

818 Pacific Highway, Gordon NSW 2072

Locked Bag 1006 Gordon NSW 2072

T 02 9424 0000 F 02 9424 0001

DX 8703 Gordon TTY 133 677

E krg@krg.nsw.gov.au

W www.krg.nsw.gov.au

ABN 86 408 856 411



Contact: Phillip Johnston

Ref: eDA0189/25

20 August 2025

Place Studio AU Pty Ltd
L5, 140 William Street
WOOLLOOMOOLOO NSW 2011

Dear Sir/Madam

APPLICATION STATUS – INITIAL ASSESSMENT COMPLETE

Application No.:	eDA0189/25
Proposed development:	Demolition of existing structures, lot consolidation and construction of a residential flat building development with basement car parking and associated works - SEPP (Housing) 2021 - Threatened Species Development
Property:	7-11 Pockley Avenue Roseville NSW 2069

We have undertaken an assessment of your application. We advise that your application is unsatisfactory in its current form for the reasons identified below:

PLANNING AND URBAN DESIGN

Verification for affordable housing

1. As the application is made under Chapter 5 of SEPP Housing (SEPPH), compliance with all requirements specified under s.156 is required. Additional information is required in relation to this matter including:
 - a. whether the development is providing 'affordable housing', and if so, at least 2% of the gross floor area of the building is to be used for affordable housing – Units are to be nominated,
 - b. if item 1a. applies, whether affordable housing will be managed by a registered community housing provider in perpetuity.

Verification of north point

2. The Site Analysis plan and Shadow plans must adopt the True North point from the Survey Plan.

SEPP Housing

Chapter 4 Design of residential apartment development

Chapter 5 Transport Orientated Development (TOD)

In considering TOD's, Section 161 requires consideration of the provisions under the Apartment Design Guide (ADG), which are incorporated within this letter.

Building height (s.155):

3. The proposed roof top mechanical plant is not supported, as the proposed building height exceeds the permitted 22 metres by 1.98 metres, which is unacceptable, for the following reasons:
 - i. the representation of the exceedance of building height is shown within Figure 2 (below)
 - ii. the height is exacerbated by the Finished Ground Floor level, above the basement, is more than 1 metre above the natural ground level
 - iii. the appearance of Level 6, containing two units with flat roof, as seen from the eastern elevation, is seen as a 'pop-up', which does not contribute to the overall appearance of the development
 - iv. subject to the location of True North mentioned earlier, the design creates shadow impacts on No. 15 Pockley Avenue.
 - v. the roof top terrace/podium level creates overshadowing onto adjoining land, and
 - vi. creates a rooftop lift overrun that could be designed within the basement.

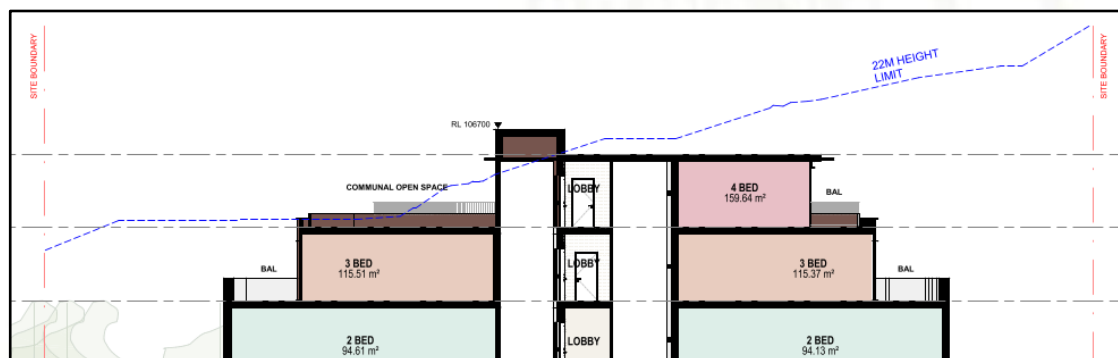


Figure 2: Plan showing exceedance of building height

FSR (s.155):

4. The permitted FSR is 2.5:1, which the proposal meets at 1.78: 1. However, in the calculation of FSR the gross floor area does not appear to be calculated correctly, including areas such as: areas of basement greater than 1m above the natural existing ground level (KDCP 7B.1 4); excessive resident car parking (KDCP 7B.1 9); excessive visitor car parking (KDCP 7B.1 11); the thickness of walls to common vertical circulation such as lifts and stairs; and the thickness of walls to risers. Any revised plans must include these elements.

