



45-47 Tennyson Avenue & 105 Eastern Road, Turrumurra

Supporting Planning Statement for a Planning Proposal

Contact Details:

SJB Planning
Level 2, 490 Crown Street
Surry Hills NSW 2010
Australia

T: 61 2 9380 9911
planning@sjb.com.au
www.sjb.com.au

SJB Planning (NSW) Pty Ltd
ABN 47 927 618 527
ACN 112 509 501

Table of Contents



	Executive Summary	4
1.0	Introduction	6
1.1	Overview	6
1.2	Background	7
1.3	Pre-lodgement meeting with Council	9
1.4	Amendment to the Standard Instrument Local Environmental Plan	9
1.5	Scope and Format of the Supplementary Planning Statement	10
2.0	Site Description and Context	11
2.1	Overview	11
2.2	Site Context and Locality	11
2.3	Site Description	12
2.4	Commercial Context	13
3.0	Statutory Framework	15
3.1	A Metropolis of Three Cities	15
3.2	North District Plan	16
3.3	Ku-ring-gai Community Strategic Plan 2038	16
3.4	Ku-ring-gai Integrated Transport Strategy	16
3.5	Ku-ring-gai Sustainability Vision 2008-2033	16
3.6	Ku-ring-gai Local Environmental Plan (KLEP) 2015	16
3.7	Ku-ring-gai Development Control Plan (KDCP) 2016	22
4.0	Conclusion and Recommendations	26

List of Figures

Figure 1: The subject site (Source: Urban Design Statement by Oculus, August 2018)

Figure 2: Locality plan (Source: Google)

Figure 3: Aerial view of site including indicative development layout (Source: Urban Design Statement by Oculus, August 2018)

Figure 4: Retail Context & Hierarchy (Source: Economic Impact Assessment by Deep End Services – 22 June 2018)

Figure 5: Extract from Eastern Harbour City Vision A Metropolis of Three Cities

Figure 6: Extract of KLEP 2015 Land Zoning Map

Figure 7: Extract of KLEP 2015 Height of Buildings Map

Figure 8: Extract of KLEP 2015 Floor Space Ratio Map

Figure 9: Extract of KLEP 2015 Acid Sulfate Soils Map

Figure 10: Extract of KLEP 2015 Terrestrial Biodiversity Map

Figure 11: Access and Movement – Circulation Diagram (Source: Urban Design Statement by Oculus, August 2018)

Executive Summary

This Supporting Planning Statement has been prepared in assistance of a Planning Proposal relating to land known as 45-47 Tennyson Avenue, and 105 Eastern Road, Turramurra. The site has a legal description of Lot 1 DP 4323, Lot 2 DP 515147, and Lot 1 DP 515147.

The site is currently comprised of the following:

- 45-47 Tennyson Avenue – A garden centre, associated car parking and structures; and
- 105 Eastern Road – A service station and associated vehicle mechanical workshop.

The subject site is currently zoned R2 Low Density Residential under Ku-ring-Gai Local Environmental Plan (KLEP) 2015 and rezoning to B1 Neighbourhood Centre is required to facilitate the proposed concept development for a Harris Farm Market. Revision to the allowable gross floor area (GFA) provisions under Clause 6.9(2) of KLEP 2015 for shops in the B1 Neighbourhood Centre zone is also proposed. Accordingly, the Planning Proposal seeks to rezone the subject site, as well as seeking an exemption to Clause 6.9(2) in relation to maximum GFA of the premises.

No amendments are sought to the existing height of buildings of 9.5m, or floor space ratio (FSR) of 0.3:1, development standards of KLEP 2015.

The site, while zoned residential, has never been used for residential purposes, and has a long history of commercial/retail use as part of the Eastern Road local shopping strip. The development concept consistent with the Planning Proposal includes:

- A commercial premises (shop) of 1,000m² GFA, referred to as the 'Homestead' in the supporting documentation and plans, which is proposed to operate as an independent fresh food grocer (largely fruit and vegetables as well as carrying a range of delicatessen, bakery, and grocery lines);
- An adjoining tenancy of 235m² GFA, mainly along the Alice Street frontage and referred to as the 'Conservatory/Café/Nursery', which is proposed to include a florist, nursery and café; and
- A separate retail building on the corner of Eastern Road and Tennyson Avenue of 305m² GFA, referred to as the 'Barn' which is proposed to accommodate one (1) or two (2) speciality shop tenants.

In addition to the above, the concept development is proposed to incorporate a publicly accessible orchard and native gardens. The publicly accessible orchard, on the corner of Eastern Road and Alice Street, will act as open space area for the local community to use and enjoy.

This Supplementary Planning Statement in conjunction with the Planning Proposal provides an analysis of the physical and strategic planning constraints and the opportunities of the site, and considers the relevant environmental, social, and economic impacts of the proposal and its strategic merit.

As discussed in this report, the Planning Proposal is justified based upon the following planning merits:

- It will expand and upgrade local employment opportunities on the site;
- It will provide services that will enhance choice and serve the needs of people living and/or working in the surrounding neighbourhood;
- It will support (economically) surrounding development, namely the neighbourhood retail centre immediately to the south of which the site is already part;
- It will be compatible with surrounding development, namely the surrounding low density residential development, as well as the neighbourhood retail centre to the south;
- It will achieve urban design integration and renewal of the locality;

- It will, as a result of future development consistent with the Planning Proposal, deliver a remediated site currently contaminated from present uses;
- It will protect and enhance existing native vegetation on the site; and
- It is consistent with the local and regional strategic planning framework.

The Planning Proposal is supported by:

- Architectural Concept plans that provide an indicative design of the concept development on the site;
- An Urban Design Statement that indicates the proposal is compatible and appropriately responds to the immediate built environment, streetscape and neighbourhood character;
- An Economic Impact Assessment which concludes that the concept development will deliver positive economic and community benefits to the local area;
- A Traffic Report which concludes that the road network will be able to accommodate the additional traffic from the proposed concept development, and that appropriate parking can be facilitated on-site. It is also noted that the site would be accessible by public transport services;
- A Landscape Report, Ecological Report, and Arborist Report that provide for the retention and protection of existing trees, where appropriate, including the retention and protection of the Critically Endangered Ecological Community (i.e. 'Blue Gum High Forest') on-site. In addition, suitable landscaping is proposed to complement and enhance biodiversity outcomes for the site; and
- A combined Phase 1 and Phase 2 Environmental Site Assessment Report.

It is requested that arising from the consideration of the Planning Proposal, Ku-ring-gai Council resolve to support the changes to KLEP 2015 and forward the Planning Proposal for a Gateway Determination to undertake the following:

- Amend the Land Zoning Map, sheet LZN_006, to apply the B1 Neighbourhood zone to the land; and
- Amend Schedule 1 of to allow commercial premises on the land to have up to 1,540m² (equivalent to a FSR of 0.3:1) of GFA.

1.0 Introduction

1.1 Overview

This Supporting Planning Statement has been prepared on behalf of Harris Farm Markets and Winston Langley Pty Limited, who have acquired the nursery site, and entered into an agreement to acquire the service station site.

The proposal seeks to amend KLEP 2015 by way of a zoning change, in order to facilitate the renewal of the existing and longstanding commercial use of the land with alternative commercial premises. The zoning change will reflect the historical use of the land for non-residential purposes, acknowledging that both of the existing commercial uses (the garden centre and service station) are buildings requiring renewal, and are towards the end of their economic life.

