

818 Pacific Highway, Gordon NSW 2072

Locked Bag 1056, Pymble NSW 2073

T 02 9424 0000 F 02 9424 0001

DX 8703 Gordon TTY 133 677

E kmc@kmc.nsw.gov.au

W www.kmc.nsw.gov.au

ABN 86 408 856 411



Contact: Scott McInnes

Ref: DA0012/15

16 April 2015

Cresco Opus Pty Ltd
C/- SJB Planning
L2, 490 Crown St
SURREY HILLS NSW 2010

Dear Sir/Madam

Application No.:	DA0012/15
Proposed development:	Demolish existing structures and construct 15 town-houses, car parking, associated landscaping and strata subdivision
Property:	3 Wonga Wonga Street TURRAMURRA NSW 2074 5 Wonga Wonga Street TURRAMURRA NSW 2074

We have undertaken an assessment of your application. We advise that your application is unsatisfactory in the following respects:

Conveyancing Act 1919

1. The site is burdened by a right-of-carriageway (dimensions: 6.09m x 30.5m) (ROW) that benefits No. 7 Wonga Wonga Street. The applicant is required to:
 - a) Provide written evidence that the ROW will be extinguished with consent of all affected (appurtenant) parties as part of this proposal; or
 - b) The application is amended to demonstrate that the design does not impose or compromise (including encroachments) the rights of the beneficiaries to access the ROW.

Council could support encroachments underneath the ROW provided that side setbacks to the basement are satisfied and the benefitting party agrees to the subterranean element of the design underneath the ROW and to the temporary access arrangements during



construction. Council will need to be provided with written evidence of this agreement; or

- c) Communicate to Council that the current proposal is the preferred option and Council will finalise its assessment with the enforcement of a deferred commencement condition seeking the applicant to extinguish the ROW.

Water Management Act 2000

- 2. The development of neighbouring sites has identified that that ground water has been encountered in Wonga Wonga Street at a variable depth of 2.1m to 6.4m and any proposed excavation may require construction dewatering. Pending the outcome of a revised Geotech (**refer to item 39**) an Integrated Development referral to the Office of Water could be required. An additional assessment fee of \$320 is required to be paid to Council and \$140 to be made payable to the 'NSW Office of Water'.

State Environmental Planning Policy No 65- Design Quality of Residential Flat Development (SEPP 65)

Principle 1: Context

- 3. The proposal comprises 3 storeys, contains 15 dwellings and is a Class 2 building above a Class 7a car park (Access Statement p1). It is therefore considered a 'residential flat building' under SEPP65 and should be accompanied by a Design Verification Statement as well as an explanation of the design in terms of the Design Quality Principles. This aspect needs to be addressed.

Principle 8: Safety and Security

- 4. The retention of the access easement to 7 Wonga Wonga Street in the same area as the proposed main street entrance may compromise safety for pedestrians. This aspect should be given further design consideration (**refer to item 1**).

Ku-ring-gai Local Environmental Plan (Local Centres) 2012

Tree impacts (Clause 5.9 Preservation of trees or vegetation)

5. The proposal will adversely impact the following significant trees:
- a) Tree 49/ *Lophostemon confertus* (Brushbox) The encroachment calculation should include the impact of the proposed stormwater line along the eastern boundary. The proposed stormwater line will result in a major encroachment within the tree protection zone and should be relocated.
 - b) Tree 50/ *Metasequoia glyptostroboides* (Dawn Redwood) The proposed basement excavation will result in a major encroachment (21.2%) within the tree protection zone. The proposed front path is located within the structural root zone. The encroachment calculation does not include the impact of the proposed stormwater line along the eastern boundary. The proposed stormwater line will result in a major encroachment within the tree protection zone and should be relocated.
 - c) Tree 57/ *Pyrus ussuriensis* (Manchurian Pear) The proposed excavation for access paths will result in a major encroachment (13.7%) within the tree protection zone. The proposed excavation plan indicates graded banks extending excavation within the structural root zone of this tree. The arborist report states that redesign of the private open space, pathway and associated retaining wall is required to retain the tree.
 - d) Tree 60/ *Liquidambar styraciflua* (Liquidambar) Excavation for the proposed stairs is 1.45 metres from the tree however it is mostly within the area of existing pool and associated retaining walls. The arborist report assumes that the pool shell is to be retained in situ however what has been anticipated is not what is proposed on the drawings showing demolition of the pool and retaining walls (Refer Basement Plan). The proposed excavation for the pool and surrounds would have an adverse impact on this tree. To preserve health and condition of this tree, excavation should not encroach beyond the existing retaining wall directly south of the tree.
 - e) Tree 62/ *Cedrus deodara* (Himalayan Cedar) The proposed excavation for access paths and private courtyards will result in a major encroachment within the tree protection zone.

