

The logo for URBIS, featuring the word "URBIS" in a bold, white, sans-serif font. The letters are contained within a white square frame that is partially open on the right side. A thick white vertical line runs down the left side of the page, and a thick white horizontal line runs across the top, intersecting the vertical line and the logo's frame.

URBIS

CLAUSE 4.6 VARIATION REQUEST

16-24 Lord Street & 21-27
Roseville Avenue, Roseville

SSD-78996460

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming
Artist Hayley Pigram
Darug Nation
Sydney, NSW

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CONTENTS

Acknowledgement of Country	2
Request to Vary a Development Standard	1
Request to Vary Section 18(2) of State Environmental Planning Policy (Housing) 2021.....	1
Site and Proposed Development	1
Planning Instrument, Development Standard and Proposed Variation	6
Justification for the Proposed Variation.....	11

Disclaimer	10
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FIGURES

Figure 1 Site Maps.....	3
Figure 2 Locality Photographs	4
Figure 3 Proposed Variation (Height Plane).....	8
Figure 4 Proposed sections	9
Figure 5 Shadow Diagrams	0
Figure 6 Visual impact of exceedance – comparison between SSSA lodgement scheme and revised Response to Submissions scheme	3
Figure 7 Sections showing existing swimming pools	9

PICTURES

Picture 1 Location Plan.....	3
Picture 2 Aerial Map	3
Picture 3 Looking north-east along Lord Street.....	4
Picture 4 Looking south-west along Lord Street.....	4
Picture 5 Looking north-east along Roseville Avenue	4
Picture 6 Looking south-west along Roseville Avenue.....	4
Picture 7 Section showing the existing pools at 27 Roseville Avenue and 22 Lord Street	9
Picture 8 Section showing the existing pools at 25 and 27 Roseville Avenue	9
Picture 9 Section showing the existing pools at 16 – 22 Lord Street	9

TABLES

Table 2 Site Description.....	1
Table 3 Development Description	4
Table 4 Numerical value of development standard to be varied	6
Table 5 Proposed Maximum Building Heights	7
Table 6 Wehbe 5 Part Test.....	11
Table 7 Summary of Overshadowing reduction	14

APPENDICES

APPENDIX A Shadow Diagrams

REQUEST TO VARY A DEVELOPMENT STANDARD

REQUEST TO VARY SECTION 18(2) OF STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

This Clause 4.6 Variation Request (**Variation Request**) has been prepared to justify the proposed exceedance of the applicable maximum height of building control under section 18(2) of the State Environmental Planning Policy (Housing) 2021 (**Housing SEPP**).

There are also several existing swimming pools located on the site, which has resulted in a technical exceedance of the prevailing height control if strict adherence to the definitions of *building height* and *ground level (existing)* were to be adopted.

The Variation Request seeks to vary to the maximum building height for the site prescribed in the Housing SEPP. This request is made pursuant to clause 4.6 of the Ku-ring-gai Local Environmental Plan 2015 (**KLEP 2015**). This request should be read in conjunction with the Environmental Impact Statement (**EIS**) prepared by Urbis Ltd (**Urbis**) dated 4 April 2025 and the Submissions Report prepared by Urbis dated 13 November 2025. In addition, this request responds to the matters raised by DPHI and Ku-ring-gai Council in relation to the Clause 4.6 Variation Request as outlined in the Key Issues letter and submissions to the SSDA.

For the reasons detailed in this request, the variation is well-founded and justified and confirms that there are sufficient environmental planning grounds to warrant a variation to the relevant building height development standard.

SITE AND PROPOSED DEVELOPMENT

1. Site Description

The key features of the site are summarised in the following table.

Table 1 Site Description

Feature	Description
Street Address	16-24 Lord Street & 21-27 Roseville Avenue, Roseville, NSW 2069
Legal Description	21 Roseville Avenue – Lot 9 DP1046734 23 Roseville Avenue – Lot 66 Section B DP3277 25 Roseville Avenue – Lot 65 Section B DP3277 27 Roseville Avenue – Lot 64 Section B DP3277 16 Lord Street – Lot 14 Section B DP3277 18 Lord Street – Lot 15 Section B DP3277 20 Lord Street – Lot 16 Section B DP3277 22 Lord Street – Lot 17 Section B DP3277 & Lot 1 DP104781 24 Lord Street – Lot 18 DP1173328.
Site Area	9,370.9 sqm
Site Dimensions	Lord Street frontage (south): 104 metres (approx.) Martin Lane frontage (east): 106 metres (approx.) Roseville Avenue frontage (north): 90 metres (approx.) Western boundary: 101 metres (approx.)
Easements and Restrictions	Refer to Section 2 of the EIS accompanying this SSDA for details on the easements and restrictions applying to the site.

Feature	Description
Site Topography	The prevailing site topography has a moderate fall in gradient from west to east of approximately 7 metres (RL92m to RL85m) (refer Survey Plan at Appendix Z).
Vegetation	The site contains planted vegetation and scattered remnant trees that are contained within the front and backyards of the existing properties. This includes a range of small, medium and mature trees as well as general residential landscaping such as ornamental gardens, turfed areas and hedging.
Existing Development	The site is currently occupied by nine (9) detached dwellings across ten (10) lots. The existing dwellings are single storey federation style bungalows. The sites at 16 to 24 Lord Street and 25 and 27 Roseville Avenue, have backyard swimming pools of varying depths.
Local Context	<p>The site is located approximately 1.7 kilometres north of the Chatswood CBD, a significant commercial centre. The Chatswood CBD hosts a range of commercial offerings including office space, shopping centres, and smaller retailers. Roseville Local Centre (Hill Street Precinct) is located approximately 200m west of the site containing a range of shops and services. Macquarie Park is located 8km west of the site.</p> <p>The site is located within the Clanville Conservation Area with none of the properties within the site listed as individual heritage items. A locally listed heritage item is located adjacent to the site at 29 Roseville Avenue, being Roseville Scout Group Hall.</p>
Adjacent Development North	On the opposing side of Roseville Avenue are single and dual storey detached dwellings.
Adjacent Development East	To the east of the site are a range single and dual storey detached dwellings.
Adjacent Development South	On the opposing side of Lord Street are several single and dual storey detached dwellings.
Adjacent Development West	To the west of the site are several single and dual storey detached dwelling. Further west of the site is the Roseville Town Centre and Roseville Train Station, along with the Pacific Highway.
Access Network	<p><u>Public Transport</u></p> <p>The site is located approximately 200 metres from the entrance to the Roseville Train Station. The Roseville Train Station affords public transport access to the Chatswood CBD, North Sydney, and the Sydney CBD, as well as other local and strategic centres on the North Shore.</p> <p>The nearest bus stop is located at the intersection of Roseville Avenue and Gerlad Avenue, approximately 200 metres east of the site. This bus stop is serviced by the 558 bus route which operates between Chatswood and Lindfield via Roseville.</p> <p><u>Road Network</u></p> <p>The site is located approximately 400 metres from the Pacific Highway which connects the Sydney CBD with the North Shore. The site is located 550 metres north of the Boundary Street and Pacific Highway intersection which affords access to the Northern Beaches and strategic centres of Dee Why and Brookvale.</p> <p>The site is also located 3.5 kilometres north of the M1 Motorway which connects the Sydney CBD to the north-western suburbs and Greater Western Sydney.</p>
Transport Oriented Development Program	The site is mapped as a Transport Oriented Development (TOD) site within the Roseville area.

Figure 1 Site Maps



Picture 1 Location Plan



Picture 2 Aerial Map

Source: Urbis

Figure 2 Locality Photographs



Picture 3 Looking north-east along Lord Street



Picture 4 Looking south-west along Lord Street



Picture 5 Looking north-east along Roseville Avenue



Picture 6 Looking south-west along Roseville Avenue

Source: Urbis

2. Proposed Development

A summary of the key features and details of the proposed development (including land use and works) is provided in the table below:

Table 2 Development Description

Project Element	Summary
Project Summary	<p>The project includes demolition of existing buildings and structures on the site and construction of 252 residential apartments with affordable housing and basement parking. Specifically, the SSDA seeks development consent for:</p> <ul style="list-style-type: none"> Demolition of existing buildings and structures and removal of selected trees. Excavation & construction of a 3-level basement. Construction of a residential flat building up to 9-storeys in height (RL120.45m) to provide 252 apartments including affordable housing, residential amenities and services. Provision of car parking spaces at basement level and bicycle parking. Provision of hard and soft landscaping. Associated works for the provision of infrastructure and servicing.
Site/Project Area	<p>The site has a total area of 9,370.9m². The majority of the site will be physically disturbed by the project.</p>

Project Element	Summary
Proposed uses	Residential flat building
Apartments and Mix	<p>The proposal will deliver 252 dwellings in the following mix:</p> <p>1 bedroom: 29 (12%) 2 bedrooms: 112 (44%) 3 bedrooms: 101 (40%) 4 bedrooms: 10 (4%)</p> <p>197 of these apartments will be market housing and 55 apartments will be affordable housing (17% of overall GFA). All affordable housing units will be located in Building D.</p>
Gross Floor Area (GFA)	30,247.6m ²
Floor Space Ratio (FSR)	3.23:1
Maximum height	30.1m above existing ground level (RL120.45) 9 storeys
Parking	<p>344 car parking spaces: 267 residential including 32 platinum standard accessible spaces. 42 visitor spaces including 3 accessible spaces and 3 car share spaces.</p> <p>7 motorcycle parking spaces</p>
Bicycle Parking	280 spaces
Communal Open Space	2,353.8m ² (25.12% of site area)
Deep Soil Area	3,130.3m ² (33% of site area)
Estimated Development Cost	\$148,596,689 (excluding GST)

PLANNING INSTRUMENT, DEVELOPMENT STANDARD AND PROPOSED VARIATION

3. What is the planning instrument you are seeking to vary?

This Variation Request seeks to vary the Housing SEPP.