ADG (s.161 of Chapter 4):

In terms of planning, the following ADG provisions are applicable:

5. (ADG 3B-2 1, ADG 3B-2 2, ADG 3B-2 4 and ADG 3B-2 5 (also KDCP 7A.2 11)):

The 'Sun-eye View' shown on DA.05.11A to DA.05.17A indicates that the proposal overshadows properties adjoining to the west and to the south across Pockley Avenue. In this regard, no detailed analysis has been provided about the potential overshadowing impact of the proposal to the dwelling at No. 15 Pockley Avenue, and to the south across Pockley Avenue. To assist the assessment, fifteen minute 'Sun-eye View' diagrams must be produced with envelopes shown on neighbouring sites to demonstrate the potential overshadowing impact.

6. **Building separation** (ADG 3F-1.1):

The proposal does not meet the requirements of ADG 3F-1 1 for a building separation of 9m from side boundaries for habitable rooms and balconies on the fifth and sixth storeys. The proposed building separation to the western side boundary at the fifth and sixth storeys (Level 03 and Level 04) is approximately 7.5m to 8.7m, as shown on DA.01.14A to DA.01.15A and DA.02.01A. The proposed building separation to the eastern side boundary at the fifth storey (Level 4) is 6m, as shown on DA.01.15A and DA.02.01A. Increased setbacks to the western and eastern boundaries, to achieve compliance with ADG separation provisions, is required.

7. **Minimum hours for sunlight** (ADG 4A-1 1):

Both 'living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight'. Based on the diagrams submitted, the areas of concern include: typical southwest corner unit balcony; typical southeast corner unit balcony; and topmost floor southern unit living room window. Based on the above, 24 of the 42 (57%) units receiving a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter, is unacceptable.

However, as identified earlier, our view is that the north point in the 'Sun-eye View' diagrams has been incorrectly 'positioned' by approximately 15 degrees; therefore, must be verified. In addition, the 'Sun-eye View' diagrams do not anticipate that the properties uphill to the immediate east, downhill to the west, and to the north across The Rifleway, which are similarly mapped as TOD sites, may redevelop to a similar scale, or even greater (using the SEPPH In-fill affordable housing bonuses). In this regard, no analysis appears to have been provided about the potential overshadowing impact of a future development of these neighbouring sites on the proposal. The ADG defines solar access as 'the ability of a building to continue to receive direct sunlight without obstruction from other buildings', as defined by the ADG Glossary (p181). Consideration must be given to ensuring that adequate solar access

can be maintained with future developments and that their development potential is not constrained.

8. Solar access (ADG 4A-1 3)

The proposal states that 21% units receive no direct sunlight, which does not meet the ADG maximum of 15%. However, as mentioned above, the solar access does not appear to be calculated correctly. It is noted that, both living rooms and private open spaces must receive at least 15 minutes sun to not be counted as 'no sun apartments', as referenced by ADG 4A-1 8 and Solar Access Requirements in SEPP 65 Technical Note (p2).

Areas of concern include typical southwest corner unit balcony; and typical southeast corner unit balcony, as shown within DA.05.11A to DA.05.17A. Based on the above, this means that the proposal has 17 of 42 (40%) units receiving no direct sunlight, which is unacceptable. See also comments above regarding incorrect north point and impact of future development of neighbouring sites on the proposal.

The above must be addressed.

9. Natural cross ventilation (ADG 4B-3 1)

Whilst 70% of units are stated as receiving natural cross ventilation, ADG minimum is 60%, the natural cross ventilation does not appear to be calculated correctly. The ADG defines natural cross ventilation as 'natural ventilation which allows air to flow between positive pressure on the windward side of the building to the negative pressure on the leeward side of the building', and a corner apartment is defined as 'cross ventilating apartments on one level with aspects at least 90 degrees apart. Corner apartments are commonly located on the outermost corners of building' (ADG Glossary p178). Areas of concern include: units located on 'indentations'/'notches' on side elevations which do not have the benefit of a leeward side of the building and are not located on an outermost corner of the building. This matter must be addressed.

