

9 June 2026

Joe Somerville
Senior Planning Officer
Affordable Housing Assessments
Department of Planning, Housing and Infrastructure

Dear Joe,

**Response to Submissions and Request for Information
SSD – 88948458 at 5-9 Cowan Road, St Ives**

This letter has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Prosper 5-9 Cowan Road St Ives Pty Ltd* (the Applicant) to address the matters raised by Kuring-gai Council (Council) and the public during the re-exhibition period for the State Significant Development (SSD) application at 5-9 Cowan, Road, St Ives for the development of a 9-storey residential flat building with in-fill affordable housing.

It is noted that many of the issues raised in submissions on the Submissions Report and Amendment Report were previously addressed in the original Submissions Report submitted in April 2026 (refer Attachment 4).

A total of 19 public submissions were received during the re-exhibition period, including 17 objections, one submission in support, and one submission providing feedback, as well as one submission from Council.

Further, this letter provides a detailed response to the Department of Planning, Housing and Infrastructure's (DPHI) 'Request for Additional Information' (RFI) dated 2 June 2026.

This letter should be read in conjunction with the following supporting material:

- Attachment 1 - Detailed response to the issues raised in DPHI's RFI
- Attachment 2 - Detailed response to the issues raised in Council's submission
- Attachment 3 - Detailed response to the issues raised in the public submissions
- Attachment 4 - Submissions Report in response to submissions made on the original application
- Attachment 5 – Updated Architectural Plans
- Attachment 6 – Updated Landscape Plan
- Attachment 7 – Updated Landscape Report
- Attachment 8 – Traffic assessment response
- Attachment 9 – Acoustic assessment response
- Attachment 10 – Updated Noise and Vibration Impact Assessment

We trust that this submission provides all information required to enable DPHI to finalise its assessment to enable the application to be determined.

Please do not hesitate to contact Sammy Hamilton, Principal Planner, on 02 8459 7510 if you wish to discuss any aspect of this submission.

Yours sincerely



Sammy Hamilton BPlan
Principal Planner

Attachments:

Attachment 1	Detailed response to the issues raised in DPHI's RFI
Attachment 2	Detailed response to the issues raised in Council's submission
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Attachment 4	Submissions Report in response to submissions made on the original application
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Attachment 10	Updated Noise and Vibration Impact Assessment

Attachment 1

Detailed response to the issues raised in DPHI's RFI

Issue	Issues Raised	Comment
Affordable housing amenity	1. Review the design of the proposal and/or the allocation of affordable housing to demonstrate how cross ventilation provided to the affordable housing apartments would be more equitable with the market housing apartments, noting 38.5% of affordable housing (5/13) are now cross ventilated, reduced from 75% (9/12) in the original proposal .	While the original proposal achieved 75% of affordable dwellings with natural cross-ventilation, it did not achieve solar access compliance in accordance with the ADG. In response, the proposed affordable housing (AH) allocation has been amended to prioritise a more balanced outcome in terms of compliance with both solar access and cross ventilation requirements under the ADG (refer Attachment 5). As a result, the affordable housing allocation has been redistributed, with the following apartments allocated as AH: • GF-03 • GF-04 • L1-03 • L1-04 • L1-05 • L1-06 • L1-07 • L1-11 • L2-04 • L2-07 • L2-08 • L4-02 • L4-03

Issue	Issues Raised	Comment																		
		Consequently, the proportion of affordable dwellings achieving solar access is 76.9% and that achieving cross-ventilation has increased to 53.8%. The six AH dwellings that do not achieve natural cross-ventilation will be provided with mechanical ventilation systems designed to meet equivalent acoustic and thermal performance standards as natural ventilation. This allocation has been confirmed as supported by the engaged Community Housing Provider (CHP). While a minor non-compliance with cross-ventilation requirements is acknowledged, the proposal achieves a more balanced and considered outcome that ensures equitable amenity outcomes for the AH component of the development.																		
	2. Provide a breakdown of affordable housing that receives solar access and cross ventilation on the relevant architectural calculation diagrams. This should also confirm that the percentage of solar access received by the affordable housing apartments is equitable to that of the market housing apartments.	A breakdown of the affordable housing that receives solar access and cross ventilation requirements has been provided in the updated plans prepared by PBD. This has been reproduced below for reference: <table> <tr> <th>Unit</th><th>Solar Access</th><th>Natural Ventilation</th></tr> <tr> <td>GF-03</td><td>1</td><td>0</td></tr> <tr> <td>GF-04</td><td>1</td><td>0</td></tr> <tr> <td>L1-03</td><td>0</td><td>1</td></tr> <tr> <td>L1-04</td><td>1</td><td>0</td></tr> <tr> <td>L1-05</td><td>1</td><td>1</td></tr> </table>	Unit	Solar Access	Natural Ventilation	GF-03	1	0	GF-04	1	0	L1-03	0	1	L1-04	1	0	L1-05	1	1
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		<table> <tr><td>L1-06</td><td>1</td><td>1</td></tr> <tr><td>L1-07</td><td>1</td><td>0</td></tr> <tr><td>L1-11</td><td>0</td><td>1</td></tr> <tr><td>L2-04</td><td>1</td><td>0</td></tr> <tr><td>L2-07</td><td>1</td><td>0</td></tr> <tr><td>L2-08</td><td>1</td><td>1</td></tr> <tr><td>L4-02</td><td>0</td><td>1</td></tr> <tr><td>L4-03</td><td>1</td><td>1</td></tr> <tr><td>AH Total</td><td>10</td><td>7</td></tr> <tr><td>Percentage</td><td>76.9%</td><td>53.8%</td></tr> <tr><td>Requirement</td><td>70%</td><td>60%</td></tr> </table>	L1-06	1	1	L1-07	1	0	L1-11	0	1	L2-04	1	0	L2-07	1	0	L2-08	1	1	L4-02	0	1	L4-03	1	1	AH Total	10	7	Percentage	76.9%	53.8%	Requirement	70%	60%
L1-06	1	1																																	
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Acoustics and cross ventilation	3. Consider how natural cross ventilation can be achieved for all apartments noting the site is located close to Mona Vale Road and will be impacted by traffic noise. This must include consideration of the provisions of the Development near rail corridors and busy roads – Interim Guidelines and address alternative ventilation methods for apartments that exceed 10 dB(A) above the assessment criteria . Details must be provided on which apartments will require alternative ventilation methods in order to achieve the internal noise criteria and how this will be achieved .	Acoustic Logic have prepared a response to DPHI's comment at Attachment 9, which is reproduced below for reference: <i>NSW Department of Planning Developments near Rail Corridors or Busy Roads – Interim Guideline (DNRCBR) 2008 NSW planning states the following: “If internal noise levels with windows or doors open exceed the criteria by more than 10 dB(A), the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so desire, and also to meet the ventilation requirements of the Building Code of Australia.”</i> <i>AL note that:</i> <i>This level is a threshold for the consideration of an alternative source</i>																																	

Issue	Issues Raised	Comment
		<i>of ventilation, rather than a specific or mandatory criteria to be achieved.</i> <i>Where the 'windows open' threshold can be achieved, no further consideration of alternative ventilation need be considered.</i> <i>Where the 'windows open' threshold is exceeded, then the design of the ventilation for these rooms should be such that the occupants can leave windows closed, if they so desire, and also meet the ventilation requirements of the Building Code of Australia.</i> <i>With the above being said, a SoundPLAN model has been developed, and results were presented in Appendix C of the Noise and Acoustic Impact Assessment. Predicted noise levels show that:</i> <i>Unit L6-02 and unit L7-01 living rooms will not be able to achieve designed internal noise levels with windows or doors open.</i> <i>All other units will be able to achieve designed internal noise levels with windows or doors open.</i> <i>Mechanical ventilation will be adopted for the above two units. Proposed mechanical system will be acoustically designed so that internal noise levels within apartments are</i>

