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**Contact: Brodee Gregory**

**Ref: SSD-78156462**

14 January 2026

Department of Planning Housing and Infrastructure  
Locked Bag 5022  
PARRAMATTA NSW 2124

Via: NSW Major Projects Portal

**Attention:** Ayse Lavorato

Dear Madam,

**RE: SUBMISSION TO SSD-81890707 10, 14 AND 14A STANHOPE ROAD KILLARA**

Thank you for the opportunity to comment on Response to Submissions (RtS) for State Significant Development (SSD) Application (SSD-81890707) for a residential flat building with affordable housing at No. 10, 14 and 14A Stanhope Road, Killara.

Following a review of the revised documentation, Council maintains its **objection** to the proposed development. Council's submission is contained in **Attachment 1**.

The key issues that remain with the proposal include incompatibility with the desired future character, adverse heritage impacts, adverse amenity impacts, adverse social impacts, insufficient Clause 4.6 variation request, insufficient information regarding Gross Floor Area, insufficient owner's consent, insufficient information regarding stormwater impacts, inappropriate carpark allocation, inappropriate and bicycle space provision and adverse tree and landscape character impacts.


Should you have any further enquiries, please contact Brodee Gregory on 02 9424 0780.



Yours sincerely,

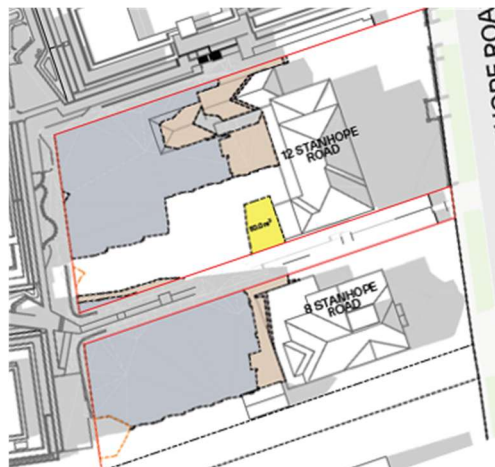
A handwritten signature in black ink, appearing to read 'Luke Donovan', is written over a light blue horizontal line.

