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13 March 2014
Ref: 129899.6L

The General Manager
Ku-ring-gai Council
By Email: arichardson@kmc.nsw.gov.au

**Attention: Mr A Richardson**

Dear Sir,

**Re: DA 0501/12, 28-32 Dumaresq Street, Gordon – Response to Decision of the Joint Regional Planning Panel at its Meeting on 27 February 2014**

We act on behalf of Australia Wenzhou Group which is the Applicant for the above DA.

The purpose of this letter is to respond to the decision of the Joint Regional Planning Panel (JRPP) in respect of the above DA at its meeting on 27 February 2014. The decision of the JRPP was:

> *The panel unanimously decided to defer this application because it requests the applicant to further explore the opportunity to achieve a development that addresses the shortfall in car parking spaces, but at the same time complies with deep soil landscaping, and on-site waste/garbage vehicle manoeuvring requirements without the need to delete one unit.*

This response should be read in conjunction with the amended plans, drawings and additional information attached, as follows:

- Attachment 1 – Revised Plan – Drawing No. 1101 (Tzannes Associates)
- Attachment 2 – Revised Explanatory Diagram – Drawing No. 6806 (Tzannes Associates)
- Attachment 3 – Revised Landscape Plans – Drawing Nos L01 – L02 (Jane Irwin Landscape Architecture)
- Attachment 4 – Revised Stormwater Plan – Drawing No CIV-010, Issue 5 (Hyder)

- Attachment 5 – Further Revised SEPP 1 objection – car parking (for Option 2, below) (Design Collaborative)

**Response**

As advised at the Panel Meeting on 27 February 2014, it is possible for the proposed development to comply with the deep soil landscaping requirement (see **Attachments 1, 2, 3** and **4**) and the on-site waste/garbage vehicle manoeuvring requirements.

In relation to deep soil landscaping, the proposal's compliance with the 50% landscape standard is confirmed in the further amended plans as submitted to Council prior to the Panel's meeting. A copy of these plans is attached (see **Attachments 1 - 4**).

In relation to on-site waste/garbage vehicle manoeuvring requirements, the Council's Assessment Report indicates that the arrangements proposed in the DA, ie. the use of the turning area, were acceptable to Council's engineers. As advised at the Panel meeting, the turning area is proposed as permeable paving. It is noted that permeable paving is discussed in Council's DCP 55 and its use is encouraged recognising, in particular, its role in surface infiltration. In addition, the size of the turning area has been minimised and the area available for tall tree and shrub planting across the frontage to the proposed new road, particularly between the proposed driveways, is such that, except for the driveway crossings themselves, the frontages are principally used for tall tree planting.

However, it is not possible to meet the car parking requirements of the KPSO with the presently proposed units without contemplating additional excavation of the site. Excavation would be required not only for the two additional spaces but also for internal ramps and to replace spaces displaced at the Basement Level.

With regard to the provision of parking, it is noted that the approach which has been taken to the design of the proposal has sought to strike an appropriate balance between excavation and site development. Two driveways are proposed to the proposed building from the proposed new road (as the secondary frontage) to provide access to the two levels of parking proposed. This approach has been taken to reduce the amount of excavation of the site necessary to accommodate parking for the proposal. The proposed parking levels relate well to the natural levels of the site, taking advantage of the fall to the south with two entry points off the proposed new road with the northernmost driveway providing level access to the building. In this regard, it is considered that the proposed development strikes an appropriate balance leading to a better, more sustainable development solution for the site.

Compliance with the parking standards would necessitate additional site excavation to provide another level of parking beneath the footprint (together with considerable additional expense). As noted above, excavation would be required not only for the two additional spaces but also for internal ramps and to replace spaces displaced at the Basement Level. The adverse effects of such disproportionately excessive excavation would, in our view, far outweigh any benefit associated with the provision of two additional parking spaces for the use of intermittent visitors to the site, particularly taking into account all of the relevant circumstances set out in the Revised SEPP 1 objection (Ref: 129899.4O, prepared by Design Collaborative, submitted to Council in September 2013).

Accordingly, on behalf of our client, we wish to put forward three options for the consideration of the JRPP to enable the favourable resolution of this matter. These options, which are presented in the Applicant's order of preference, are set out below.

## 1. Option 1

The first option is that the JRPP accepts the submissions made to it on behalf of the Applicant at the meeting on 27 February 2014, that:

- Condition 19 of the recommendation be deleted allowing Apartment 3 to be retained;
- the Revised SEPP 1 objection for the shortfall in visitor parking be upheld; and
- a requirement be added to condition 20 that the development comply with the 50% landscape area standard. Alternatively, condition 20 be amended to refer to the further amended landscape plan submitted prior to the meeting which demonstrated compliance with the standard (see **Attachment 3**). In addition, Condition 20 be amended to delete items 1 and 2, as these items have been met and are therefore redundant. In addition, item 5 be deleted to allow the turning area to remain;
- the "Note" to Condition 30 be deleted as it is redundant due to the deletion of Condition 19.

## 2. Option 2

The second option is that the development proposal be amended by:

- combining 2 x 1 bedroom units (Apts 10 and 11) to form 1 x 2 bedroom unit; and
- retaining Apartment 3.

This amendment would reduce the total number of units by one to 33 units, while allowing for the retention of Apartment 3 which would allow for the retention of comparatively affordable housing within the building.

The amalgamation of Apartments 10 and 11 into a single two bedroom unit would have no effect on the exterior appearance of the building or the floor space proposed. The wall between the two balconies would be removed and the interior plan would be reconfigured.

It would also reduce the parking requirement for the development overall to 45 spaces, as follows:

- resident spaces: 7 (7 x 1 bed units) + 23 (23 x 2 bed units) + 6 (3 x 3 bedroom units) = 36 spaces
- visitor spaces (1 per 4 units): 8.25 spaces (33 units) = 9 spaces

However, the proposal would still involve a shortfall of one parking space. Accordingly, this submission is accompanied by a Further Revised SEPP 1 Objection (see **Attachment 5**), addressing this shortfall. We request that, if it agrees with this Option, the Panel uphold the Further Revised SEPP 1 objection.

For the second option, Condition 19 of the recommendation be deleted and replaced with a new Condition 19 requiring the amalgamation of Apartments 10 and 11 to create 1 x 2 bedroom unit.

The second option would also require changes to the recommended Condition 20 and Condition 30, consistent with Option 1, above.

**3. Option 3**

The third option is that the Panel adopt the recommendation put forward to it by the Council, ie. the deletion of Apartment 3 and the redesign of the parking area in accordance with the recommendation. This option would also require changes to the recommended Condition 20 and Condition 30, consistent with Options 1 and 2, above.

**Summary**

We request that the above response is referred back to the JRPP as soon as is practicable.

Should you wish to discuss this matter further, please contact the writer.

Yours Faithfully,
DESIGN COLLABORATIVE PTY LTD

H M Sanders
Director