Issue	Issues Raised	Comment
		<i>appropriate, and any external noise emissions to surrounding noise sensitive receivers is within the noise emission requirements. Detail assessment shall be conducted during CC stage when fan locations and selections are known.</i> A sheet demonstrating the proposed alternative ventilation method to L6-02 and L7-01 has been provided in the Architectural Plans at Attachment 5.
	4. Amend the NVIA to identify the correct number of apartments proposed and ensure the latest set of architectural plans are reviewed and referenced.	The Noise and Vibration Impact Assessment has been updated based on the latest set of architectural plans with the correct number of apartments now being referenced (Attachment 10).
Traffic, parking and access	5. Provide consideration of cumulative traffic impacts of the proposal and the proposed development at 46 -50 Cowan Road, noting assessment of the development application is well advanced.	The Traffic Assessment Response (Attachment 8) has included a cumulative impact assessment of the following surrounding developments: • 46-50 Cowan Road, St Ives • 4, 12 and 14 Cowan Road, St Ives (Pymble Golf Club) The assessment confirms that the proposed development would not adversely impact the existing road network operation.
	6. Reallocate basement car parking to provide twenty visitor parking spaces.	Basement car parking has been reallocated to increase the provision of visitor parking spaces. The proposal provides for 20 visitor spaces and maintains ongoing compliance with minimum parking rates for residents in accordance with <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP). The proposal therefore provides

Issue	Issues Raised	Comment
		105 spaces for residents, noting the provisions of the Housing SEPP requires 99 spaces based on the apartment mix, as previously detailed in the submitted Amendment Report.
	7. Provide a minimum of 8 visitor bicycle spaces at ground level near the entry.	8 visitor bicycle parking spaces are provided at ground level adjacent to the entry pathway. The bicycle parking area is provided with permeable paving.
	8. Confirm the driveway is located a minimum of 1.5 m from the adjacent power pole.	This matter can be conditioned and resolved during the detailed design phase of the development. The proposed driveway is within the boundaries of the site and more than 1.5m from the adjacent power pole.
Storage	9. Consider including storage in the basement for the level 8 apartments.	The proposed storage provision meets the requirements as set out within part 4G of the ADG. The applicant raises no objection to a condition that requires two of the larger storage cages be allocated to the four bedroom apartments at Level 8.
Errors and clarification	10. Review the height limit diagram (DA520) as the figures +25.18 and +26.83 appear incorrect.	The height limit diagram within Attachment 5 (DA520) has been revised and updated to rectify the relevant figures.
	11. Clarify the number of apartments receiving solar access in midwinter noting the solar access diagrams (DA681) are inconsistent with the compliance schedule stating 18.1% of apartments (14/77) receive no solar access whilst the associated table states 26% of apartments (20/77) receive no solar access. If 26% of apartments would receive no solar access, this must be revised to improve the percentage	Updated solar access diagrams (DA680 and DA681) have been provided at Attachment 5, which confirm that 14 of 77 apartments (18.1%) receive no solar access to any habitable room during midwinter. The discrepancy between the previously stated 20 units (26%) and 14 apartments is a result of the assessment methodology. The higher figure

Issue	Issues Raised	Comment
	receiving solar access noting the ADG maximum of 15%.	reflects apartments that do not receive direct solar access to living rooms, however, 6 of these apartments receive solar access to bedrooms, and are therefore not classified as having nil solar access to habitable areas overall. Accordingly, the correct total number of apartments with nil solar access is 14 (18.1%). While this is a minor exceedance of the ADG maximum of 15%, this is considered acceptable given the site's 45-degree orientation and inherent boundary constraints, with affected units primarily facing constrained edges or internal aspects of the development, noting the retention of mature canopy trees also unavoidably limits solar access.
	12. Revise the deep soil calculation plan (DA 510) as it incorrectly calculates deep soil with dimensions of less than 6 m x 6 m to the eastern rear corner. In addition, ensure the footpath throughout the deep soil area is to be pervious to meet the definition of deep soil within the ADG.	The revised plan confirms that the development continues to exceed the minimum deep soil requirement of 7% of the site area in accordance with Part 3E of the ADG, with approximately 9.4% of the site area proposed as deep soil. It is also noted that Clause 19 of the Housing SEPP establishes non-discretionary development standards, including alternative quantitative requirements to those contained within the ADG, in particular in relation to deep soil provisions (including site area percentage and minimum dimensional requirements). The proposal also complies with these provisions. In addition, the footpath throughout the deep soil area is proposed to be constructed using

Issue	Issues Raised	Comment
		permeable paving to meet the definition of deep soil within the ADG.
	13. Confirm whether the existing easement is to be extinguished.	It is confirmed that the existing easement will be extinguished. The applicant raises no objection to a condition of consent being imposed requiring an easement to be registered on title for the new stormwater infrastructure through the site.
	14. Clarify where the air -conditioning units have been re-located as they are not identifiable on the amended architectural plans.	In response to the request for clarification, the air-conditioning condenser units were shown on the amended architectural plans submitted with the Amendment Report and Submissions Report on the Level 8 plan, which clearly indicates their location on the rooftop of Level 7. A total of 80 condenser units have been provided and are located on the Level 7 rooftop as identified on the plans. These units have been consolidated within the rooftop plant areas to ensure an organised layout and to minimise visual and spatial impacts.

Attachment 2

Detailed response to the issues raised in Council's submission

Issue	Comment
A. Urban Design	
Apartment Design Guide	
Shadow diagrams	In its original submission, Council requested the provision of revised shadow studies that differentiate between the following three scenarios: • complying 22m • 28.6m envelope (maximum possible height under in-fill affordable housing bonuses) • proposed 29.69m Council notes that these issues remain unresolved. Council's submissions is considered incorrect given shadow studies have been prepared for 21 June between 9:00 am and 3:00 pm as part of the updated Architectural Plans submitted with the Submissions Report. These diagrams clearly distinguish each scenario and demonstrate the incremental shadow impacts associated with the additional height are negligible in nature.
3E Deep soil	<i>In its original submission, Council requested how the 7% deep soil requirements (minimum 6m dimension) has been achieved. Council notes that these issues remain unresolved.</i> Deep soil calculation plans have been revised within the Architectural Plans and Landscape Plans attached to this letter. The updated plans demonstrate compliance with Part 3E of the ADG. The revised plans clearly distinguish minimum dimensions of 6m and 3m, with a total exceeding 7% of the site area as follows: • total (with minimum 3m width): 872.8m² (25.17% of site area) • total (with minimum 6m width): 327.0m² (9.4% of site area)
3F Visual privacy	<i>Council notes that these issues remain unresolved.</i>

Issue	Comment
	As detailed in the Submissions Report (Attachment 4), various mitigation measures have been implemented to offset any non-compliances with Part 3F of the ADG, as demonstrated within the submitted Architectural Plans. These mitigation measures are in accordance with the design guidance specified in this chapter, and include: • translucent glazing • relocation and reorientation of windows from original scheme which previously resulted in sightlines between sites • provision of additional side windows to offset direct viewlines to neighbouring sites • reduced window size • privacy screens Furthermore, a significant redesign was undertaken as part of amendments to the proposal including the presentation of the interface along the south-western boundary of the site. The proposal was revised to increase setbacks for Levels 4–6 to provide a general 6m setback in accordance with Part 3F of the ADG. Although the proposed setbacks to the north-eastern boundary remain non-compliant, no tangible amenity impacts are anticipated due to the site's orientation and location adjacent to the St Ives Shopping Village car park.
4A Solar and daylight access	<i>Council notes that these issues remain unresolved.</i> As outlined above, the layout has been further amended and the affordable housing distribution adjusted to prioritise compliance with solar access requirements, consistent with the ADG provisions. The affordable housing units are now distributed across Ground level, Level 1, Level 2, and Level 4. Consequently, the proportion of affordable dwellings achieving solar access has increased to 76%, satisfying the ADG requirements.
Ku-ring-gai DCP	
7C. 3 Ground floor apartments	<i>Council notes that these issues remain unresolved.</i>