The subject site is zoned R2 Low Density Residential under KLEP 2015, and rezoning to B1 Neighbourhood Centre is proposed. The zoning change will reflect the historic use of the land being part of the existing neighbourhood group of shops. No amendments are sought to the maximum building height of 9.5m, or FSR of 0.3:1 development standards of KLEP 2015. Revision to the allowable GFA provisions, Clause 6.9(2) of KLEP 2015, for commercial premises in the B1 Neighbourhood Centre zone is proposed.

While the Planning Proposal deals only with the statutory provisions of KLEP 2015, the proponent refers to the anticipated future development concept as 'The Farm', with the envisaged built form and architecture concept for the site being a celebration of the areas residential village character, while also honouring the agricultural history of the site. The scale of the concept has been purposely kept at human scale by maintaining a single storey building height to the surrounding frontages, including buildings that are nestled into a native landscaped setting.

Future development consistent with the Planning Proposal, as represented by the development concept, also extensively reinstates native planting and introduces significant publicly accessible landscape areas that are in keeping with the local character of the Turramurra area. In particular, the concept provides a generous publicly accessible orchard/open space area that will deliver to the local community an area where people can meet and connect in a village atmosphere.

In summary, the Planning Proposal seeks to amend KLEP 2015, in the following manner:

- Amend the Land Zoning Map, sheet LZN_006, to apply the B1 Neighbourhood Centre zone to the site; and
- Amend Schedule 1 of to allow commercial premises on the land to have up to 1,540m² (equivalent to a FSR of 0.3:1) of GFA.

The Planning Proposal applies to the land described as Lot 1 DP 4323, Lot 2 DP 515147, and Lot 1 DP 515147, and the site has an area of 5,129m² (see Attachment 1 of Planning Proposal and Figure 1).

The site has an area of approximately 5,129m², and has frontages to Tennyson Avenue to the south, Eastern Road to the west and Alice Street to the north. To the south, on the corner of Tennyson Avenue and Eastern Road is land zoned B1 Neighbourhood Centre, which is occupied by the Eastern Road Shopping Centre. All other land immediately surrounding the subject site is zoned R2 Low Density Residential.

The Planning Proposal is supported by architectural concept plans that provide an indicative design for the site. An economic impact assessment has been provided, justifying the zone changes and the potential positive economic outcomes. In addition, a traffic report has also been provided demonstrating that the local road network can accommodate the proposed scale of commercial development and that sufficient car parking, as well as loading facilities, can be accommodated on-site.



Figure 1: The subject site (Source: Urban Design Statement by Oculus, August 2018)

Support for the Planning Proposal is considered to be justified for the following reasons:

- Reflects the longstanding commercial use of the site;
- Expansion and upgrade of local employment opportunities on the site;
- Provision of commercial premises that will enhance choice and serve the needs of people living and/or working in the surrounding neighbourhood;
- Consistency with surrounding development, namely the neighbourhood retail centre immediately to the south;
- Compatibility with surrounding development, namely the surrounding low density residential development, as well as the neighbourhood retail centre to the south;
- Future development consistent with the Planning Proposal will facilitate urban design integration and renewal of the locality;
- Future developments will also protect and enhance biodiversity on-site;
- Will facilitate remediation of land contamination from present uses on the site; and
- Consistency with the strategic planning framework;

The Planning Proposal has been prepared in accordance with the Department of Planning and Environment publication *Planning Proposals - A Guide to Preparing Planning Proposals*, dated August 2016.

1.2 Background

The subject site was previously subject to a Planning Proposal lodged by Aldi in August 2015 for a rezoning of the land from R2 Low Density Residential to B1 Neighbourhood Centre, and an associated amendment to the FSR. The Planning Proposal was submitted with the view to develop a supermarket and speciality shops on the land.

The Planning Proposal was considered at Ku-ring-gai Council's meeting of 8 December 2015, where Council resolved:

"That Council not support the Planning Proposal for 45-47 Tennyson Avenue and 105 Eastern Road Turramurra to amend the KLEP 2015 to re-zone the sites to B1 Neighbourhood Centre, amend the floor space ratio to 0:75 :1 and amend Schedule 1 - to allow a gross floor area of 1,955m² for the purposes of an Aldi store and specialty shops for the following reasons:

1. *The proposal is inconsistent with directions and actions in the Metropolitan Strategy "A Plan for Growing Sydney" which seek to undertake urban renewal and growth within transport corridors and strategic centres in order to create jobs that are closer to home. Specifically Directions 1.7, 2.2, 3.1 and Actions 1.7.1, 2.2.2 and 3.1.1.*
2. *The proposal is inconsistent with s117 Directions under the Environmental Planning and Assessment Act 1979, specifically:*
 - *3.4 Integrating Land Use and Transport*
 - *6.3 Site Specific Provisions*
 - *7.1 Implementation of "A Plan for Growing Sydney"*
3. *The proposal is inconsistent with the objectives of Ku-ring-gai Council's Community Strategic Plan 2030 relating to the revitalisation of local centres and managing the impacts of new development within centres.*
4. *The proposal is inconsistent with the local service role and functions of neighbourhood centres and will conflict with the hierarchy of commercial centres in Ku-ring-gai.*
5. *The proposal is inconsistent with the strategic directions and development principles within the Ku-ring-gai Retail Centres Study 2005 (Hill PDA) and Ku-ring-gai and Hornsby Subregional Employment Study 2008 (SGS Economics and Planning) which seek to retain the local service role and function of the existing neighbourhood centres by limiting development capacity and encouraging larger retail within the higher order centres.*
6. *The proposal is inconsistent with the aims and objectives of the Ku-ring-gai Local Environmental Plan 2015, specifically aim 1.2(g), objective of Clause 6.9(1) and the objective of the B1 Neighbourhood Centre zone in that the proposal is of a scale that is inappropriate for a neighbourhood centre, will service a wider catchment than the surrounding residential area and will conflict with the commercial hierarchy in Ku-ring-gai."*

In response to Council's determination, the applicant lodged a Pre-Gateway Review application to the NSW Department of Planning & Environment for the same Planning Proposal. In March 2016, the Department determined that *"the proposal does not demonstrate sufficient merit to proceed to Gateway in its current form."* This determination effectively ended the pursuit of the Aldi Planning Proposal.

The Planning Proposal has been prepared having regard to Council's concerns with the abovementioned Planning Proposal to ensure that Council can be satisfied that the Planning Proposal is justified on sound planning merits. Therefore, noting the above, the subject proposal demonstrates that it addresses these matters as follows:

1. The Planning Proposal is consistent with the relevant directions and objectives contained in the Greater Sydney Region Plan – 'A Metropolis of Three Cities' and Sydney North District Plan as discussed in the accompanying Planning Proposal at section 6.2.1;
2. The Planning Proposal is consistent with all relevant Ministerial (s.117) Directions, including Directions 3.4, 6.3, and 7.1, as discussed in the accompanying Planning Proposal;
3. The Planning Proposal is consistent with the relevant objectives Ku-ring-gai Council Community Strategic Plan 2038, as discussed in the accompanying Planning Proposal at section 6.2.2;
4. The Planning Proposal is consistent with the relevant objectives Ku-ring-gai Integrated Transport Strategy, as discussed in the accompanying Planning Proposal at section 6.2.2;
5. The Planning Proposal demonstrates that it is consistent with the local service role and functions of neighbourhood centres and that it will not conflict with the hierarchy of commercial centres in Ku-ring-gai, as discussed in the accompanying Planning Proposal;

6. The Planning Proposal is not inconsistent with Council's strategic directions which seek to retain the local service role and function of existing neighbourhood centres by limiting development capacity and encouraging larger retail within the higher order centres. That is, unlike the previous proposal, the proposed GFA is substantially less, and commensurate with local service role and function of neighbourhood centres. The proposal's expansion of the Eastern Road centre would not in any way challenge the role or size of local centres in the area and that the centre would remain firmly entrenched in its neighbourhood function; and
7. As discussed above, the Planning Proposal would enable development that:
 - Is of a scale that is appropriate for a neighbourhood centre;
 - Would serve the needs of people who live and work in the surrounding neighbourhood; and
 - Does not undermine the established and desired commercial hierarchy in Ku-ring-gai.

