



Response to Submissions and Amendment Report

21, 23 & 25 McIntosh Street and 55 Werona Avenue, Gordon

Submitted to Department of Planning, Housing and Infrastructure
on behalf of CPDM Pty Ltd

12 May 2026

Acknowledgment of Country



Towards Harmony by Aboriginal Artist Adam Laws

Gyde Consulting acknowledges and pays respect to Aboriginal and Torres Strait Islander peoples past, present, Traditional Custodians and Elders of this nation and the cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people. We recognise the deep and ongoing connections to Country – the land, water and sky – and the memories, knowledge and diverse values of past and contemporary Aboriginal and Torres Strait communities.

Gyde is committed to learning from Aboriginal and Torres Strait Islander people in the work we do across the country.

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Disclaimer

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Appendices

EIS Reference No.	Revised Reference No.	Document	As Lodged, Replacement or Addendum, New
N/A	Appendix A	Register of Submissions	New
Appendix A	Appendix B	SEARS Compliance Table	Replaced
Appendix B	Appendix C	Statutory Compliance Table	Replaced
Appendix C	N/A	Community Engagement Table	As lodged
Appendix D	Appendix D	Mitigation Measures Table	Replaced
Appendix E	Appendix E	Owner's Consent	Replaced
Appendix F	N/A	Authorisation Letter	As lodged
Appendix G	N/A	Aboriginal Due Diligence Assessment	As lodged
Appendix H	Appendix F	Arboricultural Impact Appraisal and Method Statement	Replaced
Appendix I	N/A	Historical Archaeological Assessment	As lodged
Appendix J	Appendix G	SSDA Design Report	Replaced
Appendix K	Appendix H	Architectural Plans	Replaced
Appendix L	Appendix I	Biodiversity Development Assessment Report	Replaced
Appendix M	Appendix J	Clause 4.6 Variation Request	Replaced
Appendix N	Appendix K	Community Housing Provider Letter of Support	Replaced
Appendix O	N/A	Connecting with Country Advice	As lodged
Appendix P	N/A	Crime Prevention Through Environmental Design	As lodged
Appendix Q	N/A	EDC Report	As lodged
Appendix R	N/A	Geotechnical Desktop Study	As lodged
Appendix S	Appendix L	Heritage Impact Statement	Replaced
Appendix T	Appendix M	Integrated Water Management Report	Replaced
Appendix U	Appendix N	Landscape Plans	Replaced
Appendix V	Appendix O	Noise and Vibration Impact Assessment	Replaced
Appendix W	N/A	Preliminary Construction Traffic & Pedestrian Management Plan	As lodged
Appendix X	N/A	Preliminary & Detailed Site Contamination Investigation Report	As lodged
Appendix Y	N/A	Social Impact Assessment	As lodged
Appendix Z	Appendix P	Stormwater Management Plans	Replaced
Appendix AA	N/A	Survey	As lodged

Appendix BB	Appendix Q	Transport Impact Assessment	Replaced
Appendix CC	Appendix R	Waste Management Plan	Replaced
Appendix DD	N/A	Ecologically Sustainable Development	As lodged
Appendix EE	Appendix S	BASIX Certificate	Replaced
Appendix FF	N/A	NABERS Embodied Emissions	As lodged
Appendix JJ	N/A	Section J	As lodged
N/A	Appendix T	Dewatering Management Plan	New
N/A	Appendix U	Hydrogeology Letter	New
N/A	Appendix V	Site Hydrogeology Report	New
N/A	Appendix W	Accessibility Compliance Report	New
N/A	Appendix X	BCA Report	New
N/A	Appendix Y	Preliminary Tree Assessment	New
N/A	Appendix Z	DP for 55 Werona Avenue, Gordon	New
N/A	Appendix AA	Landscape Letter	New
N/A	Appendix BB	Overland Flow Letter	New

1. Introduction and background

1.1 Purpose of this report

This Response to Submissions and Amendment Report has been prepared to address the submissions received during the exhibition period for SSD-83478456. In reviewing these submissions and undertaking further technical analysis, several amendments to the proposed scheme have been identified. Accordingly, this report also fulfils the requirements of an Amendment Report.

The report has been prepared:

- in accordance with the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulations), Division 2 Section 37 Amendment of development application. It outlines the proposed amendments to the original development application and assesses the potential environmental, economic, and social impacts of the amended project. This report has been prepared in accordance with the requirements of the *NSW State Significant Development Guidelines – preparing an amendment report* (October 2022) and should be read in conjunction with all documentation that forms the environmental impact statement package;
- in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 8 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulations) to analyse the submissions received and to provide a response to those submissions including, where relevant, provision of additional or amended supporting material to enable the DPHI to finalise their assessment of the proposed development; and
- in accordance with the *State significant development guidelines – preparing a submissions report – Appendix C to the State Significant Development Guidelines, March 2024*, as required by Section 59(2)(c) of the (EP&A Regulations).

The content in this Report and accompanying annexures will enable the Minister (or delegate) to determine the SSDA in accordance with Section 4.38 of the EP&A Act. Specifically, the comprehensive package constitutes the applicant's response to the request for additional information provided by DPHI for the purpose of Clause 36 of the EP&A Regulations.

1.2 Structure of this report

As noted above, this Report has been prepared to provide a response to submissions following public exhibition, and to provide a summary and environmental assessment of amendments to the scheme post lodgement. The structure of the report is as follows:

- Section 1 (This section)** – Provides: an overview of the purpose and structure of the report, a background and key site context features relevant to the report, and summarises the amendments proposed.
- Section 2 – Analysis of Submissions** – This section of the report analyses the submissions received, in accordance with the *State Significant Development Guidelines – preparing a submissions report – Appendix C to the State Significant Development Guidelines*
- Section 3 – Actions Taken Since Exhibition** – This section of the report sets out the actions undertaken following project exhibition. These actions include amendments to the as lodged scheme and the amendments proposed are set out in this section of the report in accordance with *NSW State Significant Development Guidelines – preparing an amendment report*
- Section 4 – Strategic Context** – This section of the report provides an update on the strategic context of the development, at the time of preparing the Amendment Report.
- Section 5 – Statutory Context** – This section of the report provides an update on the statutory context of the development, at the time of preparing the Amendment Report.

Section 6- Further Environmental Impact Assessment – This section of the report provides an assessment of the amendments made to the development. The following updated environmental assessments are provided:

- Built form and Urban Design
- Overshadowing and Solar Access
- Trees and Landscaping
- Water Management
- Environmental Heritage
- Traffic and Transport
- Affordable Housing Amenity
- Visual Impact
- Design Quality

Section 7 – Response to Submissions – Section 7 provides detailed responses to comments received from DPHI, Ku-ring-gai Council, Agencies and public submissions (as categorised in Section 2 of the report).

Section 8 – Updated Project Justification – This section provides a justification and evaluation of the amended project as a whole, having regard to the economic, environmental and social impacts of the amended project and the principles of ecologically sustainable development.

Section 9 – Conclusion – Section 9 concludes that the environmental impact assessment undertaken for the project as part of the original EIS and the Amendment Report, has determined that the project would not result in any significant adverse impacts, (that cannot be adequately mitigated) to environmental, cultural, social and economic values.

The majority of the remaining impacts have been concluded as being generally consistent with those previously presented in the EIS. Any potential residual impacts can be suitably controlled with the management and mitigation measures proposed.

1.3 The proposed development

The application (SSD- 83478456) was submitted with the Department of Planning, Housing and Infrastructure (DPHI) for a residential flat building development including in-fill affordable housing in Gordon on 17 July 2025. The site is located within the Ku-ring-gai Local Government Area (LGA). The proposed development, as originally submitted, incorporated the following:

- *Demolition of all existing structures and associated outbuildings, including swimming pools and tennis courts,*
- *Partial clearing of site,*
- *Construction of a residential development, involving three residential flat buildings having a maximum height of 8 storeys,*
- *162 residential apartments of which 33 will be affordable housing units, of which 29 (15%) will be retained as affordable housing of 15 years and 4 (2%) will be retained as affordable housing in perpetuity,*
- *Excavation for two basement levels, containing 191 car parking spaces and associated services,*
- *Removal of 29 trees,*
- *Landscaping of common areas.*

As considered further in this report, the description of the development has been amended as follows, to reflect the design changes made following public exhibition:

The proposed development seeks consent for three new residential flat buildings with in-fill affordable housing. The proposal will include:

- Demolition of all existing structures and associated outbuildings, including swimming pools and tennis courts,
- Partial clearing of site,
- Construction of a residential development, involving three residential flat buildings having a maximum height of 8.9 storeys,
- 162 151 residential apartments of which 33 31 will be affordable housing units, of which 29 27 (15%) will be retained as affordable housing of 15 years and 4 (2%) will be retained as affordable housing in perpetuity,
- Excavation for two basement levels, containing 194 178 car parking spaces and associated services,
- Removal of 29 28 trees,
- Landscaping of common areas.

1.4 Background

The site is located within the Ku-ring-gai LGA and is located at 21, 23 & 25 McIntosh Street & 55 Werona Avenue, Gordon. The site is legally described as Lot A in DP 339345, Lot 5 in DP 651557, Lot 1 in DP 167505 and Lot 11 in DP 1078667. The site is an irregular shaped land parcel with an approximate area of 7,776 sqm. The main frontage of the site is on McIntosh Street, with a secondary access being from 55 Werona Avenue, via an existing access handle. As demonstrated in **Figure 1**, the site is 382 m walk to Gordon Train Station.



Figure 1 Map showing the walking distance from the site to the entrance of Gordon Train Station (Source: Gyde Consulting)

A number of key site characteristics and features were relevant to the as lodged SSDA scheme, and the amended scheme set out within this report. These are summarised below. The EIS provides a comprehensive assessment of the key site characteristics.

1.4.1 Heritage context

The site is located near a number of State and local heritage items and also is adjacent to and forms part of Heritage Conservation Areas (HCA). To the west of 21 McIntosh Street is the State heritage listed, Eryldene House at 17 McIntosh Street (item no. 18 in Schedule 5 of KLEP). To the south-west of 55 Werona Avenue is the locally listed heritage items of 'Rochester' (51 Werona Avenue) and a dwelling house at 49 Werona Avenue, and to the south is a locally listed heritage dwelling house at 14 Forsyth Street.

No. 25 McIntosh Street forms part of the Gordon Park Estate, McIntosh and Ansell HCA. While to the west of 21 McIntosh Street is the Gordon Park HCA. The heritage context of the site is provided in **Figure 2**.



Figure 2 Heritage context, site identified in red (Source: Gyde Consulting)

1.4.2 Biodiversity

Mapped biodiversity values associated with Sydney Turpentine Ironbark Forest are present along the eastern and south-western boundaries of the site as shown in **Figure 3**.

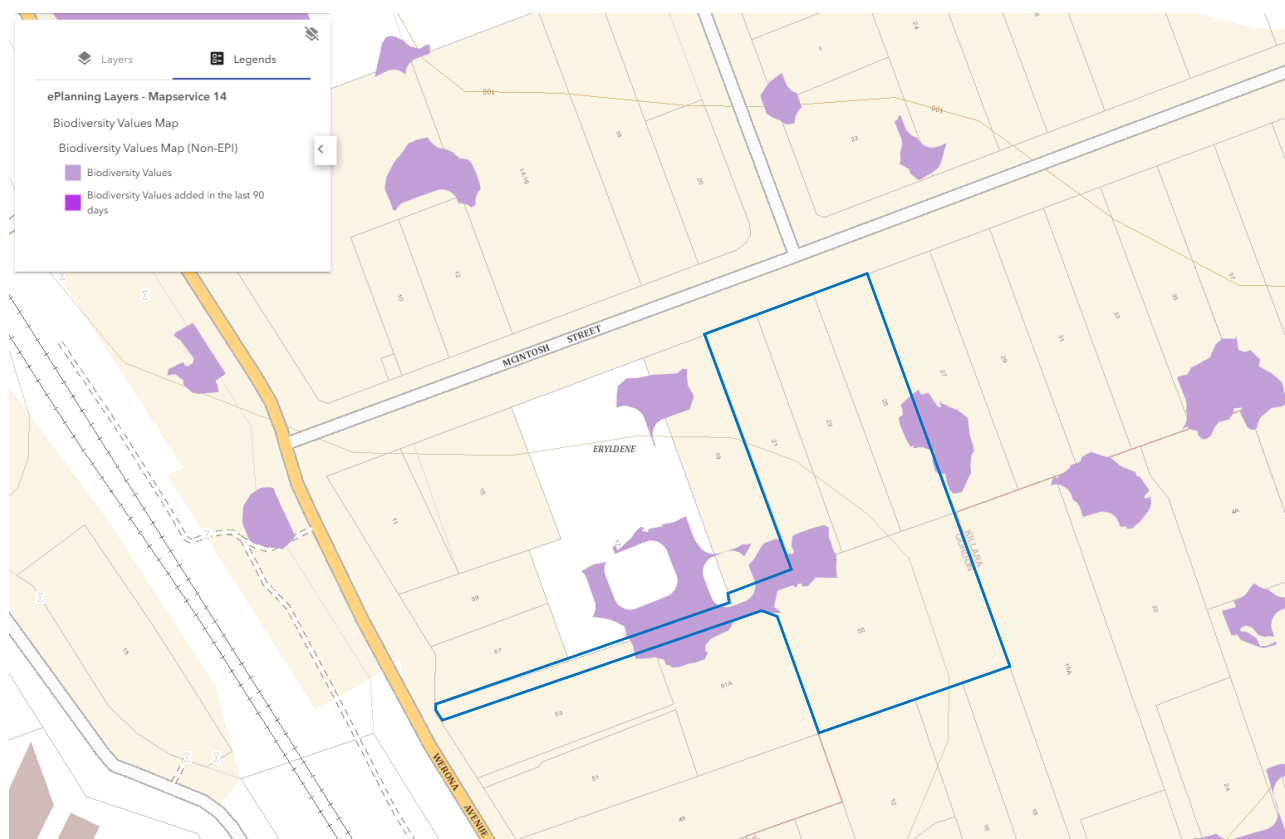


Figure 3 Biodiversity Values Map shown in purple, site outlined in blue (Source: NSW Planning Portal Spatial Viewer)

1.5 Project amendments and clarifications

The proposed scheme has been revised following a review of responses received from the public and agencies (including DPHI) during the exhibition period.

