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## SITE SPECIFIC DEVELOPMENT CONTROL PLAN TO SUPPORT PLANNING PROPOSAL FOR 45-47 TENNYSON AVENUE AND 105 EASTERN ROAD TURRAMURRA

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To have Council consider an amendment to the Ku-ring-gai Development Control Plan (DCP) to include site-specific controls to support the Planning Proposal for the rezoning of 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra.
<b>BACKGROUND:</b>	<p>On 26 March 2019 Council resolved to submit a Planning Proposal for 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra to the Department of Planning for a Gateway Determination, which would enable its public exhibition.</p> <p>A Gateway Determination was issued by the Department of Planning, Industry and Environment on 13 November 2019 and includes the Condition 1(b), which requires the preparation of site-specific development controls to be publically exhibited with the Planning Proposal.</p>
<b>COMMENTS:</b>	<p>The Planning Proposal seeks to rezone the sites from R2 Low Density Residential to B1 Neighbourhood Centre.</p> <p>Site-specific amendments to Councils DCP are required to provide additional detailed planning controls for the site, ensuring greater assurance of future development outcomes on the site.</p> <p>The site-specific DCP amendments will be placed on public exhibition with the Planning Proposal.</p>
<b>RECOMMENDATION:</b>	<p>That Council endorses the draft site-specific DCP amendments for 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra for the purpose of public exhibition.</p> <p>That the draft site-specific DCP amendments be placed on public exhibition alongside the Planning Proposal.</p>

## PURPOSE OF REPORT

To have Council consider an amendment to the Ku-ring-gai Development Control Plan (DCP) to include site-specific controls to support the Planning Proposal for the rezoning of 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra.

## BACKGROUND

The Planning Proposal (PP\_2019\_KURIN\_002\_00) seeks to rezone 45-47 Tennyson Avenue and 105 Eastern Road from R2 Low Density Residential to B1 Neighbourhood Centre.

The Planning Proposal was referred to the Ku-ring-gai Local Planning Panel (KLPP) on 18 March 2019 for advice. The KLPP provided the following advice to Council.

- a. *The Panel endorses the contents of the staff report, including the proposed amendments to the SJB Planning Proposal for 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra.*
- b. *That the Deep End Services Economic Assessment report needs to be reviewed in line with the staff report before the Planning Proposal is to go to Gateway for a Determination.*
- c. *The Panel recommends to Council that the Planning Proposal for 45-47 Tennyson Avenue and 105 Eastern Road Turramurra be submitted to the Department of Planning and Environment for a Gateway Determination, subject to the amendments detailed in the staff report, and any other resultant editorial changes.*
- d. *The Panel recommends to Council that it commence discussions with the proponent in respect to the provision of facilities in the Tennyson Road reserve to create safe pedestrian movement between the existing B1 zone and the planning proposal site. Council should also consider entering into a VPA to facilitate such pedestrian connections.*

At the OMC 26 March 2019, Council resolved to submit the Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination, which would enable its public exhibition:

- A. *That Council endorses the contents of this report, including the proposed amendments to the SJB Planning Proposal for 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra.*
- B. *That the Planning Proposal for 45-47 Tennyson Avenue and 105 Eastern Road Turramurra be submitted to the Department of Planning and Environment for a Gateway Determination, subject to the amendments detailed in this report, and any other resultant editorial changes.*
- C. *That Council requests to be authorised as the local plan-making authority to exercise the functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979 for this Planning Proposal.*
- D. *That, upon receipt of a Gateway Determination, the Planning Proposal be placed on public exhibition in accordance with the requirements of the Gateway Determination and the Environmental Planning and Assessment Act 1979.*
- E. *That a report be brought back to Council at the conclusion of the exhibition period.*
- F. *That Council staff to enter into discussions with the applicant in relation to the need for the facilitation of safe pedestrian movement between the existing Eastern Road Neighbourhood Centre and the Planning Proposal site.*

### Gateway Determination

The Department of Planning, Industry and Environment issued a Gateway Determination on 13 November 2019 (**Attachment A1**). The Gateway Determination includes the following condition:

1. *Prior to undertaking public exhibition, the planning proposal should be amended to:*
  - (b) *refer to a site-specific development control plan or controls that are to be prepared in consultation with Council and publicly exhibited with the planning proposal.*

### COMMENTS

It is proposed to amend the Ku-ring-gai Development Control Plan, Part 14 Urban Precincts and Sites to include site-specific controls for 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra. This will provide additional detailed planning controls for the sites, which align with the Planning Proposal for the rezoning to B1 Neighbourhood Centre, and provide greater assurance on future development outcomes on the site.