Issue	Comment
	As highlighted throughout the Submissions report (Attachment 4), under Section 2.10 of the Planning Systems SEPP, DCPs do not apply to State Significant Development (SSD). While the DCP may provide guidance, compliance with its provisions is not a determinative matter and must be considered in conjunction with the merits of the proposal and the expert evidence submitted. Furthermore, there are multiple Land and Environment Court decisions that confirm DCPs are not legally binding and may only be given limited weight as a guiding document in the assessment of development applications. Notwithstanding this, the proposal has been designed to respond to the site's topography while maintaining an appropriate level of residential amenity, including: • the lowered ground floor levels respond to the natural slope of the site and assist in reducing the bulk and scale of the development when viewed from Cowan Road • additional screening through proposed vegetation ensures privacy for ground floor apartments is maintained • despite portions of the apartments and associated private open spaces being located below the existing ground level, 6 out of 9 ground floor apartments receive at least 2 hours of direct sunlight between 9am and 3pm at mid-winter in living rooms and private open space • dwellings that do not achieve direct solar access retain access to the rooftop communal open space, which receives full solar access between 9:00 am and 3:00 pm at mid-winter • additional secondary windows have been incorporated into living areas to improve natural light penetration and assist in addressing variations to the apartment depth criteria
7C.2 Communal open space	<i>Council notes that these issues remain unresolved.</i> As stated above, under Section 2.10 of the Planning Systems SEPP DCPs do not apply to SSD. Notwithstanding, the proposal has been amended to re-allocate part of the communal open at the ground floor, noting this area was previously fully enclosed. The area has since been redesigned to be open to the elements and below a cantilevered portion of the building. Additionally, part of the communal open space provided at Level 7 has been re-allocated to Level 8. This amendment improves passive surveillance, with Level 8 apartments now providing direct overlooking of the Level 7 communal open space. These amendments are considered to improve passive surveillance and strengthen the visual connection between residents and communal shared spaces.

Issue	Comment
B. Planning	
Excessive building height	<i>Council notes that the comments in the Submissions Report and amended Clause 4.6 Variation Request are considered unsatisfactory and do not resolve the issues caused by the proposed height exceedance.</i> It is reaffirmed that the height exceedance is only minor (an increase of only 2m above the 28.6m building height control). Council's claim that the height exceedance will be clearly visible from surrounding streets is not accepted given the additional height is limited to a small, localised portion of the roof and lift overrun at the uppermost level and is centrally positioned in response to the site's topography. As discussed above, revised shadow studies have been prepared as part of the submitted Architectural Plans illustrating the complying 22m envelope, the 28.6m bonus height envelope and the proposed 30.60m envelope. The diagrams clearly distinguish each scenario and demonstrate the incremental shadow impacts associated with the additional height, confirming minimal overshadowing impacts cast by building elements exceeding the building height development standards. The proposal will not detract from the desired future character of the streetscape as the State Government has identified St Ives as a Low and mid-rise housing inner area. In this context, the proposal is consistent with the planning framework envisaged for the locality and represents an appropriate urban design response to the site.
C. Landscaping	
SEARS (Secretary's Environmental Assessment Requirements)	
Inadequate integration of existing trees	<i>Council does not support the retention of a number of existing trees on the site, as it is not considered feasible.</i> There has been a significant effort to retain additional trees as part of the amendment. In accordance with DPHI's request, an additional seven trees have retained as part of the amended proposal. This has resulted in the total number of trees to be removed reducing from 33 to 24.

Issue	Comment
Inadequate deep soil and landscape area	The Arboricultural Impact Assessment submitted with the Submissions Report provides an adequate assessment of the impacts on the trees proposed to be retained and supports their retention. The assessment identifies appropriate tree protection measures and notes that the majority of the retained trees are London Plane trees, which are generally resilient to construction-related intrusion. <i>Council notes that these issues remain unresolved and has not provided any further information to its objection.</i> Council's concern regarding the adequacy of deep soil and landscaped area provision is not supported, as the proposal is subject to the provisions of Chapter 2 of the Housing SEPP whereby: - the proposal provides 25.1% of the site area as deep soil, far exceeding the 15% non-discretionary standard for infill affordable housing under the Housing SEPP - the proposal provides a landscaped area of 1,445.3m², also far exceeding the 1,040.3m² non-discretionary standard under Chapter 2 of the Housing SEPP The majority of deep soil is provided in communal areas, and given the significant deep soil provision, removing the quantum of deep soil provided within private units will not impact the proposal's compliance with the non-discretionary standard. Council notes that two trees are proposed to be planted above the on-site detention (OSD) tank. As outlined within the Submissions Report, the proposed planting has been reviewed and amended to remove one of the trees proposed above the OSD tank. This will ensure conflicts with the underground infrastructure are avoided.
Insufficient arboricultural information	<i>Council notes the submitted Arboricultural Impact Assessment (AIA) does not accurately assess the extent of impacts on existing trees proposed to be retained.</i> The submitted Arboricultural Impact Assessment (AIA) has been prepared by a suitably qualified arborist and identifies the likely impacts of the proposed development on existing trees to be retained. The assessment informs the design response and the extent of works in proximity to retained vegetation.

Issue	Comment
	Notwithstanding Council's comments, where construction activities interface with existing trees to be retained, appropriate protection measures will be implemented through the imposition of consent conditions, including tree protection zones, fencing, and ongoing arboricultural supervision as required. These measures will ensure that retained trees are adequately safeguarded throughout the construction phase. Accordingly, the proposal provides an appropriate response to the existing tree canopy, with residual construction-related impacts able to be effectively managed through standard planning controls and conditions of consent.
BASIX	
BASIX commitments	<i>Council notes the landscape-related BASIX commitments remain inconsistent with the submitted plans and also contain internal inconsistencies.</i> A minor discrepancy is noted between the BASIX report and the submitted landscape plans resulting from the ongoing updates to the project in response to both submissions and DPHI's comments. However, the proposal exceeds the minimum water project score and therefore the minor discrepancy is considered inconsequential to the proposal's overall BASIX performance.
SEPP (Housing) 2021	
Chapter 2 – Infill Affordable Housing	<i>Council notes the proposal does not comply with the minimum deep soil zone requirement (30% of the site area as required by Section 19(2)(b)(ii) of SEPP (Housing)). The proposal provides a landscaped area of 998.6 m², representing 28.7% of the site area, rather than the required 30%.</i> The updated Architectural Plans demonstrate that the proposed landscaped area is 1,445.3m² (41.7%) and is therefore compliant with this section of the Housing SEPP.
Schedule 9: Design Principles for Residential Apartment Development – Clause 5: Landscape	<i>Council notes that these issues remain unresolved.</i> Council's concerns primarily relate to subjective matters regarding tree retention and the future growth of proposed landscaping. It is noted that Schedule 9 of the Housing SEPP does not contain any quantitative provisions and is purely subjective. It is considered the proposal complies with Clause 5 for the following reasons:

