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Contact: Phillip Johnston

Ref: eDA0255/25

26 August 2025

Artmade Architectural Pty Ltd
507 / 50 Holt Street
SURRY HILLS NSW 2010

Dear Sir/Madam

APPLICATION STATUS – INITIAL ASSESSMENT COMPLETE

Application No.: eDA0255/25
Proposed development: Demolition of existing buildings, construction of a 140 place child care centre and associated works
Property: 4B & 8 Charlton Avenue, Turramurra NSW 2074

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

Noise report:

1. Mechanical plant noise has been modelled. However, whilst the rooftop mechanical plant is included in the assessment, the report does not clearly state whether acoustic attenuation (e.g. enclosures or barriers) is required around the rooftop plant to achieve compliance at nearby sensitive receivers. Despite the above screening will be required if rooftop plant is proposed.

Clarification and amended architectural plans must be submitted to address this issue.

Water Management

2. Supporting hydraulic calculations are to be submitted to demonstrate compliance with Part 24C.3-4 of the Ku-ring-gai DCP that requires rainwater retention and re-use to be provided to achieve a 50% reduction in runoff days. A water balance model has not been submitted.
3. No clarification has been provided as to the purpose of the proposed rainwater re-use.
4. Insufficient details with respect to the design and location of the SPEL Stormstacks have been depicted on the stormwater plan.
5. The table on Drawing No. D2 stipulates a rainwater tank volume of 10.4m³ whereas the Catchment Plan on Drawing No. D5 states an 8,000L rainwater tank. Clarification is sought as to the correct storage volume.

6. Drawing No. D3 provides an 'Area Calculation' table which is incomplete.

Vehicle Access and Parking

7. There are 9 visitor car parking spaces provided outside the basement, which does not comply with Control 1 of Part 10.3 of the Ku-ring-gai DCP. The 9 car parking spaces must be located in the basement or removed.
8. In light of the non-compliance of the at-grade car parking in the front setback noted above, and the reliance that waste collection places on this space, clarification is required as to the alternative waste collection arrangements.
9. EV readiness is to be provided for all car parking spaces within the development and depicted on the plans.
10. The 2 bicycle parking devices within the staff car park in the basement are to be provided in accordance with the appropriate security level specified in AS2890.3.
11. Bicycle parking in car park areas are to be on a raised slab (which extends out to the manoeuvring vehicle's wheel position) or other similar treatment, to protect bicycles and riders from manoeuvring vehicles.

Construction Traffic Management Plan

12. No indicative construction traffic management plan has been submitted (required under Council's DA Guide). Plan is to show the largest vehicle to be used entering and exiting the site for the demolition, excavation and construction stages, stockpiles and all necessary tree protection fencing. Consultation with the project arborist is recommended.

Landscape:

13. The proposal does not provide adequate screen planting along the northern side setback, which is necessary to maintain privacy and visual amenity for adjoining residential properties. The extent of cut and fill (up to 600 mm from the northern boundary) further restricts planting opportunities and limits the scale of vegetation that can be established, undermining the landscape buffer typically expected in low-density residential areas.
14. The development removes all tall trees from the front setback, retaining only three ornamental shrubs. This represents a significant loss to the streetscape character, particularly given that tall canopy trees are a predominant feature in the local area. The carpark dominates the front setback and does not allow for sufficient deep soil to support replacement tall trees. The proposal does not positively contribute to the landscape setting or reflect the established vegetated character of the neighbourhood.
15. The proposed at-grade car park occupies most of the front setback, eliminating the opportunity to establish new tall trees in appropriate deep soil

zones. The only tree proposed in this area (*Eucalyptus pilularis*) is located in a narrow bed with insufficient dimensions to support its healthy growth. Tree planting should occur in areas with a minimum 4 m clearance from structures and at least 2 m from boundaries to ensure long-term viability.

