**M^C^LAREN TRAFFIC ENGINEERING**

**Address: Shop 7, 720 Old Princes Highway Sutherland NSW 2232**
**Postal: P.O Box 66 Sutherland NSW 1499**

**Telephone: +61 2 8355 2440**
**Fax: +61 2 9521 7199**
**Web: www.mclarentraffic.com.au**
**Email: admin@mclarentraffic.com.au**

**Division of RAMTRANS Australia ABN: 45067491678 RPEQ: 19457**

**Transport Planning, Traffic Impact Assessments, Road Safety Audits, Expert Witness**

16th September 2020

Reference: 200391.02FA

THE SEAL OF THE LAND AND ENVIRONMENT COURT NEW SOUTH WALES

COURT OF NSW
FILED ON
17 NOV 2020
INT

Pier Property Corporation Pty Ltd (PPC)
Suite 305 / 25 Lime Street,
Sydney NSW 2000
Attention: John Keith

**LETTER OF RESPONSE TO COUNCIL COMMENTS FOR RESIDENTIAL FLAT BUILDING AT 3 WISTON GARDENS, DOUBLE BAY**

Dear John,

Reference is made to your request to provide a letter of response to Council's comments for the proposed residential flat building at 3 Wiston Gardens, Double Bay (proposed plan attached as **Annexure A**). This letter is in response to Woollahra Municipal Council's comments within a letter dated 9th September 2020 for DA Number 325/2020 (for your reference, attached as **Annexure B**). The comments made by Council relevant to traffic and parking are shown below (italicised) with *M^C^Laren Traffic Engineering*'s (MTE) response thereafter.

*Request for Additional Information*

*2. Vehicular Access and Parking Arrangement*

*Preliminary assessment of the submitted architectural plans has identified the following issues which shall be addressed by the applicant prior to further assessment:*

a) *Pursuant to Clause 3.2.4 of AS2890.1, a 2m x 2.5m pedestrian sight splay, clear of any obstructions to visibility, shall be provided on both sides of the driveway exit. In this regard, any proposed structures (such as landscaping, front fences and driveway gate) located within these splay areas shall be relocated/redesigned to prevent obstructions to visibility.*

**MTE Response**: As shown in **Figure 1** of this letter, the pedestrian sight triangle of 2 x 2.5m is to be clear of obstructions higher than 600mm (including the proposed landscaping and front fence). This is standard practice for MTE and is based on being half the typical driver height, as per AS2890.1, being 1.15m high. It is usual and expected that a design certificate be required at the Construction Certificate stage, where this sub-600mm requirement can be conditioned as a required change for compliance with *AS2890.1:2004* if it elements within the 2 x 2.5m pedestrian sight triangle shown in **Figure 1** exceed 600mm..

As per *Figure 3.3 of AS2890.1*, the sight triangle is not required on the entry (south western) side as the proposed driveway is two-lane and two-way.