Accordingly, the Planning Proposal is not inconsistent with the relevant aims and objectives of KLEP 2015.

1.3 Pre-lodgement meeting with Council

An earlier iteration of the proposal was presented to Council on 21 March 2018 at a pre-lodgement meeting. At this meeting, Council officers identified that the following supporting studies were required as outlined below and within the meeting minutes (see Attachment 3 of the Planning Proposal):

- Phase 1 Preliminary Site Investigation and Phase 2 Detailed Site Investigation;
- Environmental Assessment;
- Traffic and Transport Study;
- Urban Design statement;
- Economic/Retail Impact Assessment;
- Arborist Report;
- Survey Plan; and
- Indicative Construction Footprint Plan.

In light of subsequent Council Officer review and comments, additional supporting documentation and reports were undertaken to inform the current proposal. Importantly, the additional reporting identifies that the proposal can be arranged on site so as to avoid any adverse impact on both the natural and built environment. With regard to economic impact, the reporting identifies that the proposal will generate additional employment prospects for the local area without adversely impacting on existing centres in the locality, including the existing Eastern Road Shopping Centre.

1.4 Amendment to the Standard Instrument Local Environmental Plan

In April 2018 the Department of Planning and Environment released the Planning for the Future of Retail Discussion Paper that describes how the NSW planning could address the increasingly dynamic retail sector by the introduction of strategic amendments to relieve pressure on retailers to meet the needs of their customers.

Of relevance to the Planning Proposal is the introduction of a neighbourhood supermarket as a new land use term within the standard instrument. A neighbourhood supermarket is as defined in the extract below:

"Neighbourhood supermarket: means the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area."

The new land use was adopted on 31 August 2018 and now forms part of the standard instrument. It is noted that the maximum floor area of 1,000m² applies to neighbourhood supermarkets as specified in Clause 5.4(7AA) of the updated KLEP 2015.

1.5 Scope and Format of the Supplementary Planning Statement

The accompanying Planning Proposal details the merits of the proposed changes to KLEP 2015 and this supplementary Planning Statement has been structured in the following manner:

- Section 1.0 provides an introduction to the Planning Proposal, including background to a previous Planning Proposal for the site;
- Section 2.0 provides a description of the site, its context and existing development;
- Section 3.0 provides the statutory framework for the site – namely in relation to KLEP 2015 and Kurring-gai Development Control Plan (KDCP) 2016.
- Section 4.0 references the relevant strategic planning considerations of the accompanying Planning Proposal (provided under a separate cover) to ensure consistency with the Department of Planning and Environment publication *A Guide to Preparing Planning Proposals*; and
- Section 5.0 details the conclusions and recommendations to proceed with the Planning Proposal to Gateway Determination to amend KLEP 2015.

2.0 Site Description and Context

2.1 Overview

This section provides the location and context of the site, a site description, existing development on the land, and the retail context.

2.2 Site Context and Locality

The subject site is located in the suburb of Turramurra, located approximately 17km north west of the Sydney CBD, and approximately 5km south east of the Hornsby town centre (see Figure 2). The site is approximately 1.3km north of Turramurra Railway Station, and approximately 1.5km north of the Pacific Highway. The railway station is on the T1 North Shore Line, that has frequent direct services to the Sydney CBD. The Pacific Highway is a main arterial road serving as the main road link, with other direct linkages to main roads in the Sydney road network.

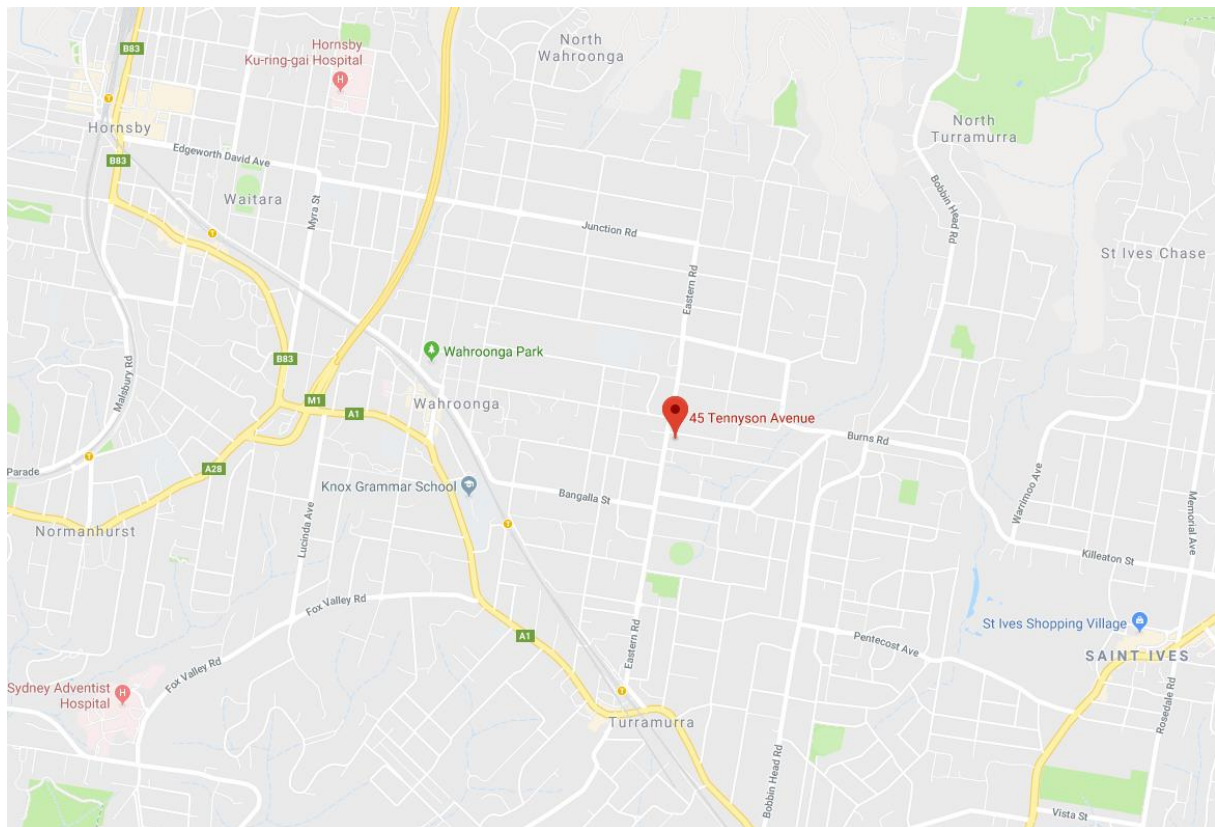


Figure 2: Locality plan (Source: Google)

The site has frontages to Tennyson Avenue to the south, Eastern Road to the west, and Alice Street to the north (see Figure 3). Eastern Road is used as a main thoroughfare for vehicles travelling between the Pacific Highway at Turramurra (south of the site) and the Junction Road in Wairoonga (north of the site). Junction Road links Wairoonga to Hornsby.