4. What is the site’s zoning?

The site is zoned R2 Low Density Residential. The site is also mapped as a TOD site meaning that, as per section 154(1) of the Housing SEPP, development for the purposes of residential flat buildings is permitted with development consent.

5. What is the development standard to be varied?

The standard to be varied is the height of buildings development standard, which is set out in section 18(2) of the Housing SEPP as follows:

18 Affordable housing requirements for additional building height

(1) *This section applies to development that includes residential development to which this division applies if the development—*

(a) *includes residential flat buildings or shop top housing, and*

(b) *does not use the additional floor space ratio permitted under section 16.*

(2) *The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).*

(3) *The minimum affordable housing component, which must be at least 10%, is calculated as follows—*

$$\text{affordable housing component} = \frac{\text{additional building height}}{\text{(as a percentage)}} \div 2$$

6. Type of development standard?

Numerical ‘non-discretionary’ development standard.

7. What is the numeric value of the development standard in the environmental planning instrument?

The site is subject to a base height permitted by section 155 of the Housing SEPP and a bonus height control permitted by section 18 of the Housing SEPP. The numerical value of the development standard to be varied is outlined in **Table 3** below. Section 155 provides building height of 22m for residential flat buildings in a Transport Orientated Development area. The maximum building height is provided by section 18(2) being 30% bonus to the 22m height development standard. This request seeks to vary section 18(2) which provides the max building height of 28.6m.

Table 3 Numerical value of development standard to be varied

Section (Housing SEPP)	Provision	Numerical Value
Section 18 Affordable housing requirements for additional building height	<i>(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height of up to 30%, based on a minimum affordable housing component</i>	22m + 30% of 22m = 28.6m

Section (Housing SEPP)	Provision	Numerical Value
	<p><i>calculated in accordance with subsection (3).</i></p> <p><i>(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i></p> <p><i>affordable housing component = $\frac{\text{additional building height}}{\text{(as a percentage)}} \times 2$</i></p>	
Total		<u>28.6m</u>

The numerical value of the development standard to be varied is **28.6m**.

8. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

The proposed maximum heights for each of the four buildings within the proposed development are provided in the table below, showing the numerical exceedance of each building. The below building heights are the top of the lift overruns for each building as the maximum height; the roof parapets for these buildings are 100mm below the height of the lift overruns.

Table 4 Proposed Maximum Building Heights

Building	Maximum Building Height	Proposed Maximum Building Height	Numerical Exceedance	Exceedance (%)
Building A	28.6m	28.51m	N/A	N/A
Building B	28.6m	29.61m	1.01m	3.5%
Building C	28.6m	29.67m	1.07m	3.7%
Building D	28.6m	29.53m	0.93m	3.2%

Therefore, the maximum proposed variation of the 28.6m development standard is 1.07m which is a percentage variation of 3.7%.

9. Visual representation of the proposed variation

Figure 3 and Figure 4 below visually display the proposed variation.

Figure 3 Proposed Variation (Height Plane)