16. Part 8.1 of the Environmental Noise Impact Assessment recommends a series of sound barrier walls; however, these are not clearly shown on the landscape or architectural plans, nor are they consistently referenced in Appendices C and D of the report. This lack of coordination prevents proper assessment of their compatibility with proposed planting and site constraints. Accurate and consistent documentation is required to assess potential conflicts between noise barriers and landscape treatments.
17. The proposal includes the removal of all tall trees in the front setback and several in the side setbacks, which undermines the existing landscape character. Trees T7–T12 in the front setback provide significant amenity and should be retained. T33, located in the side setback, could also be retained with minor design amendments. Tree removal is inconsistent with the DCP objective to retain significant vegetation.
18. The proposal lacks sufficient deep soil zones to support new trees. Only two new tall trees are proposed, and both are in areas too constrained to allow for proper growth. These trees are also located too close to buildings and boundaries (less than 3–4 m from structures, and less than 2 m from boundaries), contrary to DCP requirements.
19. The northern side setback does not provide adequate screening between the proposed two-storey building and the adjacent dwelling at No. 10 Charlton Avenue. The narrow planters (600 mm wide with 1 m tall shrubs) are not suitable for meaningful visual screening. Similarly, the eastern side setback adjacent to No. 6 Charlton Avenue lacks any planting due to the pedestrian path, and appears to rely on vegetation from neighbouring properties, which is not acceptable.
20. The number and location of proposed new trees do not meet DCP expectations for a site of this size. Tall trees must be located in generous deep soil zones, which the current proposal does not accommodate.
21. The landscape design does not reflect the local character, which is defined by tall canopy trees, mixed shrub layers, and generous green setbacks. The site lacks buffer planting along side setbacks and does not provide adequate screening or amenity for neighbours.
22. Despite the site having a moderate slope (~9.88%), the design includes excessive cut and fill, particularly along the northern side boundary, with retaining walls lowering the ground level by 1.0–1.65 m. This exceeds the 600 mm cut/fill limit (C11 – Part 21.1) and does not respect the natural terrain. Retaining walls along the southern and western edges of Outdoor Play Area 4 are not essential and should be removed to maximise deep soil and minimise biodiversity impacts.

23. The pedestrian entry path is too close to the northern boundary and does not maintain natural ground levels for the first 2 m from the boundary. Proposed retaining walls reduce the planting strip to 400 mm, which is insufficient to support healthy vegetation.
24. Acoustic barriers recommended in the Environmental Noise Impact Assessment are not shown on the landscape or architectural plans, nor are they properly depicted in Appendix C or D. These must be added to assess impacts on vegetation and amenity.
25. The proposal includes the removal of all tall trees in the front setback and several trees in the side setbacks, this is not consistent with C3 Part 10.2 of DCP.
26. The proposed landscape design outcomes is inconsistent with the DCP as deep soil and adequate screen planting is not provided adjacent to the northern boundary, and the eastern side setback of the rear building. (C4 Part 10.2).
27. The proposal does not include a minimum number medium sized trees (6-8m) to tall trees (10-13m) for this lot size. (C5 Part 10.2 and C2 Part 4A.4).
28. The proposal does not allow 1 meters of planting in the front portion of the northern side setback. (C6 Part 10.2)
29. The proposed pedestrian entrance to the lobby, located within the northern side setback, restricts the ability to provide meaningful screening planting towards the adjoining property. While the front portion of this setback includes stepped planters (600 mm wide) at RL157.13 with *Westringia fruticosa* (maturing at approx. 1 m), this only provides a partial visual barrier and is not in scale with the proposed two-storey building. (C12 Part 4A.2).
30. Tree removal:
- The removal of T33 should be reconsidered, as the tree may be suitable for retention. It is located within the side setback, and with minor modifications to the parking access, it could be retained. The tree currently provides a good level of privacy and amenity to the adjoining property at No. 10 Charlton Avenue, particularly in relation to the neighbouring private open space.
 - The removal of T7, T8, T9 T10, T11 and T12 is not acceptable. Trees in the front setback are providing a good level of amenity to the local area. Amended plans are required to include these trees in the proposal.
(C1 Part 4A.4)
31. Tree replenishment:
- The proposal fails to provide adequate deep soil zones to support appropriate tree replenishment for the site.