- f) Impact on existing screen planting proposed to be retained along western boundary. Specifically, the proposed 300mm earth bund along the western boundary will have an adverse impact on existing screen planting proposed to be retained along this boundary as well as upon existing vegetation within the adjoining properties, and is not supported.

Ku-ring-gai Local Centres Development Control Plan (DCP)

General (Volume C, Section 1.1)

The proposal has not adequately addressed the site access constraint for 7 Wonga Wonga Street and must be resolved **(refer to item 1)**.

Building setback (Section 6A.2)

- 6. The proposed rear boundary for Lot 19 of Block C is 5.8m. This does not satisfy the 6m minimum and must be addressed.
- 7. The proposed basement is setback approximately 2.7m from the western side boundary to 7 Wonga Wonga Street. This does not satisfy the 3m side setback control and must be addressed.
- 8. The proposed basement is setback approximately 3.3m to 4.3m from the southern boundary. This does not satisfy the 6m required by the rear setback controls and must be addressed.

Building setback encroachments (Section 6A.2)

- 9. The private open space for Lot 15 encroaches within 4m of the rear boundary and needs to be addressed. The area of private open space within the setback should be amended to be a communal open space planter similar to that south of Lot 10 to Lot 12.
- 10. The siting of private open space within side boundaries cannot be considered until deep soil landscaping is resolved **(refer to item 14)**.
- 11. The architectural ground plan (DA004) shows the courtyard fences to Lot 1 and Lot 2 setback 8m from the front boundary. The landscape plan (L-01) shows the courtyard fences to Lot 1 and Lot 2 setback 7m from the front

boundary. This inconsistency must be verified. Council is unlikely to support a 7m setback encroachment for private open space.

12. Compliance with the private courtyard setback controls will require modification to the area of garden and lawn for common landscape and individual dwellings on the BASIX certificate.

Building separation (Section 6A.3)

13. The building separation between the:
 - a) First floor habitable space of Block A and Block B is .6m; and
 - b) First floor habitable space of Block B to Block C is 4.9m.

This does not satisfy the 6m separation distance between rooms and balconies/terraces and needs to be addressed. Alternatively a well-founded justification detailing how the objectives of the control are being satisfied in light of this departure **(refer to item 25)**.

Deep soil landscaping (Section 6A.5)

14. Insufficient deep soil landscaping has been provided. A re-calculation of deep soil landscaping is required, excluding the following areas:
 - a) Areas of paving greater than 1.2m in width - area of right of way, pedestrian access to north of Building C;
 - b) All structures – retaining walls; and
 - c) Area of deep soil less than 2m in width – between right of way and eastern boundary, between retaining wall and eastern boundary to No. 7 Wonga Wonga Street and between retaining wall and eastern boundary to No. 9 Wonga Wonga Street.
15. The proposal has included areas that should be excluded under the definition of deep soil. The proposal has incorrectly counted in excess of one third of the principal private open space as deep soil landscape area. A minimum width of 4m is to be provided along the rear boundary within the common area **(refer to item 9)**.

Car parking design (Section 6B.2)

16. It is strongly advised that the basement projection along the western wall is naturally ventilated.
17. The basement is not consolidated under the building footprint. A reduction in the size of the building footprint should be considered; alternatively, a well-founded justification detailing how the objectives of the control are being satisfied in light of this departure.