In addition to the road and rail network links, the site is also serviced by local bus services. Services operate along Eastern Road, with bus stops on both sides of the road, adjacent to the site. Route 575 connects Macquarie University with Hornsby via West Pymble, Turramurra, Wairoonga East, and Waitara. Services are every 30 minutes in each direction, with more frequent services during weekday peak periods.

The other bus route servicing the site is the 576T which operates between Wahroonga and North Wahroonga. Four (4) services are provided on weekdays.

The site is located at the northern end of the existing Eastern Road Shopping Centre, which comprises an IGA supermarket, BWS Liquor Store, and other specialty shops. Residential properties directly adjoin the site's eastern boundary.

The adjoining residential property at 43 Tennyson Avenue is comprised of a townhouse development containing four (4) two (2) storey attached dwellings.

Residential properties are located across the road on the northern side of Alice Street, along Tennyson Avenue, and on the western side of Eastern Road.

Existing residential development in the immediate locality is comprised of mainly detached dwellings of single and two (2) storey construction.



Figure 3: Aerial view of site including indicative development layout (Source: Urban Design Statement by Oculus, August 2018)

2.3 Site Description

The properties making up the subject site of this Planning Proposal are:

- 45-47 Tennyson Avenue, Turrumurra (Lot 1 DP 4323 and Lot 2 DP 515147); and
- 105 Eastern Road, Turrumurra (Lot 1 DP 515147).

The site is largely square and regular in configuration, with frontages to Eastern Road (71.19m), Tennyson Avenue (71.81m), and Alice Street (72.54m), with combined area of approximately 5,129m².

The site is currently occupied by Honeysuckle Garden Nursery (at 45-47 Tennyson Ave) and the GRD Automotive Services Service Station (at 105 Eastern Road).

Both the Nursery and Service Station have been in operation for many years.

The Nursery property operated as an apple orchard and possible market gardens from the 1900s to the mid-1950s. From 1954 to 1968 Lot 2 DP 515147 (of the nursery) was owned by Ampol Petroleum Limited, but was likely to have been vacant by 1961. From 1968-1978, the Nursery property operated as a bus depot. From 1978, the property has operated as a nursery and landscaping supply shop and as a café and nursery since 2002.

The Service Station property was developed as a service station and mechanic workshop in the mid 1950s and has continued to operate as a service station and workshop to the present day.

The existing improvements on both properties are approaching the end of their economic life, and are of no significant architectural merit.

2.4 Commercial Context

The site is situated to the north of the Eastern Road neighbourhood shopping centre. This neighbouring land is zoned B1 Neighbourhood Centre, with an FSR of 0.75:1. The centre comprises a small refurbished IGA supermarket, liquor store, dry cleaner, café, pharmacy, butcher, and green grocer, with a total retail floor space of approximately 1,512m². The proposed commercial GFA cap is equivalent to an approximate 0.3:1 FSR.

The hierarchy of centres in the Ku-ring-gai Council area is expressed through the KLEP 2015 and the application of two (2) business zones, as follows:

- The 'Local Centre' (B2) zone which is applied to the five (5) centres of Turramurra, Wahroonga, Pymble, Gordon, and Lindfield, along the Pacific Highway corridor and to St Ives on Mona Vale Road. The objectives of the Local Centre zone are to provide for the needs of people who live in, work in and visit the area, to encourage employment, maximise public transport use, provide for housing close to services and encourage mixed use buildings; and
- The 'Neighbourhood Centre' (B1) zone which is applied to the lower tier of centres where the objective is to provide small scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. Mainly situated off major roads and away from public transport hubs, neighbourhood centres in the northern part of Ku-ring-gai include Eastern Road Turramurra, East Wahroonga, North Turramurra, St Ives Chase, and Bannockburn Road Turramurra.

The pattern of local and neighbourhood centres in north Ku-ring-gai is shown in Figure 4, which also identifies existing supermarket locations.

The nearest neighbourhood centres include:

- 'East Wahroonga', which is located approximately 1.5km north east of the site and comprises nine (9) tenancies, including a small supermarket; and
- 'Bannockburn Road' (Turramurra), which is located approximately 1.5km south east of the site and comprises 10 tenancies.

The nearest local centre is the Turramurra Centre, which is located approximately 1.3km to 1.5km south of the subject site (see Figure 4). The Turramurra Centre is large, but is divided by the Turramurra Railway Station, and is therefore fragmented with associated access challenges. The Turramurra Centre includes a small Coles supermarket, as well as an IGA supermarket.

Outside Ku-ring-gai, Hornsby Town Centre is classified as a Major Centre, Asquith as a Local Centre, and East Hornsby as a neighbourhood centre.

