

Our Ref: 2415
Date: 16/09/2025

General Manager
Ku-ring-gai Council
Locked Bag 1006
Gordon NSW 2072

Attention: Phillip Johnston

Dear Phillip,

Additional information submission – eDA0255/25
4B & 8 Charlton Avenue, Turramurra

We are town planning consultants retained by the DA proponents with respect to the proposed development.

We have reviewed Council's letter to the applicant dated 26 August 2025 and considered the items raised. Separately, we understand that the applicant has met with Council to discuss the proposal and the issues raised by Council.

Submitted with this letter are amended architectural plans and subconsultant reports. The design has been amended by reducing the building form and decreasing the capacity from 140 to 120 children.

This letter addresses items 38, 39 and 40 of Council's letter. Remaining items are addressed by the project architect in the amended submission or by amended plans/reports prepared by sub-consultants.

Floor Space Ratio

As detailed below, we respectfully disagree with Council's statements with respect to GFA and non-compliant FSR. We provide the reasoning for our position below.

The KLEP GFA definition is 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.

As detailed on the plans, the proposal contains various outdoor play areas at the ground and first floor levels. These spaces are generally bordered by acoustic fencing, although the are either entirely or partly open to the sky, are designed as outdoor spaces and are constructed as such under the BCA. The various outdoor spaces are shown below and the degree to which they are open to the sky is highlighted yellow.



Figure 1: Ground floor

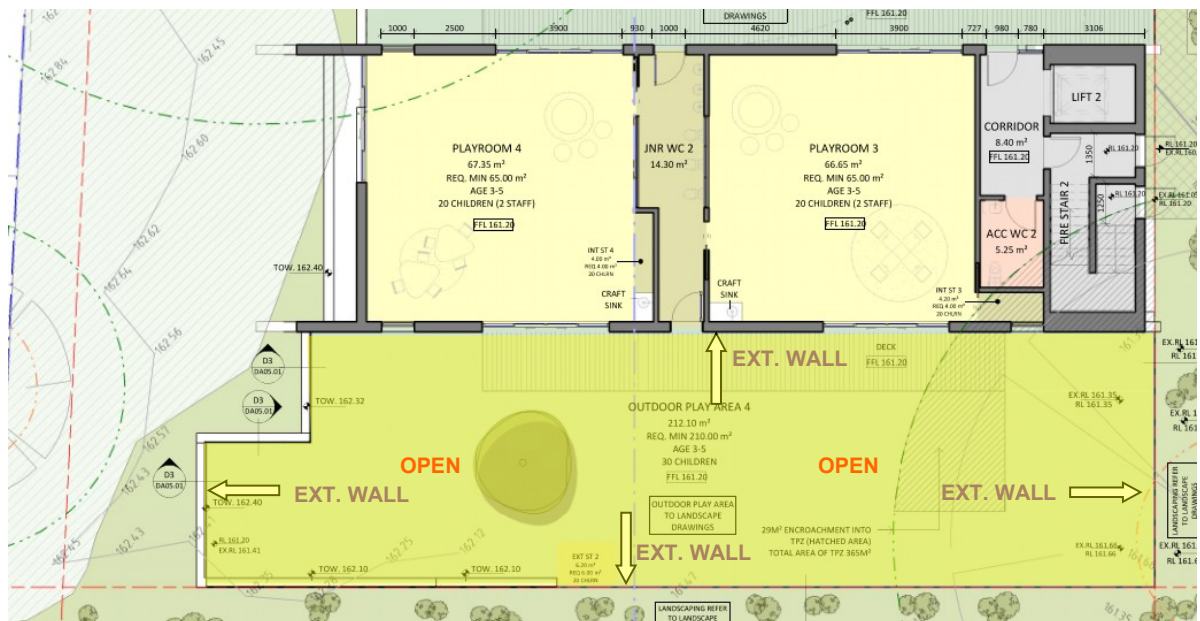


Figure 2: Ground floor



Figure 3: First floor

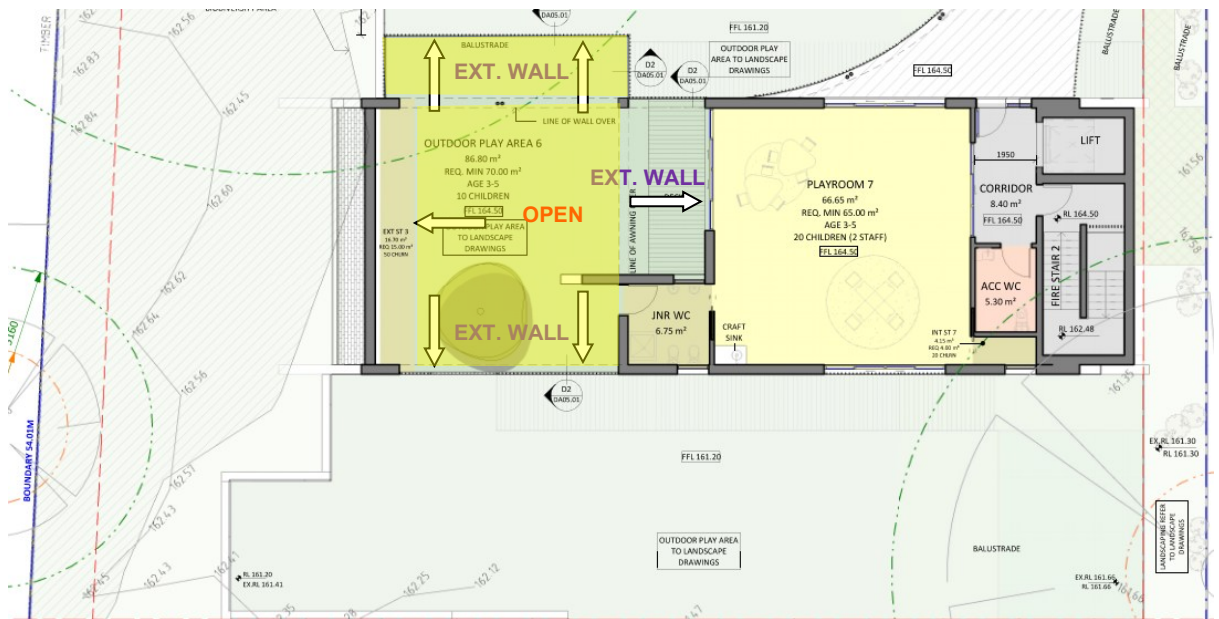


Figure 4: First floor

As the nominated outdoor play areas are open to the weather, the BCA requires that the enclosing walls/acoustic barriers be constructed to an external standard. Accordingly, because GFA is measured from the 'internal face of external walls', GFA can only be counted 'within' the enclosed spaces of the building (internal playrooms) as measured from the internal face of those walls, which the BCA does not require construction to be of an external standard.

Finally, consistent with words of the GFA definition, it is also appropriate to exclude the connecting outdoor corridor spaces. The relevant part of the GFA definition is copied below:

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.

For these reasons, the proposal is GFA compliant, and no Clause 4.6 variation is necessary.

Although it is our view that the proposal is GFA compliant, should Council or the Planning Panel require a precautionary Clause 4.6 variation, this can be quickly prepared and provided to Council to enable processing of the DA.

We thank Council for its assistance with the subject application and request that favourable support is given in due course.

Please feel free to contact the undersigned for related enquires.

Yours faithfully,



Benjamin Black
Director
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