The proposed site-specific DCP provisions have been prepared by Council, and have incorporated masterplan principles from the Urban Design Statement submitted with Planning Proposal, where appropriate. The Urban Design Statement submitted with the Planning Proposal provides an indication of the possible type, scale, footprint and built outcomes enabled by the Planning Proposal. The Planning Proposal to rezone the site to B1 Neighbourhood Centre cannot be tied to a specific development, and the site could deliver alternative land use, scale and footprint than indicated within the Urban Design Statement. Accordingly, the draft site-specific DCP provisions have been prepared to set out generic key principles for the future development of any permissible land use on the site under B1 Neighbourhood Centre zoning, not just a neighbourhood supermarket as envisioned by the Urban Design Statement.

The draft site-specific DCP controls are provided to guide future development on the site, in conjunction with the relevant development controls contained within Sections A, B and C of the DCP.

The draft site-specific DCP is included at **Attachment A2**.

A brief overview of the key considerations contained within the Draft DCP are outlined below:

#### Urban Precinct

This section of the DCP sets out the planned future character for the site and key elements for any new development, which include:

- Retention of trees and vegetation, including Blue Gum High Forest Critically Endangered Ecological Community;
- new buildings to be cohesive to the street character of both existing Eastern Road Neighbourhood Centre retail shops, as well as low density residential dwellings;
- provision of active street frontages to Eastern Road;
- retention of scale, character and local function of Eastern Road as a Neighbourhood Centre;
- pedestrian connectivity between the site and existing Eastern Road Neighbourhood Centre shops

- new development to be appropriately design and sited to minimise amenity and visual impacts to adjoining residential properties.

**Pedestrian and Vehicle Access, and Car Parking**

This section of the DCP outlines where vehicle entry and exit points and car parking is to be located and where pedestrian access to site is to be provided.

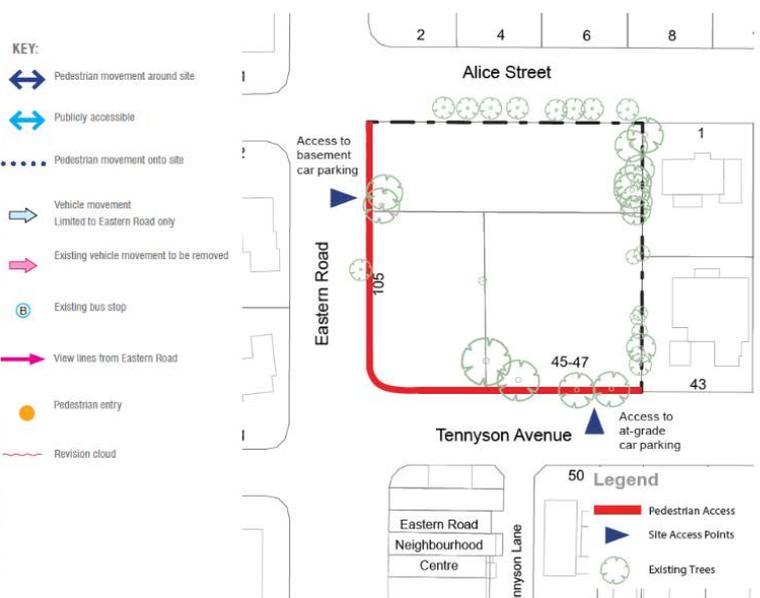
The Urban Design Statement submitted with the Planning Proposal indicated that car parking is to be provided in both the basement and at grade within the front setback to Eastern Road. It also indicated the provision of three vehicle access points to be provided along Eastern Road frontage.