Issue	Comment
	• A revised Tree Protection Zone (TPZ) diagram has been provided within the updated Architectural Plans (Appendix 4) submitted as part of the revised application, confirming the retention of trees where possible and that appropriate protection measures will be implemented during construction. • The landscape design has been developed as an integrated component of the proposal, providing deep soil planting, canopy tree planting and landscaped communal areas that will contribute positively to the amenity, environmental performance and visual character of the development. • While Trees T2, T19 and T20 are proposed to be removed, their removal is justified due to unavoidable conflicts with the building footprint, essential infrastructure, and driveway sightline requirements. The proposal includes replacement tree planting, including a locally native Turpentine, which will contribute to the long-term canopy and landscape character of the site. • The amended proposal results in the retention of four additional trees compared with the original design, reducing the total number of trees proposed for removal from 33 to 24 and demonstrating a genuine effort to balance tree retention with the delivery of the development. • The proposal provides a comprehensive landscape design that is considered to achieve the intent of Clause 5 of Schedule 9 of the Housing SEPP.
Apartment Design Guide	
Part 3E Deep soil zones	<i>Council notes the proposed deep soil areas with a minimum dimension of 6 metres is not consistent with the ADG definition of deep soil and the development must be redesigned to achieve compliance, including the submission of detailed plans and diagrams clearly demonstrating compliant deep soil dimensions and areas.</i> It is noted that the revised calculations contained within the Architectural Plans at Attachment 5 confirm that the proposal exceeds the 7% deep soil requirement under Part 3E of the ADG, providing 9.4% deep soil area with a minimum dimension of 6m.
Part 4O-1 Landscape Design	<i>Council notes that the requirement for the provision of one large tree or two medium trees for every 80 m² of deep soil zone has not been adequately demonstrated in the submitted documentation.</i>

Issue	Comment
	The proposed tall trees are located too close to structures and boundaries, limiting long-term growth potential. In particular, the proposed Sydney Blue Gum is unsuitable due to insufficient space at maturity and should be replaced with a more appropriate species. <i>Council further notes the landscape design does not contribute to the streetscape and amenity contrary to Objective 4O-2 in the ADG.</i> The ADG stipulates objectives and guidance for provision of trees on sites, not minimum requirements. It is noted that the ADG does not talk to retention of existing trees in which the proposal makes significant effort to ensure trees at the site are retained and it is considered that sufficient trees have been provided with respect to the site constraints. The proposed provision of the <i>Eucalyptus saligna</i> (Sydney Blue Gum) has been supported by a suitably experienced landscape architect. Should this particular tree still not be supported, a suitable condition can be imposed confirming an appropriate replacement species. The proposed landscaped area complies with the relevant provisions of the Housing SEPP. Council's concern regarding the landscape design not contributing to the streetscape and amenity is not supported. The proposal includes a comprehensive landscape design which will significantly improve the landscaped area at the site and provides for dense plantings at all boundaries and within areas of communal open space. Additionally, four additional trees will be retained from the original proposal which will assist in maintaining the continuity of canopy cover and streetscape character.
Part 4P. Planting on structures soil depths and soil volumes.	<i>Council notes that these issues remain unresolved.</i> Revised Landscape Plans have been provided at Appendix 6 of the Submission Report, demonstrating the incorporation of appropriate vegetation at Levels 7 and 8 to assist in mitigating summer wind impacts. While not all proposed planting achieves a minimum height of 1.5 metres, the landscaping is capable of achieving the wind mitigation outcomes identified in the Wind Impact Assessment and is consistent with the design guidance in Part 4P of the ADG.
Ku ring gai DCP	

Issue	Comment
Part 13 Tree and Vegetation Preservation	<i>Council notes the AIA does not provide an accurate impact assessment of the proposed structures on existing trees proposed for retention and is inconsistent with the objectives and controls of Part 13 (Tree and Vegetation Management) and Part 4A.4 (Landscape Design) of the Ku-ring-gai DCP.</i> The application is supported by a comprehensive AIA prepared by a suitably qualified arborist, which identifies the trees proposed for retention and assesses the likely impacts of the development on those trees. The AIA concludes that the proposal can proceed subject to the implementation of appropriate tree protection measures and arboricultural recommendations during construction. The applicant does not agree that the AIA fails to accurately assess impacts on retained trees. The report provides an assessment of the relationship between the proposed development and surrounding vegetation, identifies potential impacts within Tree Protection Zones (TPZs), and outlines mitigation measures to ensure the ongoing viability of trees proposed for retention. Any residual impacts associated with construction activities can be appropriately managed through standard conditions of consent requiring compliance with the recommendations of the AIA, installation of tree protection fencing, project arborist supervision, and adherence to approved tree protection measures throughout the construction process.
Part 7A.6 Deep Soil Landscaping	<i>Council notes the development fails to meet the minimum requirement of 50% deep soil landscape area and confirms the proposal provides 482.1 m² (13.9% of site area) of compliant deep soil landscape areas aligned with KDCP controls.</i> As above, the proposal provides adequate deep soil areas to meet relevant provisions that apply to the site under the Housing SEPP (both under Chapter 2 and the ADG).
Part 7A.6 Insufficient tree replenishment	<i>Council notes the proposal should be amended to retain existing trees within the front setback, provide larger areas of deep soil landscaping within communal ownership, and achieve the minimum tall tree planting requirements necessary to reinforce the local landscape character.</i> The updated proposal has resulted in a substantial increase to proposed trees that are to be retained on the site, with the retention of four additional trees that will maintain the continuity of canopy cover and streetscape character. Furthermore, the proposal includes a comprehensive landscape design which will significantly improve the landscaped area at the site and provides for dense plantings at all boundaries and within areas of communal open space.

Issue	Comment
Part 21.1 General Site Design – Earthworks and Slope	<i>Council notes:</i> <i>the proposed cut and fill is not supported and the ground floor units are recessed more than 1 metre below natural ground level and the adjoining public domain, creating undesirable private open space outcomes.</i> <i>the proposed fill along the rear of the site, together with retaining walls along the boundary, is not supported as it requires the removal of existing vegetation and creates an undesirable interface with adjoining properties</i> <i>proposed changes to ground levels within the side and rear setbacks are not supported. Existing ground levels should be maintained within 2 metres of all boundaries to comply with Control 5 of Part 21.1 of the KDCP</i> <i>proposed ground level changes will adversely affect multiple existing trees and require an updated Arboricultural Impact Assessment with detailed tree-sensitive construction methods.</i> <i>walkways within tree root zones must be raised above natural ground level, use permeable materials and be constructed using tree-sensitive methods.</i> <i>structural supports within root zones must use hand-excavated isolated footings, with all significant roots retained and protected.</i> The proposed cut and fill has been designed to respond to the existing topography of the site and the requirements of the built form outcome sought. While it is noted that parts of the ground floor are recessed below natural ground level and the adjoining public domain, this is a deliberate design response that assists in integrating the development into the site, reducing perceived bulk, and enabling appropriate articulation of the built form at street and boundary interfaces. The resulting private open space areas remain functional and appropriately designed having regard to outlook, usability and privacy. The proposed fill to the rear of the site, together with boundary retaining structures, has been carefully located to respond to site constraints and the overall development layout. Any potential interface impacts, including with existing vegetation and adjoining properties, can be appropriately managed through detailed design and construction-stage controls, including standard consent conditions relating to structural design, erosion and sediment control, and construction methodology.