The key proposed project amendments comprise the following:

1.5.1 Site-wide amendments

- The total number of dwellings has been reduced from 162 to 151, with a corresponding revision to the unit mix:
 - 1-bedroom units reduced from 18 to 8
 - 2-bedroom units reduced from 84 to 68
 - 3-bedroom units increased from 60 to 63
 - Introduction of 12 new 4-bedroom units
- Basement layouts have been reconfigured to reflect updated core locations and the revised unit mix. As a result:
 - Car parking has decreased from 190 to 178 spaces, remaining compliant with Housing SEPP requirements.
 - Bicycle parking has decreased from 178 to 166 spaces, consistent with the reduced dwelling yield.
- The affordable housing provision has increased from 3,285 sqm to 3,334.53 sqm.
- The material palette has been refined, introducing a greater use of earthy tones, including:
 - Brick balustrades up to Level 4,
 - Bronze accents and timber ceilings to upper levels,

- This is complemented by a revised palette incorporating masonry, glass and lighter metal finishes to better integrate with the surrounding context.
- The landscape scheme has been revised, including:
 - Enhanced planting along McIntosh Street,
 - Improved western setback landscaping adjacent to 19 McIntosh Street and the Eryldene heritage item.
- Amendments to communal open space

1.5.2 Building A

- Increased GFA from 5,228.09 sqm to 5,259.46 sqm.
- Increasing western setback, adjacent to 19 McIntosh Street, from 6m to 10m at ground level and increasing from 9m to 19.35m at levels 4-7 to minimise overshadowing of the State heritage item, Eryldene's Gardens.
- Revised unit layouts and mix (previous 1- and 2-bedroom units combined into 4-bedroom units).
- Improved landscaping within the front setback.
- Reconfiguration at each floor level to accommodate additional side setbacks.
- Partially filled in the space between Buildings A and B up to level 3 and provided additional COS on the fourth floor.

1.5.3 Building B

- Increased GFA from 5,340.89 sqm to 5,698.10 sqm.
- Increasing western setback, adjacent to 19 McIntosh Street, from 6m to 9m at ground level and from 9m to 12m at levels 4-7 to minimise overshadowing of, the State heritage item, Eryldene's Gardens.
- Revised unit layouts and mix (previous 1- and 2-bedroom units combined into 4-bedroom units).
- Reconfiguration at each floor level to accommodate additional side setbacks.

1.5.4 Building C

- Increased GFA from 8,035.56 sqm to 8,495.51 sqm (Increased affordable component from 2,137sqm to 2,320.53 sqm affordable).
- Revised unit layouts and mix (previous 1- and 2-bedroom units combined into 4-bedroom units).
- Introduced a half level of residential accommodation at roof level and associated rooftop communal open space.

1.6 Objectives of the development

The key objective of the proposed development is the delivery of housing, including much needed affordable housing to reflect the housing needs and demographics of the local area. The key objectives of the proposed development are to:

- Facilitate the redevelopment of an under-utilised site providing greater residential density.
- Provide high-quality residential development that encourages the downsizer market to sell existing family homes and move to apartments closer to public transport, which aligns with the State Government's strategic approach to transport-oriented development being located within walking proximity to Gordon Train Station.
- Deliver a high-quality urban design that is sympathetic of the heritage significance of the surrounding area and will contribute to a safe, secure and active environment.
- Deliver high-quality affordable housing with a mix of unit sizes to reflect the varying needs of the community.

2. Analysis of submissions

The exhibition of the SSDA was undertaken between 15 August 2025 and 11 September 2025. A total of 170 submissions were received from the public / community during the exhibition period. In addition, 7 submissions were received from various authorities.

On 12 September 2025 DPHI wrote to the Proponent, CPDM Pty Ltd, requesting a written response to the issues raised in public and agency submissions, pursuant to Clause 36 of the *Environmental Planning & Assessment Regulation, 2021*. DPHI also carried out an assessment of the SSDA and issued their Request for Information (RFI) on 10 October 2025 requesting a response to key issues raised.

This section of the Report provides an analysis of the submissions received during the public exhibition of the SSDA including the individuals and agencies who made submissions. Submissions have also been categorised based on the type of issue raised.

In addition to submissions received from the community, submissions were received from the following authorities:

1. DPHI
2. Ku-ring-gai Council
3. Sydney Water (Two documents)
4. NSW Department of Climate Change, Energy, the Environment and Water – Water Group
5. NSW Department of Climate Change, Energy, the Environment and Water – Heritage NSW
6. NSW Government – Fire and Rescue
7. Ausgrid

Of the combined total of submissions (inclusive of public and agency) received:

- 145 submissions (81.9%) objecting to the proposal.
- 2 submission (1.1%) provided general comment on the proposal.
- 23 submissions (13.0%) supporting the proposal.
- 7 submission/advice (4.0%) were provided by agency/council.

Appendix A includes a Register of Submissions

2.1 Location of community submissions

Submissions were received from the following locations:

Table 1 Location of Submissions

Locality	Number of submissions
Objections	145
Gordon	73
Killara	38
Lindfield	4
Pymble	3
East Killara	2
Turramurra	2
Wahroonga	2
Other Ku-ring-gai	4
Other NSW	16
Interstate (ACT)	1
Comment	2
Killara	1
Parramatta	1
Support	23
Gordon	8
Marrickville	2
Milsons Point	2
Wahroonga	1
Other NSW	10
Total	170
Authority	
Various	7

2.2 Breakdown of community submissions

2.2.1 Analysis of community supported outcomes

Figure 4 provides a summary of the key themes that responders in support of the scheme noted in their submissions.

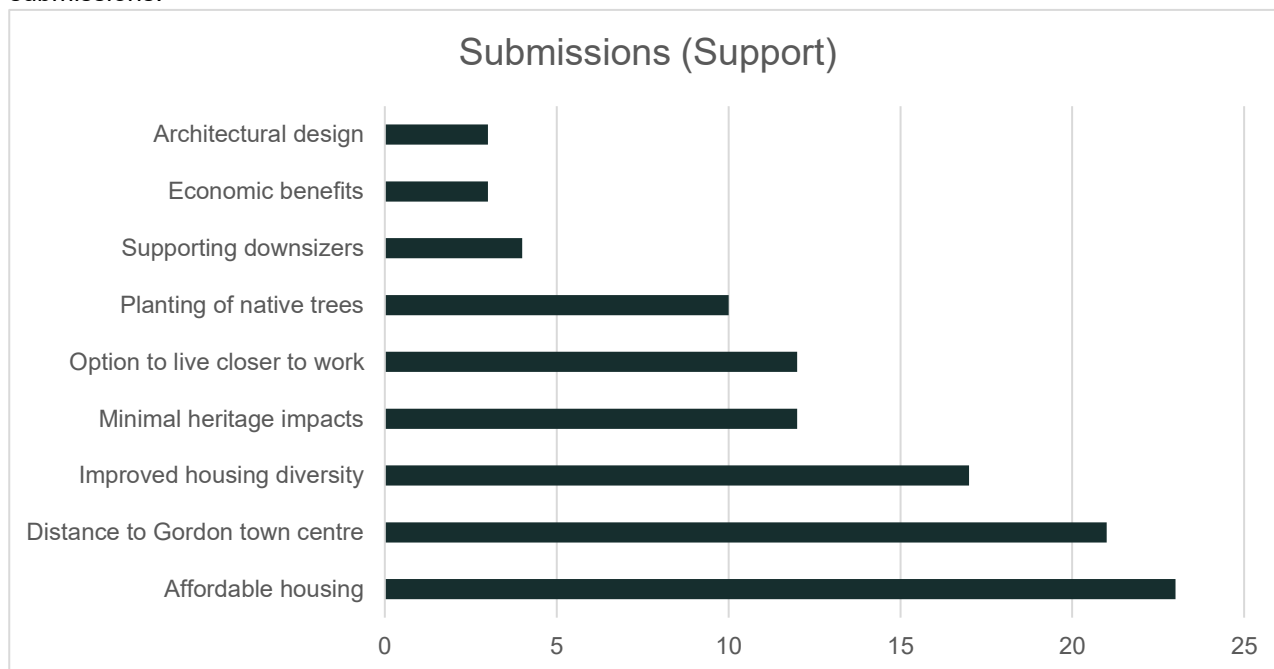


Figure 4 Breakdown of comments in support of the development (Source: Gyde)

2.2.2 Key issues raised by the community

The key issues raised by the local community in response to the application in Gordon predominantly centre around building height, overshadowing, traffic congestion and parking, impact on neighbourhood character, tree removal, and heritage, notably the impact on Eryldene, amongst other items.

A significant portion of the feedback highlights the proposed height. Many submitters have expressed concerns that this height is inconsistent with the local character and exceeds what was anticipated for the redevelopment of the area. A key concern is that the proposed height will lead to greater overshadowing and cause the existing lower density dwellings to be dwarfed.

Traffic congestion is a significant concern raised by residents, particularly regarding McIntosh Street, which is already viewed as heavily congested. Many fear that the proposed development, with its additional apartments, will further strain the area’s traffic, especially during peak hours. Questions have been raised about whether the existing infrastructure can adequately support the growing population density.

Parking is another key issue highlighted in the community objections. Residents are concerned that the proposed development fails to adequately address parking demands.

A number of submissions raised concerns regarding the loss of trees and the impact on biodiversity in the proposal. Specifically, submissions raised concern that the proposal would result in a further loss of Sydney Turpentine Ironbark Forest and the impact on native fauna that reside in the trees.

Submissions raised concerns regarding the heritage conservation area and the nearby heritage item, Eryldene. Residents are concerned that the proposed development would be out of character with the Gordon Estate, Macintosh and Ansell HCA and Eryldene.

Concerns about community consultation have also been voiced, with some residents feeling that the process was insufficient, or that they were not properly consulted about the development.

The matters raised in objections to the proposal have been carefully considered by the project team and a response to each item of concern has been provided in **Table 22**.

2.2.3 Analysis of community objections

Further to the summary of the key issues raised, all 144 community submissions received in objection to the proposal were read and analysed to determine the main areas of concern. This data has been graphed below to provide insight into the number of submissions which raised the issues identified in **Section 2.2.2** of this report.

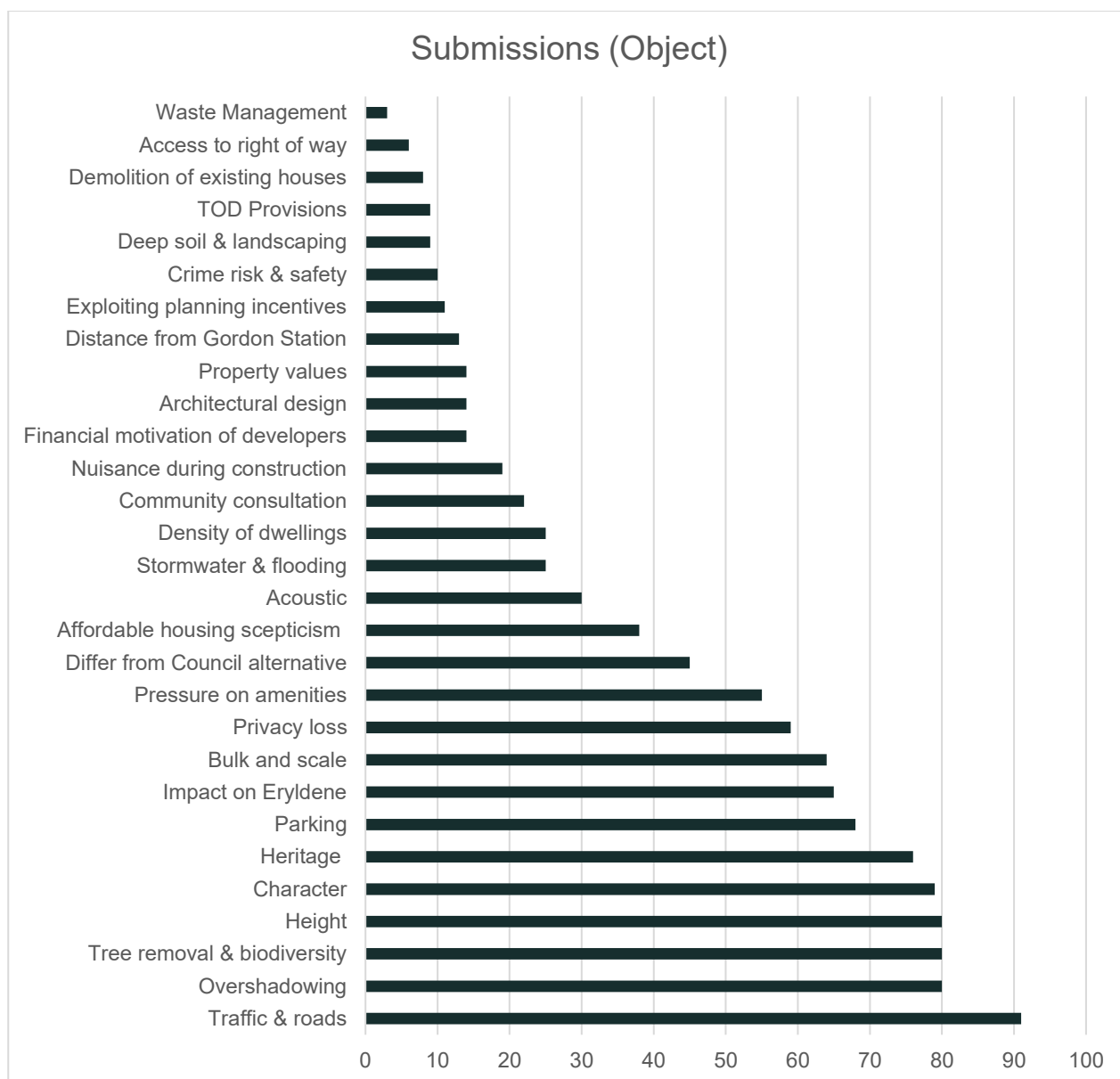


Figure 5 Breakdown of comments in support of the development (Source: Gyde)

2.3 Categorising issues

The issues (received by the community and agencies / authority) are grouped into the categories adopted from the ‘State Significant Development Guidelines – Preparing a submissions report’ (March 2024).