At grade car parking located within the front setback area to Eastern Road as proposed by the Urban Design Statement results in poor street amenity and street activation as it does not encourage interaction or encourage pedestrian movement. It is not consistent with KLEP 2015 Clause 6.7 which requires active street frontages to be provided at the street level within the B1 Neighbourhood Centre zone. Accordingly, the Draft DCP requires car parking to be provided within the basement of new development. Should at grade car parking be justified on the site, it is to be located behind the building line to ensure its location does not adversely impact on street activation, amenity or trees and vegetation, with access provided at the location of the existing driveway crossover on Tennyson Avenue.

Pedestrian access is to be provided from both Tennyson Avenue and Eastern Road.



Access and Movement Circulation Diagram - Urban Design Statement



Pedestrian and Vehicular Access Diagram - Draft Site Specific DCP

**Building Setbacks**

This section of the DCP outlines appropriate building setbacks for future development on the sites, taking into consideration the adjoining residential properties, existing eastern road neighbourhood centre, as well the significant trees and vegetation.

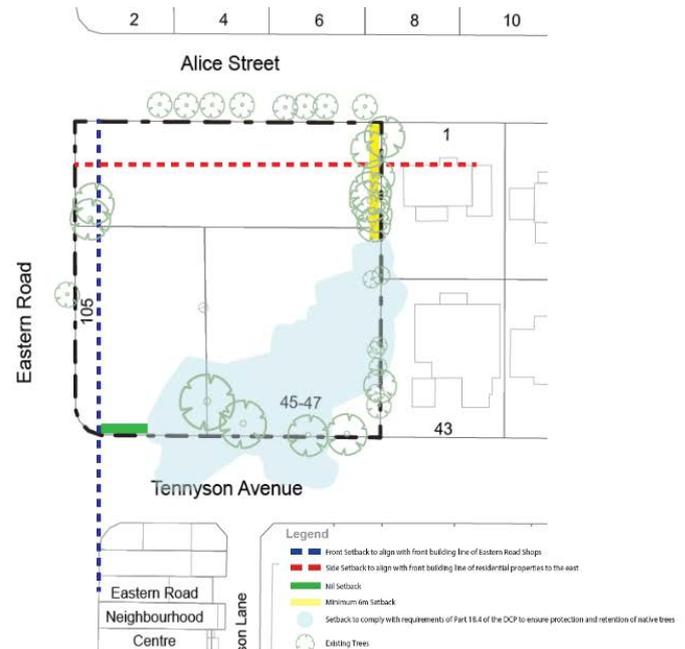
- **Front Setback** - The Urban Design Statement submitted with the Planning Proposal indicated that only a small section of building is to have a front setback aligning the Eastern Road frontage. The majority of buildings are setback from the street frontage to enable the provision of at grade parking.

As discussed above, the Draft DCP does not support the provision of at grade parking forward of the front building line to Eastern Road, and where parking cannot be provided in a basement, it should be provided behind the building line. The Draft DCP outlines that the front building setback to Eastern Road is to align with the front building setback of the existing Eastern Road shops to the south of the site in order to create a cohesive streetscape with consistent building alignments.

- **Rear Setback** – A minimum 6m setback is to be provided along the rear boundary adjoining 1 Alice Street, and a setback from the Blue Gum High Forest to ensure their protection and retention is to also be provided. The setback is to protect the privacy and amenity of adjoining residential land uses, and retain and protect native trees.
- **Setback to Alice Street** – The Draft DCP outlines that side setback to Alice Street is to align with the front with front setbacks of the residential properties to the east. The setback area is to be appropriately landscaped, to retain and reinforce the garden setting and low density residential character of this streetscape.
- **Setback to Tennyson Avenue** – The Draft DCP outlines that the corner building at the Eastern Road and Tennyson Avenue intersection is permitted to have a nil (zero) setback to the Tennyson Avenue frontage to encourage active street frontage.
- **Setback from Trees and Vegetation** – The Draft DCP outlines that all buildings and basements are to be setback from trees and vegetation – particularly trees forming part of the Blue Gum High Forest Critically Endangered Ecological Community to ensure their protection and retention. The exact distance buildings and basements are to be setback from these trees is to be determined through compliance with the requirements of Part 18.4 of the DCP relating to landscape remnant, demonstration of meeting the requirements of *Protection of Trees on Development Sites* (AS 4970-2009) and consideration of hydrological impacts.