HEIGHT EXCEEDANCE

B-B1= 0.46m

B2-B2.1= 1.01m

B3-B3.1= 0.97m

C2-C2.1= 0.876m

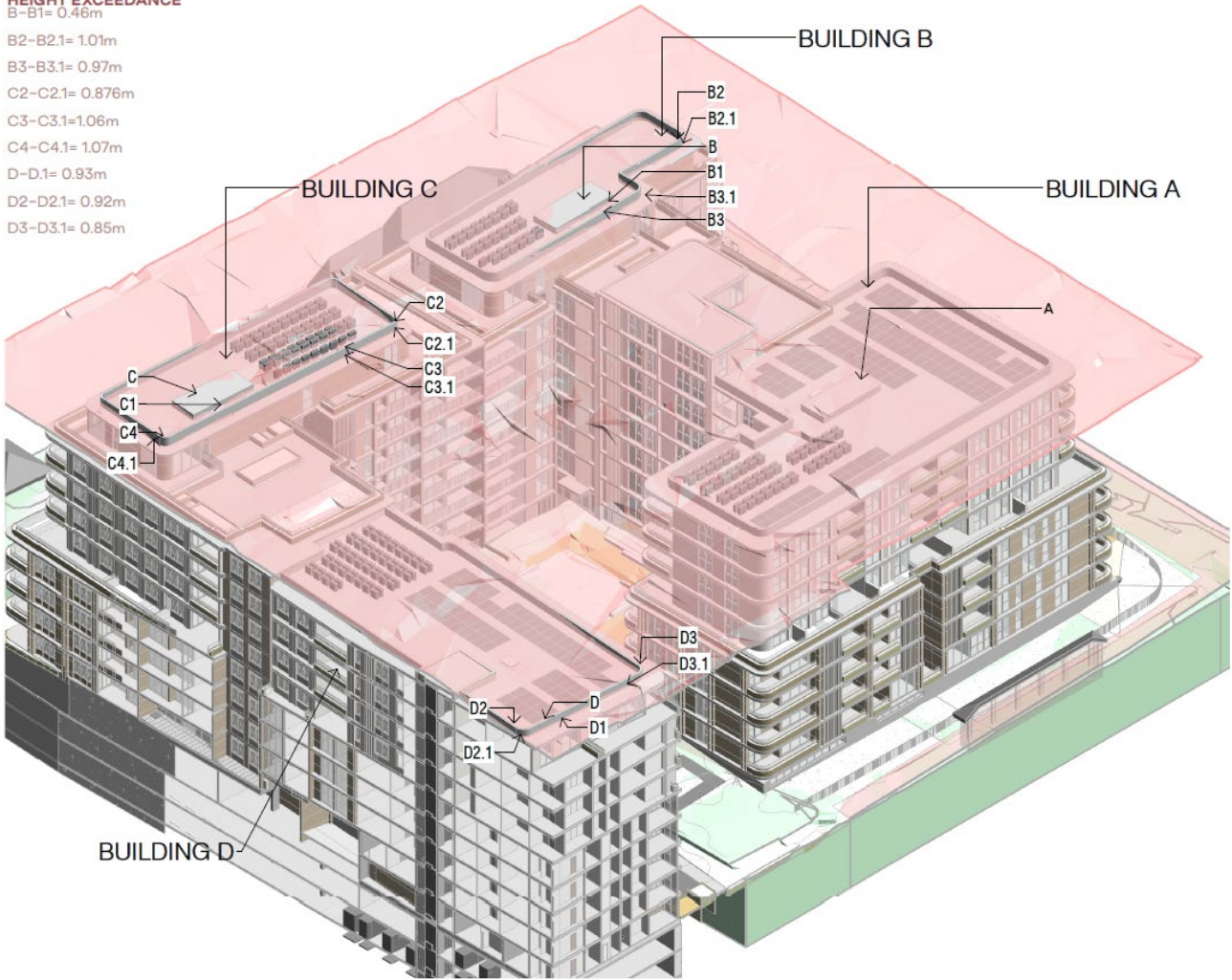
C3-C3.1=1.06m

C4-C4.1= 1.07m

D-D1= 0.93m

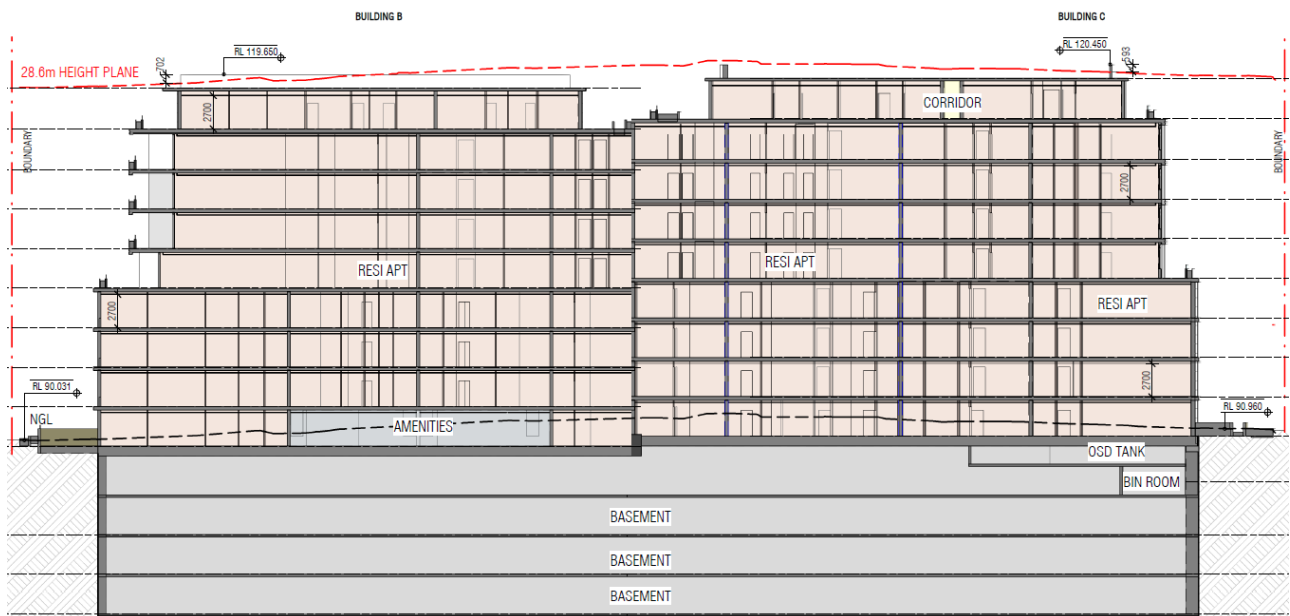
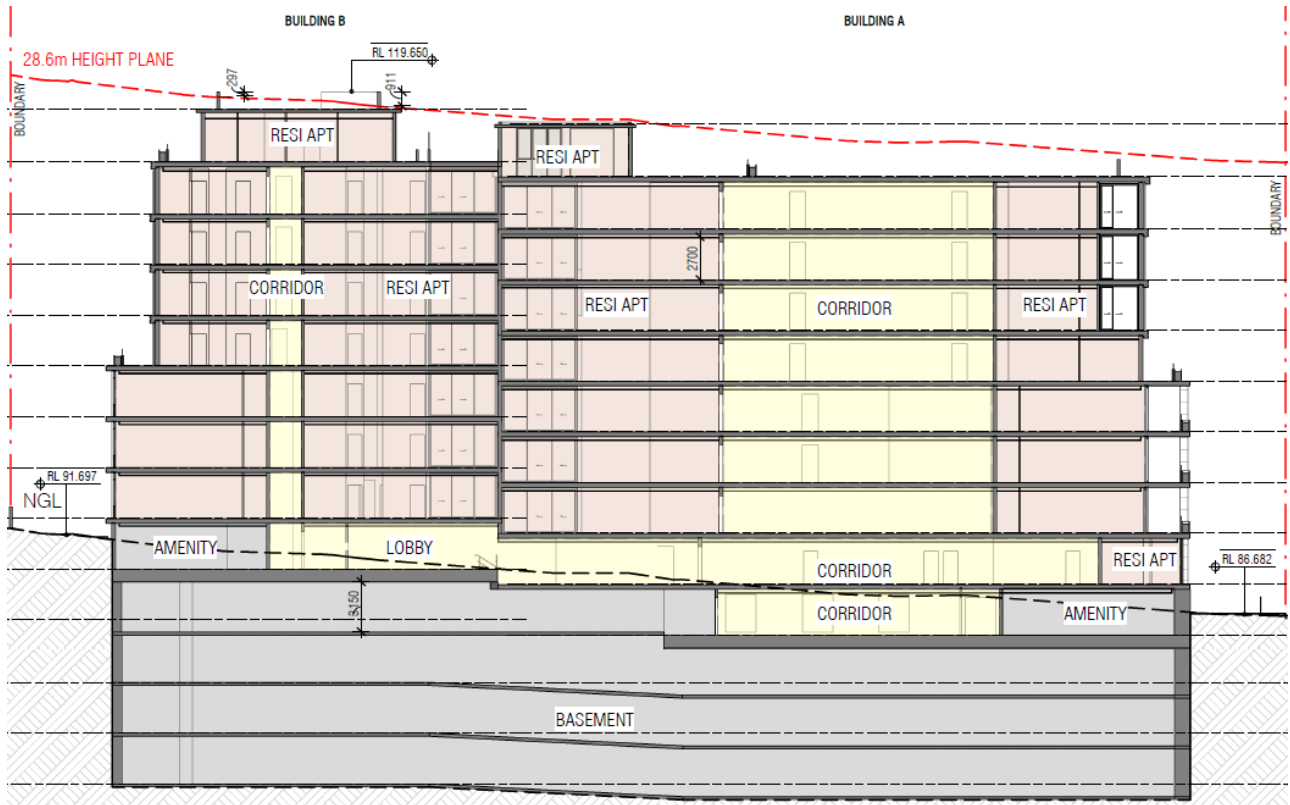
D2-D2.1= 0.92m

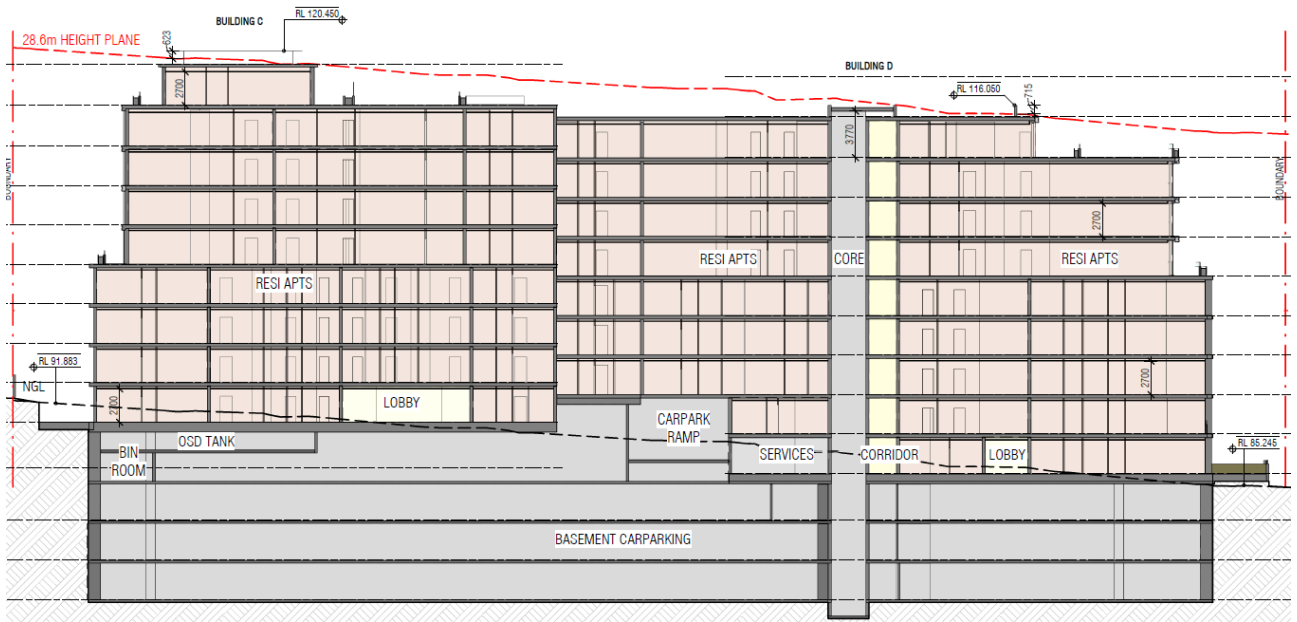
D3-D3.1= 0.85m



Source: FKA

Figure 4 Proposed sections





Source: FKA

JUSTIFICATION FOR THE PROPOSED VARIATION

10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

The non-discretionary building height standard under s155 and bonus provisions available under s15A of the Housing SEPP are not accompanied by specific objectives related to the height of buildings control. As such, this test has been applied to the aims and objectives of each relevant chapter which set the parameters for the subject controls.

Table 6 addresses the relevant objectives of the Housing SEPP against the Wehbe 5 part test.

Table 5 Wehbe 5 Part Test

Key Questions	Response
a) Are the objectives of the development standard achieved notwithstanding the non-compliance?	<p>Yes.</p> <p>Whilst the below legislation references are not technically the objectives of the development standard to be varied, they outline the aims and objectives of the policies to which this development relates.</p> <p><u>Aims of Chapter 5 Transport Oriented Development</u></p> <p><i>(a) to increase housing density within 400m of existing and planned public transport,</i> <i>(b) to deliver mid-rise residential flat buildings, seniors housing in the form of independent living units and shop top housing around rail and metro stations that—</i> <i>(i) are well designed, and</i> <i>(ii) are of appropriate bulk and scale, and</i> <i>(iii) provide amenity and liveability,</i> <i>(c) to encourage the development of affordable housing to meet the needs of essential workers and vulnerable members of the community.</i></p> <p><u>Objective of Part 2, Division 1 (Housing SEPP)</u></p> <p><i>15A The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.</i></p> <p>The proposal dedicates 17.16% of the total GFA as affordable housing which equates to 55 affordable housing dwellings (5,191.6sqm of GFA). This is a substantial uplift from the 9 market dwellings currently existing on the site. Whilst the proposed development will result in a marginal height exceedance, the environmental impacts as a result of this exceedance are minimal as discussed in Section 11 below.</p> <p>The proposed development represents a high quality design outcome for the site and the locality, having considered a range of existing site conditions to propose a well considered design response. The proposed development will provide amenity and liveability through complying with all the relevant design objectives in the Apartment Design Guide (ADG).</p> <p>The affordable housing component has been carefully designed to ensure high levels of amenity, and a variety of housing typologies and tenures are provided to meet the expected needs and profile of the local community. The proposal will provide high quality affordable housing that has been seamlessly integrated into an architecturally designed development.</p> <p>The development provides affordable housing for those on very low, low, and moderate incomes in a close location to services, retail and public transport responding to an identified need for affordable housing. There is a critical shortage of affordable housing in the local area and the proposal will deliver new housing to meet this need in the short-term.</p>

Key Questions	Response
	<p>Although the Ku-ring-gai Local Environmental Plan Height of buildings control is not the control being varied, the objectives of this clause are nevertheless achieved, notwithstanding the non-compliance:</p> <p>KLEP 2015 Clause 4.3 Height of buildings</p> <p><i>The objectives of this clause are as follows—</i></p> <p>(a) <i>to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres.</i></p> <p>The proposed development is consistent with the intended bulk and scale of the TOD planning controls and the in-fill affordable housing bonuses provided within the Housing SEPP. Cl4.3 (1)(a) seeks to ensure that the proposed heights of buildings are appropriate for the current scale of development within the LGA and has not considered the future scale of development within the TOD Areas. Further, the TOD Program seeks to enable greater housing density based on an analysis of 305 centres across the Six Cities Region. Roseville was identified as an appropriate location for greater housing density. The site is located approximately 200m from Roseville Town Centre and is of a height and scale consistent with the future low and mid-rise character of the area.</p> <p>(b) <i>to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,</i></p> <p>Roseville is undergoing a change in character from low-rise residential properties to low and mid-rise development, with increasing building height within the Town Centre. The development has been designed with a 4 storey podium and building setbacks above podium level so that the built form responds to existing and future building heights. The design of the proposal has been developed to protect local amenity through siting and articulation of the building massing, including ensuring neighbouring properties continue to receive over 3 hours of solar access in mid-winter. The proposed building setbacks, screening and landscaping ensure acceptable levels of privacy and wind conditions are provided.</p> <p>(c) <i>to enable development with a built form that is compatible with the size of the land to be developed.</i></p> <p>That the built form is compatible with the size of the land to be developed is demonstrated through the proposed FSR being less than the maximum permissible. The maximum permissible GFA on the site is 30,455m², whereas only 30,247.6 m² is proposed. The proposal includes 6m setbacks to all boundaries and provides landscaping in exceedance of ADG criteria. As such, the proposal does not represent overdevelopment of the site.</p>
<p>b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)</p>	<p><i>N/A. Not relied upon. See above and below.</i></p>
<p>c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)</p>	<p>Yes.</p> <p>The objective of Part 2 Division 2 'In-fill affordable housing' of the Housing SEPP is as follows:</p> <p>15A Objective of division</p> <p><i>The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.</i></p> <p>The aims of Chapter 5 'Transport Oriented Development' of the Housing SEPP are:</p>

