tolerant and low maintenance.

Landscaping at ground level will comprise of a range of locally endemic vegetation types, including turf, shrubs, plants and canopy trees. Areas within both street setbacks will also provide large and unencumbered areas for the retention of 15 trees, in addition to the provision of 25 trees, which will contribute to a green corridor along the rear of the site and surrounding sites.

Planters on the building (i.e. from level 5 upwards) will also be of suitable sizes and depths to provide adequate screen planting in addition to medium sized trees on the rooftop terrace. Rooftop landscaping will also enable the establishment and growth of vegetation that will assist in providing a suitable year-round climate that will encourage use of the terrace area.

4.6.6 Acoustic considerations

4.6.6.1 CONSTRUCTION NOISE

Demolition and construction activities on the site will be limited from 7:00am to 6:00pm Monday to Friday and 7:00am to 5:00pm on Saturdays, which is in accordance with hours of construction that are typically approved within the Ku-ring-gai LGA. All construction activities will be undertaken in accordance with applicable standards and conditions of consent to avoid undue impacts on surrounding residential areas. It is anticipated that in the event of approval that conditions would be recommended by Council to ensure that works do not unreasonably and adversely affect the surrounding area.

4.6.6.2 POST-CONSTRUCTION OCCUPATION

As the proposed development is for residential accommodation, ongoing use of the proposed dwellings will be generally consistent with that of residential areas, such as those within the surrounding community. The hours that the communal rooftop terrace may be used will however be limited to within the following times:

- Monday to Friday: 7:00am to 10:00pm
- Weekends and public holidays: 8:00am to 10:00pm



Such times are not considered to be unreasonable or inconsistent with similar such terraces on nearby mixed use developments, and as such activities associated with the rooftop terrace will not give rise to adverse and unreasonable acoustic impacts.

Given the size and design of the commercial tenancies, it is not expected that they would contain large scale commercial uses that may give rise to adverse acoustic impacts within the surrounding area. Subject to the nature of future non-residential uses, any future application(s) required for such future uses will be subject to separate assessment and approval based upon their specific merits.

4.6.7 Waste management

4.6.7.1 CONSTRUCTION WASTE MANAGEMENT

The design of the proposed development and construction techniques to be employed during works will minimise waste during the construction phase of the development. The recycling and reuse of construction materials will also be utilised where possible. Reference is made to the Waste Management Plan for further detail regarding anticipated waste volumes and proposed disposal sites.

Where it is not possible to recycle materials, all waste generated during works will be sent to appropriate waste management facilities.

4.6.7.2 ONGOING WASTE MANAGEMENT

As demonstrated by the architectural plans, in addition to internal waste storage within each of the proposed dwellings, the design of building will provide for three internal waste storage areas within the basement level, being for residential and commercial bin storage and bulky waste storage. The design of the basement will also allow for onsite waste collection occur in a manner that will not affect access to, and operation of, proposed car parking arrangements.

Further, the WMP provides details regarding management procedures for waste collection activities in a manner that does not adversely affect the amenity of the surrounding area.

4.6.8 Residential amenity

As demonstrated by this SEE and appended plans and documents, the proposed development will not give rise to adverse and unreasonable impacts, including (but not limited to):

- Overshadowing,
- Visual privacy, and
- Excessive noise.

Further, the design of the development will provide for high levels of internal amenity, noting that the majority of dwellings will obtain high levels of natural light, direct solar access and are capable of being naturally ventilated. The development has also been designed with regard to climatic conditions, and in addition to providing a wide variety of external built environments that in addition to being used year-round, will also provide dwellings and associated internal environments that are capable of being comfortably inhabited in an energy efficient manner.



4.7 Development contributions

The Ku-ring-gai Contributions Plan 2010 (as modified) is the contributions plan that will apply to the site, given that the proposal is for new residential development that is expected to increase demand on local facilities and services.

It is anticipated that in the event of approval, that contributions that are required to be paid will form part of conditions of consent.

4.8 Likely impacts of development

Section 4.15(1)(b) of the EP&A Act provides that the consent authority must take into consideration any provisions relating to any likely impacts of the development.

4.8.1 Natural environment

As demonstrated by **figures 8 and 9**, the proposed development incorporates building designs that will be sympathetic to the highly variable character of surrounding residential areas, including:

- Higher-density residential development to the north, east and west, and
- Lower density areas to the south and southwest of the site.

While the development will necessitate the removal of 15 trees (none of which are of biodiversity significance), it will retain a further 15 trees, including numerous significant trees on the southern (i.e. the Merriwa Street frontage) side of the site that addresses aforementioned lower density residential areas.