- The proposal includes two (2) new trees capable of reaching a minimum height of 13 metres; one *Eucalyptus pilularis* and one *Lophostemon confertus*; however, these trees are located in deep soil areas with insufficient dimensions to support their healthy growth and development to mature height.
 - Tall trees must be located a minimum of 3 metres from any boundary and 4 metres from any proposed or existing structure. However, the tall trees shown on the landscape plan are positioned within highly constrained areas, in conflict with proposed built structures, and too close to site boundaries to allow for healthy long-term growth. (C2 Part 4A.4)
32. The development proposal does not provide adequate tall tree planting within the site. Proposal does not provide enough buffer planting along the side setbacks to deliver a good level of privacy and amenity towards neighbouring properties. The landscape design does not reflect the prevailing landscape character of the area, with tall trees, and variety of screening shrubs medium and small trees. (C3, C4, C5 Part 4A.4).
33. The proposal does not respect the natural topography of the site: (C1 C3 C5 Part 21.1)
- The site has a moderate slope of approximately 9.88% (measured along the 80.62 m northern boundary), equivalent to a gradient of 1:10.12, which is not considered a steeply sloping site for the Ku-ring-gai area. (A steep sloping site a per KDCP= 15%- refer to Control 2 of Part 21.1).
 - The landscape plan proposes significant cut along the northern side setback, with retaining walls resulting in ground level changes ranging from 1.0 m to 1.65 m below natural ground level. This extent of cut exceeds the 600 mm maximum allowed under the DCP and is not supported. (also Refer to Control 11 of Part 21.1)
 - The proposed design should be amended to minimise cut and better respond to the site's natural topography.
 - The rear portion of the proposed building includes retaining walls along the southern and western edges of Outdoor Play Area 4. These retaining walls are not considered necessary and should be removed where possible. Retaining the natural ground level in this area is preferred to maximise space available for deep soil planting and to minimise impact on the adjacent biodiversity area.
 - Existing ground level has not been maintained for 2m from the northern boundary.
34. Landscape design (Part 21.2) The following assessment comments are made:
- The proposal includes blade walls with deep soil areas that restrict further the inclusion of tall trees. The proposed walls encroach with the biodiversity zone. These are not supported. (Refer to controls 7, 9 of Part 21.1)
 - Proposal includes retaining walls in deep soil around outdoor play

area 4, which restrict the inclusion of tress.

- No amenity screen planting is proposed adjacent to the neighbouring residential properties where the proposed two storey building is proposed in accordance with the DCP controls in the following areas:
 - Along the northern side setback adjacent to N10 Charlton Av
 - Along the eastern boundary of the rear building, adjacent to the rear yard of No 6 Charlton Avenue.
- Proposed raised veggie garden is located in the south of the rear building and under the canopy of an existing large tree T21. Veggie garden shall be relocated to an area with sun exposure.
- Location of all acoustic barriers consistent with Environmental Noise Impact Assessment recommendations shall be indicated in landscape plan. Barriers shall also be clearly depicted in Appendix C and D of the Environmental Noise Impact Assessment report.
- Existing ground levels within the TPZ of T21 shall be shown for accurate assessment of existing neighbouring tree proposed to be retained.
- Pedestrian entry path does not maintain the 2 metres northern side setback natural ground level. Retaining walls of several heights are proposed, and a residual planting area of 400mm along the northern side setback is provided which will not allow plants to flourish. (Refer to C10 Part 21.2 and C 5 Part 21.1 of the DCP). Pedestrian entry ramp shall be setback at least 2 meters from northern boundary.

Planning:

35. From a planning perspective and based on the matters outlined above and below, our view is that the proposal is an overdevelopment of the site and does not satisfy the following:

- Part 3.3 of Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021,
- the NSW Child care Planning Guidelines, and
- Part 10 of Ku-ring-gai DCP.

Site Analysis plan

36. The Site Analysis plan appears incomplete in that it shows the southern adjoining allotment containing a small portion of private open space (POS) at the rear of its dwelling. However, an area of POS means “an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building”, as defined under KLEP. Therefore, the entire rear yard of the allotment can be used as POS. In addition, the areas of POS within adjoining allotments have not been identified, as required of Controls 4 and 5 of Part 2.1 of the DCP.