Setback Diagram - Urban Design Statement



Setback Diagram - Draft Site Specific DCP

### Built Form

This section of the DCP outlines the specific built form requirements for the site to ensure future development is cohesive with the character and streetscape of the surrounding area. These include:

- Ensuring that buildings are designed to interact and engage with pedestrians at street level;
- encouraging outdoor dining and display of goods within the front setback area;
- ensuring the facades of buildings are articulated;
- ensure corner buildings respond to the character of each street they address;
- ensure the site layout is to minimise impact on significant trees and vegetation;
- ensure the roof form relates sympathetically to surrounding buildings;
- ensure location of plant and servicing is integrated into the built form or roof; and
- provision of landscape buffer areas to the north, south and east of the site.

### Public Domain

This section of the DCP outlines public domain works to the streetscape surrounding the site and Eastern Road Neighbourhood Centre, which are to be delivered through a Voluntary Planning Agreement (VPA), or other delivery mechanism. The public domain works seek to:

- Improve pedestrian connection and access between the site and the Eastern Road Neighbourhood Centre through the provision of a new pedestrian crossing on Tennyson Avenue;
- provide pedestrian amenity and continuity within the streetscape through the street tree planting and wider footpaths;

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- provide high quality streetscape that engages and activates the Neighbourhood Centre through the creation of a small plaza with trees and seating on corner of Tennyson Avenue and Eastern Road; and
- to service the public parking demands for the Neighbourhood Centre through the provision of 45° angled parking on south side of Tennyson Avenue and parallel parking setback into the existing verge on north side of Tennyson Avenue.

The inclusion of the Public Domain requirements in the DCP reflects the advice from the KLPP of 18 March 2019 which stated:

*d. The Panel recommends to Council that it commence discussions with the proponent in respect to the provision of facilities in the Tennyson Road reserve to create safe pedestrian movement between the existing B1 zone and the planning proposal site. Council should also consider entering into a VPA to facilitate such pedestrian connections.*

**INTEGRATED PLANNING AND REPORTING**

Theme 3 – Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	Strategies, plans and processes are in place to effectively manage the impact of new development	Implement and monitor the Local Environmental Plans and supporting Development Control Plans

**GOVERNANCE MATTERS**

The process for the preparation and implementation of Planning Proposals is governed by the provisions contained in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

The Gateway Determination issued by the Department of Planning, Industry and Environment includes the Condition 1(b), which requires the preparation of site-specific development controls to be publically exhibited with the Planning Proposal.

**RISK MANAGEMENT**

The inclusion of site-specific development control provisions for 45-47 Tennyson Avenue and 105 Eastern Road, Turrumurra will provide greater assurance for future development outcomes on the site.

**FINANCIAL CONSIDERATIONS**

The costs to develop the site-specific DCP provisions have been paid by the applicant in accordance with Council’s Schedule of Fees and Charges 2019/2020.

## **SOCIAL CONSIDERATIONS**

The site-specific DCP amendments include objectives to promote and provide for civic improvements including public domain and safe pedestrian linkages to the existing Eastern Road Neighbourhood Centre.

## **ENVIRONMENTAL CONSIDERATIONS**

### **Blue Gum High Forest Critically Endangered Ecological Community (CEEC)**

Council's vegetation mapping identified part of the site as containing Blue Gum High Forest (BGHF), which is listed as a Critically Endangered Ecological Community (CEEC) in schedule 2 of the *Biodiversity Conservation Act 2016*. The draft site-specific DCP provisions include the requirement for buildings and basements to be setback from the remnant BGHF trees to ensure their retention and protection.