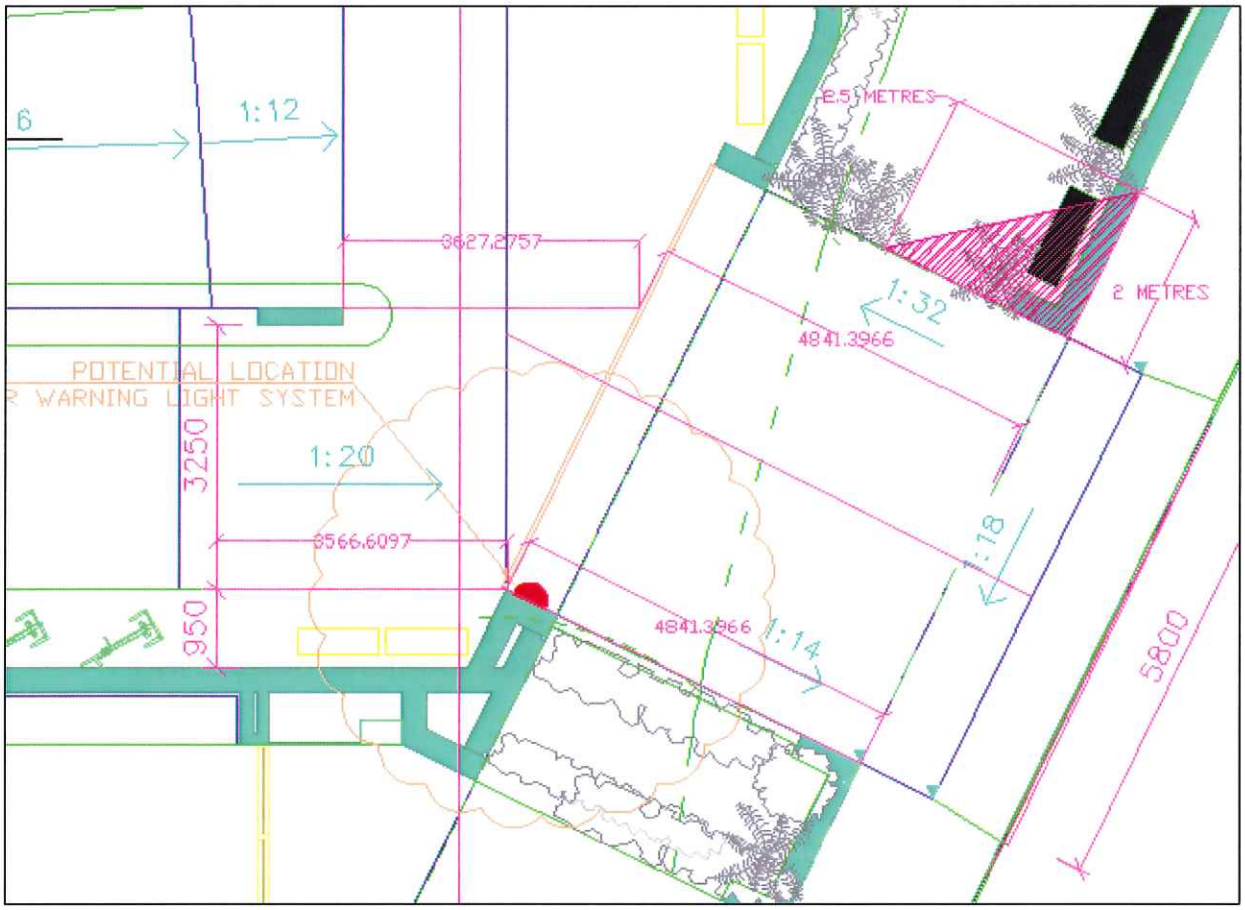



**FIGURE 1: PEDESTRIAN SIGHT TRIANGLE ON EXIT LANE**

*Request for Additional Information*

*2. Vehicular Access and Parking Arrangement*

b) *The proposed vehicular crossing is to be 5.5m wide and be constructed at right angle to the street kerb. The centreline of the new crossing shall be aligned with the centreline of the internal driveway at the property boundary.*

**MTE Response**: As demonstrated in the swept paths attached in **Annexure C**, the access driveway has a minimum width requirement of 5.8 metres to facilitate compliant two-way passing between a B85 and B99 vehicle. The verge/vehicle crossover between the subject site and Wiston Gardens is outside of the boundary of the subject property. In the opinion of **MTE**, the 5.8 metre width should extend from the subject site's property boundary to the frontage road (the vehicular crossing) to allow compliant two-way passing.

Further, it is worthy to note the proposed 5.8 metre access driveway is far superior to the existing five (5) garage wide driveway splay stretching almost 17 metres along the subject property's frontage to Wiston Gardens.

c) *Request for Additional Information*

d) *2. Vehicular Access and Parking Arrangement*

e) *Dimensions showing that the proposed driveway for the first 6m from the property boundary is at a maximum grade of 5% to comply with AS2890.1.*

**MTE Response**: As per *Clause 3.3 (a) of AS2890.1*, the proposed driveway is compliant as it meets the three conditions allowing for a grade up to 1 in 8 (12.5%). The maximum proposed driveway grade is 1 in 14 (7.14%), therefore compliant to *AS2890.1*.

*Request for Additional Information*

*2. Vehicular Access and Parking Arrangement*

*Revised architectural plans addressing the above issues shall be submitted to Council for further assessment.*

**MTE Response**: The additional information requested by Council relevant to traffic and parking (attached in **Annexure B** and extracted throughout) have been addressed within this letter and if deemed necessary by Council, can be satisfied by conditions at the Construction Certificate stage. As such, no alterations with respect to vehicular access and the parking arrangement are required to the submitted Development Application (DA No. 325/2020) set of architectural plans.

