



8 April 2020

TfNSW Reference: SYD20/0019/01
Council Reference: S12120 / 2020/061207

Mr John McKee
General Manager
Ku-ring-gai Council
818 Pacific Highway
Gordon NSW 2072

Attention: Alexandra Plumb, Urban Planner

Dear Mr McKee,

PLANNING PROPOSAL TO REZONE 45-47 TENNYSON AVENUE AND 105 EASTERN ROAD TURRAMURRA

Transport for NSW (TfNSW) advises that legislation to bring Roads and Maritime Services and TfNSW together as one organisation came into effect on 1 December 2019 so we can deliver more integrated transport services across modes and better outcomes to customers and communities across NSW.

We appreciate the opportunity to comment on the above proposal which Council referred to us by correspondence dated 5 March 2020, and advise that this letter represents the views of the new TfNSW organisation.

It is noted that the planning proposal seeks to amend planning controls within the Ku-ring-gai Local Environmental Plan (KLEP 2015) for the subject site, to facilitate redevelopment for commercial (retail) premises as follows:

- rezone the sites from R2 Low Density Residential to B1 Neighbourhood Centre; and
- remove the 940m² Minimum Lot Size Development Standard.

It is noted that a site-specific Development Control Plan (DCP) is also proposed for the site.

TfNSW provides advisory comments at **TAB A** for Council's consideration.

Thank you for the opportunity to provide advice on the subject planning proposal. Should you have any questions or further enquiries in relation to this matter, Amanda Broderick would be pleased to take your call on phone 8849 2391 or email: development.sydney@transport.nsw.gov.au

Yours sincerely,

Cheramie Marsden
**Senior Manager Strategic Land Use
Land Use, Networks & Development, Greater Sydney**

Transport for NSW

27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973, Parramatta CBD NSW 2124
P 131782 | W transport.nsw.gov.au | ABN 18 804 239 602

TAB A: Detailed Comments

TfNSW provides the following advisory comments for Council's consideration:

Vehicle Access Point

The vehicle access points associated with the proposed development are to be consistent with the draft DCP with the access points for the basement car parking and at grade car parking separated and rationalised with appropriate treatments to reduce future conflict points and improve traffic flow on Eastern Road to the satisfaction of Council.

Bus Stops

Two bus stops are situated on Eastern Road adjoining the proposed development. Depending on the location of future vehicle access points, TfNSW suggest that the relocation and improvement of these bus stops and pedestrian links may need to be considered as a part of the future development application, in consultation with Council and TfNSW.

Service Vehicles

Parking for building maintenance, services vehicles and garbage collection should be accommodated within the site and should not impact the functioning of Eastern Road. The future development application should be supported by an assessment of the service vehicle access arrangements.

Contributions to Local Infrastructure

Council may wish to consider the need for a funding mechanism (e.g. S.7.11 Local Contribution Plan) to obtain equitable developer contributions towards the local and regional road network to support growth in Turrumurra and the Ku-ring-gai LGA as envisaged in Ku-ring-gai Council's Local Strategic Planning Statement (LSPS).

TfNSW will work with Council to identify the regional transport needs to achieve Council's vision set out in the LSPS, particularly in the review and implementation of Council's Local Housing Strategy, Workforce Management Strategy 2018 – 2028 and comprehensive LEP amendment and any supporting local contribution plans.

24 March 2020



Antony Fabbro
Manager Urban and Heritage Planning
Locked Bag 1006
Gordon NSW 2072

24-28 Campbell St
Sydney NSW 2000
All mail to
GPO Box 4009
Sydney NSW 2001
T +61 2 131 525
ausgrid.com.au

Your Ref: S12120 / 2020/061207

RE: Planning Proposal to rezone 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra

Dear Antony,

Ausgrid has no objection to this proposal.

Regards,

A handwritten signature in black ink, appearing to read "Steve Head", written in a cursive style.

Steve Head
Design Portfolio Manager – Sydney North & Central Coast
Ph: (02) 4325 8520
shead@ausgrid.com.au



Our ref: DOC20/192930

Your ref: S12120/2020/061207

Mr Antony Fabbro
Ku-ring-gai Council
Locked Bag 1006
GORDON NSW 2072

Dear Mr Fabbro

Subject: Planning Proposal to rezone 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra

Thank you for your letter of 5 March 2020 requesting comments on this planning proposal.

The Environment, Energy and Science Group (EES) appreciates Council providing it with an extension in which to provide its comments. EES has reviewed the planning proposal and provides its recommendations and comments at Attachment A.

Please note that EES has not provided comments on Aboriginal cultural heritage matters. This matter may still need to be considered by the consent authority.

If you have any queries regarding this matter, please do not hesitate to contact Janne Grose, Senior Conservation Planning Officer on 02 8837 6017 or at janne.grose@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads 'S. Harrison'.