Table 2 Public submissions categorised

Category and issue	Summary and analysis
Project related (e.g. the site, the project area, the physical layout and design, key uses and activities, timing)	
Building height	<ul style="list-style-type: none"> The environmental planning grounds used to justify the proposal are not considered sufficient to warrant a departure from the Height of Building Development Standard.
Bulk and scale	<ul style="list-style-type: none"> The scale of the development is viewed as out of character for the local area.
Landscaping	<ul style="list-style-type: none"> Concerns were raised about the landscape design being incompatible with the neighbourhood character and that the proposal doesn't include adequate tree canopy cover.
Waste	<ul style="list-style-type: none"> 3 submissions raised concern that the proposed development would lead to increased illegal dumping and inadequate waste storage/ collection.
Design	<ul style="list-style-type: none"> Submissions were concerned about the design of the building as unsympathetic to the local area with respect to design and materials.
Procedural matters (e.g. level or quality of engagement, compliance with the SEARs, identification of relevant statutory requirements)	
Consultant reports	<ul style="list-style-type: none"> Errors and inconsistencies within reports.
Community consultation	<ul style="list-style-type: none"> Concerns about insufficient community consultation, with residents submitting that they have not been properly consulted about this development.
Economic, environmental, and social impacts (e.g. amenity, air, biodiversity, heritage)	
Character of the area	<ul style="list-style-type: none"> Submission responses did not feel that the development was consistent or compatible with the existing or future desired character of the area. Need for additional commentary and assurance of how the proposal is compatible with the existing and future local character.
Heritage	<ul style="list-style-type: none"> There was concern raised that the proposed development did not adequately address the impact on the Gordon Park Estate, McIntosh and Ansell Conservation Area. Submissions raised concern that the proposed development would have a negative impact on the heritage listed item, Erydene House. Particularly overshadowing the garden and disrupting plants through excavation. There was concern raised about the demolition of the existing properties that were seen as significant to the area, particularly 55 Werona Avenue.
Traffic and parking	<ul style="list-style-type: none"> Concern that the proposed development will worsen existing traffic congestion in the local area. Concern that the proposed development is considered to underestimate the parking requirements for this scale of development.
Ecology / tree canopy	<ul style="list-style-type: none"> Concerns that the project does not adequately address the loss of trees and the impact on biodiversity of the proposed development.
Overshadowing:	<ul style="list-style-type: none"> The proposed variation contributes to adverse overshadowing and privacy impacts on the low-density residential development surrounding the subject

Category and issue	Summary and analysis
	site. Particular concerns were raised by residents on Forsyth Street and Werona Avenue.
Privacy	<ul style="list-style-type: none"> Concerns that the proposal will result in a loss of privacy for nearby residents.
Social impact	<ul style="list-style-type: none"> Concern that the proposal does not adequately address the impact on local infrastructure and amenities caused by the increase in population including schools, shops, open spaces and hospitals etc. Concern that the proposal will potentially negatively impact on local character, residents, and schools.
Stormwater and flooding	<ul style="list-style-type: none"> Concerns that the proposal would increase flooding for neighbouring sites and the proposed stormwater system is inadequate for the proposed development.
Construction	<ul style="list-style-type: none"> Submission responders raised concern that the construction of the proposed development would be a nuisance in terms of both the traffic impact of construction vehicles and the acoustic impacts.
Noise	<ul style="list-style-type: none"> Concerns that the proposal will result in noise impacts from use of public spaces, construction and increased traffic.
Visual impact	<ul style="list-style-type: none"> Concerns that the proposal will impact on the visual amenity and sense of community within the local area.
Justification and evaluation of the project as a whole (e.g. justification for the project, consistency of project with Government plans, policies or guideline)	
Preferred scenario / TOD	<ul style="list-style-type: none"> Concern that the proposed development is non-compliant with Ku-ring-gai Council's own alternative scenario and therefore the justification of proposed future character of the area is criticised as being inadequate. Submissions highlighted that the project is located at the edge of the TOD zone with the majority of the development located outside the 400m distance from Gordon Station.
Affordable housing	<ul style="list-style-type: none"> Submissions expressed concern regarding the provision of affordable housing arising from the development, with many noting that only 2% of dwellings would remain affordable in perpetuity.
Issues that are beyond the scope of the project (e.g. broader policy issues) or not relevant to the project.	
House prices	<ul style="list-style-type: none"> Concerns were raised regarding the negative impact on property values of the neighbouring properties as a result of the proposed development.
Wider planning reforms	<ul style="list-style-type: none"> Concerns about political planning reforms and their alignment with broader government policies and community interests.
TOD policy	<ul style="list-style-type: none"> General concerns were raised about the Government TOD Policy and the provision of affordable housing. This included comments raising concerns about how affordable the housing would be under the wider TOD and Infill Affordable Housing Policy.
Developer Interests	<ul style="list-style-type: none"> Perception of the proposal as driven by developer interests rather than community needs.

3. Actions taken since exhibition

3.1 Additional technical studies

Further technical studies have been undertaken to provide a response to submissions and inform the design changes set out in this Report. These are summarised in Sections 6 and 7 of this report.

3.2 Further engagement

3.3 Post-exhibition consultation

3.3.1 The Department of Planning, Housing and Infrastructure

On 31st October 2025 a meeting was held between the DPHI and the Proponent to discuss the matters raised in the RFI. The meeting provided clarity to both sides on the information requested by the DPHI and how this should be addressed in the Submissions Report.

3.3.2 Eryldene Trust

On 17th October 2025 the Proponent and Gyde met with The Eryldene Trust to discuss the comments they made in their submission and potential next steps. The following matters were raised by Eryldene:

- **Further Architectural Articulation-** Greater articulation is required in the building design to reduce visual bulk, improve legibility of form, and ensure the development sits more comfortably within its setting.
- **Importance of Material Selection** - Materiality was highlighted as a critical consideration, with an emphasis on materials that are appropriate to a heritage-adjacent context. The Trust stressed that all external materials should be of high quality and durable. The Trust encouraged the use of recessive, muted materials to minimise visual impact and allow Eryldene and surrounding heritage elements to remain prominent. The overall scale of the development and its materials must be carefully considered together to ensure the building does not dominate or detract from the heritage setting.
- **Site Masterplan and Precinct Context** - A broader site masterplan and explanation of how the development relates to the wider precinct is required, including pedestrian movement, landscape structure, and relationship to neighbouring properties.
- **Concept Design Timeframe** - The Trust indicated that a revised or refined concept design should be provided for further consideration.
- **Stormwater and Groundwater Management** - Clear information is required on stormwater strategy, groundwater conditions, and how water impacts will be managed to avoid adverse effects on Eryldene.
- **Review Period for Eryldene** - The Trust requested that a minimum of two weeks be allowed for Eryldene to review any updated plans, reports, or design material once submitted.
- **Replacement of Tree 19** - An Ironbark tree is to be planted as a replacement for Tree 19, reinforcing the importance of appropriate species selection and landscape continuity.
- **Responsiveness to Context-** The proposal should clearly demonstrate how it responds to its immediate and broader context, including heritage, landscape, and neighbourhood character.
- **Vertical Articulation** - Additional vertical articulation is required to break down building height and mass, improving visual permeability and reducing perceived scale.

Following the October meeting, two further meetings were held in February and March with the Eryldene Trust to present the amended scheme and respond to queries. In addition to these meetings, technical documentation and supporting material were provided to the Trust to facilitate feedback. A site visit to Eryldene House was also undertaken with representatives of the Trust to identify appropriate viewpoints for

the visual impact assessment and to enable the consultant team to better understand the site context. The Proponent will continue to engage with the Trust as the SSDA progresses.

3.4 Amendments to the project – overview

In response to the comments raised during exhibition, the RFI issued by the DPHI and as a result of ongoing design development, the SSD application has been amended to achieve an improved built form outcome on the site.

The proposal remains generally as detailed in Section 3 of the EIS (prepared by Gyde, dated 22 April 2025). It is worth noting that the EIS and accompanying documentation were prepared in accordance with applicable TOD planning provisions which were subsequently turned off on 13 June 2025 and those sites, including the subject site, with valid SEARs issued or lodged SSDAs were saved. The mapping was updated to reflect this legislative change.

The proposed design amendments to the SSDA proposal are described at a high-level in Section 1.5 above, with **Table 3** providing a numerical comparison of the as lodged and as amended scheme:

Table 3 Numerical comparison of the as lodged SSDA and the scheme as amended

Key element	Original submission		Proposed amendments	
Project Area				
Site Area	7,776 sqm		7,776 sqm	
GFA	18,604.52 sqm		19,453.03 sqm	
Affordable Housing GFA	3,285 sqm		3,334.53 sqm	
Physical layout design				
Building height	Building	Height	Building	Height
	A	30.4m	A	30.95m
	B	30.5m	B	29.54m
	C	29.9m	C	30.57m
Unit mix	<ul style="list-style-type: none"> • 1-bedroom – 18 • 2-bedroom – 84 • 3-bedroom – 60 • 4-bedroom – 0 		<ul style="list-style-type: none"> • 1-bedroom – 8 • 2-bedroom – 68 • 3-bedroom – 63 • 4-bedroom – 12 	
Deep soil (equal or greater than 6m)	962.54 sqm or 12.4% of the site area		582.33 sqm or 7.49% of the site area	
Landscaping	2,991.5 sqm or 38.4% of the site area		3,561.20 sqm or 45.80% of the site area	
Communal open space	1,957 sqm or 25% of the site area		3,292.45 sqm or 42.34% of the site area	
Parking	<ul style="list-style-type: none"> • Market Residential – 149 • Affordable residential – 23 • Visitor – 18 • Total - 190 		<ul style="list-style-type: none"> • Market Residential – 153 • Affordable residential – 18 • Visitor/Car Share – 7 (Includes 2 accessible visitor) • Total - 178 	
Bicycle parking	<ul style="list-style-type: none"> • Residential – 162 • Visitor – 16 • Total - 178 		<ul style="list-style-type: none"> • Residential – 151 • Visitor – 15 • Total - 166 	

3.5 Proposed amendments

3.5.1 Detailed design changes

3.5.1.1 Amended building heights

The overall maximum height of all buildings has been increased from 30.5m (Building B) to 30.95m for Building A resulting in a minor exceedance of the height development standard by roof elements and the lift overrun.

3.5.1.2 Increased setbacks on the western boundary of the site

The building footprint of Building A has been setback at all floors on the western side to minimise the extent of built form on the neighbouring properties, notably Eryldene Historic House. This reduction has resulted in a revised unit layout to include more 4-bedroom units and changes to Building C and Buildings A and B set out below



Figure 6 Previously proposed Building A Design (Source: PMDL Architects)



Figure 7 Revised Building A Design (Source: PMDL Architects)

3.5.1.2.1 New units on upper level of Building C

Two new units four-bedroom units and a new communal open space is now proposed within Building C on Level 8 (9th storey).

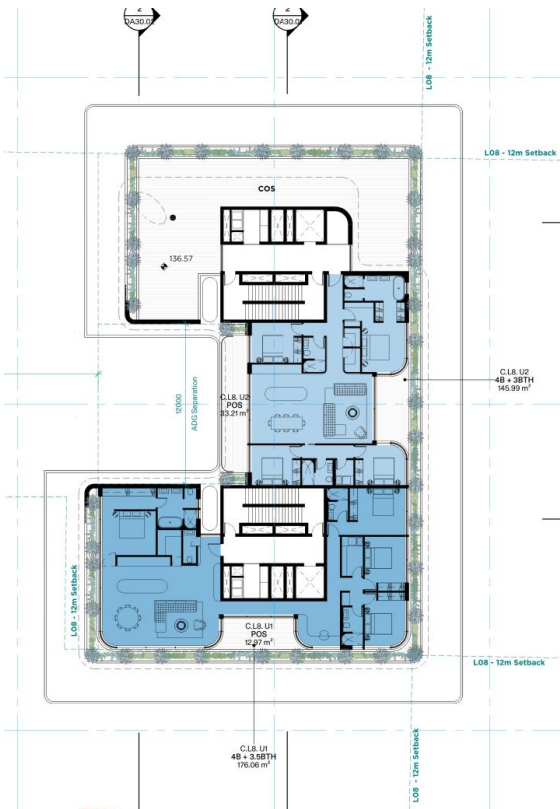


Figure 8 Proposed new Level 8 units (Source: PMDL Architects)

3.5.1.3 Infilled area between buildings A and B

The area between Buildings A and B has been infilled up to Level 4 to accommodate additional units, comprising seven 3-bedroom dwellings, with additional communal open space provided at the roof level (refer to **Figure 9**).

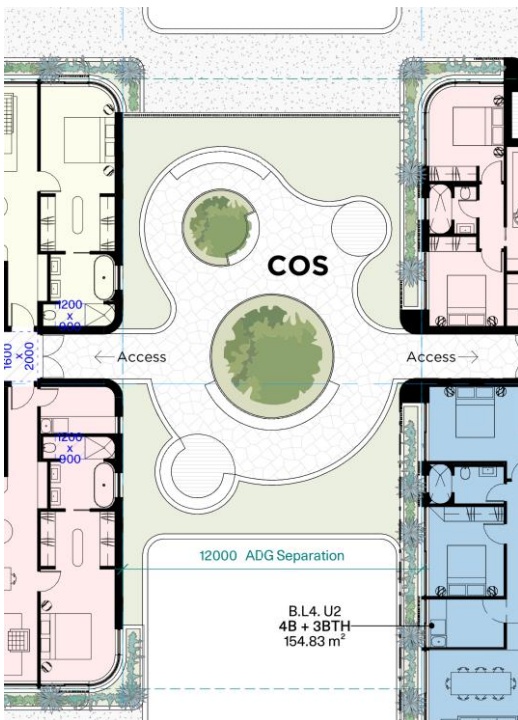


Figure 9 Communal open space on level 4 of Buildings A/B (Source: PMDL)

3.5.1.4 Amendments to basement

Basement 2

The basement layout has been reconfigured to accommodate changes to lift locations and the unit mix with additional 4-bedroom units and less 1- and 2-bedroom units. The car parking spaces on this level have been increased from 100 spaces to 101 spaces.

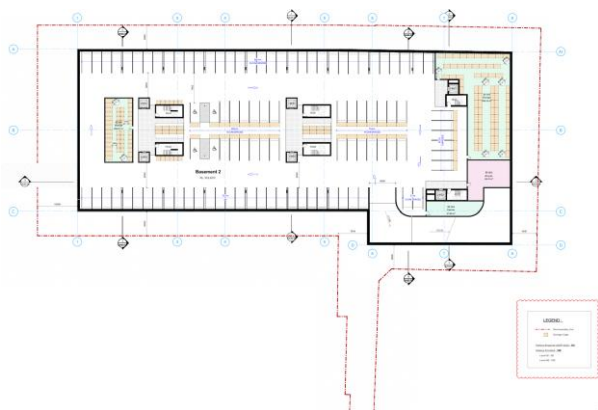


Figure 10 Previously proposed Basement 2 (Source: PMDL Architects)

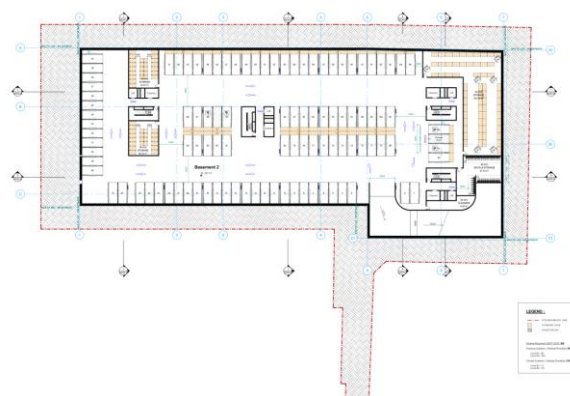


Figure 11 Revised Basement 2 (Source: PMDL Architects)

Basement 1

The basement layout has been reconfigured to accommodate changes to lift locations and the unit mix. The car parking spaces on this level have been decreased from 90 spaces to 77 spaces.

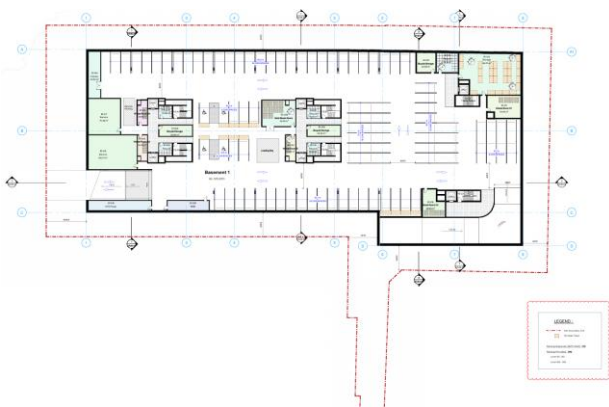


Figure 12 Previously proposed Basement 1 (Source: PMDL Architects)

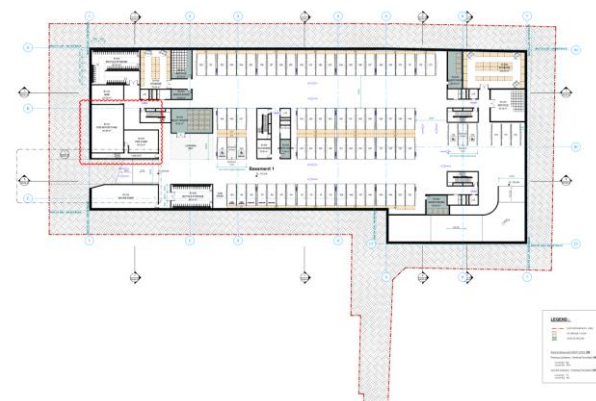


Figure 13 Revised Basement 1 (Source: PMDL Architects)

3.5.1.5 Amendments to landscaping and communal open space

A revised landscaping scheme has been provided to include a more sympathetic interface between the development and the heritage values of the area. Additional trees have been included along the western boundary. Additional Communal Open Space is being provided above the new units filled in between Buildings A and B. The previously proposed rooftop communal open space on Building C has been revised to accommodate the additional units on level 8.