### **Contamination**

A combined Phase 1 and 2 Environmental Site Assessment has been undertaken for the site to support the Planning Proposal. The assessment found the soil and ground water at the site to be contaminated as a result of the current and past uses of the site (agriculture, horticultural uses, service station, nursery and bus depot). The assessment concluded that the site is of a suitable condition, from a contamination perspective, for the proposed uses and does not pose an unacceptable risk to human health or the surrounding environment. The assessment outlines the need for minor remediation works (such as excavation and replacement).

## **COMMUNITY CONSULTATION**

The community will be formally consulted in accordance with the requirements of the Gateway Determination issued by the Department of Planning, Industry and Environment on 13 November 2019, and the requirements of the *Environmental Planning and Assessment Act 1979*.

The draft site-specific DCP amendments will go on public exhibition with the Planning Proposal for a minimum of 28 days. It is expected that the public exhibition of both the Planning Proposal and site-specific DCP will occur in early 2020.

## **INTERNAL CONSULTATION**

Internal consultation has taken place for the preparation of the site-specific DCP provisions with relevant staff with expertise in the areas of urban planning, development assessment, landscape, natural areas, ecology, public domain and traffic.

## **SUMMARY**

On 26 March 2019, Council resolved to submit a Planning Proposal for 45-47 Tennyson Avenue and 105 Eastern Road, Turrumurra to the Department of Planning, Industry and Environment for a Gateway Determination.

The Department of Planning, Industry and Environment issued a Gateway Determination on 13 November 2019. The Gateway Determination included Condition 1(b), which requires the preparation and exhibition of a site-specific Development Control Plan to support the Planning Proposal.

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Draft site-specific controls and objectives have been prepared by Council in order to provide greater assurance of development outcomes on the sites. The site-specific amendments include consideration of the key matters such as future character, public domain, pedestrian and vehicle access, building setbacks and built form.

The draft site-specific DCP amendment for 45-47 Tennyson Road and 105 Eastern Road is to be publically exhibited concurrently with the Planning Proposal.

**RECOMMENDATION:**

- A. That Council endorses, for the purpose of public exhibition, the amendment to the Ku-ring-gai Development Control Plan (DCP) to include site-specific controls to support the Planning Proposal at 45-47 Tennyson Avenue and 105 Eastern Road Turramurra.
- B. That the draft site-specific DCP amendment be placed on public exhibition concurrently with the Planning Proposal for 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra.
- C. That a report be brought back to Council at the conclusion of the exhibition period for Council to consider any submissions made.

Alexandra Plumb  
Urban Planner

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Team Leader Urban Planning

Antony Fabbro  
Manager Urban & Heritage Planning

Andrew Watson  
Director Strategy & Environment

<b>Attachments:</b>	A1	Gateway Determination - Planning Proposal 45-47 Tennyson Avenue and 105 Eastern Road Turramurra - Harris Farm	2019/346673
	A2	Draft Site Specific DCP - 105 Eastern Road and 45-43 Tennyson Avenue, Turramurra	2020/025643

# FOR ACTION

## ORDINARY MEETING OF COUNCIL – 18/02/2020

TO: Urban Planner (Alexandra Plumb)

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**Subject:** OMC022 - Site specific Development Control Plan to support Planning Proposal for 45-47 Tennyson Avenue and 105 Eastern Road Turramurra  
**Minute Number:** 22  
**Notes:**  
**File Reference:** S12120 2019/100974

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### Resolved:

(Moved: Councillors Clarke/Szatow)

- A. That Council endorses, for the purpose of public exhibition, the amendment to the Ku-ring-gai Development Control Plan (DCP) to include site-specific controls to support the Planning Proposal at 45-47 Tennyson Avenue and 105 Eastern Road Turramurra.
- B. That the draft site-specific DCP amendment be placed on public exhibition concurrently with the Planning Proposal for 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra.
- C. That a report be brought back to Council at the conclusion of the exhibition period for Council to consider any submissions made.

*For the Resolution:*                      *The Mayor, Councillor Anderson, Councillors Clarke, Greenfield, Smith and Szatow*

*Against the Resolution:*              *Councillors Ngai, Pettett, Spencer and Kay*

[Open Item in Minutes](#)

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