Please contact Mr Tyler M^C^Laren or the undersigned on 02 8355 2440 should you require further information or assistance.

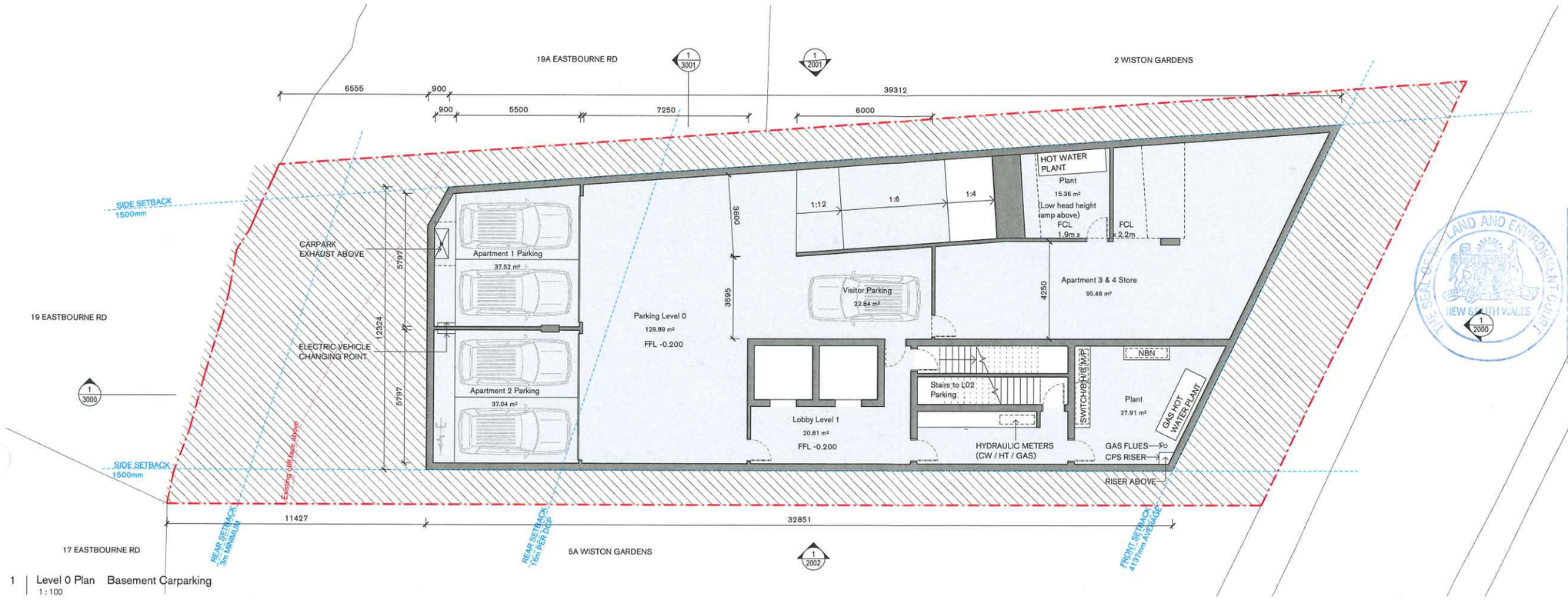
Yours faithfully,

**M^C^Laren Traffic Engineering**

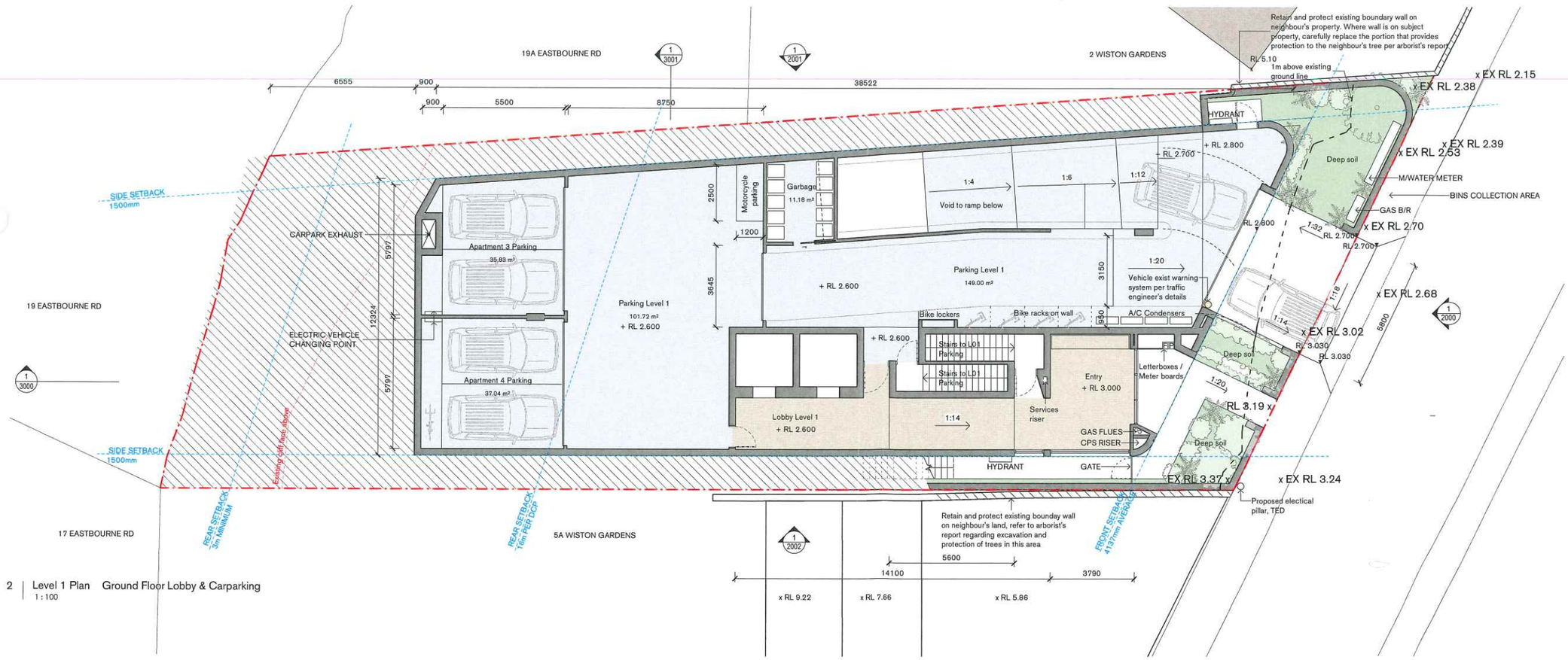
**Craig M^C^Laren**
**Director**
**BE Civil, Grad Dip (Transport Engineering), MAITPM, MITE**
**RPEQ 19457**
**RMS Accredited Level 3 Road Safety Auditor [1998]**
**RMS Accredited Traffic Management Plan Designer [2018]**

**ANNEXURE A: PROPOSED DA PLAN**

**(1 SHEET)**




1 | Level 0 Plan Basement Carparking
1 : 100




2 | Level 1 Plan Ground Floor Lobby & Carparking
1 : 100


W. tzannes.com.au
T. 61 2 9319 3744
E. tzannes@tzannes.com.au

Suite 5, L5, 2-12 Foveaux St
Surry Hills NSW 2010
Sydney, Australia



**Copyright**

Copyright owned by Tzannes. Rights to this document are subject to payment in full of all Tzannes fees. This document may only be used for the express purpose for which it has been created and any unauthorised use is at the user's sole risk and without limiting Tzannes' rights the user releases and indemnifies Tzannes from and against all loss so arising


**Nominated Architects**

Alec Tzannes 4174
Jonathan Evans 6613
Mladen Pmjatovic 7468
Ben Green 7066
Chi Melhem 7754

**Notes Regarding "Development Application Drawings"**

Minor changes to building form and configuration may be required when drawings are subsequently prepared for construction purposes after the grant of development consent.

**Note**

Landscaping per landscape architect's report


LAND AND ENVIRONMENT COURT NEW SOUTH WALES
FILED ON
17 NOV 2020


| Rev | Date | For |
|---|---|---|
| A | 12.06.20 | For consultant information |
| B | 06.07.20 | For consultant information |
| C | 08.07.20 | For information |
| D | 10.07.20 | For consultant information |
| E | 29.07.20 | For Development Application |
| F | 31.07.20 | For Development Application |