Visual character

37. The current design does not display visual characteristics of the existing and future likely character within the R2 Low Density Residential zone, which is inconsistent with Objectives 1, 2 i) and Control 1 of Part 4A.1 of DCP, as:

- significant tree removal is proposed
- the building frontage contains significant area of car parking, which is inconsistent with Control 4 of Part 4A.3
- the proposal creates a 3 storey appearance when viewed from Charlton Avenue and is not compatible with the adjoining 2 storey dwellings and neighbourhood
- the design provides a front façade treatment that has walled outdoor recreational areas and use of windows within an angled roof pitch, which is not characteristic of the dwelling houses within the low density residential area.

Clause 4.6 - Floor Space Ratio (FSR)

38. The gross floor area (GFA) calculations have not addressed previous correspondence under eDA0064/25.

39. Under the provisions of Clause 4.4 of KLEP 2015, GFA is defined as follows:

“gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*

but excludes—

- (d) any area for common vertical circulation, such as lifts and stairs, and*
- (e) any basement—*
 - (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and*
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) any space used for the loading or unloading of goods (including access to it), and*
- (i) terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) voids above a floor at the level of a storey or storey above.”*

40. Non common stairs have been excluded from GFA contrary to the gross floor area definition. In addition, the proposed building includes outdoor play areas surrounded by walls 1.4m or higher per the Statement of Environmental Effects and Acoustic report, however, none of these areas are included as GFA. The GFA definition only excludes '(i) terraces and balconies with outer walls less than 1.4 metres high'. Characteristics of an outside terrace can include a level open area that can be attached to a building for multiple uses such as living space and outdoor recreational purposes situated at ground and elevated.
41. The Statement of Environmental Effects states that the current proposal provides an FSR of 0.235:1. However, with the inclusion of 'terraces' used for outdoor recreational areas, our calculations measure a combined GFA, measuring approximately 1,770m², which equates to an FSR measuring 0.527:1, which exceeds Clause 4.4 of KLEP and Section 3.25 of the Infrastructure SEPP.

The site is zoned R2 Low Density Residential under KLEP, where the maximum floor space ratio (FSR) is 0.3:1 (Clause 4.4(2A):

More than 1,700 square metres	0.3:1
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The floor areas of the outdoor play areas is considered a "terrace" and is not excluded from calculations. The outdoor play areas are GFA, as:

- it has walls greater than 1.4 metres in height above its floor level,
- they are situated both at ground and above a storey below it, and
- by its design is located within the external walls of the development.

The excess in FSR is not supported, and a Clause 4.6 report has not been submitted.

Building setbacks

42. The site is situated on the 'high side' of Charlton Avenue. Along the northern side façade of the building the current design provides ramps, stairs and pathways that are within the setback area.

Objectives 3 and 4 of this Part are:

- 3 *To enable landscaping to be provided between neighbouring buildings, particularly where there are two storey structures.*
- 4 *To provide privacy and soften the visual appearance when viewed from the street and from the neighbouring property.*

These matters have been discussed above under heading of Landscape.

External access from basement and outdoor play area 3

43. Pedestrian access to the lift, fire stair and pram room, situated between the external visitor space and 'Accessible space' number 34, requires external access of the basement, which is unacceptable. An internal door, to the lobby area, within the vicinity of the 'shared space' will provide all weather access achieving a better outcome.
44. The landscape plan shows a pathway at the top of the right of carriageway to the outdoor play area 3, which does not identify for emergency purposes, as shown within the 'evacuation diagram', provided within the Plan of Management contained within the SEE. The landscape and architectural plans must show and annotate security gates with gate swing areas as unencumbered areas, where applicable.

Not compatible

45. As outlined above, our view is that the current proposal for a 140 place child care facility is not compatible within the low density residential character of the locality.

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 **\$6,268.3** 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 **14 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 of the Environmental Planning and Assessment Regulation 2021 you are advised that this application was lodged on 29/05/2025 and 89 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 krg@krg.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**