16/04/20

Susan Harrison

**Senior Team Leader Planning
Greater Sydney Branch
Climate Change and Sustainability**

Attachment A

Planning Proposal to rezone 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra

The Planning Proposal is seeking in part to rezone the subject site from R2 Low Density Residential to B1 Neighbourhood Centre under Ku-ring-gai LEP 2015.

The Environment, Energy and Science Group (EES) has reviewed the following documents:

- Combined Planning Proposal report (PPR) and Appendices
- Amended Urban Design Statement - Attachment 5 of PPR
- Amended Arboricultural Impact Statement - Attachment 8 of PPR
- Amended Landscape Report – Attachment 9 of PPR
- Ecological Report (ER) – 31 May 2019 - Attachment 10 of PPR
- Draft Site Specific DCP

and provides the following comments.

Biodiversity

Section 3.2.1 of the ER states that only three species on site match those in the Scientific Committee's Final Determination for the listing of Blue Gum High Forest (BGHF) as a critically endangered ecological community (CEEC) (page 17). It is noted that the Bordered Panic Grass (*Entolasia marginata*) was recorded as a native plant likely to be naturally occurring on site or adjacent to the site (see section 3.2.1, page 17), is also on the species list in the Final Determination. This implies there are potentially four species on site which match those in the Scientific Committee's Final Determination. It is also noted that the ER states the site contains "no native groundcover" so further clarification is required on this.

The ER notes 15 trees on the site are local native species (section 3.1, page 16) but only 11 of these trees are naturally occurring (section 3.2.1, page 17). The PPR indicates these 11 trees are part of the BGHF ecological community consisting of 7 Turpentine, 2 Blackbutt and 2 Sydney Blue Gum trees (page 28 of PPR).

The ER also states that four of the 15 native plant species found on site were apparently planted (Page 17) but it does not specify what these species are. EES is concerned that one of the four species supposedly planted may be *Syzygium paniculatum*. This threatened tree species is often assumed to be planted but can occasionally occur naturally in BGHF.

While it is acknowledged that a fauna survey would not be required for a planning proposal, some consideration of threatened fauna species that may potentially use the site would have been appropriate. EES notes there are a number of recent records of threatened fauna species from within 2 km of the site, such as:

- Little Lorikeet
- Gang-gang Cockatoo
- Powerful Owl, Masked Owl
- Grey-headed Flying-fox and
- a number of threatened microchiropteran bat species.

The proposal will result in impacts to threatened fauna habitats, through the loss or reduced canopy of a number of trees, and potential indirect impacts.

There is no discussion of potential indirect impacts on BGHF, for example overshadowing, hydrological impacts or impacts on tree roots from underground carpark construction.

While the PPR indicates the proposal includes the removal of 5 trees from the site and two of these trees are native while the other three trees are non-native (page 16), it is unclear if additional trees could potentially be removed from the site at the DA stage. The Supporting Statement, for example, states “a total of five trees within the site are proposed to be removed” but it also indicates “further root investigation/mapping will be required for 3 trees to determine any actual impact from the proposed basement construction”. This implies the development could potentially impact an additional 3 trees (page 21) but it also states, “further root investigations will be required in relation to 3 trees to be retained” (page 24). It is unclear if these three trees that could potentially be impacted are BGHF trees.

The PPR also indicates 5 BGHF trees require some canopy pruning (page 16). According to the ER the pruning is to allow access for machinery for constructing the underground carpark (section 4.1.2, page 20) and that several branches of BGHF will be trimmed (section 4.1.4, page 21). EES recommends that where possible the footprint of the proposal is amended to avoid pruning the canopy of existing BGHF trees.

The ER recommends planting BGHF trees and groundcover species within the nominated offset areas on the site and notes that the offset areas have increased from 737m² to 904m² (page 16). It also notes the “proposed planting in the Blue Gum High Forest Conservation Zone includes planting of some BGHF CEEC characteristic species *and some other natives*” (EES emphasis) (section 4.1.1, page 20). EES supports the planting of BGHF species on site and recommends:

- development of the site replaces any removed trees at a ratio greater than 1:1
- a diversity of local native provenance BGHF species (trees, shrubs and groundcovers) are used in the BGHF Conservation Zone, other landscaped areas (except for the proposed orchard) and the street planting rather than non-local native species or exotic plants
- the proposed development footprint provides sufficient area for the existing and planted BGHF trees to grow to maturity without the need for pruning/lopping of branches
- the planted area of BGHF species is as large as possible on the site.

The PPR indicates parking (as identified in the concept plans) comprises a mix of both on-grade and basement parking (page 22) and the amended Urban Design Statement shows the on-grade car park will provide 18 car park spaces (page 6). EES notes however, that the draft DCP includes control (2) that “car parking is to be provided within the basement of new development”. It is unclear why the PPR amended Urban Design Statement and amended Landscape Report are not consistent with the draft DCP.