**Client**
John Keith

**Project Manager**
Polly Priday
0477 400 412 — Polly@pierproperty.com.au

**Planner**
City Plan
02 8270 3500 — StephenK@cityplan.com.au

**Landscape Architect**
Roger Jasprizza, Oculus
0439 362 478 — roger@oculus.info

**Combined Services**
IGS
02 8488 4600 — mays.chalak@igs.com.au

**Heritage**
Stephen Davies, Urbis
0438 029 797 — sdavies@urbis.com.au

**Legend**

| | |
|---|---|
| ALV | Aluminium Louvres |
| BZ | Bronze Finish Metal |
| CON | Concrete |
| GLC | Glass - Clear |
| MDR | Metal Deck Roof |
| MSR | Masonry |
| SST | Sandstone Block |

Tzannes

**Scale** — 1 : 100 @ A1 (Double @ A3)
0 1000 2000 3000 4000 5000 mm

**North**

**Project**
Wiston Gardens Double Bay

**Address**
3 Wiston Gardens
Double Bay, NSW 2028

**Status**
FOR DEVELOPMENT APPLICATION

**Drawing**
Level 0 and Level 1 Plans

| Date Created | Drawn | Checked |
|---|---|---|
| 13/12/19 | CD | TZ |
| **Project No.** | **Drawing No.** | **Revision** |
| 19029 | 1000 | F |

McLaren
Traffic Engineering &
Road Safety Consultants

## ANNEXURE B: WOOLLAHRA MUNICIPAL COUNCIL'S REQUEST FOR ADDITIONAL INFORMATION

## (1 SHEET)

Woollahra Municipal Council

*Council Ref:* DA 325/2020/1:Mr B McIntyre:cgo
*Your Ref:* Planning & Development Division

9 September 2020

Pier Property Corporation Pty Ltd (PPC)
Suite 305 25 Lime St
SYDNEY NSW 2000

**Request for Additional Information**

**Application No: DA 325/2020**
**Property: 3 Wiston Gardens DOUBLE BAY 2028**
**Proposal: Demolition of existing structures and construction of a new residential flat building**

A preliminary assessment has been made of your development application, which indicates that there is insufficient information to properly consider your proposal. The following additional information is therefore required:

**1. Flooding Risk Management Study – Protection of Property**

The property is subject to flood related development control. During large storm events, there may be potential for both mainstream and overland flows to occur. Under provisions made in the State Government Floodplain Development Manual, an assessment of these flows must be undertaken so that suitable flooding protection measures can be incorporated in the proposed development. To this end, the applicant is to engage a suitably qualified civil engineer and submit a flood risk management report for the proposal by reviewing a Flood Study conducted by Council for the Double Bay Catchment Area which is available from Council's website.

To protect the development from potential flooding, the property access threshold levels must be designed to provide a minimum freeboard protection in accordance with Clause E2.3.3 of Woollahra DCP Chapter E2 – Stormwater Flood Risk Management. The civil engineer must certify that the levels, or alternative protection measures, proposed in the architectural details are satisfactory to protect the property from inundation. Adjoining properties must not be affected by proposed flood protection measures. Details of all proposed flood protection measures must be clearly depicted on the architectural drawings and submitted with the flood risk management report. For any further enquiries on the above matter, please contact Council's Drainage Engineer, Michael Casteleyn, on 9391-7000.

Notes:
1. In most cases, suitable flood protection (eg crest up before descent on an access driveway) must be provided within the subject site. Council will generally not allow alteration to existing reduced levels on its property to achieve flood protection.
2. Where the flood risk management report undertaken determines that the levels of off–street parking areas and/or access ramps must be altered, the revised parking layout and access ramps must be designed in accordance with current Australian Standard 2890.1 "Off Street car-parking". Potential scraping issues must be investigated.
3. For any further enquiries on the above matters, please contact Council's Drainage Engineer on 9391-7000.



**2. Vehicular Access and Parking Arrangement**

Preliminary assessment of the submitted architectural plans has identified the following issues which shall be addressed by the applicant prior to further assessment:

a) Pursuant to Clause 3.2.4 of AS2890.1, a 2m x 2.5m pedestrian sight splay, clear of any obstructions to visibility, shall be provided on both sides of the driveway exit. In this regard, any proposed structures (such as landscaping, front fences and driveway gate) located within these splay areas shall be relocated/redesigned to prevent obstructions to visibility.

b) The proposed vehicular crossing is to be 5.5m wide and be constructed at right angle to the street kerb. The centreline of the new crossing shall be aligned with the centreline of the internal driveway at the property boundary.

c) Dimensions showing that the proposed driveway for the first 6m from the property boundary is at a maximum grade of 5% to comply with AS2890.1.