Key Questions	Response
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150 Aims of chapter

The aims of this chapter are as follows—

- (a) to increase housing density within 400m of existing and planned public transport,
- (b) to deliver mid-rise residential flat buildings, seniors housing in the form of independent living units and shop top housing around rail and metro stations that—
 - (i) are well designed, and
 - (ii) are of appropriate bulk and scale, and
 - (iii) provide amenity and liveability,
- (d) to encourage the development of affordable housing to meet the needs of essential workers and vulnerable members of the community.

Key to the objectives and aims of these chapters is the delivery of market and affordable housing that meets the needs of residents whilst ensuring high-quality built form is delivered. The proposed development will deliver 252 dwellings, of which 55 dwellings will be for the purposes of affordable housing. The site is in a highly accessible location being approximately 200m from Roseville and will deliver a mid-rise residential flat building. The proposed variation to the height control allows for family sized 4-bedroom units to be delivered, as well as high amenity and liveability. In the case that strict compliance with the height control was required, this would reduce the amount of affordable housing GFA proposed, relative to the total housing yield. Further, the provision of family sized apartments is critical to meeting the existing and ongoing housing need in the local area.

The proposed exceedances to the maximum building height control are as a result of required rooftop plant, lift overruns and roof features. The roof slab height of the built form is compliant with the maximum height control. The building height has been reduced as part of the Response to Submissions in order to ensure the development has acceptable impacts with respect to view, the heritage conservation area setting, locally listed buildings and residential amenity. Ultimately, if strict compliance with the height control was required, the quality and quantum of both market housing and affordable housing would be adversely affected, thus defeating the objectives and aims of the relevant sections of the Housing SEPP.

(d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard?

N/A. Not relied upon. See above.

e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?

N/A. Not relied upon. See above.

11. Are there sufficient environmental planning grounds to justify contravening the development standard?

The environmental planning grounds that justify contravening the building height development standard are discussed in further detail below.

Proposed height exceedance

The proposed exceedance to the height control is minimal in nature and relates only to minor features on the building roof. A small number of discrete roof elements protrude the height limit to allow for servicing of the building and a high level of amenity to be provided for the proposed residential dwellings. The large change in levels across the existing site also results in height plane that follows the topography. The proposed building has been designed to respond to the sloping topography of the site. The height of the building has been stepped to the sloping site, however, there remain elements on the roof form that make minor

protrusions through the height plane. All roof elements that exceed the height control are setback (parapets) or centrally located (plant/lift overruns), with materiality selected to appear recessive in nature. These elements are not anticipated to be perceptible from the public domain.

There is an absence of environmental harm arising from the contravention of the height of building development standard and sufficient positive environmental planning grounds to justify contravening the development standard for the following reasons:

Overshadowing:

The mid-winter overshadowing diagrams (refer **Appendix A** and as replicated at **Figure 5**) illustrate that the extent of overshadowing cast as a consequence of the proposed development protruding beyond the 28.6 metre height plane. The shadow diagrams also illustrate the improved solar access to neighbouring properties as a result of the revised building design. **Table 7** details the shadow cast by the revised scheme when compared to the originally submitted scheme. The reduced building height and massing results in a total of 22.06m² less shadow being cast by the revised development.

Table 6 Summary of Overshadowing reduction

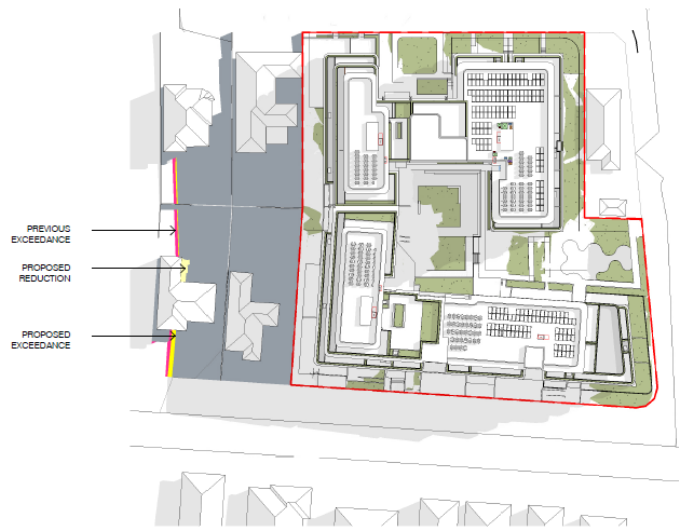
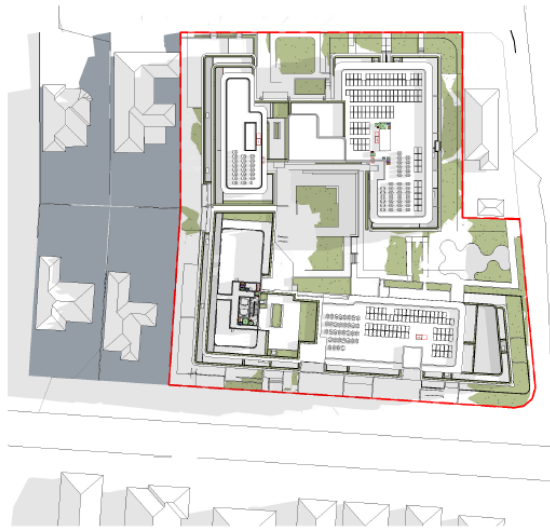
Time	Submitted SSDA Scheme	Revised RTS Scheme	Reduction in shadow
10am	55,5m ²	23.1m ²	-11.86m ²
11am	17.6m ²	16.4m ²	-3.4m ²
12pm	17.6m ²	16.4m ²	-3.4m ²
1pm	20.8m ²	17.4m ²	-3.4m ²

Figure 5 illustrates the extent of overshadowing when compared to a compliant scheme. The greatest additional shadow cast by the proposed exceedance to the height control occurs at 10am on 21 June to the property at 12 Lord Street. The revised building height makes a demonstrable improvement to the shadow cast at this property, with additional solar access provided to both the rear and front gardens. The revised building height also improves solar access to the properties at 14 Lord Street, 17 Roseville Avenue and 19 Roseville Avenue.

The shadow diagrams shows that between 9am and 3pm, the proposal would result in greater overshadowing than a compliant building height to 12 Lord Street at 10am and 11am on mid-winter, and 14 Lord Street at 12pm and 1pm on mid-winter. The quantum of this additional overshadowing ranges from 23.1m² to 16.4m². The revised building height demonstrably reduces the shadow cast to these neighbouring properties. The proposed building height will have a minimal overshadowing impact, particularly to the rear garden of these properties, in comparison with a compliant building height. All properties, including the rear gardens of 12 and 14 Lord Street, will continue to receive greater than 3 hours of sunlight at mid-winter in accordance with requirements. It is noted that the overshadowing assessment undertaken on 21 June represents the worst case, and on all other days within the year, the properties will receive greater solar access.

Based on the above assessment the minor additional overshadowing produced by the height non-compliance is considered acceptable.

Figure 5 Shadow Diagrams



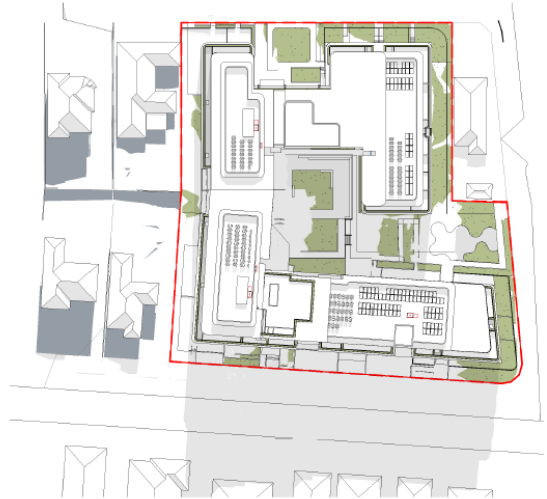
1 SHADOW DIAGRAM - PROPOSED CONDITION 9AM

2 SHADOW DIAGRAM - PROPOSED CONDITION 10AM
 PREVIOUS EXCEEDANCE 55.5M²
 PROPOSED EXCEEDANCE 28.1M²
 PROPOSED REDUCTION 11.89M² WITHIN COMPLIANT OVERSHADOWING