Issue	Comment
	In relation to Control 5 of Part 21.1 of the KDCP, the proposed level changes have been designed having regard to the existing site conditions and the functional requirements of the development. It is noted that strict application of a 2-metre boundary ground level limitation may not be practicable across all parts of the site, however, the intent of the control to manage amenity and interface impacts is achieved through the proposed design and can be further reinforced through appropriate conditions of consent. With respect to impacts on existing vegetation, the proposal has been developed in consultation with arboricultural advice. While some level of interface with tree root zones is anticipated, these impacts can be appropriately managed through detailed construction-stage controls. It is accepted that an updated Arboricultural Impact Assessment may be required prior to construction, and conditions of consent can be imposed to require compliance with tree protection measures, including tree protection zones, fencing, and ongoing arborist supervision where necessary. Where works occur within or adjacent to tree root zones, appropriate tree-sensitive construction methodologies including raised walkways, permeable surface treatments, and hand-excavated or isolated footing solutions where required. This can be secured by condition to ensure retained vegetation is appropriately protected. Accordingly, while the Council's concerns are noted, the proposed design is considered acceptable in principle, with any residual construction and interface matters able to be satisfactorily addressed through the imposition of appropriate conditions of consent.
D. Environmental Health	
Acoustic report	<i>Council notes uncertainty as to whether the current acoustic assessment reflects the latest proposed development scheme and rooftop plant configuration. Clarification is sought regarding the final number and arrangement of rooftop condenser units and whether the operational acoustic assessment needs to be updated to align with the current proposal.</i> The Acoustic Assessment Response (Attachment 9) confirms the Noise and Vibration Impact Assessment (Attachment 10) submitted as part of the revised application has been updated based on the latest set of architectural plans dated 9/4/2026.
E. Engineering	

Issue	Comment
Water Management	<i>Council notes that these issues remain unresolved, providing no further comment from the original submission.</i> All relevant Section 68 documentation, as it relates to stormwater management, are provided at Appendix 18 of the of the original Submission Report. This includes an evaluation of CCTV footage from the CCTV video of the existing pit and pipe of Council's trunk drainage system. Council's request for a water balance model is noted. Notwithstanding, the DCP does not apply as per Section 2.10 of the Planning Systems SEPP and sufficient information has been provided by way of the Stormwater Management Plan submitted with the EIS.
Traffic generation and associated impacts	<i>Council notes that these issues remain unresolved, providing no further comment from the original submission.</i> The updated Transport Impact Assessment submitted as part of the original Submission Report did not provide a cumulative impact assessment of nearby development proposals. As previously discussed, a Traffic assessment response (Attachment 8) has been provided which provides a cumulative impact assessment of the surrounding developments, which confirms that the proposed development would not adversely impact the existing road network operation.
Parking provision and design	<i>Council notes that these issues remain unresolved, providing no further comment from the original submission.</i> The proposal has been updated to provide 20 visitor parking spaces. Nevertheless, as previously noted under Section 2.10 of the Planning Systems SEPP, DCPs do not apply to SSD. Accordingly, section 6.1 of the DCP does not apply to this application. Cross-sections have been updated to ensure a 2.6m clearance to accommodate the waste collection vehicle and other service vehicles (refer Appendix 4 of the original Submission Report). An updated Operational Waste Management Plan (OWMP) has also been provided to confirm that an appropriate operational waste management strategy will be in place once the development is occupied (refer Appendix 13 of the of the original Submission Report).

Issue	Comment
	As previously established, the relevant provisions of the DCP do not apply to the proposed development and, accordingly, there is no requirement to provide an on-site bulky goods collection point under Section 25B.2. In the absence of that requirement, there is no planning basis to mandate that the development accommodate larger service or delivery vehicles within the site. In any event, vehicles exceeding 2.6 m in height are not typical of day-to-day residential servicing and are more appropriately managed within the public domain. Adequate on-street parking and loading opportunities are available in the immediate vicinity to accommodate such occasional vehicles. Requiring the development to provide additional vertical clearance for infrequent, oversized vehicles would impose an unnecessary design constraint and is not warranted having regard to the scale and nature of the proposal.
Access Point	Driveway gradients have been revised to ensure a 5% fall from the boundary for the first 6m into the site (refer Appendix 4 of the original Submission Report). As confirmed in the Landscape Plans, Blue Flax Lily is to be provided within the sight triangles (refer Appendix 6 of the original Submission Report). This plant achieves a mature height of 0.5m and therefore has no impact on lines of sight for vehicles entering or exiting the site. This is consistent with Austroad guides which recommended a maximum plant height of 600mm. As previously noted, under Section 2.10 of the Planning Systems SEPP, DCPs do not apply to SSD. Accordingly, Section 25B.2 of the KDCP does not apply to this application. Notwithstanding, a loading bay has been provided in accordance with minimum dimensions.
Preliminary Construction Traffic Management Plan	Killeaton Street will remain as a construction vehicle arrival/departure route. This is considered acceptable for the following reasons: - the original assessment detailed truck access from the west, where the road is narrower and curved. The revised report adopts an eastern approach via the straighter and wider Pacific Highway, improving manoeuvrability - Killeaton Street also accommodates bus services, indicating it can safely support construction vehicles <i>NSW Road Rules 2014</i>, Rule 104, provides an exemption to “No Truck” restrictions where there is no alternative route available for trucks to access a site

Issue	Comment
	The development application at 46-50 Cowan Road has not been accounted for as it is currently under assessment. Further detailed justification regarding compliance with this issue is provided in the original Submissions Report.
Impacts on Council Infrastructure	The applicant raises no issue with a condition of consent requiring detailed design drawings in relation to stormwater engineering prior to the issuing of a Construction Certificate.
Geotechnical Investigation	Noted. Prosper raises no issue to a condition of consent requiring a pre and post dilapidation report as well as a dilapidation survey of Council's public infrastructure.
Water Management	All relevant Section 68 documentation, as they relate to stormwater management, is provided at Appendix 18 of the original Submission Report. This includes an evaluation of CCTV footage from the CCTV video of the existing pit and pipe of Council's trunk drainage system. The application is supported by comprehensive stormwater plans which demonstrate the proposed drainage strategy, including the relocation of drainage infrastructure associated with the development. The detailed design, sizing and hydraulic performance of the proposed system are matters more appropriately addressed during the Construction Certificate stage, when final engineering design is undertaken. It is also noted that the proposal involves the extinguishment of the existing drainage easement and the creation of a replacement easement to accommodate the proposed drainage infrastructure. The establishment of the new easement, together with the submission of detailed hydraulic design and any supporting calculations required to demonstrate the performance and capacity of the system, can be secured through appropriate conditions of consent. The proposed KIP within Cowan Road will be designed in accordance with Council specifications, including appropriate surface and invert levels. Detailed design drawings can be amended and submitted for Council approval as part of the detailed design/engineering approval stage. A "Before You Dig Australia" (BYDA) service search will be undertaken, and detailed service location plans will be prepared to ensure all existing utilities are accurately identified and that no conflicts arise with the proposed drainage works.