Revised architectural plans addressing the above issues shall be submitted to Council for further assessment.

**3. Archaeological Assessment Report**

An archaeological assessment is to be prepared by a suitably qualified archaeologist in accordance with the guidelines prepared by the NSW Heritage Office 'Assessing Significant for Historical Archaeological Sites and Relics' (2009). The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.
Recommendations by the archaeological assessment are to be implemented during the process of demolition and excavation work.

**4. SEPP – Affordable Rental Housing 2009**

In Section 4.4.3 of the submitted SEE, it states:

> *'A review of the previous property titles confirms at the 28 January 2000 four (4) units were owner occupied (no rental information available) and one (1) unit was rented. This is consistent with the Rental Bonds Board Fair Trading NSW search. As shown in Appendix 19, unit 4 was rented at $475 per week on 28 January 2000, well above the median rent of $360 for equivalent dwellings in the Woollahra LGA from the Rent and Sales Report of March 2000.*
> *Therefore, 3 Wiston Gardens was not a low rental residential building at 28 January 2000. Part 3 of the AHRSEPP does not apply.'*

No evidence is provided to Council so that Council cannot be satisfied that four of the five units were owner occupied on 28 January 2000. Unless Council is provided with adequate evidence to prove that the subject building was not a low-rental residential



building as at 28 January 2000, the works proposed would require an assessment against Part 3 - Retention of existing affordable rental housing of the Affordable Rental Housing 2009 SEPP. This must include an Affordable Housing Report which provides information on whether a development is likely to result in a loss of affordable housing on the subject site.

**5. Owner(s) Consent**

Owner(s) consent must be provided by all owners of the land.

Council's record indicates that the owner of the site is J R Keith & L C Keith & Merman Investments Pty Ltd. On the application form, consents have been provided from J R Keith & Merman Investments Pty Ltd, whilst consent from L C Keith is not provided.

**6. 3D Digital Model**

A 3D digital model is required, which accords with Council's DA Guide Attachment 9 – 3D Digital Model Requirements.

This information should be provided to us within fourteen (14) days of the date of this letter. If this information is not received, your application may be refused.

In accordance with Clause 109 and Clause 112 of the Environmental Planning and Assessment Regulation 2000, any days that occur between the date of this letter and the earliest of the following dates, being:

a) The date on which all information requested in this letter is provided to Council; or

b) The date the applicant notifies the Council in writing that the information will not be provided; or

c) The date the applicant is taken to have notified the Council that the information will not be provided pursuant to cl 54(6) of the Environmental Planning and Assessment Regulation 2000 cannot be counted in calculating the number of days in the assessment period/deemed refusal period for this application.

This letter will 'stop the clock' on the deemed refusal period for this application for that period of time. The date by which this application is taken to be refused, and accordingly the date on which appeal rights may arise in respect of the application, is affected by this request for information.

If you have any enquiries, please contact our Assessment Officer Mr B McIntyre on 9391-7157 between 8.30am and 11.00am Monday to Friday.