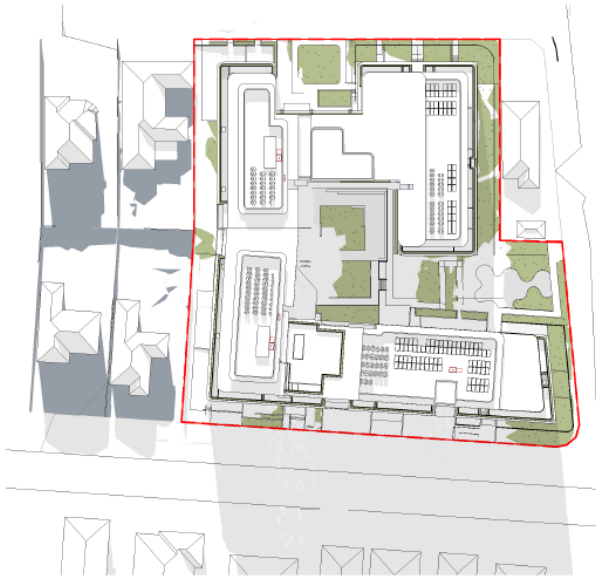
3 SHADOW DIAGRAM - PROPOSED CONDITION 11AM
 PREVIOUS EXCEEDANCE 17.8M²
 PROPOSED EXCEEDANCE 16.4M²
 PROPOSED REDUCTION 1.4M² WITHIN COMPLIANT OVERSHADOWING

4 SHADOW DIAGRAM - PROPOSED CONDITION 12PM
 PREVIOUS EXCEEDANCE 17.8M²
 PROPOSED EXCEEDANCE 16.4M²



5 SHADOW DIAGRAM - PROPOSED CONDITION 1PM
 PREVIOUS EXCEEDANCE 20.8M²
 PROPOSED EXCEEDANCE 17.4M²

6 SHADOW DIAGRAM - PROPOSED CONDITION 2PM



LEGEND

- PREVIOUS EXTENT OF ADDITIONAL SHADOWING CAUSED BY HEIGHT EXCEEDANCE
- CURRENT EXTENT OF ADDITIONAL SHADOWING CAUSED BY HEIGHT EXCEEDANCE
- PREVIOUS EXTENT OF REDUCED SHADOWING CAUSED BY HEIGHT REDUCTION

7 SHADOW DIAGRAM - PROPOSED CONDITION 3PM

Source: FKA

Disruption of views:

The proposed exceedances are setback (parapets) or centrally located (plant/lift overruns) to the rooftops and are unlikely to result in the disruption of views from the surrounding area towards locations of objects that contain visual importance, such as surrounding locally listed buildings. The elements of the proposed development protruding beyond the 28.6 metre height plane are limited to the elements of mechanical rooftop plant, lift overruns and parapets, and will not have a material impact on views of visual importance.

Improved amenity:

The proposed extrusions are limited to the mechanical rooftop plant and lift overruns required for the liveability of the development for future residents. The reduced building height and massing improves to solar access to neighbouring properties, with all properties receiving over 3 hours of solar access to rear gardens at mid-winter. The minor additional shadow as a result of the height non-compliance will not have a material impact on the enjoyment of the rear gardens of neighbouring properties.

Architectural integration:

The elements which protrude above the height limit are generally setback or centrally located to the roof area and seek to sensitively blend into the built form and aesthetic of the design. Parapet walls are proposed to be painted or rendered in a light coloured tone to appear recessive against the sky. The protrusions do not detract from the high quality architectural language and resolution of the building.

Heritage impacts:

The proposed exceedance has negligible impact on the overall impact of the development on surrounding heritage items. As described in the updated Heritage Impact Statement, the design of the proposal has been carefully developed to respond to and complement the surrounding Clanville Heritage Conservation Area (HCA) and locally listed Scout Hall. The proposed exceedances of the height control are not anticipated to be discernible from street level and have been designed to integrate holistically into the overall composition of the building, and as such, will not read as a clear height exceedance and will have negligible impact on the significance of the HCA and heritage items.

Visual impact:

The updated Visual Impact Assessment includes an assessment of the visual impacts of the proposal, including the elements of the proposed development that exceed the height control. The elements of the built form that are in exceedance of the height control are not perceivable from the public domain given they are limited to the mechanical plant and lift overruns, which are setback within the roof area and integrated into the building. As can be seen from the below Figure, the extent of the proposed height exceedance when compared to the previous scheme has been significantly improved and the building will be perceived as a compliant development when viewed from the street. The visual impacts of the exceedance to the height control are therefore negligible.

Intensity of uses:

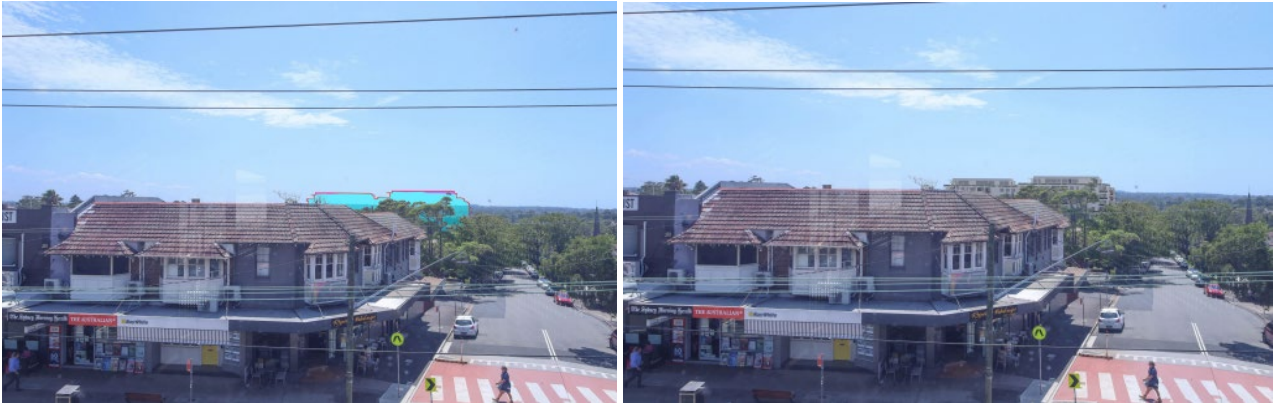
The proposed height variation does not increase the intensity of the uses on the site with a compliant FSR being maintained. The height exceedance is minimal in the context of the development as a whole and will not materially intensify the residential redevelopment of the site. The proposed FSR of 3.23:1 is below the maximum permissible FSR of 3.25:1. The proposed height exceedances do not result in an additional building level or habitable areas, they solely relate to roof features.

Orderly and economic use of the site:

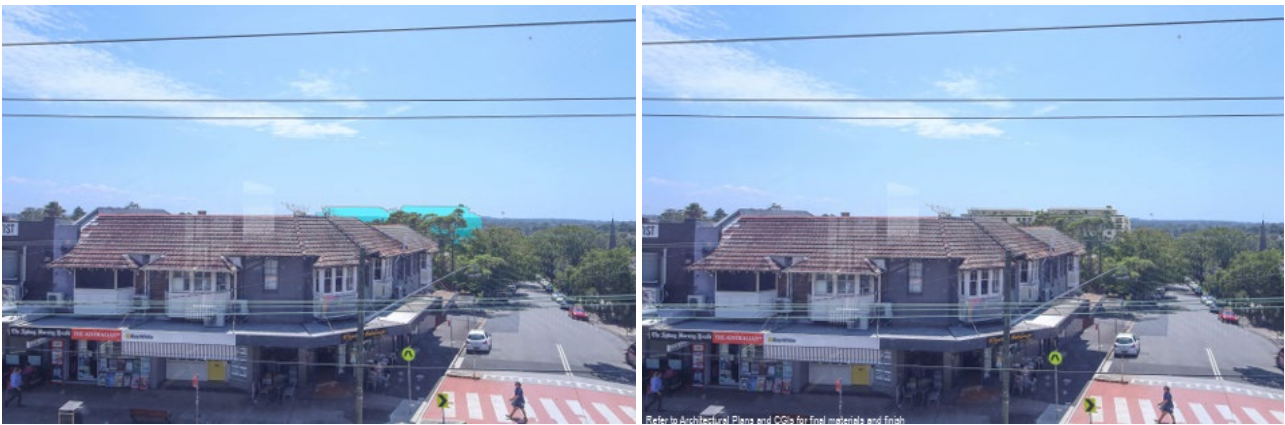
The proposed minor height exceedance will efficiently utilise land and its associated infrastructure to promote the orderly and economic use of the site in a manner that also presents a suitable design and built form response having regard to the site's heritage context. The provision of mid-rise residential flat buildings in accessible locations is an aim of the Housing SEPP which the development as proposed will deliver.

Figure 6 Visual impact of exceedance – comparison between SSDA lodgement scheme and revised Response to Submissions scheme

(Visual impact in cyan with red outline - including proposed non-compliance with the height control in magenta)



Submitted SSDA scheme: View from no. 1 Hill Street, from standing position on the upper landing of the stairway to the railway bridge



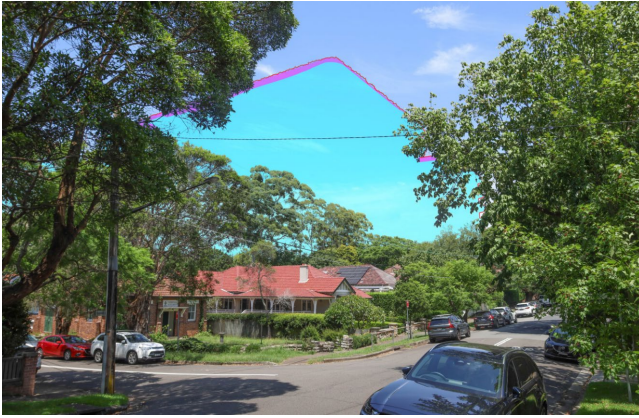
Revised RTS scheme: View from no. 1 Hill Street, from standing position on the upper landing of the stairway to the railway bridge



Submitted SSDA scheme: View from corner of Lord Street and Martin Lane, from standing position on public pavement



Revised RTS scheme: View from the corner of Lord Street and Martin Lane, from standing position on public pavement



Submitted SSDA scheme: View from outside no. 30 Roseville Avenue, from standing position on public pavement



Revised RTS scheme: View from outside no. 30 Roseville Avenue, from standing position on public pavement



Submitted SSDA scheme: View from junction between Roseville Avenue and Trafalgar Avenue, from standing position on Roseville Avenue public pavement



Revised RTS scheme: View from junction between Roseville Avenue and Trafalgar Avenue, from standing position on Roseville Avenue public pavement



SSDA Lodgement scheme: View from outside no. 15 Belgium Avenue, from standing position on Belgium Avenue public pavement



Revised RTS scheme: View from outside no. 15 Belgium Avenue, from standing position on Belgium Avenue public pavement

Source: Urbaine

Sloping site / Topography:

The site slopes 7.5 metres from west to east and as such, results in a height control plane that is inconsistent across the site area. In response to this, the design of the built form has been stepped at roof level through the redesign of Building A. The height of the building has been stepped to the sloping site, however, there remain elements on the roof form that make minor protrusions through the height plane. In addition, the building has been reduced from 9 to 8 storeys to reduce the extent of the building height exceedance on the Lord Street and Martin Lane corner, providing a more appropriate response to the sloping nature of the site.