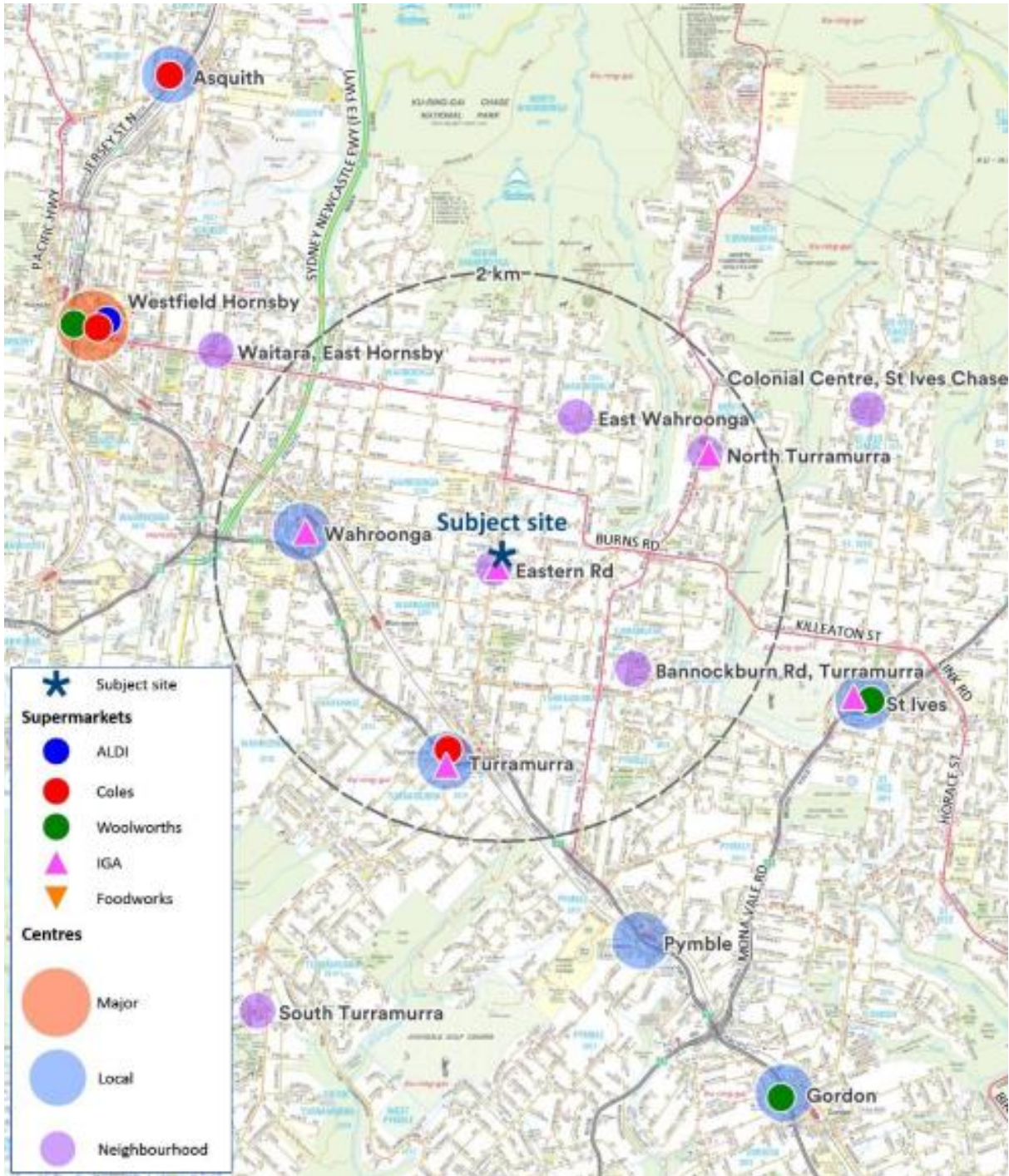


Figure 4: Retail Context & Hierarchy (Source: Economic Impact Assessment by Deep End Services – 22 June 2018)

3.0 Statutory Framework

3.1 A Metropolis of Three Cities

The subject site is located north of the Eastern Economic Corridor and the strategic centre of Macquarie Park, within the Eastern Harbour City, as identified in the Greater Sydney Region Plan – ‘A Metropolis of Three Cities’ (see Figure 5).

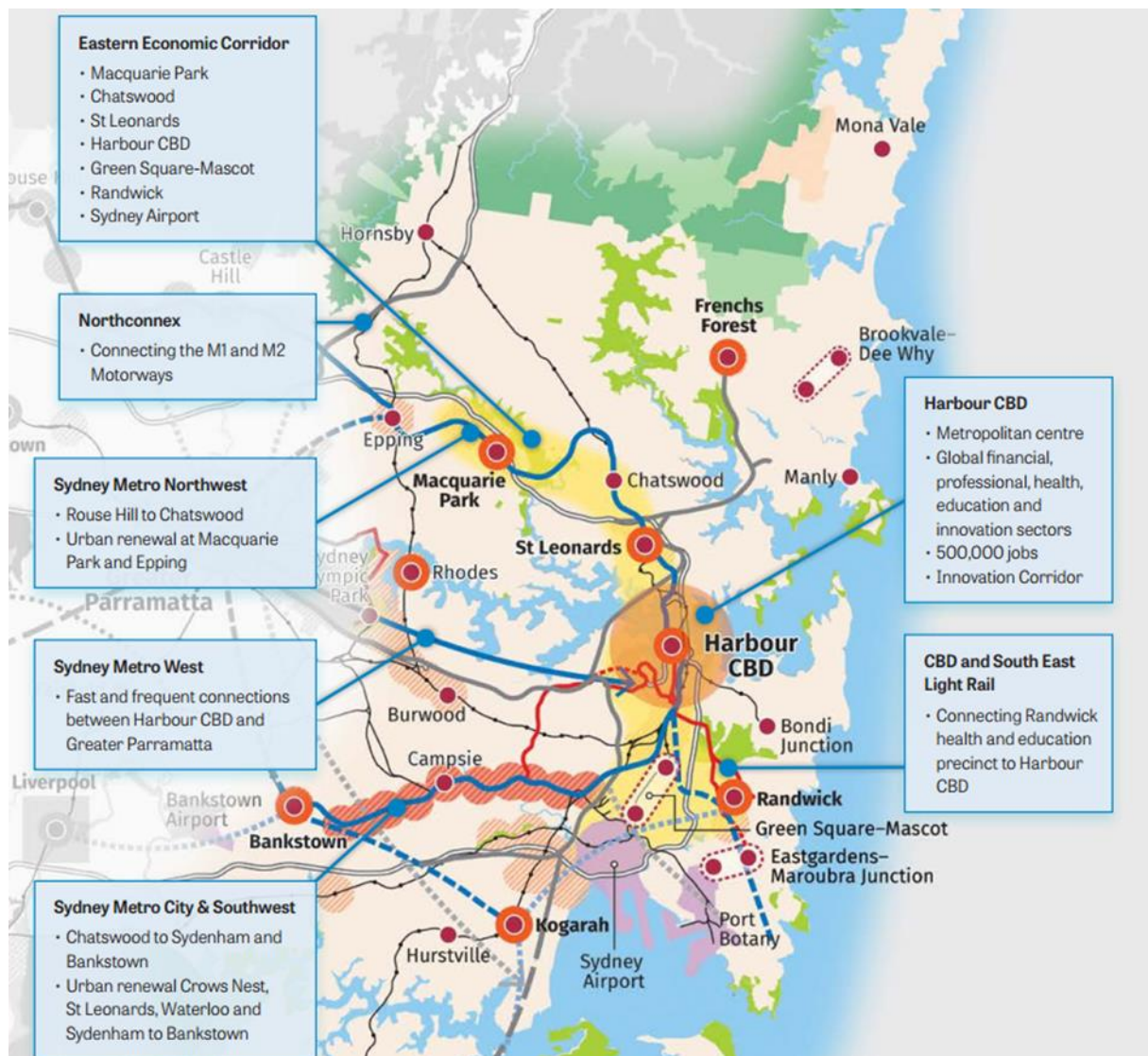


Figure 5: Extract from Eastern Harbour City Vision A Metropolis of Three Cities

The proposal is consistent with the broad directions of ‘A Metropolis of Three Cities’ through:

- Encouraging and fostering healthy and socially connected communities by providing additional and improved retail facilities within walking distance of the surrounding residential area;
- Facilitating development of a site which is highly accessible by public transport;
- Improving resident access to jobs and services; and
- Protecting biodiversity and preserving vital urban tree canopy via the retention, protection and embellishment of remnant vegetation on-site.

A detailed response to the Directions and objectives of the plan are discussed within the accompanying Planning Proposal.

3.2 North District Plan

The Ku-ring-gai LGA is located within the North District identified under the District Plans prepared by the Greater Sydney Commission. The draft plans include a number of Planning Priorities that are to be considered by planning authorities in making strategic planning decisions.

A detailed response to the Planning Priorities of the plan are discussed within the accompanying Planning Proposal.

3.3 Ku-ring-gai Community Strategic Plan 2038

The Ku-ring-gai Community Strategic Plan 2038 is a local strategy which reflects the aspirations, vision and long term objectives of the Ku-ring-gai community.

A detailed response to the key themes and objectives of the plan are discussed within the accompanying Planning Proposal.

3.4 Ku-ring-gai Integrated Transport Strategy

The Ku-ring-gai Integrated Transport Strategy is a local strategy prepared by ARUP traffic consultants. The strategy covers key issues relating to the Ku-ring-gai LGA including public transport, traffic, parking and integration of land use and transport accessibility.

A detailed response to the key themes of the plan are discussed within the accompanying Planning Proposal.