Issue	Comment
Parking / Vehicular Access & Traffic Assessment	<i>Council notes the shortfall in visitor car parking is a substantial non-compliance and not supported. Council still recommends that the visitor bicycle parking distributed roughly evenly across the 2 main pedestrian entry points from Cowan Road.</i> The updated proposal provides for an increase in visitor parking, with 20 visitor car parking spaces now provided. This ensures consistency with the KDCP. Bicycle parking is now provided at the main entry point from Cowan Road. <i>The following must be included as conditions of consent:</i> • <i>For new residential flat buildings, Council's DCP require that all bulky goods waste material is placed on the on-site Bulky Goods Collection Point ready for collection. Materials placed on the footpath will not be collected and will incur a penalty fine. To facilitate bulky goods waste collection, in accordance with Section 25B.2 of the KDCP, an on-site Bulky Goods Collection Point as part of the entry access driveway is required (a separate hardstand area is not permitted). The collection point is to measure a minimum 2.0m wide x 3.5m long and is to be setback 2.5m from the street boundary. The position of the loading area must not prevent access to and from the basement level car park, with at least one travel lane to be maintained at all times while temporary storage of bulky goods takes place on the driveway. The temporary storage space should be line marked as a designated Bulky Goods Collection Point. This should be included as a condition of consent.</i> • <i>Condition to be imposed prior to occupation: 'No Parking' restrictions for 6 metres on either side of the driveway are to be implemented. Council's fees and charges for referral to the Ku-ring-gai Transport Forum and installation of signs apply.</i> • <i>Condition to be imposed prior to any work commencing, 'A detailed Construction Traffic Management Plan must be submitted and approved by Council.'</i> • <i>Regarding Section 7.2.7 of the PCTMP (Other Construction Activities) notes there are no major construction sites within 250m from the site. However, as noted in Traffic Generation above, there is a development application at the same stage as this one at 46-50 Cowan Road. This needs to be considered in this section of the PCTMP, the following condition must be imposed prior to any work commencing:</i>

Issue	Comment
	<i>A detailed Construction Traffic Management Plan must be submitted and approved by Council with consideration to be given to any overlapping construction sites within 250m of the site.</i> The applicant raises no objection to the above being included as conditions of consent in any approval granted.
Affordable Housing Needs	<i>Council recommends that all affordable housing units within the development should be operated by a Community Housing Provider in perpetuity.</i> The proposed affordable housing will be dedicated for a minimum period of 15 years in accordance with Chapter 2, Division 1, Section 21 of the Housing SEPP. This is consistent with the statutory minimum requirement under the Housing SEPP, which requires a minimum 15-year dedication period. A CHP has been engaged to manage the housing in accordance with the Housing SEPP.
Social Infrastructure and Services	The proposal is located within an area identified for low and mid-rise housing growth under the State Government's planning framework. Accordingly, the development is consistent with the strategic intent of State-led housing policy, which directs increased housing supply to appropriately identified locations supported by existing or planned infrastructure. While it is acknowledged that population growth associated with increased housing delivery may result in additional demand for social infrastructure, these matters are primarily a matter for State and local strategic infrastructure planning and funding, rather than being required to be resolved at the individual development application level. Notwithstanding this, the subject proposal represents a single contribution within a broader, planned growth context, and does not in itself materially alter the capacity or operation of existing social infrastructure networks, including schools, health services, and community facilities. The provision and timing of upgrades to these services is appropriately managed through government-led infrastructure planning, which considers cumulative demand across the wider catchment. Accordingly, the proposal is considered acceptable having regard to the applicable planning framework, and no further assessment of broader system-wide infrastructure capacity is required for the purposes of the subject application.

Issue	Comment
Local Infrastructure Contributions	Contributions payable under Council's contributions plan will be imposed as a condition of consent on any approval granted.

Attachment 3

Detailed response to the issues raised in the public submissions

Issue	Summary of Issues Raised	Additional investigations/clarification required
Site Appropriateness and Planning Context	- Site considered inappropriate for scale and intensity of development - Incompatibility with Local Planning Controls and existing character - Reliance on SEPP affordable housing provisions does not remove obligation to address underlying planning controls (EP&A Act s4.15)	As highlighted throughout the Submissions report, under Section 2.10 of the Planning Systems SEPP, DCPs do not apply to SSD. While Section 4.15 of the EP&A Act does identify DCPs as a relevant matter for consideration in the assessment of a development application, DPHI's <i>Guide to Faster Assessments for SSD Housing Applications</i> confirms DCPs do not apply to SSD applications and only may be used as a guide. Furthermore, and as outlined in the Submissions Report, there are multiple Land and Environment Court decisions that confirm DCPs are not legally binding and may only be given limited weight as a guiding document in the assessment of development applications.
Built Form, Height, Scale and Design Quality	- Height, scale and bulk inconsistent and excessive - No meaningful reduction in floor area despite "refinements" - Dwelling yield increased from 74 to 77 apartments - Reduced communal open space - Balcony removal to SE and NE elevations is contrary to residential building standards - Planter boxes on lower levels are inadequate	As addressed in the Submissions Report, refinements have been made to the design of the building, including increased upper-level setbacks and a stepped building form, which reduces the perceived bulk of the development. The additional height is limited to a small, localised portion of the roof of the top storey and is centrally positioned in response to the site's topography. Therefore, it is not readily visible from the public

Issue	Summary of Issues Raised	Additional investigations/clarification required
	Design relies heavily on mitigation measures (screens, glazing, reconfiguration), indicating overdevelopment rather than design excellence	domain and does not noticeably increase the perceived bulk or scale of the development. Submissions criticising the limited reduction in floor area and the increase in dwelling yield are not accepted as the proposed refinements have been undertaken to improve the overall building design and presentation, rather than to simply reduce the floor area of the development. Submissions also raised concerns regarding a reduction in communal open space. Notwithstanding, the amended proposal will provide communal open space equating to 28% of the site area, exceeding the ADG requirement of 25%. The communal open space is distributed across the ground level, Level 7 and Level 8, providing high levels of solar access and amenity for residents. There has been a reduction in the number and size of balconies at the south-eastern and north-eastern elevations to improve privacy outcomes. Notwithstanding this, each apartment continues to be provided with private open space that complies with the Apartment Design Guide (ADG) requirements in relation to minimum areas and dimensions. The proposed planter boxes on the lower levels form part of the integrated landscape strategy for the development and are designed to contribute to visual amenity and softening of the built form. In

Issue	Summary of Issues Raised	Additional investigations/clarification required
		addition, the lower levels will benefit from screening provided by ground floor landscaped areas, which will mature over time to deliver enhanced visual buffering, privacy, and amenity outcomes. Accordingly, the proposed planting provision is considered appropriate within the context of the overall landscape design, with further improvements in screening expected as vegetation establishes. The proposed mitigation measures are consistent with the ADG. Importantly, the extent of these measures has been reduced compared to the previous iteration of the proposal, reflecting an improved overall building design.
Overshadowing, Privacy and Amenity	Interface impacts with adjoining St Ives Shopping Village not fully assessed in terms of impacts from roof plant or western loading dock.	As addressed in the Submissions Report, further acoustic assessments assessing potential impacts from the adjoining St Ives Shopping Village have been undertaken. This includes assessments of loading dock operations and plant and substation equipment, confirming the proposed development is not expected to result in unacceptable amenity impacts for future residents as a result of its adjacency to the shopping village.
Setbacks and Street Interface	Non-compliance with Ku-ring-gai DCP street setback controls	The submitted plans demonstrate that the primary building line to Cowan Road is set back a minimum of 6 metres, consistent with the site-specific setback control under Ku-ring-gai DCP Part 14A - St Ives Local Centre, for properties at 1–19 Cowan Road. This ensures the principal built form appropriately responds to the public domain and