Technical exceedance due to existing swimming pools

As outlined within this CI4.6 Variation Request, irrespective of whether the proposed built form protrudes above the 28.6m height plane, there would be a technical height control exceedance due to the existing swimming pools at 16 to 24 Lord Street and 25 and 27 Roseville Avenue. If strict compliance with the definition of “building height” was adhered to, there would be a “stepped” maximum building height plane due to the existing pool depths and definition of “ground level (existing)”. See these definitions below:

building height (or height of building) means—

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

ground level (existing) means the existing level of a site at any point.

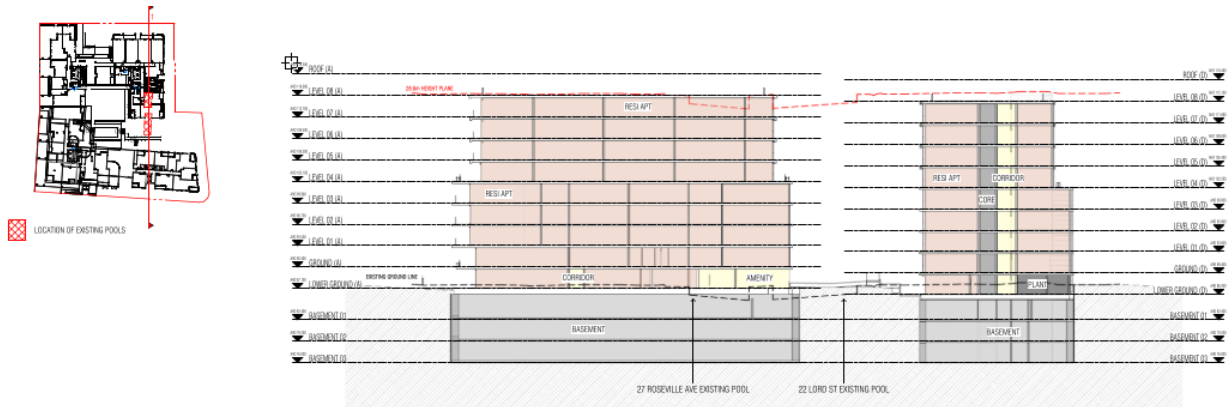
Figure 7 below displays how the height plane would appear if strict compliance with the above definitions was undertaken.

In the case of *Tony Legge v Council of the City of Sydney [2016] NSWLEC 1424*, the Commissioner discerned that “it is appropriate to take the levels of the site at its interface with the public domain” and the importance of placing “the proposed building in its context, rather than relying on the present built form of any existing development on a site”. As such, the proposed development and the extruded height plane have taken the site levels at the lot interfaces with the public domain, rather than “stepping down” to reflect the existing pool depths. Further, the intention of the above definitions is to limit building heights above the existing ground or street level and not relate to any excavated depths. Therefore, the proposed development has been developed in accordance with the intentions of the definitions, and the height plane of 28.6m above the prevailing existing ground level has been adopted for the assessment of the application.

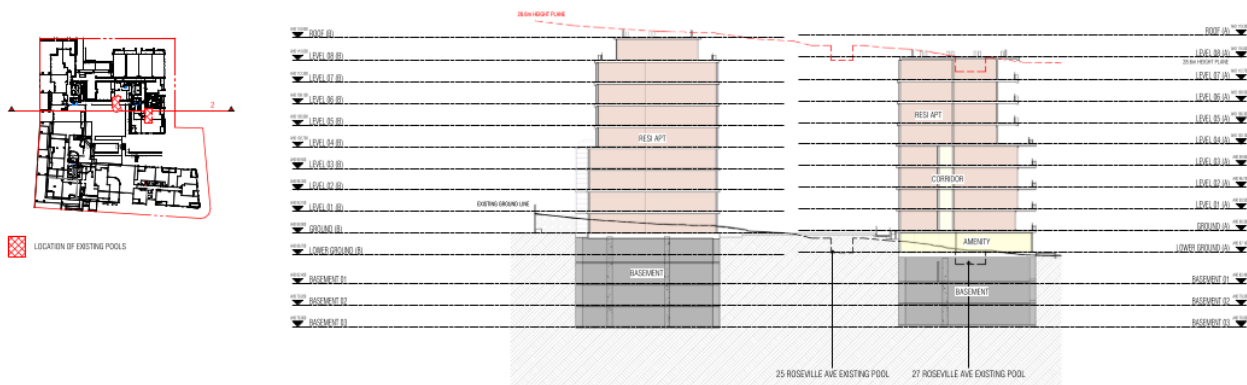
Conclusion

For the reasons detailed in this request, the variation to building height standard of the Housing SEPP is well-founded and justified and there are sufficient environmental planning grounds to warrant contravention.

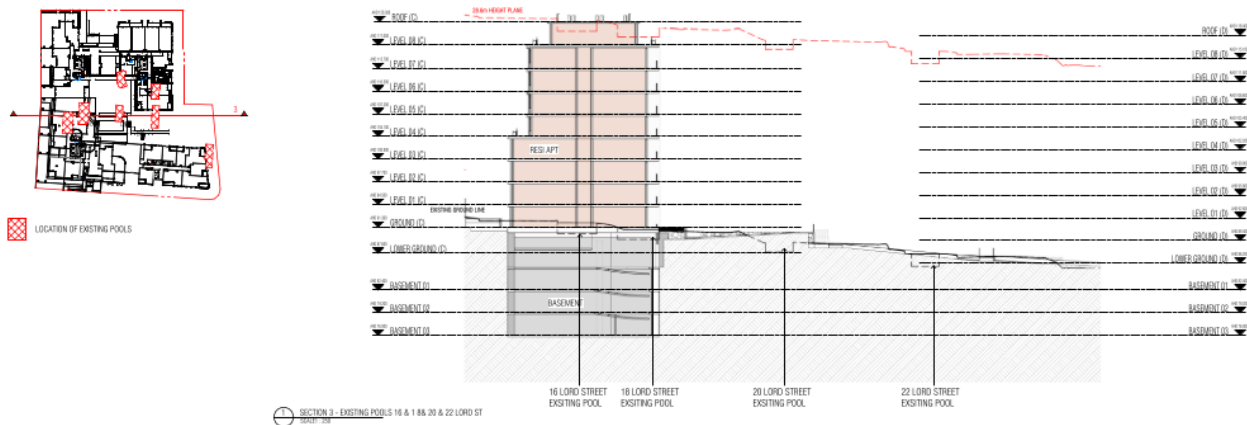
Figure 7 Sections showing existing swimming pools



Picture 7 Section showing the existing pools at 27 Roseville Avenue and 22 Lord Street



Picture 8 Section showing the existing pools at 25 and 27 Roseville Avenue



Picture 9 Section showing the existing pools at 16 – 22 Lord Street

Source: FKA

DISCLAIMER

This report is dated 13 November 2025 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Hyecorp (**Instructing Party**) for the purpose of Clause 4.6 Variation Request - Height of Buildings (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