Further, the design makes provision for large and unencumbered areas within all setback areas to facilitate the establishment and growth of landscaping including 25 large/canopy trees. Such landscaping treatments will present to areas both within the subject site and to surrounding areas in a manner that will be aesthetically pleasing, consistent with landscape layouts within surrounding higher-density residential developments and species selection that will be compatible with surrounding vegetation typologies.

Construction mitigation measures to be installed during works (and which are expected to form conditions of consent in the event of approval) will also protect trees on surrounding sites and not result in runoff or impacts that will cause adverse impacts elsewhere within the local catchment.

Due to the location of the development on the site, its responsiveness to the site's sloped topography and the setbacks, heights and overall design will provide high levels of security and amenity for residents without causing significant nor unreasonable impacts (such as overlooking and overshadowing) on the amenity of residents on surrounding sites.

Further, while the development will be mostly for residential use, management procedures to be implemented as part of the site's ongoing use (in particular those relating to the operation of the rooftop



terrace and onsite waste collection) will not result in adverse impacts (such as noise) affecting the predominately residential amenity of the surrounding area.

With regard to the above, the proposed development will not give rise to adverse and unreasonable impacts on the natural environment and the amenity of the surrounding area.

4.8.2 Built environment

Mixed use development like that being proposed is permissible within the MU1 zone under the KLEP 2015, and the built form of the proposed development (in terms of height, scale, design and overall appearance) will be compatible with development within that zone on the northern side of Merriwa Street. Sites within this area already contains high-density development (i.e. six-to-nine-storey mixed use developments), particularly to the north, east, and west of the site.

The design of the building has carefully considered the constraints of the site (in particular the site's challenging topography and earlier site modifications created by previous development), the locations of existing trees and the design, placement and form of surrounding development. The resultant design (as shown by the architectural plans, has subsequently proposed development that will avoid significant, adverse and unreasonable impacts on the surrounding area.

As demonstrated by this planning assessment, the proposal mostly complies with applicable development standards and development controls; where strict numerical compliance is not able to be attained, the design has strived to satisfy applicable objectives so that any such non-compliances do not give rise to undesirable or unreasonable outcomes (such as excessive overshadowing, overlooking and poor streetscape appearance).

As such, it is submitted that the proposal will not have any unacceptable impacts on the built environment and is therefore satisfactory in this regard.

4.8.3 Social and economic impacts

4.8.3.1 SOCIAL IMPACTS

The development will provide a variety of housing typologies and sizes (particularly larger-sizes apartments), which in addition to proposed onsite facilities will make the development suitable for members of the community, in particular larger families. Further, the site is situated within a suitably located area that is in close proximity to public transport and services such as shops, restaurants and everyday services such as pharmacies, banks, medical services and the like). In addition to maintaining high levels of amenity, privacy and flexibility for daily living, the development will replace an aging and outdated commercial development with a modern development that will provide high levels of amenity for both residents, workers and visitors to both residential and commercial elements. The proposed uses associated with the development are compatible with the surrounding area and will not give rise to adverse impacts on surrounding residents and the community more generally.



The modifications proposed by this development proposal will therefore not contribute to any negative community and social impacts.

4.8.3.2 ECONOMIC IMPACTS

Positive economic impacts will continue to be associated with the development (both as approved and as modified) within the locality and the Ku-ring-gai LGA more broadly as a result of the following:

- Further increases to the efficiency and sustainability of the development that as already approved, will deliver a more efficient use of land resources, existing infrastructure and services in an area that is in proximity to local services and public transport,
- Employment of tradespeople and other construction-related professionals during construction, and
- Provision of commercial tenancies that will facilitate future employment opportunities, in addition to the employment of staff required for the management, maintenance and upkeep of the building.

The development will also not adversely affect the development potential of, and subsequent economic activity on, surrounding sites. As such, there are no unacceptable economic impacts that will arise as a result of the proposed development.

In summary, the proposal will not give rise to adverse social and/or economic impacts.

4.9 Suitability of the site

Section 4.15(1)(c) of the EP&A Act provides that the consent authority must consider the suitability of the site for the proposed development.

The proposed mixed-use development is suitable in the context of the site's location and surrounding development, and is both permissible within, and will satisfy the objectives of, the MU1 Mixed Use zone.

The placement and design of the proposed development will replace an aging and outdated commercial building with modern and suitable residential and commercial facilities that:

- Will provide high quality and high amenity living and working environments,
- Are well-located, being in proximity to transport and everyday services, and
- Will not give rise to significant and unreasonable impacts on the local natural and built environments.