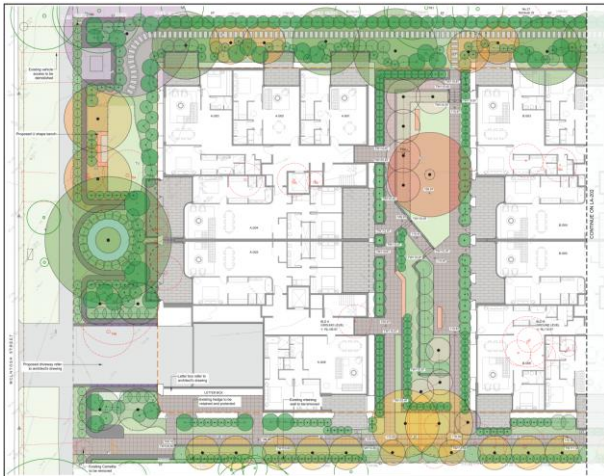


Figure 14 Previously proposed front landscape plans for Buildings A & B (Studio IZ)

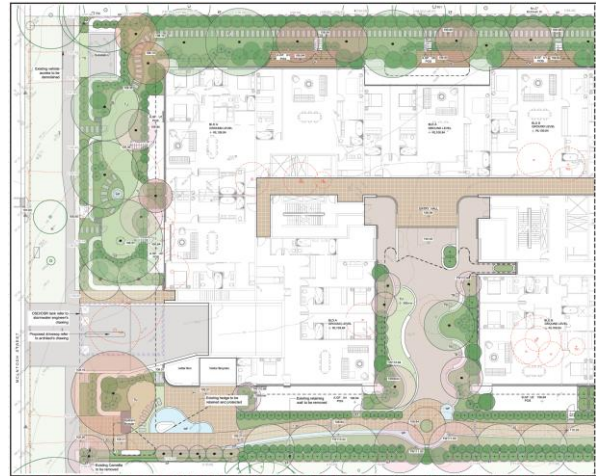


Figure 15 Revised landscape plans for Buildings A & B (Studio IZ)



Figure 16 Previously proposed rear landscape plans for Buildings B & C (Studio IZ)

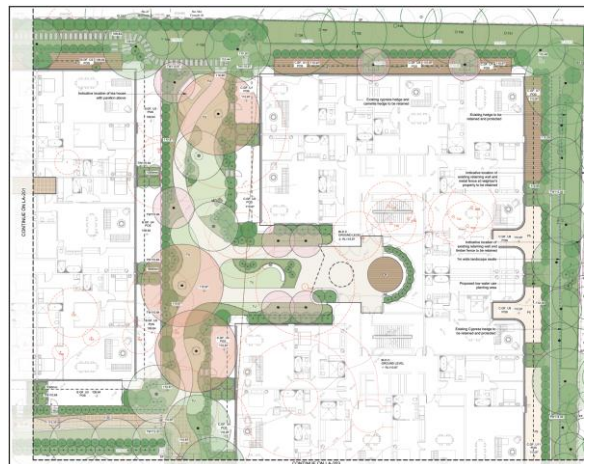


Figure 17 Revised rear landscape plans for Buildings B & C (Studio IZ)



Figure 18 Previously proposed access handle landscape plans (Source: Studio IZ)

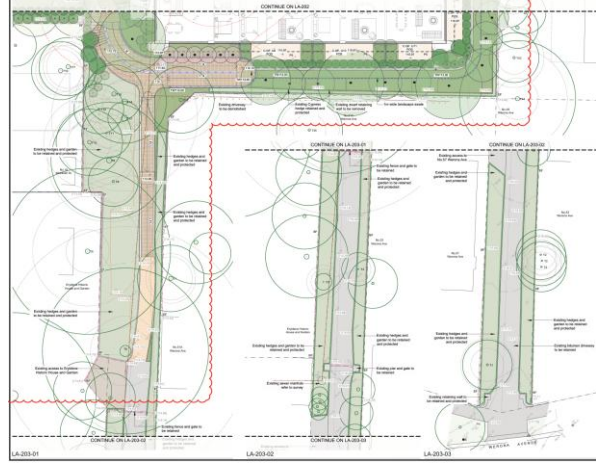


Figure 19 Revised access handle landscape plans (Source: Studio IZ)

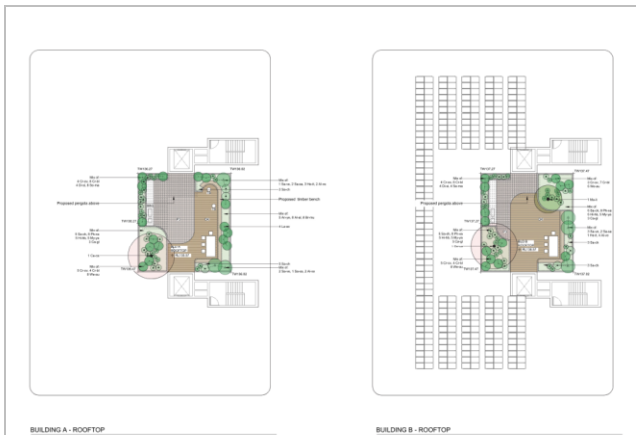


Figure 20 Previously proposed Buildings A & B Rooftop landscape plans (Source: Studio IZ)



Figure 21 Revised Buildings A & B Rooftop landscape plans (Source: Studio IZ)



Figure 22 Previously proposed Building C Rooftop landscape plans (Source: Studio IZ)

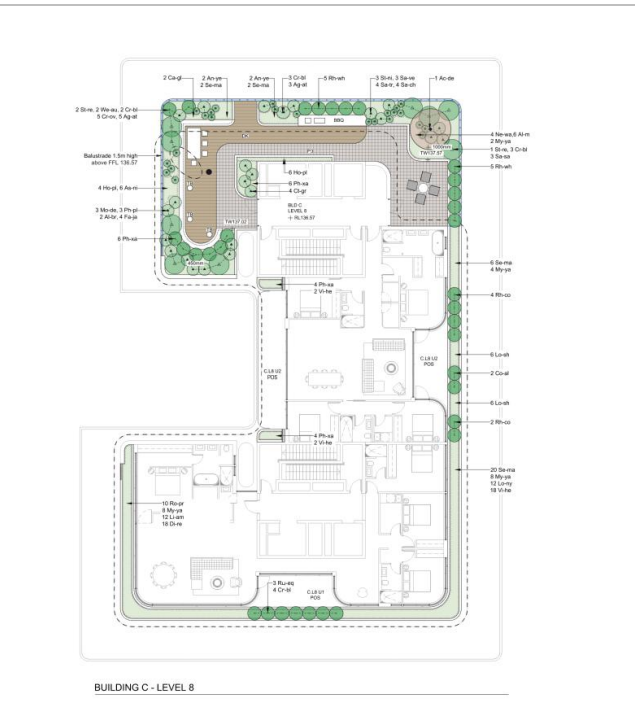


Figure 23 Revised Building C Rooftop landscape plans (Source: Studio IZ)

3.5.2 Other project refinements and clarifications

3.5.2.1 Minor increase in GFA / FSR

The proposed GFA has been increased by 861.79 sqm from 18,591.24sqm (2.39:1) to 19,453.03 sqm (2.5:1). This increase is primarily due to the reconfiguration of Building C and infilled space between Buildings A and B.

3.5.2.2 Amendments to the unit number and mix

The number of units has been decreased from 162 to 151. The revised unit mix is as follows:

Table 4 Revised unit mix

Unit mix – as submitted	Unit mix - revised
1-bedroom – 18	1-bedroom – 8
2-bedroom – 84	2-bedroom – 68
3-bedroom – 60	3-bedroom – 63
4-bedroom – 0	4-bedroom – 12

3.5.2.3 Minor changes to solar access and cross ventilation calculations

Due to the revised building layouts and unit numbers, there has been a minor change to the solar access and cross ventilation calculations. The proposal continues to comply with the ADG requirements and provides the following:

- Minimum of 104 units receiving 2 hours direct sunlight (21st June)
 - 109 out of 151 units (72.19%)
- Maximum of 22 units receiving no sunlight (21st June)
 - 11 out of 151 units (7.28%)
- Minimum of 90 units naturally cross-ventilated
 - 117 out of 151 units (77.48%)

3.6 Amended description of development

The description of development is proposed to be amended as follows:

The proposed development seeks consent for three new residential flat buildings with in-fill affordable housing. The proposal will include:

- *Demolition of all existing structures and associated outbuildings, including swimming pools and tennis courts*
- *Partial clearing of site*
- *Construction of a residential development, involving three residential flat buildings having a maximum height of ~~8~~ 9 storeys*
- *~~162~~ 151 residential apartments of which ~~33~~ 31 will be affordable housing units, of which ~~29~~ 27 (15%) will be retained as affordable housing of 15 years and 4 (2%) will be retained as affordable housing in perpetuity*
- *Excavation for two basement levels, containing ~~191~~ 178 car parking spaces and associated services*
- *Removal of ~~29~~ 28 trees*
- *Landscaping of common areas.*

4. Strategic context

The strategic context for the proposed amendments remains generally consistent with the original application, as outlined in the EIS. The strategic framework guiding the development continues to align with the broader objectives of state, regional, and local planning policies, ensuring the project contributes to housing, infrastructure, and sustainable development goals. A summary of the Strategic Context of the development is provided below.

4.1 National Housing Accord, TOD and LMR

In October 2022, the National Housing Accord was introduced by the Federal Government, pledging to construct 1 million houses in prime locations within a five-year timeframe, commencing in 2024. In alignment with this national commitment, the NSW Government's Transit-Oriented Development (TOD) Program, introduced in May 2024, seeks to facilitate higher-density residential development in proximity to public transport nodes. The subject site forms part of this program, which represents the State's strategic response to the objectives of the National Housing Accord by promoting sustainable growth, improved housing diversity, and reduced car dependency through integrated land use and transport planning.

Since the introduction of the TOD Program, the NSW Government and Ku-ring-gai Council have progressed an alternative planning framework for the Gordon, Killara, Lindfield and Roseville station precincts. As part of this process, the TOD controls were "turned off" for new development applications on 13 June 2025. This means that new applications can no longer rely on the TOD provisions, with development instead assessed under the Ku-ring-gai Local Environmental Plan 2015 or the subsequently endorsed alternative controls.

However, transitional "savings" provisions apply. Development applications, including State Significant Development (SSD) applications for which Secretary's Environmental Assessment Requirements (SEARs) had already been issued prior to 13 June 2025, are preserved. The TOD controls continue to apply to these "saved" applications, including the development.

NSW Government's Low and Mid Rise Housing Reforms are also relevant to the strategic context. Stage 2 of the NSW Low and Mid-Rise Housing policy commenced on 28 February 2025, introducing a standardised framework that enables higher density housing typologies, including mid-rise apartments (residential flat buildings and shop-top housing) on residential land within walking catchments of nominated centres and train/light-rail stations. This includes Gordon Station. The Stage 2 controls establish additional building heights and floor-space ratios, along with updated lot and parking parameters, that apply in mapped low- and mid-rise housing areas and prevail over conflicting local controls.

4.2 Regional strategic context

The **Greater Sydney Region Plan – A Metropolis of Three Cities** and the **North District Plan** remain central to the strategic planning framework. The North District Plan identifies the need for new housing in the right places to meet demand for different housing types, tenure, price points, locations and design. The plan also identifies the need for new housing to be coordinated with local infrastructure, including access to public transport. The proposed development will continue to deliver much needed new homes, including a mix of unit sizes and affordable homes, in a highly sustainable location, being located within 400m of Gordon Train Station and various bus stops, it encourages the use of public transport to reduce emissions and contributes to creating an accessible neighbourhood.

The **Future Transport Strategy** sets the strategic directions for future mobility in New South Wales, which aims to deliver safe, healthy, sustainable, accessible and integrated passenger and freight public transport journeys. The proposal continues to align with the strategy, providing a high quality development in a highly favourable location, approximately within 400m of Gordon Train Station.

4.3 Local strategic context

The **Ku-ring-gai Local Strategic Planning Statement 2020** (LSPS) outlines the vision and planning priorities for Ku-ring-gai's future development. The LSPS emphasises local infrastructure, housing, local

character and heritage. The proposed development provides much-needed affordable housing options located close to public transport services, contributing to the LSPS goal of providing affordable housing that strengthens the local residential community and of providing housing close to transport facilities to meet the existing and future requirements of a growing, changing community.

4.4 Evolving strategic context

The strategic context in Ku-ring-gai is evolving following the DPHI repealing Chapter 5 ‘Transport Oriented Development’ of the Housing SEPP for the Ku-ring-gai local government area (LGA), with the exception of lots that on, or before, 13 June 2025, had valid SEARs issued and SSDA’s lodged but not yet determined. The site had valid SEARs prior to this date and has therefore been saved under the transitional provisions and mapped on the revised TOD Map as shown in **Figure 24**.



Figure 24 Save TOD sites (Source: NSW Planning Portal Spatial Viewer)

On 14 November 2025 the *State Environmental Planning Policy Amendment (Ku-ring-gai Station Precincts) 2025* commenced. We have considered the changes under this Policy relevant to the site below.

4.4.1 Ku-ring-gai Stations Precinct

This Policy made the following changes relevant to the site:

Table 5 Ku-ring-gai Stations Precinct LEP and Housing SEPP changes

Change	Map
--------	-----

Introduction of LMR exclusions map under the Housing SEPP. This removes the LMR provisions from the land adjacent to the site- as shown dashed blue adjacent. Although the land to the south and east of the lot retains LMR Controls.

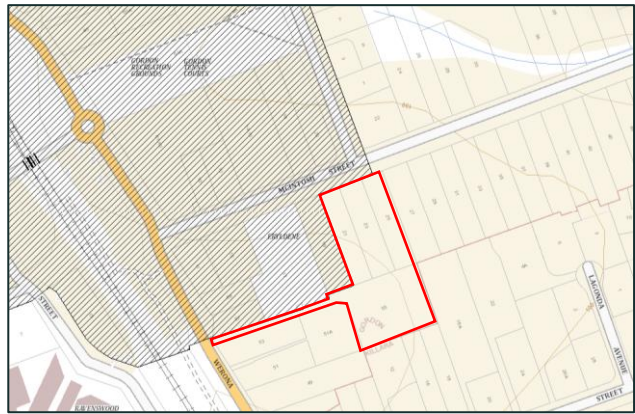


Figure 25 LMR exclusions map under the Housing SEPP (Source: NSW Planning Portal Spatial Viewer)

LEP – Change of maximum height of neighbouring sites.