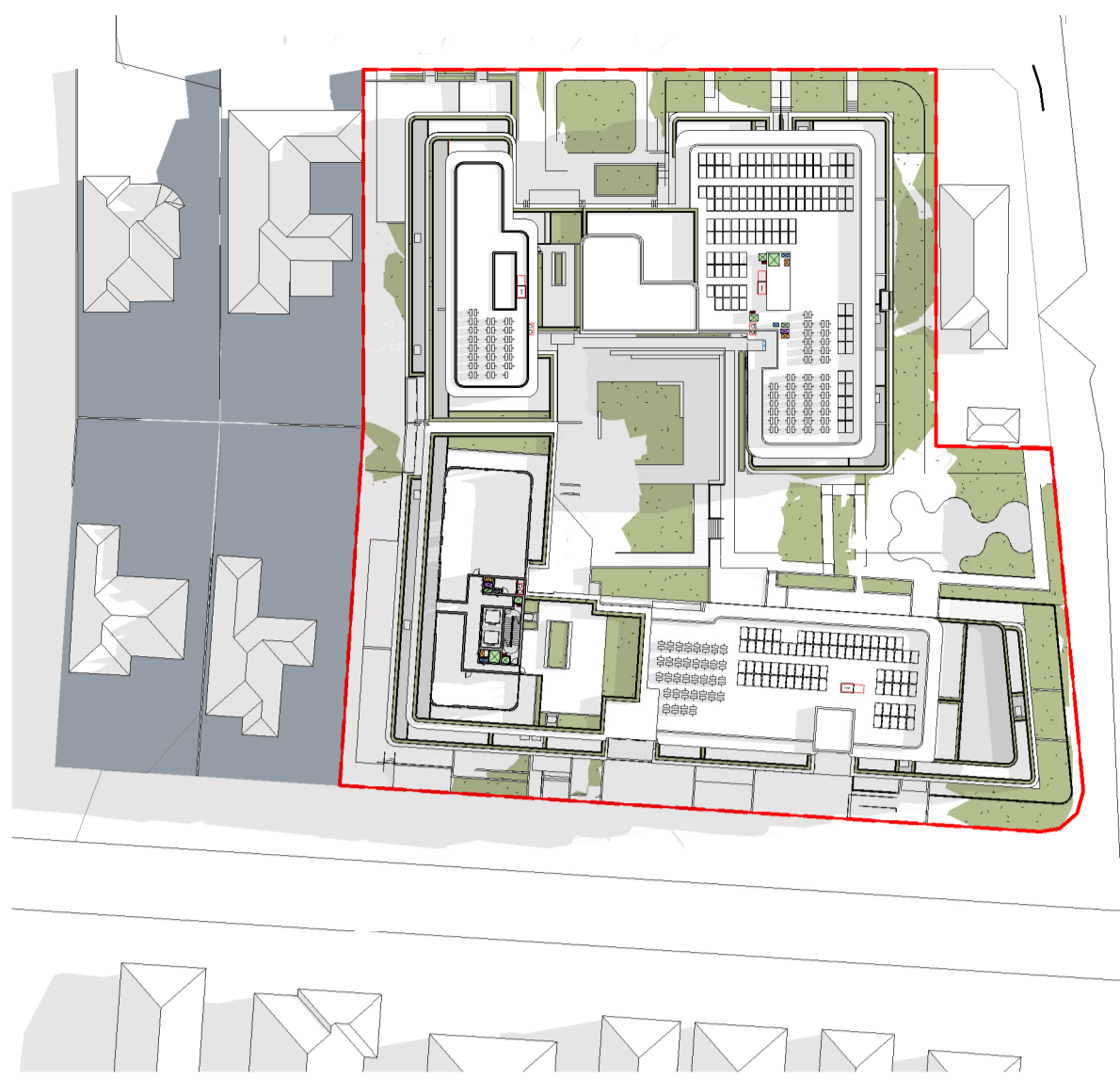
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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

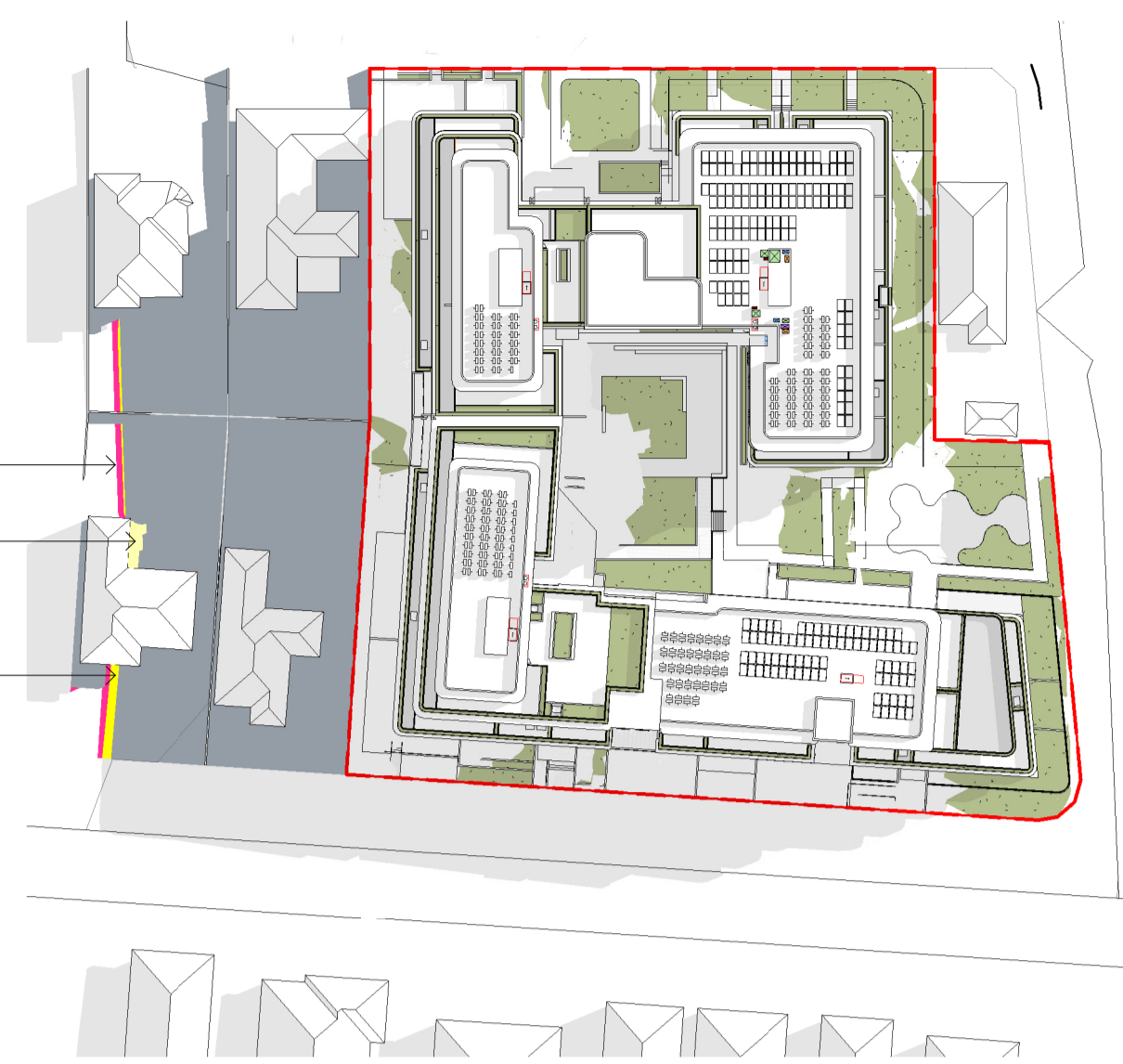
APPENDIX A

SHADOW DIAGRAMS



PREVIOUS
EXCEEDANCE
PROPOSED
REDUCTION
PROPOSED
EXCEEDANCE

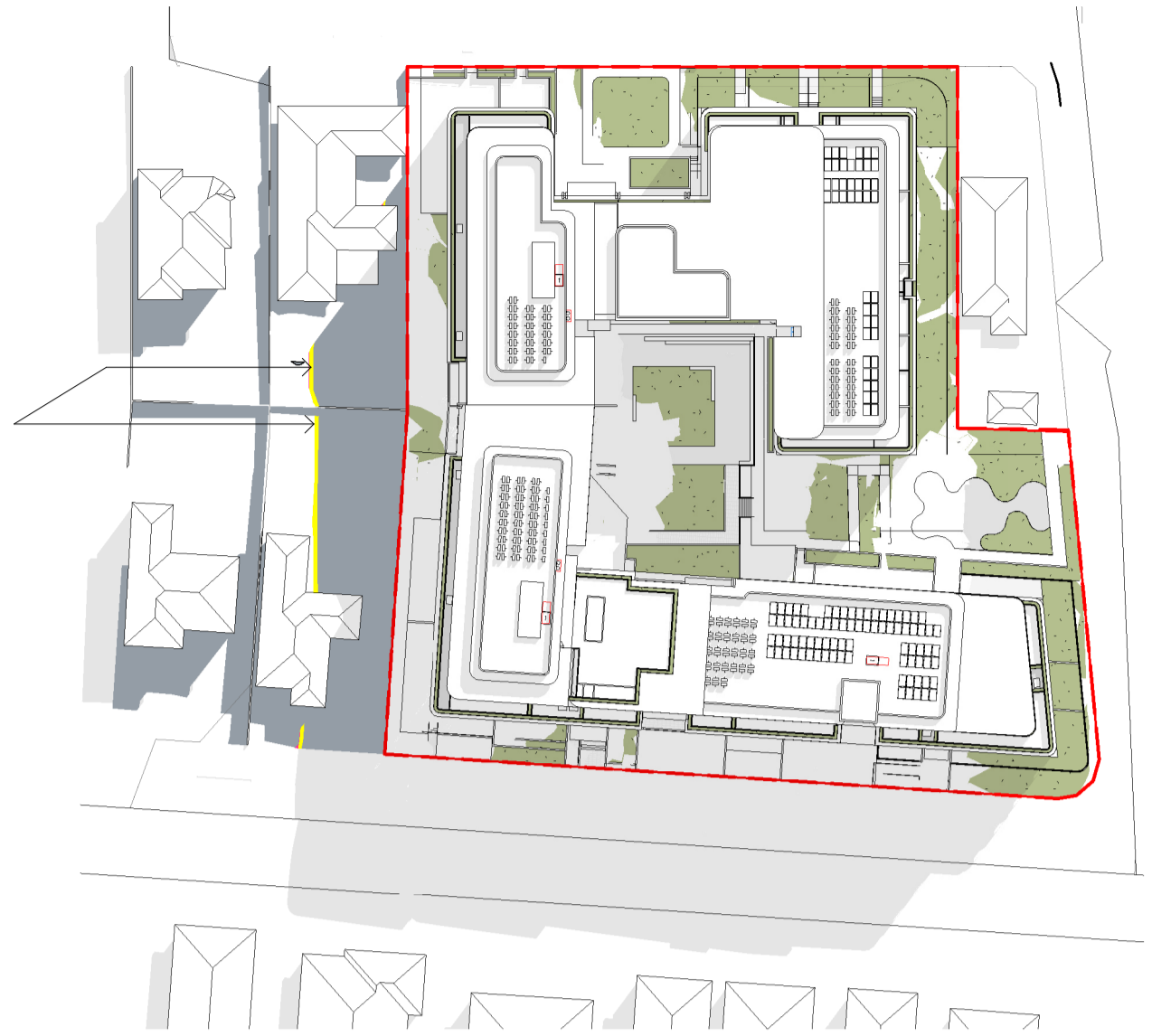
1 SHADOW DIAGRAM - PROPOSED CONDITION 9AM