Yours sincerely,

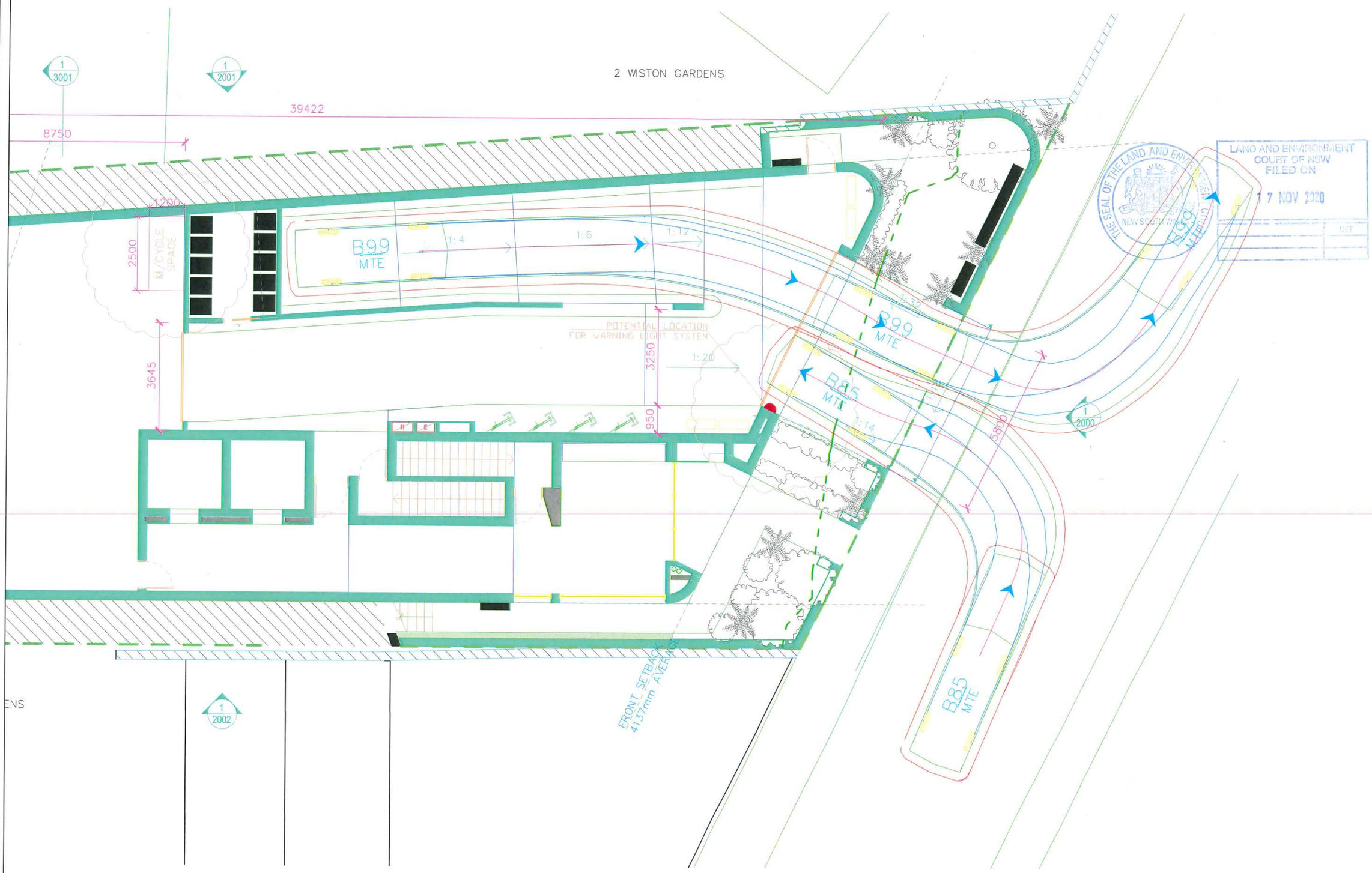
Thomass Wong
**Team Leader – Development Control**



per:

CC: J R Keith & L C Keith & Merman Investments Pty Limited
91 Hutchinson Street
ST PETERS NSW 2044

## ANNEXURE C: MTE TWO-WAY PASSING AT DRIVEWAY
## (1 SHEET)




McLaren Traffic Engineering

MCLAREN TRAFFIC ENGINEERING
A division of RAMTRANS Australia Pty. Ltd.

Shop 7, 716-720 Old Princes Hwy, Sutherland NSW 2232
P : (02) 8355 2440
M : 0412 949 578
E : admin@mclarentraffic.com.au
www.mclarentraffic.com.au

**CLIENT / Project:**
John Keith / Wiston Gardens Double Bay

**Project Address:**
3 Wiston Gardens, Double Bay NSW 2028

**Notes:**
CONCEPT PLAN ONLY.
NOT FOR CONSTRUCTION.

**Tested Using:**
*AutoTURN 11
*ZWCAD 2019

**Drawing Title:**
B85 IN / B99 OUT

| Project No: | Drawing No: |
|---|---|
| 2020/0391 | 2020-0391-01C |

| Revision | Date | Details |
|---|---|---|
| A | 17/07/2020 | MTE Swept Paths on DA Set |
| B | 04/08/2020 | MTE Final Paths |
| C | 15/09/2020 | MTE Paths for Council |

All plans and files may not be reproduced, copied, transmitted or manipulated without the written permission of McLaren Traffic Engineering. Copyright © 2016 - McLaren Traffic Engineering, A division of RAMTRANS Australia Pty. Ltd.