Before commencement



Figure 26 KLEP Height Control Map before 14 November 2025 (Source: KLEP)

After commencement

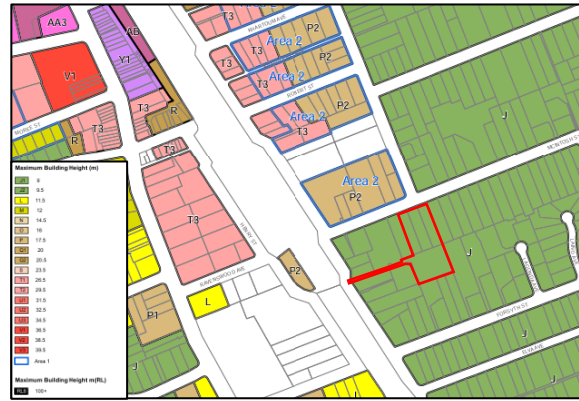


Figure 27 KLEP Height Control Map from 14 November 2025 (Source: KLEP)

LEP – Change of maximum FSR of neighbouring sites.

Before commencement



Figure 28 KLEP Floor Space Ratio Map before 14 November 2025 (Source: KLEP)

After commencement

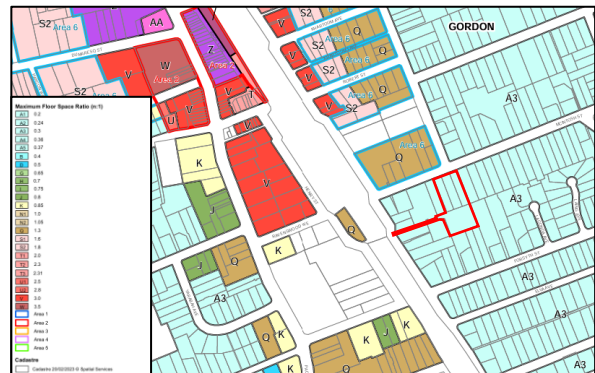


Figure 29 KLEP Floor Space Ratio Map from 14 November 2025 (Source: KLEP)

4.4.1.1 Summary

The legislative amendments mean that the strategic context relating to the desired future character of the area is no longer that considered within the EIS that was lodged on 17th July 2025. The desired future character of the area is therefore likely to be determined by:

- Ku-ring-gai Council's preferred alternative scenario, which was approved by DPHI on 14 November 2025;
- the low to mid rise housing controls as per Chapter 6 of the Housing SEPP; and,
- the infill affordable housing provisions of the Housing SEPP.

A review of the revised planning controls indicates that the desired future character of the locality focuses on the establishment of higher-density residential typologies in proximity to Gordon Station, with building height and density stepping down away from Gordon Town Centre and Station. The anticipated future context, in terms of built form, height, and density, is illustrated in **Figure 30 to Figure 32**, which depict the potential urban form outcome should surrounding non-heritage properties be developed in a manner consistent with the Ku-ring-gai Preferred Scenario, and where applicable, the LMR and infill development provisions are applied.

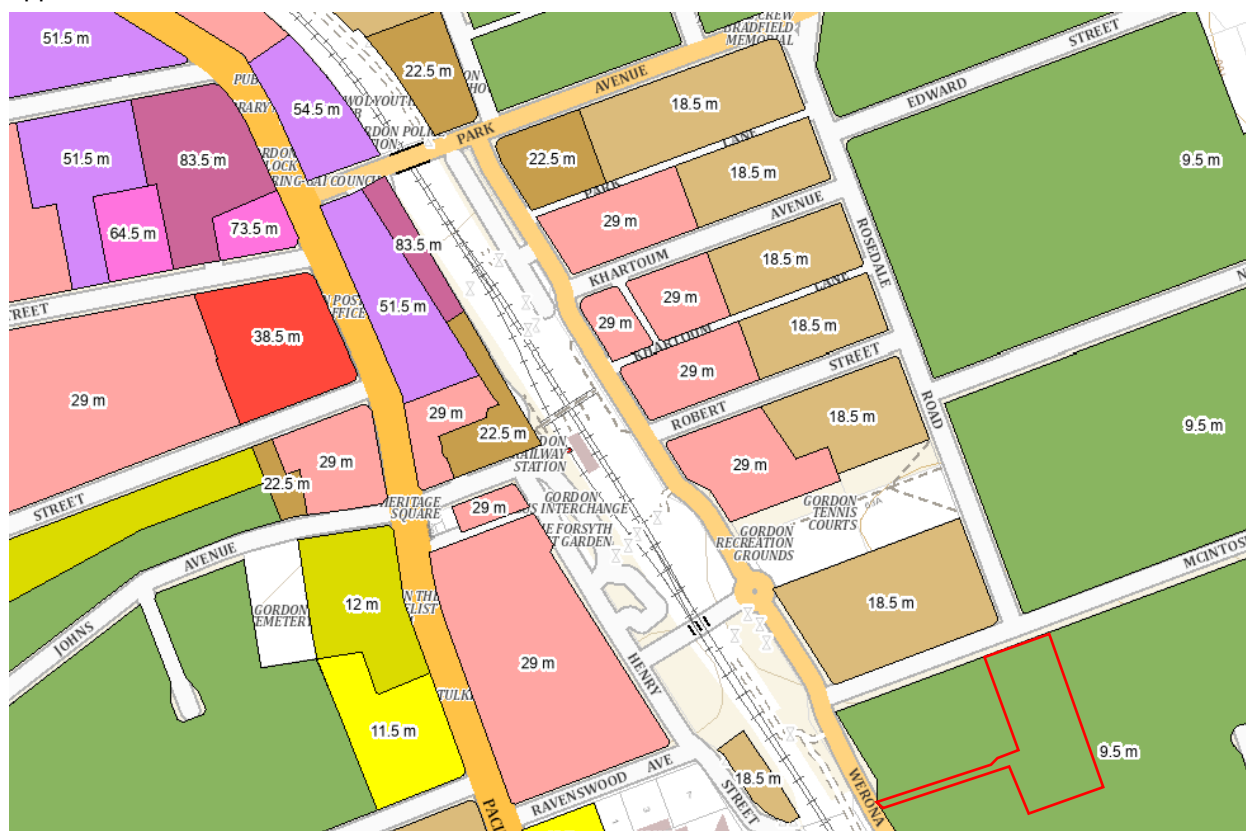


Figure 30 Ku-ring-gai preferred scenario height of buildings map (Source: NSW Planning Portal Spatial Viewer)

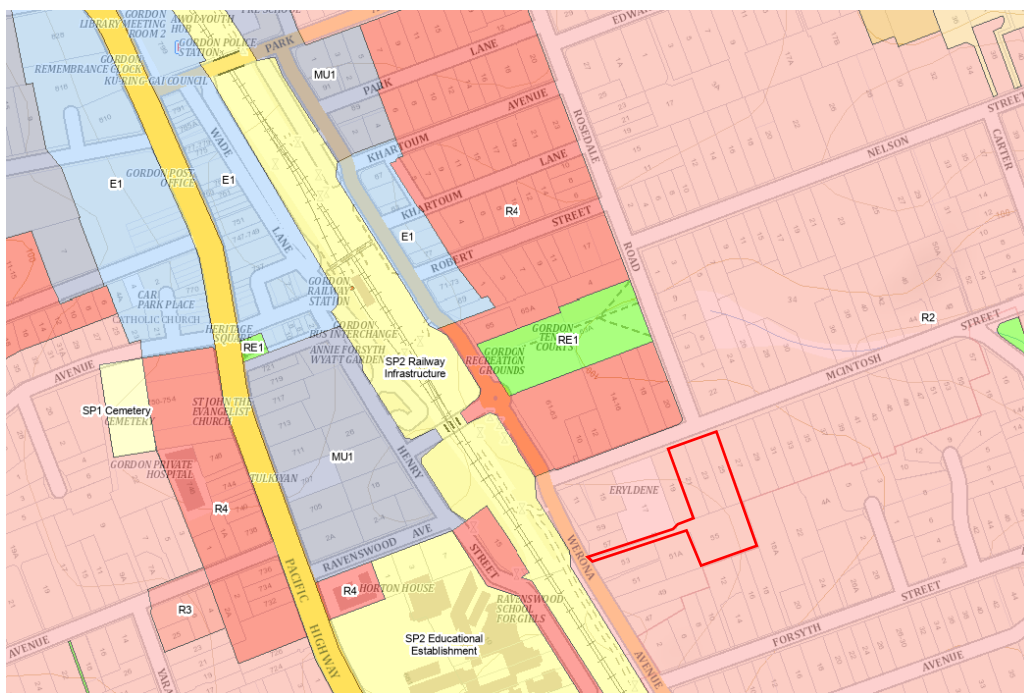


Figure 31 Ku-ring-gai preferred scenario land zoning map (Source: NSW Planning Portal Spatial Viewer)



Figure 32 Future context – Ku-ring-gai preferred scenario zoning with LMR controls and infill Affordable housing bonus

The future character of the precinct has been subject to considerable change over the past 12 months, with the site being identified under TOD, LMR, and revised TOD alternative frameworks. More recently, Council has indicated potential adjustments to local heritage listings. These successive shifts demonstrate that the strategic planning context is not agreed and continues to evolve at a rapid pace.

In circumstances where the strategic direction is in flux and no consolidated long-term framework has been finalised, it is difficult for proponents to reliably predict the intended future character for the precinct.

5. Statutory context

5.1 Introduction

The statutory context governing this development application remains generally consistent with that which was applicable at the time of the original lodgement. At the time of lodgement of the original application, Ku-ring-gai Council was in the process of endorsing their Alternative Preferred Scenario to the TOD initiative and in June 2025 Council “Adopted” their alternative plan and submitted it to DPHI. Consideration of this scheme has been provided in the section above.

It should be noted that, with the exception of the building height, which exceeds the maximum allowable height, the amended proposal complies with the relevant statutory provisions, as detailed in the Statutory Compliance Table available in **Appendix C**.

5.2 Relevant legislation

The proposed amendments do not affect compliance with the relevant legislation. Key points from the relevant Commonwealth, State and Local legislation are outlined below.

- **Power to Grant Approval:** The development is classified as State Significant Development (SSD) in accordance with Section 4.36(2) of the *Environmental Planning & Assessment Act 1979* and Schedule 1, Clause 26A of the *State Environmental Planning Policy (Planning Systems) 2021*, as it is located in the Eastern Harbour City and has a Estimated Development Cost (EDC) greater than \$75 million. The development does not involve prohibited activities under applicable EPIs.
- **Permissibility:** Whilst residential flat buildings are not permissible within the R2 zone of the KLEP, the proposal is relying upon the TOD provisions under Chapter 5 of the Housing SEPP, which identifies the site as a Transport Oriented Development Site. Chapter 5 of the Housing SEPP provides that residential flat buildings are permitted in relevant residential zones (including R2).
- **Other Approvals:** Certain authorisations are not required or cannot be refused for SSDs, including under the *Fisheries Management Act*, *Heritage Act*, *National Parks and Wildlife Act*, *Rural Fires Act*, and *Water Management Act*.

5.3 Mandatory considerations

The table sets out the matters that a consent authority will be required to consider in deciding whether to grant consent to the SSD. These matters were addressed in detail in the EIS.

Table 6 Pre-conditions to Exercising Power to Grant Approval

Instrument	Pre-Conditions	Response
<i>Biodiversity Conservation Act 2016</i>	Pursuant to Section 7.9 of this instrument, SSDAs must be accompanied by a Biodiversity Development Application Assessment Report (BDAR) unless the Planning Agency Head, and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. This determination is referred to as a BDAR Waiver.	An amended BDAR has been prepared and provided in Appendix I which assesses the impacts to biodiversity on the site.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Division 17, Section 2.122 requires the consent authority to provide Transport for NSW (TfNSW) with written notice of the development application for ‘traffic-generating development’.	The development is not located with access to, or within 90m of a classified road and the development is not likely to accommodate more than 300 or more dwellings, as such Division 17,

Instrument	Pre-Conditions	Response
	<p>Division 15, Subdivision 2 relates to development in or adjacent to rail corridors and interim rail corridors, including a requirement for concurrence with the rail authority.</p> <p>Division 15, Section 2.100 and Division 17, Section 2.120 apply to development including residential accommodated located near a road and railway corridor. The Section notes that the consent authority must not grant consent to development for the purpose of residential accommodation unless it is satisfied the appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p> <p>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,</p> <p>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</p>	<p>Section 2.122 of the SEPP is not relevant.</p> <p>The development is not adjacent to a rail corridor.</p> <p>The development is not located with access to, or within 90m of a classified road and the development is not likely to accommodate more than 300 or more dwellings, or include more than 200 car parking spaces as such Division 17, Section 2.122 of the SEPP is not relevant.</p>
<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></p>	<p>Chapter 4, Clause 7 requires that a consent authority is not to consent to the carrying out of development unless it is satisfied that the land is suitable, or can be made suitable, for its future intended use.</p>	<p>A Preliminary Site Investigation and a Detailed Site Investigation (DSI) were completed for the site. The DSI confirmed that the land can be made suitable for the intended future use. None of the changes proposed in this amendment are anticipated to impact the conclusions of this report because no changes to the uses or intensity of use on the site is proposed.</p>
<p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p>	<p>Chapter 6, Section 6.6(2) and 6.7(2), 6.9(2) note that development consent must not be granted for development on land in a regulated catchment unless the consent authority is satisfied that the development satisfies the matters set out with respect to water quality, impacts on biodiversity, availability of recreation uses.</p>	<p>The development is located in the Sydney Harbour Catchment, a regulated catchment.</p> <p>The Integrated Water Management Plan prepared by Hydracor confirms that the stormwater management strategy including on-site stormwater detention, stormwater quality and stormwater drainage is designed in accordance with the relevant requirements of Ku-ring-gai Council Development Control Plan Part 24 and AS 3500.3. This report also confirms that the development is not proposed on flood liable land.</p> <p>Biodiversity matters are considered under the BDAR.</p> <p>The development does not impact any recreational land, or impact on any existing or proposed recreational land.</p>

Instrument	Pre-Conditions	Response
<p><i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></p>	<p>Development consent must not be granted to development to which the standards specified in Schedule 1 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified using an approved BASIX system.</p>	<p>The development is defined as BASIX Development under the EP&A Regulations and this Section applied. The embodied emissions have been quantified using the approved BASIX system.</p>
<p><i>State Environmental Planning Policy (Housing) 2021</i></p>	<p>21 Must be used for affordable housing for at least 15 years <i>“(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</i> <i>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</i> <i>(b) the affordable housing component will be managed by a registered community housing provider”</i></p> <p>147 Determination of development applications and modification applications for residential apartment development <i>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</i> <i>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i> <i>(b) the Apartment Design Guide,</i> <i>(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</i> <i>...</i> <i>(4) Subsection (1)(c) does not apply to State significant development.</i></p>	<p>The community housing provided, Echo Realty, has provided a letter (Appendix K) which confirms their support of the proposed AH unit allocations and their intention to manage these units in accordance with the Housing SEPP requirements.</p>
<p><i>Ku-ring-gai LEP 2015</i></p>	<p>5.21 Flood planning Clause 5.21 states that development consent cannot be granted for land within a flood planning area unless the proposal is designed to be compatible</p>	<p>As noted above, the Integrated Water Management Plan prepared by Hydracor concludes that the development is not within a flood planning area.</p>

Instrument	Pre-Conditions	Response
	<p>with flood conditions, does not worsen flooding impacts, ensures safe evacuation, manages flood risks to life, and avoids environmental harm.</p> <p>6.3 Biodiversity protection This Clause notes that development consent cannot be granted unless the proposal aligns with the clause’s objectives, avoids or minimises environmental harm, protects native vegetation and habitat, maintains land stability, and ensures no overall loss of significant vegetation or biodiversity.</p> <p>6.6 Requirements for multi dwelling housing and residential flat buildings “(2) Despite any other provision of this Plan, development consent must not be granted for the erection of multi dwelling housing or a residential flat building on a lot in a residential zone unless the lot has an area of at least 1,200 square metres and minimum dimensions (width and depth) of at least— (a) if the area of the land is less than 1,800 square metres—24 metres, or (b) if the area of the land is 1,800 square metres or more—30 metres. ... (4) For the purposes of this clause, if a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.”</p>	<p>The development contains an area of biodiversity identified on the Terrestrial Biodiversity Map. As noted in the accompanying BDAR, impacts on protected biodiversity are avoided through building siting.</p> <p>The site has a total area of 7,776 sqm. The site measures 169.302m from east to west and has a length of 126.535m from north to south. Excluding the access handle to 55 Werona Avenue, the site is still compliant, measuring 52.735m wide by 126.535m long. The site is therefore compliant with Clause 6.6 of the KLEP.</p>

5.4 Mandatory matters for consideration

The table below identifies key matters that the consent authority will be required to consider in deciding whether to grant consent to the SSDA.