The provision of basement carparking only (instead of a mix of both on-grade and basement parking) would reduce the proposed building footprint and potentially provide additional space on site to establish BGHF plantings and/or potentially avoid the need to prune BGHF trees. If possible EES recommends that the concept plans are amended to be consistent with the draft DCP so that basement carparking (for example provide 2 basement levels provided this does not have adverse groundwater impacts) rather than a mix of on-grade and basement parking.

Flood

Council's report for the planning proposal indicates on page 26 that, Section 9.1 Direction 4.3 Flood Prone Land is not applicable to the proposal. However, Council's Lovers Jump Creek Floodplain Risk Management Study and Plan shows the area of the site adjacent to Eastern Road and extended from Alice Street to Tennyson Street as impacted by overland flow in the 1% AEP.

The principles of the Floodplain Development Manual apply to lands impacted by overland flow the same as mainstream flooding. Accordingly, the proponent is required to refer to Council's study and address the impacts of the proposal on flooding behaviour and identify required management options and development controls.

Draft Site Specific DCP

The ER recommends where possible planting Blue Gum, Blackbutt and Turpentine trees and using Turpentine trees adjacent to buildings and high use areas (section 5.1, page 28). It also recommends:

- planting a mix of BGHF trees, shrub and groundcover species which are of local provenance
- street landscape planting along Eastern Road and Tennyson Avenue should be local native canopy trees (page 28).

EES recommends the site specific DCP is amended to include these specific recommendations as controls and that the following amendments in bold are included in the DCP:

14D.1 Urban Precinct

EES supports the inclusion of Objective (6), (7) and Control (2) but recommends the following amendments in bold are included.

Objective (6):

- (6) to enhance the amenity of the streetscape and public domain **by planting a mix of local native provenance Blue Gum High Forest trees.**

Objective (7):

- (7) to retain, and protect, **the local** native vegetation including Blue Gum High Forest Critically Endangered Ecological Community (CEEC) **and to restore and revegetate a mix of local provenance Blue Gum High Forest species.**

Control (2):

2 New development is to include the following key elements:

- (i) Retention, **restoration and revegetation** of trees and vegetation associated with Blue Gum High Forest Critically Endangered Ecological Community (CEEC) located within and adjacent to the site. Refer to Part 18.4 of the DCP
- (v) **native vegetation at the site including Blue Gum High Forest is to be clearly marked on the ground prior to any works commencing to avoid inadvertent clearing.**

14D.2 Pedestrian and Vehicular Access

Control (9):

- (9) All development is to be setback from native trees and vegetation on the site and adjoining properties, to ensure their protection and retention. The following are to apply:
- (i) Setbacks are to meet the requirements of Part 18.4 of the DCP relating to landscape remnant
 - (ii) Verification of exact setbacks is to be subject to demonstration of meeting the requirements in Protection of Trees on Development Sites (AS 4970-2009)
 - (iii) Consideration should ~~also be had given~~ to the potential hydrological impacts on Blue Gum High Forest CEEC, **including measures to mitigate impacts from increased stormwater and nutrient pollution, sedimentation and weed invasion from urban run-off**

14D.3 Building Setback

Objectives (3) and (4):

- (3) To provide building and basement setbacks that allow the retention of existing **significant local native** trees and vegetation on the site
- (4) To ensure adequate areas to enable landscaping **with local native provenance plant species** within setbacks where appropriate

EES also recommends Control (6)(iii) is amended as per 14D.2 Control (9)(iii) above.

14D.4 Built Form

Controls (7), (9) and (10):

- (7) The area between the front building line and Eastern Road property boundary is to be appropriately landscaped, including paving and planting **with a diversity of local native provenance plant species**, while ensuring active street frontage is achieved. Outdoor dining and the display of goods is encouraged within the front setback area
- (9) A landscape buffer area (including retention of existing trees **and the planting of local native tree, shrub and groundcover species**) is to be provided within the setback areas adjoining Alice Street, Tennyson Avenue and residential properties 43 Tennyson Avenue and 1 Alice Street
- (10) A landscape plan is to be prepared **and implemented** which comprises **a diversity of provenance tree, shrub and groundcover** species from the Blue Gum High Forest community.

14D.5 Public Domain

The Supplementary Planning Statement in attachment 2 of the PPR notes existing street trees will be retained and supplemented with new street tree plantings and the amended Landscape Report shows that increased street planting is proposed along Eastern Road (page 12). EES recommends the draft DCP is amended to include a control that any new street tree planting is to consist of local provenance BGHF tree species that occur in this locality and Control (1) is also amended.

Controls (1):

- (1) kerb extension on Eastern Road for wider footpath and street tree planting **of local native provenance Blue Gum High Forest tree species**
- (12) **all new street tree planting is to consist of local provenance Blue Gum High Forest tree species.**

End of Submission