3.5 Ku-ring-gai Sustainability Vision 2008-2033

The Ku-ring-gai Sustainability Vision supports Council's community vision to plan for a sustainable future. The vision themes of Ku-ring-gai being creative and liveable, healthy, and being respectful of and retaining and enhancing a magnificent environment are addressed in the accompanying Planning Proposal.

3.6 Ku-ring-gai Local Environmental Plan (KLEP) 2015

The subject site is currently zoned R2 Low Density Residential under KLEP 2015 and rezoning to B1 Neighbourhood Centre is proposed. Revision to the allowable GFA provisions (Clause 6.9(2) of KLEP 2015) for commercial premises in the B1 Neighbourhood Centre zones under KLEP 2015 is also proposed. Accordingly, this Planning Proposal seeks to rezone the subject site, as well as seeking an exemption to Clause 6.9(2) in relation to the maximum GFA of the premises.

No amendments are sought to the existing height (9.5m) or FSR (0.3:1) development standards of KLEP 2015.

In summary, this Planning Proposal seeks to amend KLEP 2015, in the following manner:

- Amend the Land Zoning Map, sheet LZN_006, to apply the B1 Neighbourhood zone to the land; and
- Amend Schedule 1 to allow commercial premises on the land to have up to 1,540m² (equivalent to a FSR of 0.3:1) of GFA.

3.6.1 Zoning

The site is zoned R2 Low Density Residential under KLEP 2015 (refer to Figure 6 overleaf).

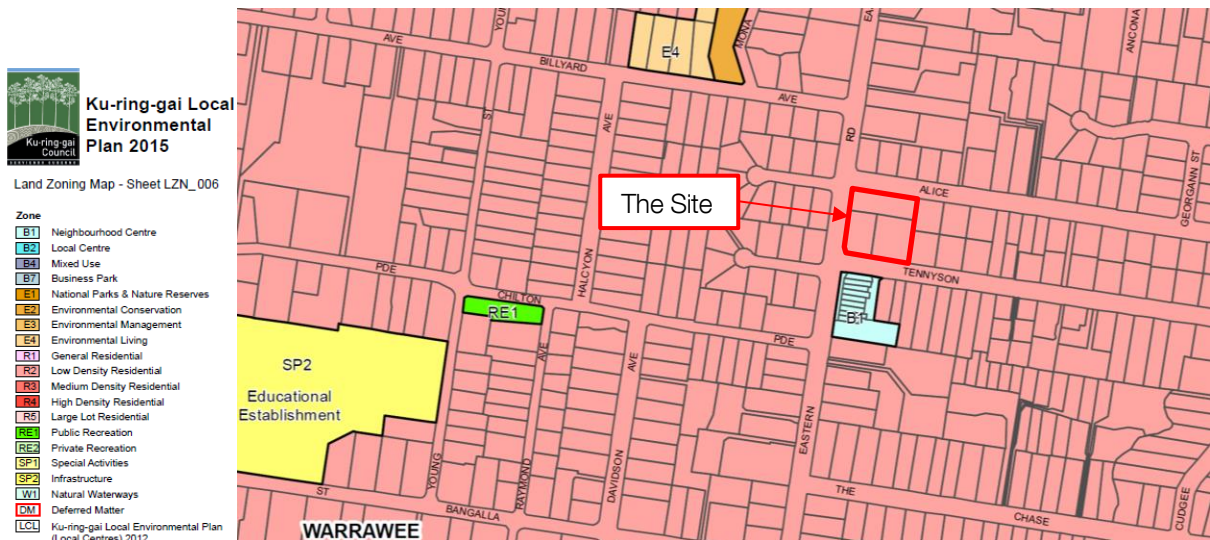


Figure 6: Extract of KLEP 2015 Land Zoning Map

The objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low density residential environment;
- To enable other land uses that provide facilities or services to meet the day to day needs of residents; and
- To provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai.

The zone permits, with consent, uses such as:

- Bed and breakfast accommodation;
- Boarding houses;
- Centre-based child care facilities;
- Community facilities;
- Dwelling houses;
- Exhibition homes;
- Group homes;
- Health consulting rooms;
- Home-based child care;
- Home businesses;
- Home industries;
- Hospitals;
- Neighbourhood shops;
- Places of public worship;
- Recreation areas;
- Respite day care centres; and
- Secondary dwellings.

The present commercial uses of the site can be assumed to be operating under the 'existing use rights' provisions of the *Environmental Planning and Assessment (EP&A) Act 1979*.

3.6.2 Height of Buildings (Clause 4.3)

The site is subject to a height of buildings development standard of 9.5m (refer to Figure 7 below).



Figure 7: Extract of KLEP 2015 Height of Buildings Map

3.6.3 Floor Space Ratio (Clause 4.4)

The site is subject to a maximum FSR of 0.3:1 (refer to Figure 8 below).



Figure 8: Extract of KLEP 2015 Floor Space Ratio Map

It is noted that the neighbourhood shopping centre located to south of the site has a much higher FSR of 0.75:1.

3.6.4 Heritage Conservation (Clause 5.10)

The site is not identified as a heritage item, or as being located in a conservation area. It is also not adjacent or within the vicinity of any heritage items or conservation areas.

3.6.5 Acid Sulfate Soils (Clause 6.1)

The site is identified as being potentially affected by Class 5 acid sulfate soils (refer to Figure 9).



Figure 9: Extract of KLEP 2015 Acid Sulfate Soils Map

3.6.6 Biodiversity Protection (Clause 6.3)

The site is identified as requiring potential biodiversity protection (refer to Figure 10).



Figure 10: Extract of KLEP 2015 Terrestrial Biodiversity Map

3.6.7 Riparian Land and Adjoining Waterways (Clause 6.4)

The site is not identified as being affected by riparian lands and adjoining waterways.

3.6.8 Active Street frontages in certain business zones (Clause 6.7)

Noting that the Planning Proposal seeks a rezoning to B1 Neighbourhood Centre, the provisions of Clause 6.7 of KLEP 2015 are to be considered:

- “1) The objective of this clause is to promote uses that attract pedestrian traffic along ground floor street frontages in certain business zones.
- 2) This clause applies to land in the following business zones:
 - a) Zone B1 Neighbourhood Centre,
 - b) Zone B2 Local Centre.

- 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*
 - 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.”*

The Urban Design Statement referencing the development concept consistent with the Planning Proposal, at Attachment 5 of the Planning Proposal, addresses the provisions of Clause 6.7 of KLEP 2015. In particular, the statement notes the following:

- ‘The Barn’ on Eastern Road responds to its immediate neighbour, the remainder of the Eastern Road retail strip across Tennyson Avenue, engaging with the street and footpath for a continued active street frontage in accordance with Clause 6.7 of KLEP 2015. The Barn draws pedestrian movement north along the frontage of the site, funnelling inwards to interact with the retail uses of the concept development;
- The retail use of ‘The Homestead’ attracts pedestrian traffic along the ground floor street frontage of Eastern Road from the existing retail strip to the south and surrounding residential properties, as per Clause 6.7 of KLEP 2015;
- View lines between the footpath along Eastern Road and The Homestead pedestrian entrance, coupled with the associated materiality change along this axis, act as passive wayfinding and suggests pedestrian prioritisation within the forecourt. This axis perforates the extensive ground planting and is further accentuated by vertical components of vegetated arbours along the site’s frontage. The Homestead actively engages the street and the external public areas, to encourage “interaction and flow between the inside of the building and the external public areas of the building,” as per Clause 6.7 (3)(b) of the KLEP 2015; and
- The forecourt acts as a retail offering, being an adaptable place for market stalls, further activating the frontage. The location of the Nursery café as the northernmost destination point generates pedestrian traffic that covers the full length of the frontage of the site.