Luke Donovan  
**Executive Assessment Officer**

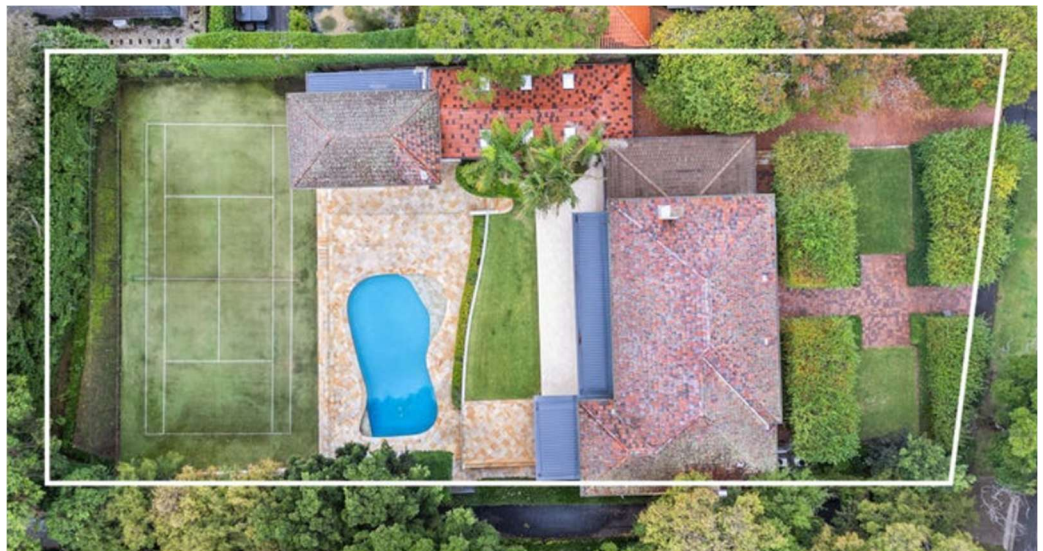


	<p>significant fabric retained. This would necessitate redesign of the proposed development to include the existing building and would present an opportunity to adaptively reuse the building. Provision of communal facilities within this building would significantly enhance the amenity of the development as communal facilities are currently proposed. See Council’s webpage for further details on heritage items and redevelopment - <a href="#">Heritage and density Ku-ring-gai</a></p>
<p><b>Desired Future Character</b></p>	
<p>Proposed development is inconsistent with desired future character</p>	<p>The proposed development remains inconsistent with the desired future character of the local area. Section 20(3) of State Environmental Planning Policy (Housing) (SEPP Housing) states that development consent must not be granted to development unless the consent authority has considered whether the design of the development is compatible with, for precincts undergoing transition, the desired future character of the area.</p> <p>The amended proposal fails to achieve consistency with the desirable elements of the character of the local area and desired future character because:</p> <ul style="list-style-type: none"> <li>i. The proportion of the site that is deep soil landscaping is significantly less than the character of existing and likely future development in the locality.</li> <li>ii. The development presents tall and flat side elevations with minimal architectural relief that are not characteristic of the locality, not driven by site constraints and that will be highly visible within the local area.</li> <li>iii. The proposal results in overshadowing and visual bulk impacts upon neighbouring buildings and the development potential of neighbouring sites.</li> <li>iv. The proposal results in significant adverse impacts upon the HCA and nearby heritage items.</li> </ul>
<p><b>Floor Space Ratio</b></p>	
<p>GFA calculated incorrectly</p>	<p>The Response to Submissions Report indicates that GFA has been reduced from 17,484m<sup>2</sup> to 17,334.5m<sup>2</sup>. The Report also indicates that affordable housing GFA comprises 17% of total GFA (2% or 371.4m<sup>2</sup> in perpetuity and 15% or 2,6278.8m<sup>2</sup> for 15 years). However, these figures cannot be verified as the submitted GFA diagrams lack sufficient detail (<b>Figure 2</b>). The consent authority must be satisfied that compliance with the GFA development standard has been met.</p>  <p><b>Figure 2: Excerpt from GFA plans showing calculation of 15% of GFA</b></p>

<b>Design Principles</b>	
Building massing	<p>It is acknowledged that the upper floor of Building B has been deleted and that the setbacks of Level 7 of Building C have been increased. Given the scale of the development, these amendments are comparatively minor in nature and do not make any appreciable reduction in bulk impacts to adjoining low density development at Nos. 8 and 12 Stanhope Road (compare <b>Figures 3 and 4</b> below).</p> <p>As detailed in the Heritage comments below, a further reduction in building height and a significant increase in setbacks is required to mitigate impacts to the heritage item.</p>  <p><b>Figure 3: West Elevation, original proposal</b></p>  <p><b>Figure 4: West Elevation, amended proposal</b></p>
Adverse amenity impacts	<p>Concerns were raised previously in relation to excessive apartment depth and inadequate building separation. These issues appear to be unresolved. Further, the architectural plans contain insufficient information for assessment with no notations for boundary setbacks or separation provided.</p> <p>It was noted previously that no analysis of the impacts of the development on adjoining properties has been provided. The amended proposal includes Sun Eye View diagrams showing modelling based on 'Low and Mid Rise Housing' (architectural plans DA604-DA0606). The accuracy of this modelling is unclear as the adjoining sites are located within the 'Low and Mid Rise Housing Exclusion Map' under SEPP Station Precincts. Accordingly, development under Chapter 6 of SEPP Housing is not permissible on these sites. The consent authority should seek clarification and correction in relation to this modelling.</p> <p>Overshadowing to adjoining properties zoned for low density development remains unacceptable. The amended diagrams demonstrate that 4 hours of solar access is retained to only a small portion of the rear yard of No. 12 Stanhope Road (50m<sup>2</sup> shown yellow in <b>Figure 5</b>). This is not an accurate representation of the private open space of this property which includes a tennis court, turfed area and swimming pool (<b>Figures 6 and 7</b>). In reality, the majority of the private open space of this property will be overshadowed by the proposed development for the majority of the day (e.g. the tennis court will be overshadowed from 10am to 3pm). Consequently, the development fails to satisfy Schedule 9 Design Principle 6: Amenity of SEPP Housing.</p>