The proposed development is well designed, responds well to the constraints of the site and the locality, and is efficient and economic use of the land, as it enables a larger number of persons to be accommodated within a suitably located and designed development. close to public transport that:

Given the above, it is submitted that the site is suitable for the proposed development.



4.10 Public submissions

Section 4.15(1)(d) of the EP&A Act provides that the consent authority must consider any submissions made in accordance with the EP&A Act and the Regulations.

It is therefore expected that Council will advertise the proposed development in accordance with the requirements of the EP&A Act, the Regulations and Council's Community Participation Plan (CPP).

It is also expected that Council will consider any submissions received in response to the advertising of this Development Application, as part of its planning assessment.

4.11 The public interest

Section 4.15(1)(e) of the EP&A Act provides that the consent authority must consider whether the development proposed by this Development Application is in the public interest.

The development is permissible with consent within the MU1 zone, is consistent with the objectives of the zone and will provide:

- A significant quantity of modern, high-quality dwellings with high levels of amenity, flexible living arrangements and a large range of designs and layouts for members of the community, and
- A variety of high amenity and well-placed and designed commercial tenancies that will be capable of accommodating a wide range of employment generating activities.

The development Such development will also be facilitated by high quality communal landscaping and facilities (such as children's play areas) and building services that will further bolster high levels of residential and commercial amenity and functionality for future residents and workers.

Accordingly, the proposed development will result in positive development outcomes for the neighbourhood, the Ku-ring-gai LGA and northern Sydney more broadly, and as such will both result in positive social and development outcomes for the locality.

It is therefore submitted that the proposed development that is in the public interest.



5 Conclusion

This SEE has been prepared on behalf of Giles Tribe Architects to support a development application to Ku-ring-gai Municipal Council for the demolition of structures and the construction of a mixed use development. Such development will comprise of 27 residential apartments and three commercial tenancies, as well as associated facilities such as car parking, onsite waste storage and collection facilities, civil works and landscaping. The specifics of the proposed development are contained within Section 3 of this SEE.

This statement describes the proposed works in the context of relevant planning controls and policies applicable to the form of the development proposed. In addition, the statement provides an assessment of relevant heads of consideration pursuant to section 4.15 of the EP&A Act.

The proposed works will not have any significant nor unreasonable environmental impacts and will be consistent with the existing and desired character of the area.

A detailed environmental assessment has been undertaken within Section 4 of this report, and is supported by architectural, landscape and engineering plans and necessary consultant studies, as per the requirements of Council and relevant statutory requirements. This environmental assessment has found that the associated impacts of the proposal are minimal, manageable and reasonable. Hence, the outcomes of the proposal:

- Is a suitable development for the subject site,
- Suitably responds to the existing built form character of the area,
- Responds well to the unique and specific constraints of the site,
- Provides a suitable and high-quality design that responds to existing and the desired character of the Gordon local centre and associated development,
- Provide for adequate visual and acoustic privacy,
- Generates no significant and unreasonable overshadowing of surrounding sites,
- Has a strong emphasis on environmental and sustainability measures to reduce ongoing water and energy consumption,
- Will not generate significant amounts of traffic,
- Will provide improved landscaping and tree planting to enhance the visual character and amenity of both the site and surrounding area,
- Will significantly increase the stock of safe, high amenity residential development that will be well-suited to families, especially those with children, and
- Is well located in proximity to public transport and local services.

We therefore request that Council supports and approves this Development Application.



Appendices

6 Appendices

6.1 Appendix 1 – Clause 4.6 Written Variation Request (Building height)



6.2 Appendix 2 – Assessment of Ku-ring-gai Development Control Plan



6.3 Appendix 3 – Architectural Plans



6.4 Appendix 4 – Landscape Plans



6.5 Appendix 5 – Survey Plans



6.6 Appendix 6 – Civil Works Plans



6.7 Appendix 7 – Stormwater Plans



6.8 Appendix 8 – Design Verification Statement



6.9 Appendix 9 – Apartment Design Guide Assessment



6.10 Appendix 10 – Arboricultural Impact Assessment



6.11 Appendix 11 – Preliminary Site Investigation



6.12 Appendix 12 – Geotechnical Investigation Report



6.13 Appendix 13 – BCA Report



6.14 Appendix 14 – Livable Housing Design Guidelines Assessment Report



6.15 Appendix 15 – Traffic Impact Assessment



6.16 Appendix 16 – Concept Services Report



6.17 Appendix 17 – Accessibility Capability Statement



6.18 Appendix 18 – Operational Waste Management Report



6.19 Appendix 19 – BASIX Certificate



6.20 Appendix 20 – Cost Report



6.21 Appendix 21 – Embodied Emissions Report