Noting the interface of the site with the R2 Low Density Residential zone, satisfactory activation of street frontages has been achieved without comprising the amenity and character of the locality. In this regard, the Urban Design Statement provides the following commentary:

“The proposed built form resonates with the surrounding residential village character and neighbourhood scale of the area.

The Homestead architecture is a reinterpretation of traditional house vernacular, with gable roof, verandah and visible chimney. The Farm’s architectural form celebrates the area’s residential village character while honouring the agricultural history of the site. There is a human scale to the building, with only a one storey frontage to the street. The Barn’s form extends the village character of the Homestead, promoting it to the street whilst engaging with the footpath and existing retail strip.

The proposed development maintains a human scale for pedestrians moving around the site. The streetscape is heavily landscaped, continuing the ground planting that exists at the Eastern Road retail strip. Existing street trees will be retained and supplemented with new street tree plantings. This continuous avenue of street trees, combined with the vegetated arbour structures, will create a verdant street frontage that will contribute to the leafy suburban character of the local area.”

Figure 11 demonstrates the access and circulation paths which assist activating street frontages in accordance with Clause 6.7 of KLEP 2015.



Figure 11: Access and Movement – Circulation Diagram (Source: Urban Design Statement by Oculus, August 2018)

3.6.9 Development in Zone B1 (Clause 6.9)

In addition to seeking a rezoning to B1 Neighbourhood Centre, the Planning Proposal also seeks a consequential revision to the allowable GFA provisions under Clause 6.9(2) of the KLEP 2015 for commercial premises in the B1 Neighbourhood Centre zone. The provisions of Clause 6.9 are reproduced below:

- (1) *The objective of this clause is to maintain the commercial hierarchy of Ku-ring-gai by encouraging retail development of an appropriate scale within neighbourhood centres.*
- (2) *Development consent must not be granted to development for the purposes of commercial premises on land in Zone B1 Neighbourhood Centre if the development would result in the premises having a gross floor area of more than 1,000 square metres.*
- (3) *In deciding whether to grant development consent referred to in subclause (2) to development for the purposes of commercial premises having a gross floor area of 500 square metres or more, in either one separate tenancy or any number of tenancies, the consent authority must consider the economic impact of the development.*
- (4) *Subclauses (2) and (3) do not apply to any development undertaken in a building that existed immediately before the commencement of this Plan. (4) Subclauses (2) and (3) do not apply to any development undertaken in a building that existed immediately before the commencement of this Plan.”*

The Economic Impact Assessment, at Attachment 7 of the Planning Proposal, addresses the provisions of Clause 6.9 of KLEP 2015 noting that the cap of 1,000m² GFA is ambiguous as to whether it applies to a single tenancy or all combined tenancies. During pre-Planning Proposal discussions, Council officers acknowledged the potential for ambiguity of interpretation, but nonetheless sought that the Planning Proposal err on the side of caution and assume that it relates to the total quantum of GFA of all tenancies on-site. The Planning Proposal addresses this ambiguity by seeking the imposition of a maximum of 1,540m² of GFA for commercial premises.

In terms of the objective of the 1,000m² cap, Clause 6.9(1) indicates that the “...objective of this clause is to maintain the commercial hierarchy of Ku-ring-gai by encouraging retail development of an appropriate scale within neighbourhood centres.”

Accordingly, having regard to any potential impact upon the commercial hierarchy of Ku-ring-gai, the Economic Impact Assessment concludes that “the proposal will improve and revitalise the existing centre with a small extension to the range and choice of retailers available to residents while minimising the impacts to existing businesses in the centre and to other centres.” The assessment identifies that the extension to the commercial/retail floor space at the Eastern Road Centre, by virtue of the Planning Proposal, will “in no way challenge the role and size of Local Centres and stays well within its neighbourhood function.”

3.7 Ku-ring-gai Development Control Plan (KDCP) 2016

Any future development on the site will be subject to the provisions of KDCP 2016. The DCP provides a more detailed layer of planning controls for all development as well as uses proposed on land zoned for business purposes. It is considered that the future development consistent with the Planning Proposal will be able to achieve a high level of compliance with the requirements of the DCP. Some of the key and relevant areas of the DCP, as they apply to the proposed concept development, are discussed below:

3.7.1 Non-Residential and Office Buildings (Part 9)

Site Design

The proposed architectural concepts has been designed to have a built form that maximises side/rear setbacks to adjoining properties to the east, as well as provide maximum deep soil zones in that area. The built form also responds to key vegetation on the site to correspond with the biodiversity significance identified on the site. Adequate building (including basement) separation is provided to those areas.

The proposed building on the corner of Eastern Road and Tennyson Avenue, provides a nil building line setback commensurate to the built form at the remainder of the Eastern Road Shopping Centre directly opposite the site. The inclusion of a building that addresses both street frontages will enhance the streetscape by providing a marker building on the corner, but of smaller proportions - much like a traditional ‘corner store’, to be the focal point for the concept development. The building will also appropriately address the existing fine-grain shopping centre located across the road.

Access and parking

The accompanying Traffic Report prepared by Colston Budd Rogers & Kafes demonstrates that the proposed concept development meets RMS requirements in terms of off-street car parking provision. The parking is provided as a mix of both on-grade (along the Eastern Road frontage) and basement parking, most of which is provided in the basement to enhance streetscape outcomes.

Adequate provision has also been made for on-site loading facilities within the basement. Delivery trucks will be able to enter and leave the site in a forward direction via the use of a turntable. Provision of loading facilities in the basement also ensures that the amenity (e.g. acoustic privacy) of adjoining and nearby properties will be protected.

Building Design

Proposed buildings have been orientated, and heights minimised, to maximise solar access to the site, including solar access to areas such as the proposed orchard, native garden, and rooftop vegetable garden. Adequate solar access is also provided to surrounding/adjoining properties.

The buildings have been designed in such a way to ensure that the site remains permeable, as well as legible, and that both indoor and outdoor retailing is provided to deliver a more varied and enriching local retail experience.

Visual and acoustic privacy to surrounding and nearby properties has been appropriately addressed by maximising side/rear setbacks and concentrating all window/door openings onto the street – namely Eastern Road and Tennyson Avenue.

3.7.2 Signage and Advertising (Part 12)

Signage has not been contemplated yet and would form part of any subsequent development application (DA) should the Planning Proposal proceed.

3.7.3 Tree and Vegetation Preservation (Part 13)

An Arboricultural Impact Assessment prepared by Tree IQ, at Attachment 8 of the Planning Proposal. The report assessed a total of 31 trees on or around the subject site that have the potential to be affected by the proposed concept development. 10 trees were identified as being off the site (nine (9) street trees and one (1) tree on an adjoining property), one (1) tree straddling a common side/rear boundary, and 20 trees wholly within the subject property.

A total of five (5) trees within the site are proposed to be removed, whilst 26 trees on and around site are to be retained and protected as part of the proposed concept development.