**Figure 5: Shadow diagram at 2pm midwinter**



**Figure 6: Aerial photograph of private open space of No. 12 Stanhope Road  
(Source: Realestatecom.au)**

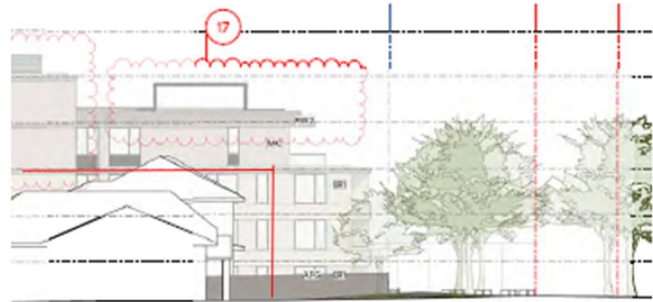


**Figure 7: Private open space of No. 12 Stanhope Road as viewed from the north (Source: Realestatecom.au)**

Safety	Concerns raised previously in relation to pedestrian safety have not been resolved. Whilst minor amendments have been made to the pedestrian path, the proposal remains unsatisfactory with respect to SEPP Housing Schedule 9 Design Principle 7: Safety as visibility between the street and building entry lobbies remains poor.
Aesthetics	It was previously submitted that the facades of each building have not been adequately articulated to reduce the apparent building mass of the development from side boundaries. This issue remains unresolved as the massing arrangement and external finishes remain largely unchanged.
<b>Building height</b>	
Insufficient environmental planning grounds	<p>The Response to Submissions Report indicates that the proposed building height has been reduced from 36.5m (Building B) to 33.75m (Buildings B and C). Accordingly, a revised Clause 4.6 variation request has been provided which seeks to justify the proposed departure on the basis that the proposal redistributes bulk away from the heritage item and mapped areas of biodiversity significance.</p> <p>Per the previous submission, Council remains of the view that the submitted environmental planning grounds are not sufficient to justify the departure as the proposed development results in significant adverse impacts to the significance of the heritage item. Additionally, the proposed development does not achieve consistency with the desired future character, which could be achieved via a more sensitive development incorporating the adaptive re-use of the heritage item.</p> <p>The consent authority must satisfy itself that the Clause 4.6 variation is well founded before the granting of any development consent. As detailed above, Council is of the opinion that that the variation request has not demonstrated that –</p> <p><i>(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.</i></p>
<b>Social impacts and accessibility</b>	

Affordable housing	It was previously noted that due consideration should be given to the In-fill Affordable Housing Practice Note which acknowledges that the full extent of in-fill affordable housing bonuses may not be achieved on all sites. It is reiterated that the subject site is highly constrained and not suitable for a development of the scale proposed.
Location of affordable housing	Concern was raised previously that all affordable units are located solely in Building B on the Lower Ground level 1, Ground floor level and Level 1. It was recommended that the affordable units be re-arranged so they are distributed evenly throughout the development. This issue has not been addressed by the amended plans which continue to show all affordable units in Building B, resulting in a failure to provide “tenure blindness.”
Accessibility	<p>The original proposal included 20% Silver units and no Platinum units. Concern was raised that the development is contrary to Control 3 of Part 7C.4 of the Ku-ring-gai Development Control Plan (KDCP) which requires all units to be designed to Silver level and 15% of units to be designed to Platinum level. The amended proposal includes no Platinum units and continues to result in poor accessibility. Of note, a report by an accessibility consultant has not been provided. An access consultant should verify that compliance with the relevant legislative requirement is capable of being achieved should be provided before any consent is issued.</p> <p>Concern was also raised that the proposed Silver units were all co-located with the Affordable housing units. The amended proposal includes 4 market-rate Silver units (1 x 2 bedroom and 3 x 3 bedroom). This is an approved outcome but nevertheless unacceptable as <u>all</u> units should be designed to Silver level.</p> <p>It was also recommended previously that communal facilities for residents should be provided and that access to the ground floor level communal open space should be improved; these concerns have not been addressed.</p>
<b>Inadequate site analysis</b>	
Inadequate site analysis and photomontages	Concern was raised previously in relation to the adequacy of the site analysis, lack of information concerning adjoining properties and misleading photomontages. These concerns remain unresolved.
<b>Heritage</b>	
Demolition of existing buildings	<p>Concern was raised previously in relation to demolition of the existing building at No. 14 Stanhope Road and the impact of this demolition on the heritage conservation area (HCA).</p> <p>The dwelling at No. 14 Stanhope Road satisfies the KDCP definition of a contributory building in the Stanhope Road Conservation Area and must be retained. The proposed demolition of this contributory building and garden and the construction of a multi-storey residential flat building does not satisfy the objectives of the Ku-ring-gai Local Environmental Plan (KLEP) to conserve the heritage significance of the conservation area due to loss of a contributory property and introduction of a detracting building in the HCA.</p> <p>Concern was also raised regarding the proximity of the proposed two way driveway in relation to this building. It was recommended that the existing driveway on the western side of No. 14 Stanhope Road be utilised; this recommendation has not been adopted.</p>
Inappropriate setting and view impacts	Concern was raised previously in relation to the impacts of the proposed development on the HCA. This concern has not been resolved. The proposed bulk and scale of the five storey flat building facing the street with two separate 9 storey flat buildings behind will result in <b>drastic, adverse and irreversible change</b> to the setting of the Stanhope Road HCA and nearby heritage items and is not acceptable. The proposed development will visually dominate and detract from the setting of this area.
Inadequate setbacks	<p><u>Front setback</u></p> <p>The front setback of the proposed development remains inadequate. <b>Figure 8</b> below shows a red line with the average front setback of the adjacent dwellings in the street.</p>