10. Habitable rooms to have windows (ADG 4D-1 2):

Proposed unit 1.04 is shown with an internalised bedroom, as shown within DA.01.12A, which does not meet the requirement. Every habitable room is to have a window in an external wall and not borrow daylight and air from other rooms. This matter must be addressed.

11. Room depths (ADG 4D-2 2):

In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window. Units 1.02, 1.07 and 'typicals' over, 2.06 and typical over, 5.03, and 5.05, as shown on DA.01.11A to DA.01.16A, meet this requirement. However, to establish that all units meet this requirement, plans must show dimensions.

12. **Common circulation** (ADG 4F-1 4):

The common circulation space on Level 05 is internalised [DA.01.16A]. This does not meet the requirements of for daylight and ventilation to be provided to all common circulation spaces. This aspect must be addressed.

13. **Outdoor clothes areas** (ADG 4U-1 (also KDCP 7C.9.1)):

The location of outdoor clothes drying areas does not appear to be identified, which is unacceptable. This aspect must be addressed.

14. **Roof top planting** (ADG 4P 3):

Deletion of the Level 6 units allows opportunity for landscape planting and additional common open space, which contributes to the quality and amenity.

The acoustic report

15. The acoustic report titled "Noise Impact Assessment" by E-Lab Consulting issued 11 April 2025 has not sufficiently assessed and provided recommendations to attenuate (where applicable) the likely noise impacts on neighbouring properties and future occupants of the proposal. Concern is raised whether the report has completed noise monitoring at the site to establish the background noise for the area and that only are made. The applicable criteria used, where applicable, is not limited to:

- the Australian Standard 2107: 2016 Acoustics- Recommended design sound levels and reverberation times for building interiors,
- the State Environmental Planning Policy (Transport and Infrastructure) 2021,
- the Protection of the Environment Operations Act 1997 and associated noise Regulation and
- Ku-ring-gai Council's DCP.

This matter must be addressed.

Location of air conditioning condensers

16. Air conditioning condensers are not supported on balconies under Council's DCP Part 23.6 of the DCP. Consideration may be granted for air conditioning condensers on balconies provided the area occupied by the units is not included in the minimum balcony area requirements, are not visible, are enclosed and display compliance with the following:

- a) during peak time (7.00am to 10pm) – noise from air conditioning condensers will not exceed 5dB(A) above the ambient background noise (LA90, 15 min) level when measured at any lot boundary, and

- b) during off peak time (10pm to 7am) - noise from air conditioning condensers will not be audible in habitable rooms of any other residence.

Amended information is requested to address this issue.

Waste storage facility

- 17. Architectural plans must be amended to display the waste storage facilities floors be graded and appropriately drained to the sewer and a tap with hot and cold water provided in close proximity to facilitate cleaning.

Mail boxes

- 18. The location of mail boxes are not identified.

KDCP Part 7

Site coverage (Part 7A.5 1):

- 19. The site coverage does not appear to be calculated correctly, as shown on DA.05.50A. Areas to check include the inclusion of the footprint of upper floor levels; not excluding the lift shafts; and using a current plan for the diagram.

Deep soil landscaping (Part 7A.6 1):