Table 7 Matters for consideration

Legislation	Matters for Consideration	Comment
Environmental Planning and Assessment Act 1979		
Section 1.3	Objects of the Act	<p>The amended proposal remains consistent with the objects of the EP&A Act. In particular, the proposal:</p> <ul style="list-style-type: none"> Promotes sustainable development. <p>The proposal delivers 151 well-designed dwellings, including 31 affordable units, in a highly</p>
Section 4.15	<p>(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application— (a) The provisions of -</p>	

	<p>(i) Relevant Environmental Planning Instruments</p> <p>(ii) Relevant Draft Environmental Planning Instruments</p> <p>(iii) Any planning agreements</p> <p>(iv) the Environmental Planning and Assessment Regulation 2021 (EP&A Regs)</p> <p>(b) likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</p> <p>(c) suitability of the site for the development</p> <p>(d) any submissions made in accordance with the Act or Regulations</p> <p>(e) the public interest.</p>	<p>accessible, well-serviced location, supporting sustainable living and transport options. The proposal also makes efficient use of existing urban infrastructure and services. Accordingly, the proposal is consistent with sections 1.3(a), 1.3(b) and 1.3(k) of the EP&A Act.</p> <ul style="list-style-type: none"> • Facilitates ecologically sustainable outcomes. Landscaping, green roof terraces, and mitigation measures outlined in the EIS dated 17 July 2025 improve environmental performance and integrate environmental and social considerations into the design and assessment of the development. To the extent relevant, the proposal is also capable of contributing to urban resilience outcomes. Accordingly, the proposal is consistent with sections 1.3(d), 1.3(e) and 1.3(i) of the EP&A Act. • Promotes orderly and economic use and development of land. The project redevelops an underutilised site in a location well served by transport, employment and services, and increases housing supply in an accessible urban area. Accordingly, the proposal is consistent with section 1.3(k) of the EP&A Act. • Provides affordable and diverse housing. The inclusion of 31 affordable dwellings enhances housing choice, affordability and social inclusion within the Gordon area. More broadly, the proposal contributes to the supply and delivery of housing, including affordable housing. Accordingly, the proposal is consistent with section 1.3(b) of the EP&A Act. • Promotes good design and compliance. The development achieves a high standard of design quality, amenity and residential livability, consistent with the Housing
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		SEPP and Apartment Design Guide. The BCA Report confirms that compliance is achievable. Accordingly, the proposal is consistent with section 1.3(g) of the EP&A Act.
Environmental Planning and Assessment Regulations 2021		
Section 61	(1) In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: <i>The Demolition of Structures</i> .	Noted.
State Environmental Planning Policy (Housing) 2021		
161 Consideration of Apartment Design Guide	<i>“Development consent must not be granted for development for the purposes of residential flat buildings, independent living units or shop top housing on land in a Transport Oriented Development Area unless the consent authority has considered the Apartment Design Guide.”</i>	This is considered in the updated Apartment Design Guide Compliance Document.
20 Design Requirements	(3) <i>Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</i> <i>(a) the desirable elements of the character of the local area, or</i> <i>(b) for precincts undergoing transition—the desired future character of the precinct.</i>	This is considered in Section 4.4 and Section 6.1.2.3.
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 6, Section 6.6(2) and 6.7(2), 6.9(2)	Chapter 6, Section 6.6(1) and 6.7(1), 6.9(1) note the matters that the consent authority must consider in deciding whether to grant consent to development in a regulated catchment unless the consent authority is satisfied that the development satisfies the matters set out with respect to water quality, impacts on biodiversity, availability of recreation uses.	This is considered in the table above.

5.5 Housing SEPP

An assessment of the applicable Chapters of the Housing SEPP, being Chapter 2 and Chapter 5, is provided in **Table 8**.

Section 19 of the Housing SEPP has been amended under the *State Environmental Planning Policy Amendment (Punchbowl and Wiley Park Transport Oriented Development Precinct) 2026*, however, the proposed development is covered by the savings provisions as described in Section 7A:

An amendment made to this policy by *State Environmental Planning Policy Amendment (Punchbowl and Wiley Park Transport Oriented Development Precinct) 2026*, Schedule 2[2] does not apply to a development application made but not finally determined before the commencement of the amendment.

Table 8 Consistency with the Housing SEPP

Provision	Comment
Chapter 2 – In-fill affordable housing	
15C Development to which division applies	
<i>(1) This division applies to development that includes residential development if—</i>	The site is permissible with consent under Chapter 5 of the Housing SEPP. The site is zoned R2 and is classified as a relevant residential zone under section 151.
<i>(a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and</i>	
<i>(b) the affordable housing component is at least 10%, and</i>	The proposal will provide 15% affordable housing for a minimum of 15 years. An additional 2% is provided in perpetuity.
<i>(c) all or part of the development is carried out—</i>	The site is in an ‘accessible area’ being within 800m of Gordon Train Station.
<i>(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area,</i>	
<i>(2) Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.</i>	An additional 2% affordable housing will be provided in perpetuity as per the requirements of Chapter 5 <i>Transport Oriented Development</i> of the Housing SEPP.
18 Affordable housing requirements for additional building height	
<i>(1) This section applies to development that includes residential development to which this division applies if the development—</i>	The proposal involves the construction of a residential flat building on the site and does not rely on the additional floor space ratio permitted under section 16. The proposed total amended FSR is 2.5:1.
<i>(a) includes residential flat buildings or shop top housing, and</i>	
<i>(b) does not use the additional floor space ratio permitted under section 16.</i>	

Provision	Comment
<p>(2) <i>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 calculated in accordance with subsection (3).</i></p>	<p>The applicable maximum building height under Chapter 5 of the Housing SEPP is 22m. A 30% increase equates to a maximum building height of 28.6m.</p> <p>The proposed amended height is 30.95m. An updated Clause 4.6 variation request (Appendix J) has been prepared providing justification for the height exceedance.</p>
<p>(3) <i>The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i></p> <p style="margin-left: 40px;"> $\text{affordable housing component} = \frac{\text{additional building height}}{\text{(as a percentage)}} \div 2$ </p>	<p>The proposal seeks the full 30% height bonus, therefore 17% of the proposed floor space must be for affordable housing purposes (noting that 2% is required to satisfy the provisions of Chapter 5 of the Housing SEPP considered further below). Based on the overall GFA, 3,307.01 sqm of affordable floor space is required. The total proposed affordable floor space is 3,334.53 sqm (17%).</p>
19 Non-discretionary development standards – the Act, s4.15	
<p>(1) <i>The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</i></p>	<p>Noted.</p>
<p>(2) <i>The following are non-discretionary development standards in relation to the residential development to which this division applies—</i></p> <p>(a) <i>a minimum site area of 450m²</i></p>	<p>The area of the subject site is 7,776 sqm, well above the minimum 450sqm.</p>
<p>(b) <i>a minimum landscaped area that is the lesser of—</i></p> <p>(i) <i>35m² per dwelling, or</i></p> <p>(ii) <i>30% of the site area</i></p>	<p>The proposal provides 3,561.20 sqm (45.80%) of landscaped area, which is above the required 30% of the site area.</p>
<p>(c) <i>a deep soil zone on at least 15% of the site area, where—</i></p> <p>(i) <i>each deep soil zone has minimum dimensions of 3m, and</i></p> <p>(ii) <i>if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i></p>	<p>Not applicable.</p> <p>Refer to 19(3) below.</p>
<p>(d) <i>living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</i></p>	<p>Not applicable.</p> <p>Refer to 19(3) below.</p>

Provision	Comment
<p><i>(e) the following number of parking spaces for dwellings used for affordable housing—</i> <i>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</i> <i>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</i> <i>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</i></p>	<p>178 car parking spaces are proposed in total for the development. Of these, 18 are allocated for the affordable dwellings which complies with the Housing SEPP requirements.</p>
<p><i>(f) the following number of parking spaces for dwellings not used for affordable housing—</i> <i>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</i> <i>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</i> <i>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</i></p>	<p>The proposal provides 153 car parking spaces for dwellings not used for affordable housing which complies with the Housing SEPP requirements.</p> <p>The proposal also provides 5 visitor spaces and 2 car share spaces.</p>
<p><i>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development</i></p>	<p>The proposal complies with the minimum internal areas of apartments. Refer to the Design Report (Appendix G) for further details.</p>
<p><i>(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.</i></p>	<p>Chapter 4 applies to this development. Accordingly, subsection (2)(c) and (d) do not apply. Compliance with ADG Chapter 4 is set out in the Architectural Design Report (Appendix G).</p>
<p>20 Design requirements</p>	
<p><i>(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.</i></p>	<p>Not applicable.</p> <p>Refer to 20(2) which identifies that subsection (1) does not apply to development to which Chapter 4 applies.</p>
<p><i>(2) Subsection (1) does not apply to development to which Chapter 4 applies.</i></p>	<p>Chapter 4 applies to the development. Accordingly, subsection (20)(1) does not apply.</p>
<p><i>(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</i> <i>(a) the desirable elements of the character of the local area, or</i> <i>(b) for precincts undergoing transition—the desired future character of the precinct.</i></p>	<p>The building has evolved through a consideration of existing site constraints including setbacks, solar access, landscaping and local context. The amendments to the development results in a high-quality built form that responds to the desired future character of the area by delivering greater density in proximity to Gordon station. This is discussed further in the Design Report in Appendix G.</p>
<p>21 Must be used for affordable housing for at least 15 years</p>	

Provision	Comment
<p><i>(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</i></p> <p><i>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</i></p>	<p>The in-fill affordable housing component of the development will be managed as such for at least 15 years.</p>
<p><i>(b) the affordable housing component will be managed by a registered community housing provider.</i></p>	<p>The affordable housing will be managed by a registered community housing provider (being Echo Realty) for a minimum of 15 years commencing on the day an occupation certificate is issued.</p>
<p><i>(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</i></p>	<p>N/A</p>
<p>22 Subdivision permitted with consent</p>	
<p><i>Land on which development has been carried out under this division may be subdivided with development consent.</i></p>	<p>N/A</p>
<p>CHAPTER 5 – TRANSPORT ORIENTED DEVELOPMENT</p>	
<p>154 Development permitted with development consent in Transport Oriented Development Areas</p>	
<p><i>(1) Development for the purposes of residential flat buildings is permitted with development consent on land in the following zones in a Transport Oriented Development Area—</i></p> <p><i>(a) a relevant residential zone,</i></p> <p><i>(b) Zone E1 Local Centre or an equivalent land use zone,</i></p> <p><i>(c) for land in the Canterbury-Bankstown local government area—Zone B2 Local Centre.</i></p> <p><i>(2) Development for the purposes of shop top housing is permitted with development consent on land in a relevant employment zone in a Transport Oriented Development Area.</i></p>	<p>The proposed development is located within a relevant residential zone being with the R2 Low Density Residential zone, as defined in Section 151.</p>
<p>155 Maximum building height and maximum floor space ratio</p>	
<p><i>(1) This section identifies development standards for development under this chapter that, if complied with, prevent the</i></p>	<p>This Section allows for a maximum building height for a residential flat building on the site of 22m with an FSR of 2.5:1.</p>

Provision	Comment
<p>consent authority from requiring more onerous standards for the matters.</p> <p>Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</p> <p>(2) The maximum building height for a residential flat building in a Transport Oriented Development Area is 22m.</p> <p>(3) The maximum building height for a building containing an independent living unit or shop top housing in a Transport Oriented Development Area is 24m.</p> <p>(4) The maximum floor space ratio for the following in a relevant residential zone or relevant employment zone in a Transport Oriented Development Area is 2:5:1—</p> <p>(a) a residential flat building,</p> <p>(b) a building containing an independent living unit or shop top housing.</p> <p>(5) This section does not apply to the extent a provision of another chapter of this policy or another environmental planning instrument permits a greater maximum building height or floor space ratio for a residential flat building or building containing shop top housing on the land.</p>	
156 Affordable housing	
<p>(1) This section applies to development for the purposes of residential flat buildings, independent living units or shop top housing in a Transport Oriented Development Area if the building has a gross floor area of at least 2000m².</p> <p>(2) Development consent must not be granted unless the consent authority is satisfied that—</p> <p>(a) at least 2% of the gross floor area of the building will be used for affordable housing, and</p> <p>(b) the affordable housing will be managed by a registered community housing provider in perpetuity.</p> <p>(3) A requirement under a provision of another chapter of this policy, another environmental planning instrument or a planning agreement that requires the</p>	<p>The development proposes to provide 2% of the total GFA as affordable housing in perpetuity (387.74sqm). The affordable housing component of the proposal will be managed by a registered community housing provider (being Echo Realty) in perpetuity commencing on the day an occupation certificate is issued. This affordable housing provision is in addition to the 15% in-fill affordable housing provision.</p>

Provision	Comment
<p><i>development to provide more affordable housing prevails over this section.</i></p> <p><i>(4) Affordable housing provided as part of the development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing required under this section.</i></p>	
157 Affordable housing parking spaces	
<p><i>(1) This section identifies a development standard for development under this chapter that, if complied with, prevents the consent authority from requiring more onerous standards for the matters.</i></p> <p>Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</p> <p><i>(2) Development to which section 156 applies must provide the following number of parking spaces for each affordable housing dwelling required under that section—</i></p> <p><i>(a) for each dwelling containing 1 bedroom—0.4 parking space,</i></p> <p><i>(b) for each dwelling containing 2 bedrooms—0.5 parking space,</i></p> <p><i>(c) for each dwelling containing 3 or more bedrooms—1 parking space.</i></p> <p><i>(3) This section prevails over a provision in another chapter of this policy or another environmental planning instrument to the extent that other provision permits a lower number of parking spaces for dwellings used for affordable housing on the land.</i></p>	<p>The proposed development provides 178 parking spaces altogether and meets the minimum parking standards of this clause. 18 parking spaces are required for the affordable housing component of the dwelling and the development complies with this.</p>
158 Exception to minimum lot size	
<p><i>(1) This section applies if another environmental planning instrument applying to the land specifies a minimum lot size for development for the purposes of residential flat buildings or shop top housing (a minimum lot size restriction).</i></p> <p><i>(2) Development consent may be granted to development for the purposes of residential flat buildings or shop top housing on land in a Transport Oriented Development Area, despite a minimum lot size restriction.</i></p>	<p>The site has a lot size of 7,776 sqm which adheres to the minimum lot size in the KLEP.</p>

Provision	Comment
159 Minimum lot width	
<i>Development consent must not be granted to development for the purposes of residential flat buildings, independent living units or shop top housing on a lot in a Transport Oriented Development Area, unless the lot is at least 21m wide at the front building line.</i>	The site has a lot width of 52.735m on McIntosh Street as shown in the Survey Plan as part of the original application.
161 Consideration of Apartment Design Guide	
<i>Development consent must not be granted for development for the purposes of residential flat buildings, independent living units or shop top housing on land in a Transport Oriented Development Area unless the consent authority has considered the Apartment Design Guide.</i>	An assessment against the ADG is provided within the Architectural Plans and Architectural Design Report at Appendix H and G respectively.