The revised Building A is forward of this line and will have a minimal front setback to Stanhope Road which is less than the front setbacks of dwellings on either side and is unacceptable. This should be addressed by increasing the garden area at the front and reducing the built area of Building A.



**Figure 8: Proposed front setback**

Rear setback

The revised proposed 9 storey buildings B and C will be located to the rear of Nos. 8 and 12 with have a sheer straight wall and is not acceptable.

This should be addressed by having less height with the lower 3 floors as a podium level with the levels above set further back to reduce the adverse impact of the sheer wall. See red lines on **Figure 9** below.



**Figure 9: Recommended amendments to building mass to reduce impacts to heritage item (shown marked in red)**

Setbacks from 12 Stanhope Road

The proposed flat Building A on the eastern side of No. 12 Stanhope Road (heritage item) should be lowered and be further setback from Stanhope Road. See red line on **Figure 9** above.


Incompatible bulk

Inconsistent Bulk

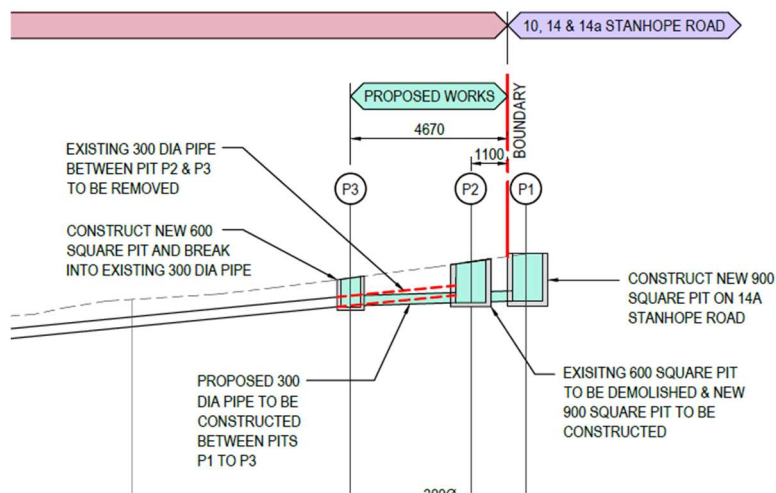
The proposed revised massing of the residential flat buildings will still adversely affect views from the Stanhope Road HCA and heritage items in Stanhope Road, including views to the sky, tree canopies and terracotta roof tops. This concern has not been addressed

Increased Density

The proposed revised increased density of the development remains excessive as it will be the tallest structure in Killara and will irreversibly degrade the heritage