The concept development proposes works within identified tree protection zones (TPZs) of 22 trees. In most cases, however, the arborist's report identifies that the encroachment is either minor or that methods of construction can be employed to minimise impact on trees. It is noted that further root investigation/mapping will be required for three (3) trees to determine any actual potential impact from the proposed basement construction. These investigations would be appropriate at future development application stage, should the Planning Proposal proceed. In this regard, it is noted that these root investigations would require excavation of parts of the site, including the demolition of sections of pavement and possibly partial demolition of timber buildings.

3.7.4 Land Contamination (Part 15)

A combined Phase 1 and 2 Environmental Site Assessment (ESA) has been undertaken by CSTS and accompanies the Planning Proposal at Attachment 10.

The ESA found the soil and ground water at the site to be contaminated as a result of the current and past uses of the site. Notwithstanding, the ESA concluded that the subject site *"is of a suitable condition, from a contamination perspective, for the proposed use, and does not pose an unacceptable risk to human health or the surrounding environment."* The ESA does identify the need for minor remediation works. Specifically, the report requires minor excavation of the north western corner of the site (proposed for an orchard) and replacement with a suitable growing medium.

Accordingly, it is considered that the proposal would be able to achieve compliance with State Environmental Planning Policy No. 55 — Remediation of Land (SEPP 55).

Any remediation of the site will require Council's development consent. The DCP requires the application to comply with its Contaminated Lands Policy 2016. Details would be provided with any forthcoming DA.

3.7.5 Biodiversity (Part 18)

Under Clause 6.3 of KLEP 2015, the site is identified as requiring potential biodiversity protection. Part 18R.1 – “Greenweb Maps” (Sheet 006), identifies the site as being partly affected by the “Landscape Remnant” KDCP 2016 Greenweb Category.

The Arboricultural Impact Assessment Report, prepared by Tree IQ (refer to Attachment 7 of the Planning Proposal) identifies a total of 11 trees on-site that are representative of the BGHF ecological community. BGHF is listed as a CEEC under the *Biodiversity Conservation Act (2016)*. The community on site is made up of seven (7) Turpentine gum trees, two (2) Blackbutt gum trees, and two (2) Sydney Blue Gum trees.

One of the Sydney Blue Gum trees is identified for removal. The tree is located between the existing service station and garden centre buildings in the centre of the site. The arborist’s report indicates that whilst the tree initially meets the criteria to be retained, it concludes that *“it is a relatively small, semi-mature specimen with low amenity value. The tree appears to be self-sown and has developed an etiolated form due to shading from the adjacent buildings to the east and west, and has been extensively crown lifted to provide building clearance. The tree’s Useful Life Expectancy (ULE) is reduced by the proximity of the adjacent buildings which provide insufficient space to accommodate the width of the trunk in maturity.”* Therefore, the location of tree in the centre of the site means that it is not practical to retain it in any future redevelopment of the site and its ULE is otherwise compromised due to its constrained location between existing buildings.

The remaining trees making up the community are proposed to be retained and protected as part of the concept development. However, some selected pruning works will be required to five (5) of these BGHF trees. Furthermore, whilst work is proposed within the identified TPZ of these trees, in most cases, the arborist report indicates that tree sensitive methods of construction can be employed to minimise impact on trees. As noted in Section 3.4.3, further root investigations will be required in relation to three (3) trees to be retained.

In addition to the Arboricultural Impact Assessment Report, the Planning Proposal is also accompanied by an Ecological Report (Attachment 10 to the Planning Proposal), prepared by GIS Environmental Consultants. The Ecological Report concludes that the proposed rezoning and indicative construction footprint is not likely to have a significant effect on the BGHF CEEC on site and satisfactorily addresses the legislative requirements of the *Biodiversity Conservation Act 2016*. The Ecological Report also deemed the proposal to meet the requirements of Clause 6.3 (Biodiversity Protection) of KLEP 2015.

The Ecological Report also recommends a number of ameliorative measures to further reduce the impact of the proposal on the biodiversity/ecological values of the site, including planting of BGHF trees and ground cover species within nominated offset areas on-site.

In terms of potential impacts on wildlife corridors, the Ecological Report concludes that the site is not part of any identified corridor. Accordingly, the site is deemed to have a low wildlife corridor value. Furthermore, the Report notes that the proposed removal of trees and canopy trimming on-site is unlikely to affect corridor values in the locality.

3.7.6 General Access and Parking (Part 22)

Refer to comments in Section 3.6.1 above.

3.7.7 General Building Design and Sustainability (Part 23)

Social Impact

The proposal will generate positive social effects for the community by providing commercial premises that will improve the quality, choice and convenience of services in the local area and within close proximity to residents and workers, many of whom will be able to walk and/or cycle to the site.

The site proposes employment in a location that is well serviced and already forms part of the Eastern Road Shopping Centre.

Furthermore, the proposal will not have any adverse impacts upon the natural and built environments and aims to complement the character of the local area.

Green Buildings

The proposed concept development embodies a range of ecological sustainable design measures. In this regard, it is proposed to capture and reuse energy and water on-site. The concept development also incorporates an extensive bank of solar panels on the roof of the main building for energy capture and reuse on-site.

Full details of ESD measures and Green Star ratings, to comply with the DCP, will be provided with any forthcoming DA.

Other

Details of building materials and finishes, building services and waste management, to comply with Council's requirements, will be provided with any forthcoming DA.

Visual and acoustic privacy to surrounding and nearby properties has been appropriately addressed by maximising side/rear setbacks and concentrating all window/door openings onto the street – namely Eastern Road and Tennyson Avenue.

The provision of the loading dock in the basement mitigates potential noise nuisance impact, and presents a more visually cohesive site.

4.0 Conclusion and Recommendations

The Planning Proposal for 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra, seeks to apply a B1 Neighbourhood Centre zone to the land, in conjunction with an amendment to Schedule 1 of KLEP 2015 to allow commercial premises on the land to have up to 1,540m² (equivalent to a FSR of 0.3:1 – compliant with the existing FSR for the site) of GFA, noting that Clause 6.9 of KLEP 2015 would otherwise limit this to 1,000m².

The amendments sought to KLEP 2015 would consolidate and rationalise existing non-residential uses on the site to facilitate future development of a Harris Farm Market that will complement and enhance the existing Eastern Road Shopping Centre.

The proposed retail concept development can be accommodated on-site so as to avoid any adverse impact on both the natural and built environment. In terms of the natural environment, protection of existing vegetation on-site along with the proposed landscaping, will ensure that enhanced biodiversity outcomes are achieved for the site.

In terms of economic impact, development consistent with the Planning Proposal will generate additional employment prospects for the local area without having adverse impact on existing centres in the locality, including the remainder of the existing Eastern Road Shopping Centre. It is noted that the Economic Impact Assessment prepared by Deep End Services indicates that the proposal will generate more retail activity/visits to the locality thereby assisting the existing centre to capture more trade relative to the existing situation.

The supporting traffic study also indicates that the local road system can accommodate the scale of commercial premises, without any adverse impacts, and that the site is well serviced by public transport. The proposed concept development also accommodates an appropriate and compliant level of off-street car parking in accordance with RMS requirements.

Having regard to the above positive outcomes, it is evident that the Planning Proposal will facilitate an appropriate scale of commercial premises in the local area.

It is therefore requested that KLEP 2015 be amended in the following manner:

- Amend the Land Zoning Map, sheet LZN_006, to apply the B1 Neighbourhood zone to the land; and
- Amend Schedule 1 to allow commercial premises on the land to have up to 1,540m² of GFA (equivalent to a FSR of 0.3:1).