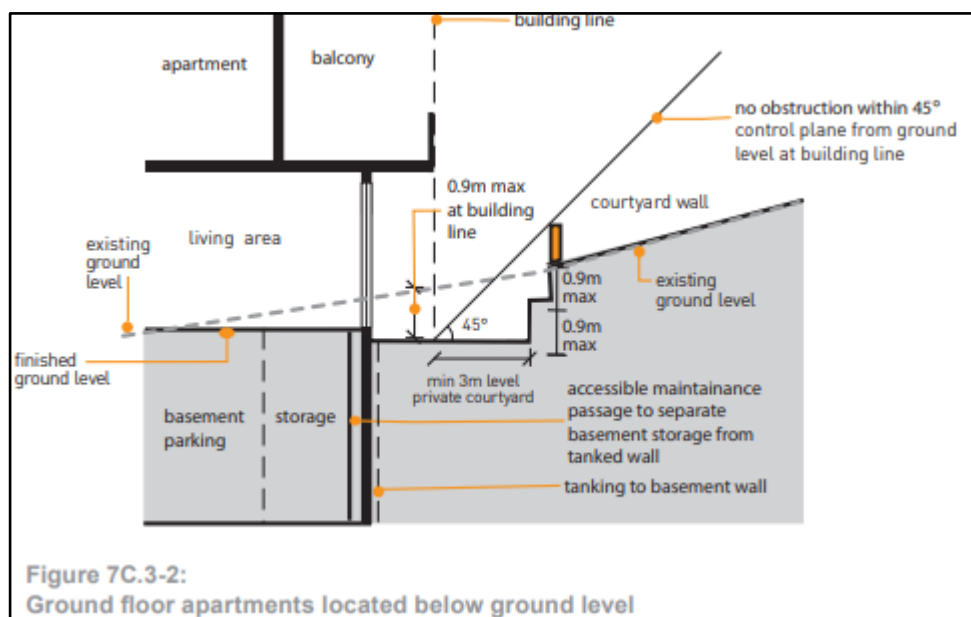
- 20. The stated deep soil landscaping area is approximately 1,554.6m² or 50.2%, meets the required 50%. However, the deep soil zone does not appear to be calculated correctly, as it appears that areas of paths greater than 1.2m wide; and areas of planting between retaining walls less than 2m wide are to be excluded. This matter must be addressed.

Projection of car park (Part 7B1.4):

- 21. As shown within DA.02.01A the proposed car park projects approximately 2.4 metres above existing ground level, which exceeds the 1 metres height requirement for basements, thus contributing to the overall height of the development and its overshadowing cast onto adjoining properties.

Basement communal storage area (Parts 7C.3 4 / KDCP 7C.3 7)

- 22. The large basement communal storage area at Upper Ground Level, shown on plans DA.01.11A, appears to be subterranean and not be separated from a tanked wall by an accessible maintenance passage. An accessible maintenance passage, as shown by Figure 7C.3-2 of the DCP (shown below) is required:



ENGINEERING

23. A 225mm pipe, as proposed, discharging to the existing swale will not be supported. Stormwater should be conveyed under the kerb, or under the road pavement, to avoid tree roots.
24. Civil plans to be submitted showing kerb and gutter constructed at 6.1 from boundary to kerb face, extending to the culvert outside No. 15 Pockley Avenue.
25. A new kerb inlet pit and associated pipe to the existing pipe at the headwall outside No. 15 Lockley Avenue is to be provided. This would require modification of the headwall.
26. A footpath design is to be provided along the site's frontage and is to be designed in accordance with Council drawing 2003-004 Rev. 'B'. A footpath longitudinal section will also need to show the extent of cut/fill, existing services and existing street tree locations. The project arborist will need to endorse the civil plans. All redundant driveway crossings are to be shown to be removed.
27. Confirmation from the Design Engineer that the minimum floor levels for the proposed development as depicted on the architectural plans has met the design requirements levels as stated within Section 6 of the Flood Impact Assessment Report.
28. The residential parking provision exceeds the maximum provision required in the Ku-ring-gai DCP. The number of residential car parking should be reduced to comply with the DCP, or excess spaces need to be included in the Gross Floor Area as defined in the KLEP.

29. The parking provision should be reduced to the lower end of the range in the DCP and supplemented with at least 1 car share vehicle.
30. Remote/intercom communications be provide at the access gate next to the basement shutter door, so visitors can communicate with the occupants to access the bicycle parking. This is to be depicted on the architectural plans.
31. EV readiness is to be provided for all car parking spaces within the development and depicted on the plans.
32. The access point is to be amended to accommodate the 2m x 2.5m sight triangle as per Figure 3.3 of AS2890.1:2004.No driveway longitudinal section starting from the centreline of the public road to the ground floor carpark entry has been submitted. The driveway gradient of 5% for the first 6m as per AS2890.1:2004 is to be demonstrated.
33. Provide a longitudinal section through the driveway starting from the centreline of the public road to the basement loading bay area to clearly demonstrate that there will be 2.6 metres clear headroom along the whole of the travel path required for the small waste collection vehicle as required under Part 25A.3 of the KDCP. The section must include realistic slab/beam depths, stormwater pipelines and other overhead services.
34. Insufficient information has been provided to enable determination of the proposal's compliance with the objectives of Clause 6.2 of the LEP, Part 21.1 of the DCP and as required under Council's DA Guide. The geotechnical report submitted does not determine the site- specific subsurface profile and geotechnical parameters. The geotechnical investigation should involve at least three (3) cored boreholes within the site to bedrock. The report is to contain recommendations for excavation methods and support, vibration monitoring, dilapidation survey etc. Groundwater levels are to be recorded to determine if permanent dewatering will be required, in which case the DA may require referral to NSW Office of Water for licensing conditions (Integrated).