	significance the Stanhope Road HCA, heritage items and HCA in the vicinity because of the inconsistency with the existing low scale historic built form. This concern has not been addressed.
Landscape loss	The removal and loss of a mature and significant tree <i>Cedrus deodar</i> (Himalayan Cedar) and soft landscaping at the front of No. 14 Stanhope Road is not acceptable as the tree is in good health and contributes to the established landscape character of the heritage conservation area; this issue has not been addressed.
Inappropriate form, details, materials and colour	<p>The material schedule has not been modified and should be amended. The proposed light coloured cream brickwork for the lower levels of the buildings will be visually dominant and should be modified to a darker earthy colour brick so the building will be recessive and respond appropriately to the aesthetic of the surrounding heritage items and conservation areas (see <b>Figure 10</b> below).</p>  <p><b>Figure 10: Recommended colour scheme</b></p> <p>The proposed large amounts of render should be minimised especially for Building A which fronts Stanhope Road and is very visible from the street and adjacent dwellings.</p> <p>The proposed dark-coloured thick aluminium balustrades on level 1 should be replaced with fine vertical steel palisade style in a mid-range colour such as Dulux “Linseed”.</p>
<b>Ecological impacts</b>	
Insufficient BDAR	Concern was raised previously that the submitted BDAR did not provide a clear analysis of alternative design options. An updated BDAR (prepared by Keystone Ecological, dated 25 January 2025) has been provided. DPHI is to be satisfied that the legislative requirements of the <i>Biodiversity Conservation Act 2016</i> are satisfied by the amended documentation. It is recommended that a qualified and experienced ecologist review the amended BDAR.
Blue Gum High Forest Retention	
<b>Inadequate site survey</b>	
Survey does not identify all impacted trees	It was noted previously that the submitted site survey did not include all trees located on the subject site or adjacent to site boundaries. An updated site survey has been provided, which is acceptable.
<b>Arboricultural impact assessment</b>	
Limited arboricultural assessment provided	Concern was raised previously regarding the adequacy of the submitted arboricultural impact assessment. This issue has been resolved by the submission of an amended arborist’s report.
<b>Landscape design and character</b>	

Removal of significant trees	The removal of trees of high significance that contribute positively to the established landscape and streetscape setting e.g. Tree 42, remains an issue.
Retention of inappropriate planting	The retention of existing mature hedges of Leighton's Green Cypress pines, while providing some broader landscape amenity, will result in poor solar amenity and outlook for ground floor and lower units. It is recommended the plantings of Leighton Green cypress pines be removed and replaced. There is design opportunity to revegetate the area with a mixed planting of appropriate species of varying heights, including intermediate sized trees to provide improved amenity and filtering of views and outlook with a canopy coverage that is less dense for increased solar amenity.
Landscape character	<p>The removal of the existing stone fence across the site frontage fails to retain existing characteristic landscape elements that form part of the established streetscape aesthetic and heritage values. The stone front fence should be retained.</p> <p>The planting of 8 trees within the site frontage will result in overcrowding and loss of amenity. It is recommended proposed tree numbers be reduced by 50% to allow for future growth while maintaining amenity. In this regard it is suggested at a minimum the planting of 2 x <i>Hy-fl</i> (adjacent to the building) and 1 x <i>Sy-gl</i> (adjacent to the front boundary) be deleted.</p> <p>The proposed plantings of native ornamental species within the site frontage are uncharacteristic of the established streetscape/landscape character. To complement and enhance the heritage streetscape character, proposed plantings shall be exotic species typical of the surrounding residential gardens.</p> <p>The planting of sun loving species such as <i>Viburnum tinus/Lauristinus</i>, <i>Photinia glabra/Photinia</i> and the like within heavily shaded areas is ill-conceived resulting in the unviability of the planting outcome/aesthetic. Plant species shall be selected for the growing environment.</p>
<b>BASIX</b>	
Indigenous planting not indicated on plans	The area of proposed indigenous planting of 515m <sup>2</sup> is not indicated on the plans in accordance with the BASIX certificate requirements. No amended BASIX certificate/s have been submitted. The amended proposal includes a BASIX report (not certificate).
<b>Water management</b>	
Owner's consent	<p>The Response to Submissions Report indicates that discussions have been undertaken with the owners of No. 10-14 Marian Street regarding an easement yet consent is yet to be granted for the easement.</p> <p>A sketch plan of the proposed easement to drain water has been provided for discussion purposes. It is noted that this proposal relies on all proposed stormwater infrastructure being utilised (if existing) or constructed within the proposed easement being within 1.8m of the western boundary of the common property of SP80433. Owners' consent from the Strata Corporations has yet been provided.</p> <p>If physical works are proposed on an adjoining property, it is Council's view that consent from the neighbouring property owner is to be provided at lodgement for the making of the application (section 23 of <i>Environmental Planning and Assessment Regulation</i>). As currently proposed, physical works are proposed on an adjoining property (<b>Figure 10</b>) and owner's consent has not been provided.</p>



**Figure 10: Excerpt from stormwater plans**

Drainage design

Concern was previously raised in relation to the submission of insufficient information to enable an assessment of water management. Specifically:

- a) *The application has not provided sufficient information as to enable assessment of the inter-allotment drainage design through No. 10-14 Marian Street, including but not limited to civil design of the pipeline and any potential impacts on trees and vegetation on adjoining properties.*
- b) *A detailed survey must be obtained to show the accurate location of the inter-allotment drainage pit within No. 10-14 Marian Street.*
- c) *Supporting hydraulic calculations are to be submitted to confirm that the pipeline to which connection is proposed has sufficient hydraulic capacity to accept the post developed flows.*
- d) *The inter-allotment drainage pipeline condition to which connection is proposed is to be checked by a licensed plumber. The design fails to adequately provide certainty that the existing pipe is functional and in working condition, including CCTV footage and accompanying report demonstrating the condition of the pipeline has not been submitted.*

A Work-as-executed plan has been submitted which confirms the location of the existing inter-allotment drainage system through No. 10-14 Marian Street. The remaining information has not been provided (items b, c and d above).