5.6 Ku-ring-gai Local Environmental Plan (KLEP)

An assessment of the KLEP against the amended proposal is provided in **Table 9**.

Table 9 Consistency with the KLEP

Provision	Comment	Complies
<p>Clause 2.3. Zone objectives and Land Use Table</p> <p><i>R2 Low Density Residential</i></p> <ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a low density residential environment.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <i>To provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai.</i> 	<p>The subject site is within land use zone R2 Low Density Residential.</p> <p>Residential flat buildings are prohibited under the KLEP in the R2 zone. However, the site benefits from the provisions of the Housing SEPP, which identifies the site as a Transport Oriented Development Site. Chapter 5 of the Housing SEPP provides that residential flat buildings are permitted in relevant residential zones (including R2).</p> <p>Objectives</p> <p>The proposed development will continue to deliver additional housing, including 17% affordable housing. This will contribute to meeting the housing needs of the community. The development will not prevent other land uses from providing facilities or services to meet the day to day needs of residents.</p> <p>The development has been amended in response to public submissions and the DPHI RFI. The amended scheme has been designed to be compatible with the key characteristics of the area, while also optimising the housing capacity on the site in accordance with the principles of the Housing SEPP. This includes retaining existing areas of biodiversity value on the site and developing a built form - including generous front</p>	<p>Yes, on merit, noting the development use is permitted under the Housing SEPP.</p>

Provision	Comment	Complies
	<p>set back and stepped massing - that responds to the nearby heritage assets.</p> <p>While the proposal represents a higher density form than the surrounding R2 zoned land, it is consistent with the strategic planning framework applicable to the site, including the Housing SEPP and transit-oriented development principles, which facilitate increased housing density in accessible locations. The scale and design of the development also respond to the broader context, including higher density residential development permissible on adjoining R4 zoned land opposite the site along McIntosh Street. Accordingly, the proposal achieves the zone objectives when considered in the context of the applicable State planning framework and the strategic role of the site.</p>	
<p>Clause 4.3 Height of Building 9.5m</p>	<p>The applicable building height under the KLEP is 9.5m. The proposed amended maximum building height is 30.95m.</p> <p>Exceedance is a result of additional height provisions enabled by the amended Housing SEPP 2021 (being In-fill Affordable Housing and TOD bonuses). The proposed height does exceed this TOD bonus height by 2.35m (8.22%). A Clause 4.6 Variation Request has been provided which justifies this exceedance.</p>	<p>N/A</p>
<p>Clause 4.4 Floor Space Ratio 0.3:1</p>	<p>The applicable FSR under the KLEP is 0.3:1. The total site area of 7,776sqm allows for a permissible GFA of 2,332.8 sqm.</p> <p>The amended FSR is 2.5:1 (19,453.03 sqm). Exceedance is a result of additional floor space provisions enabled by the amended Housing SEPP 2021 (being the TOD bonus). The proposed FSR therefore complies with the maximum FSR (2.5:1) as set out in Clause 155 of the Housing SEPP.</p>	<p>N/A</p>
<p>Clause 5.10 Heritage Conservation</p>	<p>The site is close to a number of State and locally listed heritage items, including Eryldene House at 17 McIntosh Street (item no. 18 in Schedule 5 of KLEP). To the south-west of 55 Werona Avenue is the locally listed heritage items of 'Rochester' (51 Werona Avenue) and a dwelling house at 49 Werona Avenue, and to the south is a locally listed heritage dwelling house at 14 Forsyth Street.</p> <p>No. 25 McIntosh Street forms part of the Gordon Park Estate, McIntosh and Ansell HCA. While to the west of 21 McIntosh Street is the Gordon Park HCA.</p> <p>The image below identifies the site (in green) and the nearby heritage items.</p>	<p>Yes</p>

Provision	Comment	Complies
	 <p data-bbox="608 712 1198 801">Refer to the amended HIS at Appendix L for a detailed assessment of compliance with this Clause.</p>	
<p>Clause 6.1 Acid sulfate soils Class 5</p>	<p>The site is classified as Class 5 on the Acid Sulfate Soils Map. Works are not within 500m of adjacent Class 1, 2, 3 or 4 land.</p>	<p>Yes</p>
<p>Clause 6.2 Earthworks</p>	<p>A Preliminary Site Investigation and Detailed Site Investigation were previously prepared for the site.</p>	<p>Yes</p>
<p>Clause 6.3 Biodiversity protection</p>	<p>The proposal has been sited and design to minimise adverse impacts on the portion of the site identified as containing biodiversity on the terrestrial biodiversity map. Refer to the amended BDAR at Appendix I for further discussions regarding the biodiversity on the site.</p>	<p>Yes</p>
<p>Clause 6.6 Requirements for multi dwelling housing and residential flat buildings Minimum dimensions: if the area of the land is 1,800 square metres or more—30 metres.</p>	<p>The site has a total area of 7,776 sqm. The site measures 169.302m from east to west and has a length of 126.535m from north to south. Excluding the access handle to 55 Werona Avenue, the site is still compliant, measuring 52.735m wide by 126.535m long. The site is therefore compliant with Clause 6.6 of the KLEP.</p>	<p>Yes</p>

6. Further environmental impact assessment

This chapter provides a summary of the additional assessments undertaken to assess the amended proposal. This Section should be considered in conjunction with the exhibited EIS. The following assessment is limited to matters where environmental impacts vary from the exhibited scheme or where additional clarification or justification has been warranted. Additional or amended mitigation measures have been provided where required.

6.1 Detailed assessment

6.1.1 Design Quality – SEAR 5

6.1.1.1 Design Principles

The Design Report (**Appendix G**) demonstrates how the proposed development will achieve good design in accordance with the seven objectives for good design in Better Placed. This assessment is summarised below:

1. Better Fit – Contextual and Local

The design responds to the established garden character of Ku-ring-gai through consistent setbacks, deep soil landscaping, and retention of significant trees, contributing to the existing streetscape and local context.

2. Better Performance – Sustainable and Adaptable

Building orientation, solar access, and cross-ventilation are incorporated to enhance environmental performance and residential amenity, with layouts designed for functionality and privacy.

3. Better Community – Inclusive and Connected

The proposal includes affordable housing and ADG Silver Living units to support a mix of residents. Landscaping and setbacks are used to improve streetscape integration and promote visual cohesion.

4. Better for People – Safe and Liveable

Design elements focus on safety, accessibility, and activation of street edges through well-defined entrances and ground-floor access, enhancing interaction with the public realm.

5. Better for Working – Functional and Flexible

Residential layouts include study areas, flexible rooms, and intergenerational living options, providing adaptability for evolving living and working arrangements.

6. Better Value – Durable and Enduring

The use of quality materials and durable finishes supports long-term value and contributes to the overall resilience and functionality of the development.

7. Better Look and Feel – Engaging and Appropriate

External materials are selected for quality, durability, and consistency with the surrounding character, ensuring the development maintains a cohesive visual identity within its context.

6.1.2 Built Form and Urban Design – SEAR 6

6.1.2.1 As exhibited design development

The as exhibited design was strongly influenced by the site's heritage and environmental context. In response to the Gordon Park Estate, McIntosh and Ansell HCA and the heritage item at 17 McIntosh Street, building height and bulk were reduced and stepped down toward the street, with additional height concentrated at the rear where visibility and potential impacts are minimal. Areas of mapped Sydney Turpentine Ironbark Forest were avoided, retaining deep-soil zones and vegetation along the site's eastern

and south-western boundaries. These constraints guided the overall layout and resulted in a reduced FSR and a development that sought to balance heritage, biodiversity conservation, residential amenity and the delivery of additional homes.

6.1.2.2 Further mass and form refinement

In response to submissions received and the RFI from DPHI, the built form of the development has been reviewed and refined.

The amendments focus on redistributing bulk and scale across the site to achieve improved setbacks, reduced visual impact to the western interface, and a more articulated built form outcome.

Key changes include increased setbacks along the western boundary for Buildings A and B, with significantly greater upper-level setbacks to Building A above Level 4. These changes reduce perceived bulk and improve the transition to adjoining properties and the nearby heritage item, Eryldene.

As part of this redistribution of built form, the overall massing has been reconfigured across the three buildings, including the partial infill of the space between Buildings A and B up to Level 4 and the introduction of additional built form to Building C. This has resulted in a shift in height and floor space across the buildings, rather than a uniform increase in scale.

The maximum building heights have been amended as follows:

Table 10 Building heights as proposed and as amended

Building	Previously proposed	As amended
A	30.4m	30.95m
B	30.5m	29.54m
C	29.9m	30.57m

The as amended development has an FSR of 2.5:1 and a maximum height of 30.95m. This represents an increase of FSR by 0.11 and a minor increase in maximum building height across the site of 2.35m.

Overall, the changes reflect a redistribution of massing across the site, rather than a material intensification of built form. The increase in GFA (from 18,591.24 sqm to 19,453.03 sqm) arises from the reconfiguration of floor plates, the infill between Buildings A and B, and the introduction of an additional level to Building C, while achieving improved setbacks and a more responsive built form outcome.

6.1.2.3 Character

Section 20 of the Housing SEPP requires the consent authority to consider whether the design of the development is compatible with:

- “(a) the desirable elements of the character of the local area, or*
- (b) for precincts undergoing transition—the desired future character of the precinct.”*

The development is located in Gordon, a suburb undergoing transition that pre-dates the introduction of the TOD controls – noting the existing increase in density towards the station. This transition has been further reinforced with the introduction of the NSW Government TOD and LMR proposals, and more recently the Ku-ring-gai preferred scenario (now commenced). An assessment of the compatibility of the design of the development against the desired future character of the area is set out below. For completeness, compatibility with the desirable elements of the character of the local area has also been considered.

It should be noted that, as set out in the Planning Principle *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191*, compatibility is not sameness and new development can respect and complement prevailing character without replicating it.

6.1.2.3.1 Existing character features

Within the Gordon Park, McIntosh and Ansell HCA, the essential elements of character include:

- Detached dwellings from the Federation and Inter-war periods;
- Detached houses on large lots within a garden setting and mature tree canopies that define Ku-ring-gai's distinctive garden-suburb identity; and
- A defined subdivision pattern and strong consistency of built form and landscape setting.

The site is located on the western edge of the HCA, with only two lots situated within the conservation area. The remainder of the site lies closer to Gordon Station, where the prevailing character transitions to a denser residential form. In this locality, several medium density residential flat buildings are present, reflecting an earlier shift toward higher-density development in proximity to the station.

This interface condition demonstrates that the broader precinct is undergoing a transition in character, bridging the traditional low-density garden suburb streetscape of McIntosh Street with more urban residential forms closer to Gordon Station.

6.1.2.3.2 Future character

The desired future character of the area is now primarily informed by:

- Ku-ring-gai Council's Preferred Alternative TOD Scenario, endorsed on 5th June 2025 and made on 14th November 2025, which outlines Council's preferred built-form, density and landscape outcomes for TOD precincts, including Gordon;
- The Low and Mid-Rise Housing provisions within Chapter 6 of the Housing SEPP;
- The Infill Affordable Housing provisions of the Housing SEPP, which promote housing diversity and affordability within established suburbs; and,

These frameworks signal a transition toward higher-density residential typologies focused around Gordon Station, with building height and intensity stepping down toward McIntosh Street.

6.1.2.3.3 Response of the proposal

The proposed development carefully responds to both the existing and emerging character of its surroundings by:

- Adopting a stepped and articulated built form along the western edge of the site, reducing perceived bulk and scale and responding sensitively to the adjoining heritage item, Eryldene Historic House and Garden;
- Locating the tallest elements of the development away from nearby heritage items, thereby minimising visual prominence when viewed from McIntosh Street and from the State heritage listed Eryldene House;
- Retaining and enhancing areas of significant planting and vegetation of biodiversity value, reinforcing the established garden setting;
- Providing a generous 10m front setback, consistent with the minimum requirements of the Ku-ring-gai DCP; and
- Incorporating deep soil zones, landscaped setbacks and articulated façades to provide visual relief and maintain a fine-grain streetscape character.

6.1.2.3.4 Compatibility

Overall, the proposal satisfies Section 20 of the Housing SEPP, achieving a design that is compatible with both the desirable elements of Gordon's established character and the desired future character of a precinct undergoing transition. While the area continues to evolve under the TOD and Housing SEPP frameworks, the development maintains and reinforces key local qualities, such as generous landscaping and garden-suburb character, while introducing a more contemporary development that appropriately anticipates the area's planned future higher density.

6.1.2.4 Height and mass

6.1.2.4.1 Application of the TOD and Housing SEPP

The site has a maximum 9.5m building height in the KLEP and a maximum FSR of 0.3:1. The proposal utilises the TOD and In-fill Affordable Housing provisions under the Housing SEPP 2021, relying on the TOD base height of 22m and the infill affordable housing additional 30% building height bonus (Section 18 of the Housing SEPP). To achieve these controls, the proposal provides 2% of the total GFA as affordable housing in perpetuity (TOD requirements), and 15% of the total GFA as affordable housing for a 15-year period (Infill requirements to achieve 30% height bonus). This results in a maximum building height of 28.6m and an FSR of 2.5:1.

Of the 19,453.03 sqm of GFA proposed, 3,307.01 sqm is required to go towards the abovementioned affordable housing GFA. The development complies with this requirement, proposing 3,334.53 sqm of affordable housing GFA. Of this GFA:

- 387.74 sqm (2%) is provided in perpetuity.
- 2,946.79 sqm (15%) is provided for 15 years.

The development has a compliant FSR of 2.5:1.