Issue	Summary of Issues Raised	Additional investigations/clarification required
		maintains the intended landscaped separation and streetscape interface. It is acknowledged that there are minor localised encroachments into the 6m setback plane by architectural elements such as planter boxes and associated ground floor terrace treatments. However, these encroachments are minor in nature, visually permeable, and do not alter the established building line, which is maintained at the required 6m setback. The extent of encroachment is considered imperceptible in the broader streetscape context and does not compromise the function or intent of the setback control. Notwithstanding, as noted throughout the Submissions Report and outlined above, Section 2.10 of the Planning Systems SEPP confirms that DCPs do not apply to SSD.
St Ives Shopping Village – Noise, Vibration and Operations	• No adequate acoustic/vibration assessment of loading dock, traffic, plant or substation equipment • Acoustic Logic states the eastern noise logger captured noise from both St Ives Shopping Village and Mona Vale Rd, and that the façade design accounts for these noise sources. • However, the eastern noise logger was positioned at approximately RL 169m, while the Coles roof parapet is at RL 175.1m — around 6.1m higher. • As a result, noise from roof-mounted plant may have been screened by the shopping village	The Acoustic Assessment Response prepared by Acoustic Logic at Attachment 9 confirms the site inspection demonstrated that traffic noise from Mona Vale Road is the dominant noise source for the site. Notwithstanding, indicative assessments have been undertaken to evaluate potential noise impacts from the rooftop mechanical plant and loading dock. These assessments confirm that internal noise levels can achieve the project criteria when considering the combined noise generated by

Issue	Summary of Issues Raised	Additional investigations/clarification required
	roof parapet, making the logger data potentially unreliable and likely under representative. • Similarly, noise from the western loading dock may have been screened by the dock's sunken design and surrounding fence lines. • Apartments will sit above noise sources, likely increasing actual exposure compared to modelled results	traffic, the Coles rooftop plant and the Coles loading dock.
Landscaping and Deep Soil	• Insufficient tree retention (6 provided vs 12 required, 30% front setback target not achieved) • Deep soil areas overestimated as it includes a Storm Water line and an encroachment of built-up Communal Area. • Encroachments from drainage/stormwater and built form reduce true planting capacity • Reliance on rooftop/podium planting inadequate substitute for ground-level canopy • Retaining walls, fencing and private courtyards reduce landscape continuity	The removal of trees T2 and T19 are required due to their location within the proposed building footprint at ground floor and the location of the substation and fire booster which cannot be further amended. T2 is proposed to be replaced with a locally native Turpentine to support the long-term streetscape canopy T20 is to be removed, given it has low significance and is located within the zone of sight triangle of the driveway. While the proposal does not achieve the 30% front setback objective, the landscape design responds appropriately to site constraints and delivers meaningful replacement planting and improved functional streetscape outcomes. There are minor encroachments of deep soil areas shown on the deep soil plans. Notwithstanding this, the calculations show the provision of 25.1% of the site as deep soil zone, substantially exceeding the non-discretionary minimum deep soil requirement of 15% of the site of Chapter 2, Section 19 of the Housing SEPP. Recalculation of the deep soil areas with consideration to the encroachment of the stormwater and communal open space still

Issue	Summary of Issues Raised	Additional investigations/clarification required
		ensures the proposal far exceeds these minimum requirements.
Traffic Impacts	- Traffic counts not representative (limited time periods, no weekend/event peaks). This violates the TfNSW Guide to Transport Impact Assessment (2024) requirement for “representative survey periods.” - Underestimation of peak-hour trips - the formula used in the TIA (“0.19P + 1.79”) assumes high public transport accessibility. - St Ives has no train station and limited bus frequency - Traffic modelling based on unrealistic “low car use” assumptions	The Traffic Assessment Response (Attachment 8) concludes that a weekend traffic analysis is unnecessary, given that the proposed residential flat building development is anticipated to generate peak traffic movements during weekday commuter periods (AM and PM peaks). Furthermore, the local road network does not typically experience significantly greater weekend traffic demand associated with this land use. The Traffic Assessment Response also notes that the weekday peak traffic generation is equivalent to one trip for every 2 to 3 minutes during the peak hour periods. This level of traffic generation is considered minor and is not expected to result in any perceptible impact in the context of the existing road network. The formula used in the Transport Impact Assessment submitted as part of the revised application is sourced from the TfNSW’s <i>Guide to Transport Impact Assessment</i> (2024), with the formula referring to low public transport accessibility and high private car usage which accurately reflects the existing site context.
Parking Supply and On-Street Impacts	- Reliance on shopping centre parking considered inadequate and unreliable - Shopping Centre car park is at 91% occupancy (above Austroads threshold). This is not addressed and the proponent relies on “linked	The development does not rely on shopping centre parking, as the proposed car parking provision (including for affordable housing) satisfies the minimum requirements of the Housing SEPP and the relevant provisions of Part 7B of the KDCP. The

Issue	Summary of Issues Raised	Additional investigations/clarification required
	trips” to justify reduced visitor parking despite KDCP requirements. • Cowan Road already fully utilised by staff/overflow parking • Construction workforce will likely overwhelm local street parking • The TIA does not address safety conflicts between vehicles entering/exiting the 5–9 Cowan Road basement and the adjacent shopping village traffic	Housing SEPP does not prescribe a visitor parking rate. Accordingly, the proposal complies with the applicable non-discretionary parking standards for both market and affordable housing. Notwithstanding this, the amended design increases the proportion of visitor parking, with the TIA confirming the provision is appropriate. The TIA confirms the proposal will not result in any adverse traffic or on-street parking impacts during construction, outlining a tool drop-off and storage facility will be provided within the site. This will provide workers with an area to drop-off and store their tools and machinery, allowing them to use public transport to travel to and from the site daily. Once the internal driveway and basement car park are built (and when construction activity is most intensive), workers will be able to park in the basement. The proposed driveway access to the basement generally aligns with the existing driveway arrangement and maintains a consistent access point within the local road network context. It is noted that the subject driveway is located approximately 80 metres from the shopping village entry and exit point, which provides a substantial separation distance that assists in minimising potential interaction between vehicle movements associated with the respective developments. On this basis, the likelihood of safety conflicts between vehicles entering and exiting the subject site and

Issue	Summary of Issues Raised	Additional investigations/clarification required
		traffic associated with the adjacent shopping village is considered to be low. Any residual interface considerations can be appropriately managed through standard traffic and road safety conditions of consent, as required.
Road Safety and Pedestrian Access	• There are no signal-controlled crossings on the north side of Cowan Rd to access St Ives Village Shopping Centre. • There are no traffic lights at Killeaton St / Cowan Rd. • The traffic report fails to evaluate pedestrian delay, risk, or disability access under AS 1428.1 and TfNSW Active Transport Guidelines. • Absence of controlled crossings conflicts with SEARs Item 9 requiring assessment of interruptions to regular pedestrian and transport routes • The surrounding population includes a high proportion of older residents	The assertion regarding the absence of signal-controlled crossings on the north side of Cowan Road is noted. However, this does not give rise to a relevant constraint for the subject site, which is located on the southern side of Cowan Road. Pedestrian access to St Ives Village Shopping Centre is available via existing crossing facilities and the established pedestrian network servicing Cowan Road, which provides connectivity between both sides of the road corridor. The proposal does not alter these existing pedestrian arrangements and does not generate any additional requirement for signalised crossing infrastructure as part of the development. While the intersection of Killeaton Street and Cowan Road is not signalised, this is considered an irrelevant matter in relation to pedestrian safety concerns raised in the submissions, given its substantial separation from the site (approximately 420m). The proposal adequately addresses AS 1428.1 for any proposed works within the site. The proposed development does not involve any works to Cowan Road or surrounding streets and is therefore not required to address AS 1428.1 in this context.