2 SHADOW DIAGRAM - PROPOSED CONDITION 10AM
PREVIOUS EXCEEDANCE 55.5M²
PROPOSED EXCEEDANCE 23.1M²
PROPOSED REDUCTION 11.86M² WITHIN COMPLIANT OVERSHADOWING

PREVIOUS AND
PROPOSED
EXCEEDANCE
PREVIOUS
EXCEEDANCE AND
PROPOSED
REDUCTION

3 SHADOW DIAGRAM - PROPOSED CONDITION 11AM
PREVIOUS EXCEEDANCE 17.6M²
PROPOSED EXCEEDANCE 16.4M²
PROPOSED REDUCTION 3.4M² WITHIN COMPLIANT OVERSHADOWING



4 SHADOW DIAGRAM - PROPOSED CONDITION 12PM
PREVIOUS EXCEEDANCE 17.6M²
PROPOSED EXCEEDANCE 16.4M²

PREVIOUS
AND PROPOSED
EXCEEDANCE

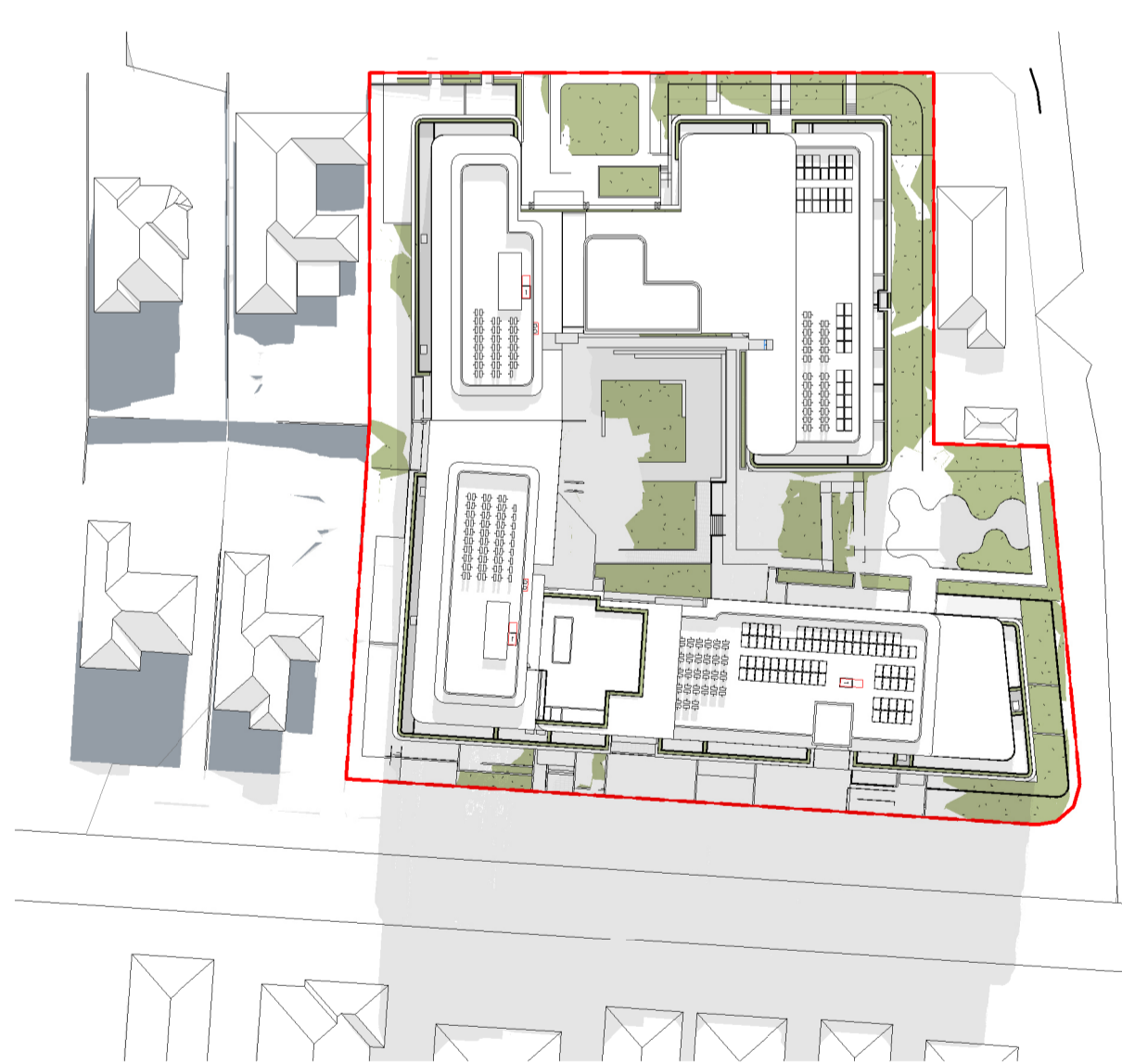
LEGEND

- PREVIOUS EXTENT OF ADDITIONAL SHADOWING CAUSED BY HEIGHT EXCEEDANCE
- CURRENT EXTENT OF ADDITIONAL SHADOWING CAUSED BY HEIGHT EXCEEDANCE
- PREVIOUS EXTENT OF REDUCED SHADOWING CAUSED BY HEIGHT REDUCTION



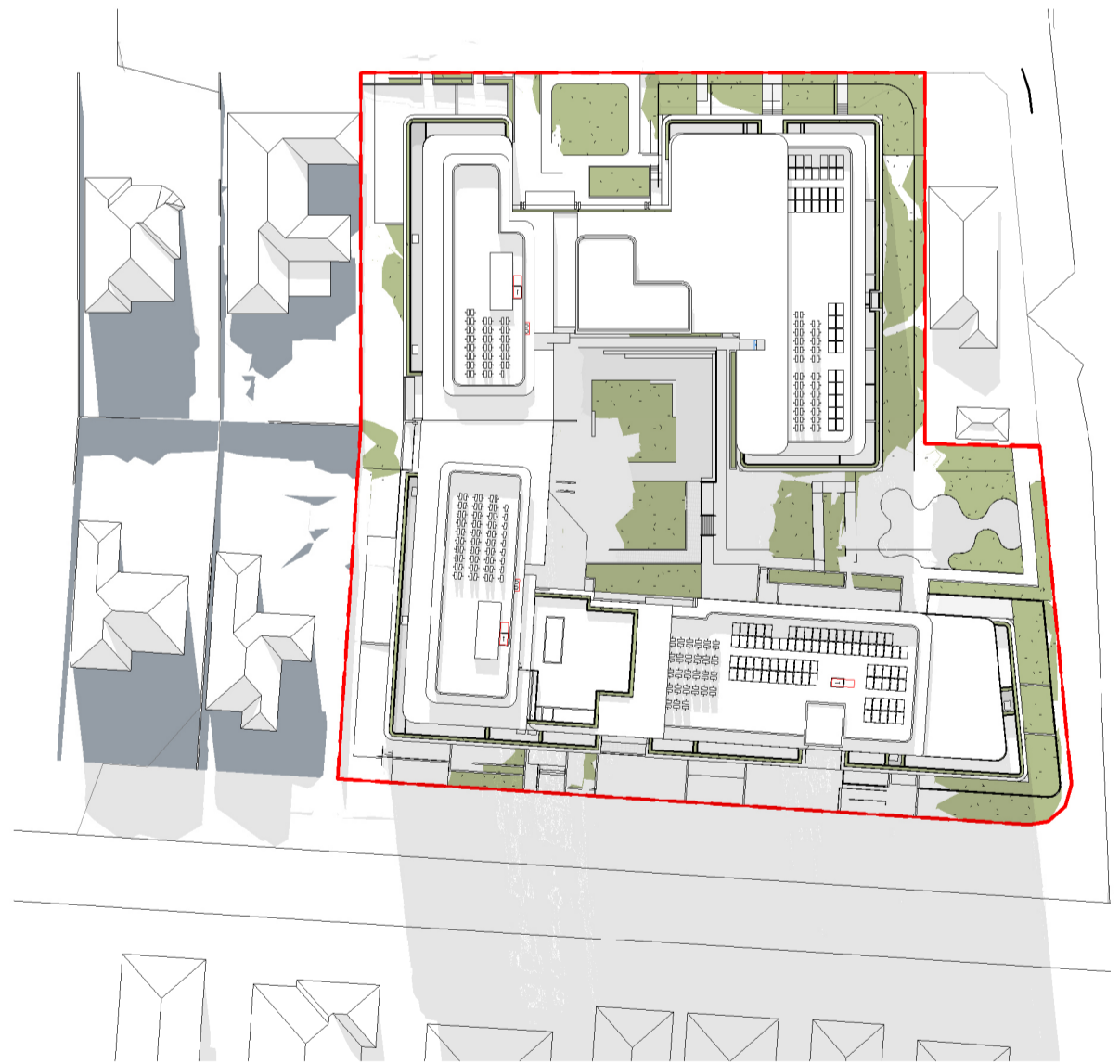
5 SHADOW DIAGRAM - PROPOSED CONDITION 1PM
PREVIOUS EXCEEDANCE 20.8M²
PROPOSED EXCEEDANCE 17.4M²

PROPOSED
EXCEEDANCE
PREVIOUS AND
PROPOSED
EXCEEDANCE



6 SHADOW DIAGRAM - PROPOSED CONDITION 2PM

PREVIOUS AND
PROPOSED
EXCEEDANCE



7 SHADOW DIAGRAM - PROPOSED CONDITION 3PM

PREVIOUS AND
PROPOSED
EXCEEDANCE