Communal open space (Section 6C.1)

18. The communal open space provision is considered unsatisfactory for the following reasons:
 - a) The area of useable and accessible communal open space that facilitates social integration is inadequate,
 - b) Shared facilities such as barbecue facilities, shade structures, play equipment and seating have not been provided,
 - c) Access from Building A and B is indirect, and
 - d) A significant proportion of the communal open space is inaccessible.

To improve the useable area of communal open space and preserve an existing significant tree, the access path to Lots 10 to 15 is to be relocated to provide increased setback from Tree 57 and an enlarged area of level lawn and the additional stairs are to be deleted. A smaller area of lawn is to be provided at the upper level in the vicinity of Tree 62.

Private Open Space (Section 6C.2)

19. To ensure sufficient space for deep soil planting within the adjoining common areas, the proposed private open space at ground floor level is to be consistent with the building setback encroachments (refer to items 9 to 12).

Solar access (Section 6C.3)

20. At least 3 hours of direct sunlight to living rooms and adjacent private open space between 9am and 3pm on 21 June is required for all townhouses. Only 53% of the townhouses (8 in total) satisfy this control. Amendments to the proposal are required to satisfy this requirement.
21. Lots 4, 5, 7, 8 and 9 receive approximately 1 hour of direct sunlight to their living rooms in the morning from the east and approximately 1.5 hours of

direct sunlight to their living rooms in the afternoon from the west. Lot 6 is more self-shadowed than the others and receives approximately of 2 hours direct sunlight in total. These six dwellings would be improved by moving the living room glass line out approximately 400mm to receive more direct sunlight and increasing the living room dimension. Care should be taken to ensure that the minimum private open space is maintained at 25m² in area and the floor space ratio is not exceeded.

Dwelling depth, width and room size (Section 6C.5)

22. The proposed living room width for Lot 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 is 3.6m. This does not meet the 4m required by the controls. This aspect should be addressed. Increasing the living room dimension by 400mm would resolve this issue. Care should be taken not to exceed the floor space ratio.

Top storey design and roof forms (Section 6C.9)

23. The third storey of block A occupies 69% of the gross floor area of the storey below it. This does not satisfy the 60% control and must be reduced in size.
24. The proposed dormer windows to the attic levels of Block B and Block C are approximately 3.3m wide. This does not meet the 1.5m maximum required by the controls and needs to be addressed.

Visual privacy (Section 6C.11)

25. The proposed level 1 and attic windows in the north elevation of Lot 3 overlook the private open space and habitable rooms of Lot 1 and Lot 2. This aspect needs to be addressed. Windows can be deleted if there is another window available to the room with a different orientation, or they can be screened or given a high window sill.

External air clothes drying facility (Section 6C.13)

26. The provision of an external air clothes drying area for each dwelling is required to be shown on the plans. This area must be screened from public and communal open space areas.

Landscaping

Landscaping design (Screen planting) (Volume C, Section 1.3)

27. Eastern boundary – *Michelia 'Summer Bronze'* (Evergreen Magnolia) 2m, *Acmena 'Forest Flame'* 2m. Proposed additional canopy tree planting of *Syncarpia glomulifera* (Turpentine) is located along boundary. The proximity of these trees to the proposed retaining walls will restrict their long term viability. The proposed planting within canopy spread of existing trees such as Tree 52 is not supported. A 10 metre length of the eastern boundary is void of screen planting due to restrictions of right of way.
28. Southern boundary – Existing screen planting of *Cupressocyparis 'Leylandii'* and other 'shrubs and groundcovers' are to be retained. Proposed additional canopy tree planting of *Syncarpia glomulifera* (Turpentine) is located along boundary. The proximity of several of these trees to the proposed retaining walls will restrict their long term viability.
29. Western boundary – Existing screen planting of *Cupressocyparis 'Leylandii'* and *Camellia sasanqua* are to be retained. Proposed additional canopy tree planting of *Syncarpia glomulifera* (Turpentine) is located along boundary. The proximity of several of these trees to the proposed retaining walls will restrict their long term viability. The proposed planting within proximity of existing trees such as Trees 4-22 is not supported.