Issue	Summary of Issues Raised	Additional investigations/clarification required
		The TIA addresses potential disruptions to pedestrian and traffic movements during construction, consistent with SEARs item 9. Mitigation measures include notification to neighbouring properties regarding construction activities and timing, as well as the installation of temporary fencing along the site perimeter to separate the works area from pedestrian routes and adjacent properties where required. The TIA confirms that construction activities will not result in adverse impacts on surrounding road users, including cyclists or public transport services. Subject to the findings of the TIA and proposed mitigation measures, potential impacts on elderly pedestrians is considered minimal.
Construction Impacts	• 16+ month construction period will create congestion, noise, dust and safety impacts • Impacts to nearby property at 164 Mona Vale Road not adequately assessed • Concurrent developments at 46–50 Cowan Rd ignored and the response is considered inadequate in accordance with s4.15(1)(b) of the EP&A Act • It is proposed that construction workers will use public transport to the site which is extremely unlikely • Loading/construction traffic conflicts on narrow Cowan Rd corridor	It is noted the TIA only provides a Preliminary Construction Management Plan. A detailed Construction Management Plan will be prepared following the engagement of a builder and consideration of all final design selections. The Acoustic Report confirms that the number of affected receivers is limited, with exceedances occurring only at the western façade of 164 Mona Vale Road when plant is operating in close proximity to the receiver. No additional specific mitigation measures are required beyond standard “good practice” construction management. Potential dust and vibration impacts can be appropriately

Issue	Summary of Issues Raised	Additional investigations/clarification required
		managed through the mitigation measures outlined in Appendix 2 of the Submissions Report. As stated above, the Traffic Assessment Response (Attachment 8) has included a cumulative impact assessment of the following surrounding developments: • 46-50 Cowan Road, St Ives • 4, 12 and 14 Cowan Road, St Ives (Pymble Golf Club) The assessment confirms that the proposed development would not adversely impact the existing road network operation. As previously noted above, the TIA confirms that the proposal will not result in any adverse traffic or on-street parking impacts during construction, subject to the implementation of measures outlined within the CTMP. Additionally, the TIA outlines that all workers are to be encouraged to utilise public transport, with bus and train schedules to be provided to all workers during site induction, and to carpool wherever possible.
Construction Traffic Route	• Council has confirmed Killeaton Street (Regional Road 2043) is load-limited and unsuitable for construction traffic • The proponent's reliance on Road Rule 104 and existing bus movements is considered unresponsive, as viable alternatives (Mona Vale Road / Pacific Highway) have been	As demonstrated in the Submissions Report, it is appropriate for Killeaton Street to be utilised as the construction vehicle arrival and departure route for the following reasons: • The original assessment considered access from the west, which involves a narrower and

Issue	Summary of Issues Raised	Additional investigations/clarification required
	identified by Council and should be used instead	more constrained alignment. The revised approach utilises the eastern access via the Pacific Highway, which is straighter and wider, providing improved vehicle manoeuvrability and safety outcomes. • Killeaton Street accommodates regular bus services, demonstrating its suitability to safely accommodate construction vehicle movements. • The application of NSW Road Rules 2014 (Rule 104) is necessary and appropriate given site constraints, as there is no feasible alternative access once the basement/foundations are constructed and internal vehicle turning is no longer possible within the site.
Cumulative Impacts	• The Guide to TIA (TfNSW 2024) requires cumulative assessment of all consented or proposed developments within the same traffic catchment. • Council required a cumulative traffic assessment considering this DA, 46–50 Cowan Road, and the gazetted Pymble Golf Club Planning Proposal • s4.15(1)(b) requires assessment of likely impacts, including reasonably foreseeable cumulative development	The Traffic Assessment Response (Attachment 8) has included a cumulative impact assessment of the following surrounding developments: • 46-50 Cowan Road, St Ives • 4, 12 and 14 Cowan Road, St Ives (Pymble Golf Club) The assessment confirms that the proposed development would not adversely impact the existing road network operation.
Affordable Housing and Social Impacts	• St Ives is car-dependent and not within 800 metres of a railway station or transport hub, raising concerns about the effectiveness of relying on affordable housing provisions to justify additional height and density	The State Government has identified St Ives as a Low and mid-rise housing inner area, thereby determining the site as suitable for increased heights and densities. The provision of affordable housing forms one component of a broader housing response for the site.

Issue	Summary of Issues Raised	Additional investigations/clarification required
	• Unequal amenity outcomes for affordable units (solar access, design quality) • Short-term (15-year) affordable housing tenure opposed to Council preference for perpetual • Potential social tension between resident groups	Affordable housing distribution has been amended to ensure equal distribution throughout the development across multiple levels. This approach ensures that affordable housing units achieve the same level of amenity as market housing and avoids the concentration of affordable housing within a single location. Part 2, Division 1 of the Housing SEPP requires a minimum 15-year term for affordable housing, which the proposal satisfies and is therefore consistent with the relevant statutory requirements. Concerns regarding potential social tension between resident groups are not supported . The amended design improves the integration and distribution of affordable housing dwellings throughout the development, supporting social cohesion and a consistent residential amenity outcome.
Infrastructure and Services	• Public transportation consists solely of bus services that are already congested, with buses running every 30 mins- 1 hr. • Council identified the need for additional library, cultural, community, recreation and open space provision; the response is “Noted” with no commitment.	As outlined above, the State Government has identified St Ives as a Low and mid-rise housing inner area and has determines the locality satisfies the accessibility requirements defined under the Housing SEPP. Council's identification of a need for additional social infrastructure and services does not create a specific requirement for the development itself, nor does it constitute a request for the Applicant to enter into a Voluntary Planning Agreement (VPA).

Issue	Summary of Issues Raised	Additional investigations/clarification required
Engineering / Technical Issues	- Drainage easement discrepancy (Council vs applicant claims unresolved) - Condenser count inconsistency (74 vs 62; mismatch with updated 77-unit scheme and BASIX expectations)	As per the response to DPHI's RFI, the easement will be extinguished. A condition of consent requiring a new easement be registered on title for the revised stormwater infrastructure is considered acceptable. The proposal provides for 80 condenser units on the Level 7 rooftop (as shown on the Level 8 plan). The additional condensers ensure larger apartments are adequately serviced.
Developer Contributions	- s7.11 contributions considered inadequate for required local works - The RtS response ("Noted") does not address the adequacy of the contributions for the specific Cowan Road frontage improvements identified as necessary for the locality.	Council's Contributions Policy is a council policy and relevant contributions required under this policy will be conditioned. There is no legislative requirement for the Applicant to enter into a VPA in relation to the proposed development.
Ground Floor Design Issues	- Ground floor apartments below natural ground level - Concerns about dampness, drainage, and long-term maintenance risk	The proposal includes a considered design response to the existing site levels, with the ground floor apartments appropriately integrated into the natural topography and surrounding built form context. While portions of the ground floor are located below natural ground level, this is to be carefully managed through the provision of appropriate building design measures, including waterproofing, subsoil drainage, and compliant finished floor level treatments, to ensure suitable residential amenity is achieved. Concerns regarding dampness, drainage, and long-term maintenance risk are noted, however, these are standard engineering and construction matters

Issue	Summary of Issues Raised	Additional investigations/clarification required
		that are routinely addressed through detailed design and construction certification processes. The development will be required to comply with relevant structural and waterproofing provisions of the Building Code of Australia, with appropriate drainage systems and moisture protection measures incorporated to mitigate any such risks.
Dismissal of DCP Controls	• The applicant's reliance on Section 2.10 of the Planning Systems SEPP is not a complete answer • It does not extinguish the underlying planning issues those DCP controls were designed to address, and it does not relieve the consent authority of its obligations under section 4.15 of the EP&A Act • The applicant has answered the legal question while leaving the planning question untouched	As previously outlined within the Submissions Report and above, Section 2.10 of the Planning Systems SEPP confirms that DCPs do not apply to SSD. Rather, the proposal has been subject to a merit-based assessment against the applicable statutory framework, including the Housing SEPP and ADG, providing the relevant assessment criteria for built form, amenity, landscaping, setbacks, privacy and solar access. Accordingly, the design has been refined having regard to these considerations to ensure appropriate residential amenity.