**Car parking provision**

Inappropriate allocation

A carparking breakdown was not provided previously. A notional breakdown undertaken by Council's Strategic Traffic Engineer suggested that approximately 59 of the proposed 3 x bedroom units have been allocated only one carparking space. It was suggested that the number of visitor spaces be reduced by two and these units be reallocated to 3 bedroom units. This concern appears to be unaddressed, with the number of visitor spaces retained at 27.

Accessible parking

Concern was raised previously that an accessible visitor space and car wash bay had not been provided. An accessible visitor space and car wash bay (suitable for a small car) have now been provided on Lower Ground Level 2.

Car share spaces

Consistent with industry guidance, it was previously recommended that the number of car share spaces be increased from two to four. This recommendation has not been adopted, and the number of car share spaces remains at two.

Electric Vehicles

The revised Traffic Impact Assessment states:

	<p><i>It is expected that electric vehicle (EV) charging points can be accommodated on the Basement and Lower Ground Floor 2 levels, however this is a matter for others to address.</i></p> <p>The Response to Submissions Report does not address provision for EVs. It is recommended that on any consent issued a condition be imposed requiring EV readiness for all carparking spaces, in line with industry and market expectations.</p>
<b>Bicycle parking</b>	
Resident parking	Concern was raised previously regarding the provision of resident bicycle parking spaces within individual storage areas. This issue has been partly resolved, with the provision of separate bicycle parking for a limited number of bicycles on Basement Level 1.
Visitor parking	It was suggested previously that visitor bicycle spaces be relocated to near the pedestrian entrance to improve accessibility and safety. This issue has not been resolved, and visitors bicycle spaces continue to be located within the basement.
<b>Vehicle access and loading</b>	
Driveway design	A driveway longitudinal section has been provided within the Traffic Report and is acceptable.
Loading bay	Concern was raised previously that provision has not been made for an on-site loading area. This issue has not been resolved.
<b>Construction management</b>	
Indicative CTMP required	An indicative Construction Traffic Management Plan (CTMP) has been provided.
<b>Waste management</b>	
Headroom	A driveway longitudinal section has been provided within the Traffic Report and is acceptable.
Inaccessible bin room	Concern was raised previously regarding safe access of the bin room at Lower Ground Level 1. This issue has not been resolved and the bin room remains located within the centre of the driveway ramp.
<b>Geotechnical investigation</b>	
Insufficient information	A Dewatering Management Plan has been provided. According to the Dewatering Management Plan prepared by Morrow dated 4/11/2025, the report recommends ongoing groundwater seepage has been modelled for the service life of the structure. The report recommends the design of the basement OSD and pump out system must allow for the volume of water required for the ongoing discharge in addition to the stormwater volumes. This will need to be addressed by the hydraulic engineer.
<b>Acoustic impacts</b>	
Documentation inconsistencies	<p>Concern was raised previously in relation to inconsistencies between the architectural plans and the Acoustic Impact Assessment (e.g. the Acoustic Impact Assessment referred to superseded architectural plans and the air conditioning condensers were not shown on the architectural plans).</p> <p>These issues do not appear to have been addressed as an updated Acoustic Impact Assessment has not been provided. Additionally, no clarification regarding the location of the air conditioning condensers has been provided.</p>
<b>Contamination</b>	
Detailed Site Investigation required	It was previously recommended that a Detailed Site Investigation be undertaken to characterise the nature and extent of potential contamination, particularly in near-surface soils, and to assess any associated risks to human health and the environment. A Detailed Site Investigation has not been provided.
<b>Development contributions</b>	

Applicable plan	Should any consent be issued, the applicable contributions plan will be Council's section 7.11 contributions plan, Ku-ring-gai Contributions Plan 2010. It is noted that this Contributions Plan does not exempt affordable housing projects from development contributions.
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**END OF SUBMISSION**