LANDSCAPE

35. The landscape commitments in the BASIX certificate are inconsistent with the plans.

The BASIX certificate indicates 0m² of total lawn and 500m² garden area which is less than the actual area indicated on the plans of approximately 220m² of lawn and 1,269m² of common garden area. In addition, the landscape areas for the planters to Units 1.04, 1.06, 6.01 and 6.02 are not included in certificate and are to be added.
36. Insufficient Deep Soil to comply with the 50% of the site in accordance with Part 7A.6 of KDCP.

The proposed Deep Soil is 38.5% at 1195m² (approx.) at a minimum 2m width. Removal of the rectangular swale (1,950mm width) and increase of northern planter to minimum 2m internal width would allow to increase deep soil area to approximately 1,459.6m² (47%). Consolidation of pedestrian entry paths to frontage will further increase deep soil with the reduction in walling providing larger areas of more than 2m in width that can be included in calculations.

Tree impacts

37. The proposal results in unacceptable impacts on trees contrary to Part 7A.6, Part 13 and AS4970-2025. Amended architectural, landscape and stormwater plans are required to address the following unacceptable impacts on existing trees:
- i. Major encroachment from proposed walling and excavation for swale, front wall and stormwater lines on Tree 1, 2, 3 and 4. Arborist report states that existing wall to northeast setback should be retained to maintain existing levels. Delete or relocate rectangular swale proposed to northern boundary and relocate stormwater lines to eastern boundary. Provide root mapping and pipe levels to demonstrate that lines can be under bored if necessary to eastern front boundary if relocation not possible.
 - ii. Major encroachment from proposed walling and stormwater on Tree 21. Relocate stormwater or provide root mapping and pipe levels to demonstrate that lines can be under bored if necessary. Delete front walling and private pedestrian path and associated walling to Unit LG.02 and LG.03 to retain existing ground levels to the frontage within TPZ of Tree 21.
 - iii. Major encroachment on Tree 11 *Eucalyptus grandis* (Flooded Gum) from the adjacent planter retaining walls within SRZ, deck and basement. Remove proposed planters from within the TPZ of Tree 11.
 - iv. Major encroachment from proposed stormwater lines on Trees 11, 12, 13, 14, 17, 25, 24, 13, 26, 41, 45, 46, 47 and 48. Review option to locate the two 225mm stormwater lines against the southern and northwestern side of the proposed building to reduce impacts on trees.
 - v. Retain tree 12 *Jacaranda mimosifolia* (Jacaranda) as not impacted by works and review potential to retain Tree 35 with design amendments.

Communal open space

38. Design of Communal open space to be amended as follows:
- i. Accessible access to the Communal Open Space via southern boardwalk is not indicated consistently on all the architectural and landscape plans, as some of the plans indicate steps and other plans indicate ramps.

- ii. Proposed fixed bench seating is located too close to edge of the building providing a potential step up to edge. Bench seating to be relocated a safe distance from the edge.