Stormwater plan

30. The stormwater plan is not supported for the following reasons:
 - a) The proposed OSD levels are inconsistent with the finished levels shown on the landscape hardworks plan,
 - b) The proposed overland flow is to be redirected outside of the tree protection zones of existing trees,
 - c) The proposed 300mm earth bund along the western boundary will have an adverse impact on existing screen planting proposed to be retained along this boundary as well as upon existing vegetation within the adjoining properties, and is not supported, and
 - d) The proposed OSD and rainwater tank should not extend beyond the building setback. To achieve landscape objectives of zoning, the OSD and rainwater tank should be preferably located under the driveway.

Submissions report

31. The DA was notified and advertised for 30 days, ending on 2 March 2015. At the time of writing this letter Council had received 15 submissions. Council requires you to obtain the submissions by making a request under the Government Information (Public Access) Act 2009 (GIPA Act) in order to respond to the submissions in the form a letter report.

Additional/Amended Information

Development assessment/Urban design

32. A gross floor area calculation plan is to be provided for verification. Please note that under the standard instrument private staircases and lifts cores are to be included as part of the gross floor area calculations.
33. A site coverage calculation plan is required and must include all areas of the site covered by buildings. Amended plans are required to demonstrate compliance.
34. Details regarding the location of all air conditioning units is required on the plans, the preferred location would be in the basement.
35. Details regarding the front fence are required on the plans. Fences and walls should be stepped to follow natural contours of site with shrubs or hedge planting that does not exceed 1.2m in height. Refer to Section 6C.14 of the DCP.
36. Each townhouse is required to provide 12m³ of storage split between the townhouse and basement. Storage volumes must be identified on the plans in accordance with the Section 6C.12 of the DCP.
37. The location of external clothes drying areas for each dwelling do not appear to be shown on the plans. The location should be discrete such that it is not visible from a communal open space or public domain.

Engineering

38. The 675mm diameter pipe within the 1.83m wide drainage easement traversing the south west corner of the site is to be accurately located by

the surveyor, as the basement is proposed right up to the edge of the easement, and the pipe is not necessarily centrally located in the easement.

39. The geotechnical investigation suggested that a piezometer was installed in one of the boreholes for future groundwater level monitoring. Results of groundwater monitoring are to be provided with the application. The level may be surprisingly high, a referral to NSW Office of Water may be required (integrated development), due to the need for construction dewatering which would require an aquifer interference approval (**refer to item 2**).

Landscaping

40. The BASIX certificate requires 249.6m² common area landscaping comprising indigenous/low water use species. The nominated area has not been shown on the landscape plan.
41. Location of site buildings, temporary access and material handling areas are to be shown located outside of the tree protection zone of existing trees in accordance with recommendations in the arborist report and Councils DA Guide.

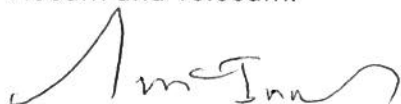
We believe that the above issues may be resolved through the provision of additional information and amended plans. Should you choose to amend your application, you need to provide us with six (6) sets of plans and written particulars identifying the changes made to the original application.

The submission of amended plans will result in an additional assessment and administrative fee (15% of the statutory DA fee) being **\$1,096.00** (excluding the referral fees noted above) must be paid at the time amended plans are lodged. If any of the required information and/or fees are not provided, the amended plans will not be accepted.

If you do not provide us with amended plans or respond within 14 days of the date of this letter your application will likely be refused.

Should you choose to withdraw your application, this needs to be done in writing within 14 days of the date of this letter and we will refund **30%** of the development application fee.

Should you have any further enquiries, please contact our assessment officer Scott McInnes on telephone **9424 0000** or facsimile **9424 0001** Monday to Friday between 9.00am and 10.00am.

A handwritten signature in black ink, appearing to read 'Scott McInnes', with a stylized, flowing script.

**Team Leader
Development Assessment**

Cc: Mrs RH Wee, Mr JL Wee, Mrs DM White, Mr DCT White (owner/s)