Landscape design

39. The landscape proposal fails to satisfy the relevant objectives and controls under Part 21.1 of KDCP.
 - i. Pedestrian access to unit LG.02 and LG.03 results in fill of more than 1m. Deletion of paths would allow for retention of existing levels to frontage. Due to the proximity of the paths to the main pedestrian entry to building, additional paths are not necessary.
 - ii. Existing ground level has not been maintained for 2m from any boundary. A wall is proposed to part of the northern boundary to the east side where the rectangular swale is proposed for stormwater. Rectangular Swale consists of a timber retaining wall on the boundary and masonry wall setback 1.95m from boundary wall. Delete swale or review options to locate rectangular swale setback from boundary, adjacent proposed planter walls to terraces, to retain existing levels on boundary and protect trees within neighbouring property. Landscape plans indicate a wall to the full length of the northern boundary which is not required as a wall is not required along the boundary to the western end of the northern boundary where the 2.3m wide V-shape swale is proposed. Landscape plans to be consistent with Stormwater Plans.
 - iii. Proposed walling to the front boundary setback does not retain existing levels and impacts existing street trees.
40. The landscape proposal fails to satisfy the relevant objectives and controls under Objective 4O-2 and 4P of the ADG. Part, 21.1, 21.2, 23.5 the DCP. An amended architectural and landscape plans must be submitted to resolve the following issues:
 - i. Provide additional midstorey and groundcover planting to the biodiversity mapped northern corner of the site with Blue Gum High Forest species, to supplement the existing and proposed planting. Replace proposed *Banksia spinulosa* with BGHF species.
 - ii. The symbol DE indicated on the Landscape Plan is not in the plant schedule. Amend plans and schedule to identify plant species.
 - iii. The multiple walled private pedestrian entrance paths to LG.02 and LG.03 and driveway dominate the street frontage, reduce deep soil and impact street trees. Remove the separate entrances to ground floor units LG.02 and LG.03 and retain existing levels.
 - iv. Proposed northern swale does not allow for adequate space for the proposed tree planting. Swale to be deleted or relocated in consultation with engineers.

- v. Confirm if V swale to northwestern boundary needs to be turfed as per engineering detail and if proposed rectangular channel to northwestern boundary can be planted out as per landscape plan.
 - vi. Clarify why pedestrian fire exist path needs to step up at boundary from existing ground level only to then have to step down to basement.
 - vii. Top of wall levels to planters have not been provided. Provide top of wall levels to ensure planters meet the minimum soil depths for the proposed planting as per Part 23.5 of the KDCP and objective 4P of the ADG.
41. An adequate Environmental Site Management Plan has not been submitted. Tree protection fencing to be indicated on plan. Storage and facilities are not to be located within the Notional Root Zone (NRZ) of street trees where there is currently existing deep soil. Only utilise areas already paved/built upon within the NRZ such as driveways, otherwise locate outside of the NRZ.

Application status/progression

Should you choose to amend your application, we ask that you contact the Assessment Officer to discuss resolution of the above issues and submission requirements. This is to ensure any amendments are satisfactorily addressed prior to committing to any further resources and expenses.

To prevent a protracted and ineffectual assessment process, it is recommended that a genuine attempt is made to address these issues in their entirety as only one opportunity for amendments will be provided.

Should you choose to submit the requested information, you will need to provide it in electronic format (eg. PDF), and include written particulars, identifying the changes made to the original application and amended documentation/reports as necessary.

The submission of amended information will result in an additional assessment and administrative fee (40% of the statutory application fee) being **\$28,138.00** and a notification fee of **\$205.02 if required**. For instructions on how you can pay the amended information fee, please call our Customer Service Centre on 9424 0000 between the hours of 8:30am to 5:00pm Monday to Friday.

When responding to Council's preliminary assessment letter, please ensure that all correspondence/documentation is uploaded via the NSW Planning Portal. The information is to reference the development application number, Assessment Officer's name and include a receipt for the additional fee(s). **Please do not email the amended information directly to the officer or to Council, as it will not be accepted.**

In accordance with the Department of Planning and Environment's '*Development Assessment Best Practice Guidelines*', should you choose to amend your application, all amended plans and information must be uploaded to the Planning Portal within **21 days from the date of this letter**. If this timeframe is not met, the application will be determined in its current form **and no amended or additional information will be accepted after this time.**

In accordance with Section 40 of the Environmental Planning and Assessment Regulations 2021, should you choose to withdraw your application, this needs to be done via the NSW Planning Portal **within 14 days from the date of this letter**.

As per the requirements of Section 36 (DA's) of the Environmental Planning and Assessment Regulation 2021 you are advised that this application was lodged on 28/04/2025 and 114 days in the assessment period has now elapsed.

Should you have any further enquiries, please contact our assessment officer Phillip Johnston on telephone **9424 0000**, Monday to Friday between 10.00am and 11.00am, or email krq@krq.nsw.gov.au quoting the above reference.

A handwritten signature in black ink, appearing to read 'P. Johnston', is positioned above the typed name and title.

**Per Team Leader
Development Assessment**