6.1.2.4.2 Height

The proposal seeks consent for a maximum building height of 30.95m, exceeding the maximum permissible height of 28.6m under Section 18(2) of the Housing SEPP by 2.35m (8.22%).

The variation is primarily driven by the need to provide high-quality communal open space at rooftop level, including achieving adequate solar access, usability, and amenity for future residents.

The additional height enables the delivery of functional and well-designed rooftop communal open space that receives appropriate solar access and is capable of supporting landscaping, passive recreation, and communal use in accordance with the objectives of the Apartment Design Guide. Without the additional height, the ability to provide compliant and usable communal open space would be constrained, resulting in reduced amenity outcomes for residents.

The built form has been carefully reconfigured to support this outcome, including the redistribution of bulk across the site, increased upper-level setbacks, and reduced massing along the western interface. This approach not only facilitates improved communal open space provision but also reduces perceived bulk and scale, minimises visual impacts, and provides an appropriate response to the adjoining heritage item, Eryldene Historic House and Garden.

The proposed exceedance is therefore considered acceptable as it facilitates a superior design outcome compared to a compliant scheme. A strictly compliant building envelope would limit the provision and quality of communal open space, reduce solar access, and concentrate bulk at lower levels, resulting in poorer amenity and interface outcomes. In contrast, the proposed design achieves enhanced communal facilities, improved environmental performance, and a more balanced distribution of built form, while maintaining an appropriate relationship with surrounding development and heritage context.

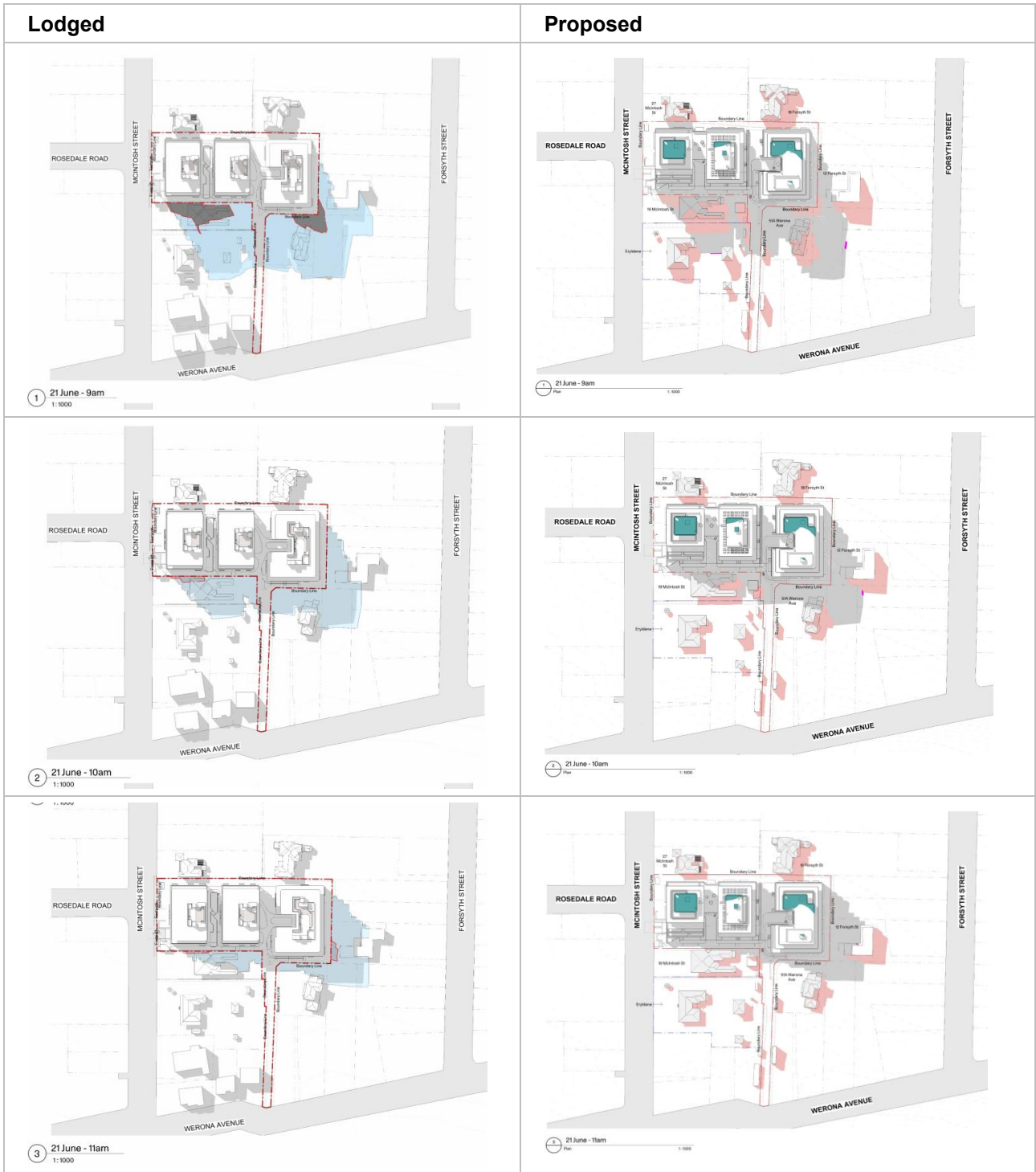
Accordingly, the variation satisfies the objectives of the height control and is consistent with the intent of Clause 4.6, representing a well-considered and site-responsive design outcome.

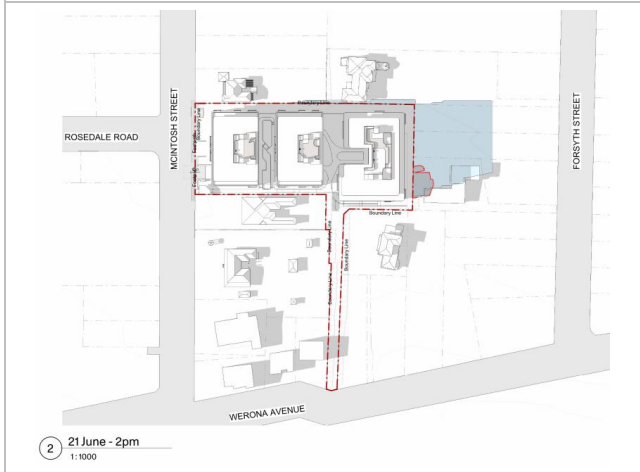
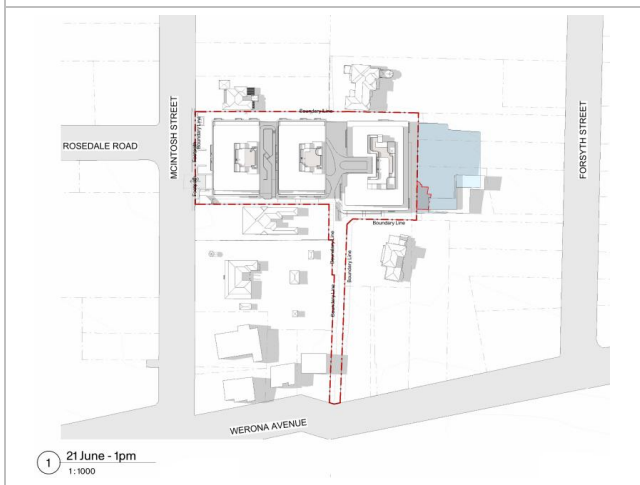
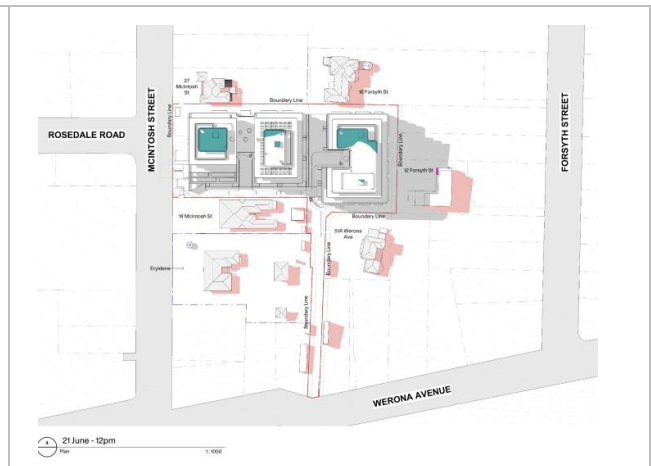
6.1.3 Environmental Amenity – SEAR 7

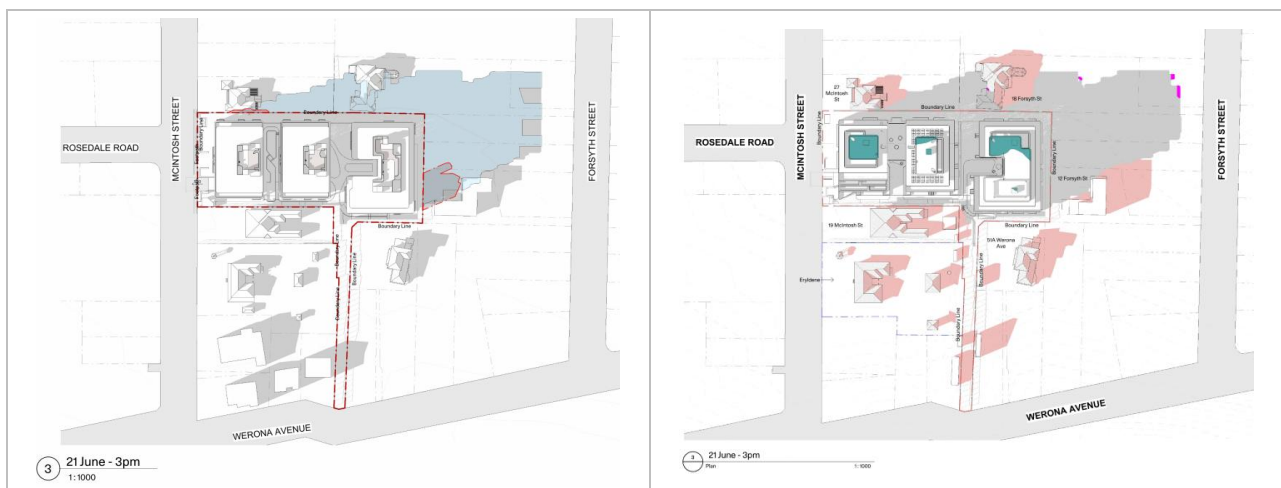
6.1.3.1 Overshadowing

The additional setback of Building A and Building B have reduced the overall extent of overshadowing on neighbouring properties. Overshadowing impacts to 17 and 19 McIntosh Street have been minimised through the revised building height, massing, and redistribution of built form. Comparison shadow diagrams demonstrate that the additional overshadowing from elements above 28.6 metres in height is minimal (shown in green).

Table 11 Comparison of as lodged and as amended shadows (Source:PMDL)







12 Forsyth Street

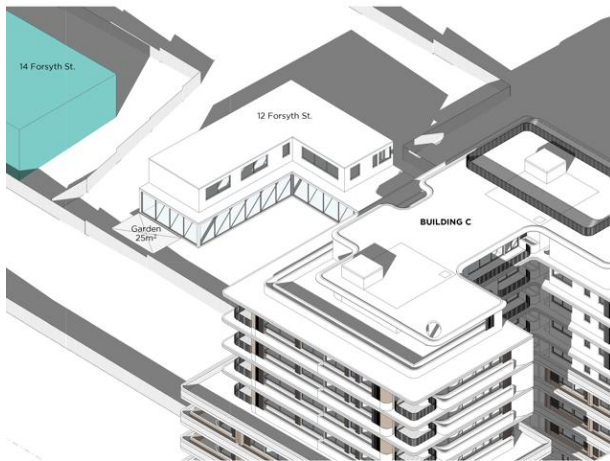
The amended shadow analysis indicates that 12 Forsyth Street experiences some additional overshadowing as a result of the proposed development. While not all parts of the dwelling receive two hours of direct sunlight between 9am and 3pm on 21 June, one primary frontage of the dwelling continues to achieve at least two hours of solar access, and a portion of the dwelling retains reasonable levels of sunlight. The dwelling also receives additional direct sunlight between 2pm and 3pm in the afternoon. This is demonstrated in the figures below.

A nominated 25sqm area of private open space within the rear yard receives direct sunlight between 9am and 12 noon, with only minor overshadowing of the area at 12 noon. While this does not fully satisfy the prescriptive controls, it demonstrates that usable outdoor space continues to receive meaningful solar access.

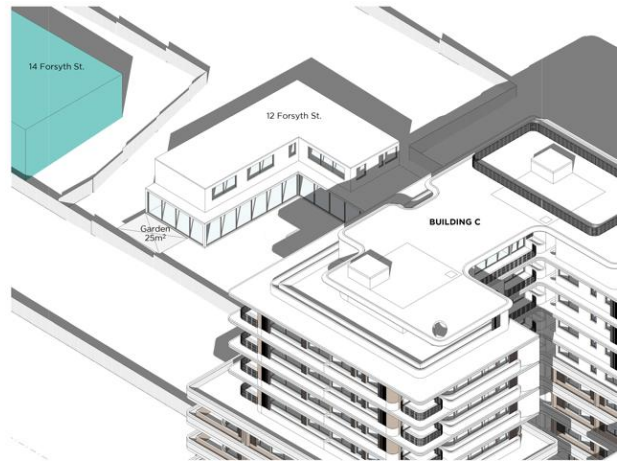
It should be noted that 12 Forsyth Street is located within the Outer Low and Mid-Rise Housing Area, where redevelopment for a low-rise residential flat building is anticipated under the State planning framework. Shadow modelling undertaken as part of this assessment demonstrates that a future low-rise apartment building on 12 Forsyth Street is anticipated to achieve the solar access requirements of the ADG to principal living areas and private open space, notwithstanding the proposed development.

It is also relevant that the proposed development is significantly below the maximum permissible floor space ratio under the applicable planning controls. Therefore, any feasible redevelopment of the site consistent with the planning framework would result in a similar pattern of overshadowing due to site orientation and proximity.

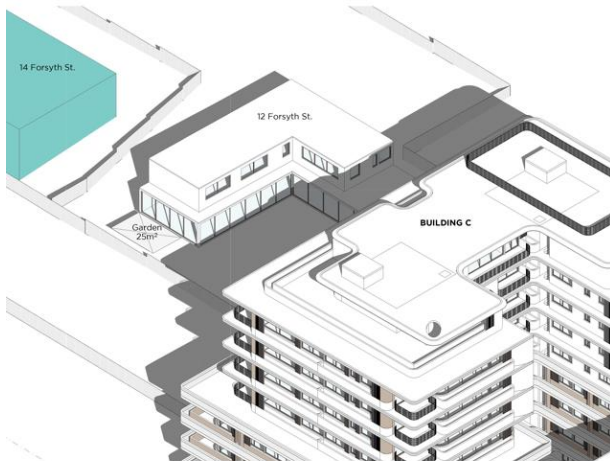
Accordingly, while the proposal does not achieve full compliance with the solar access controls for 12 Forsyth Street in its current form, the extent of overshadowing is considered acceptable. The development maintains reasonable solar access to part of the dwelling and usable private open space and does not prejudice the ability for future development on the site to achieve compliant solar access outcomes.



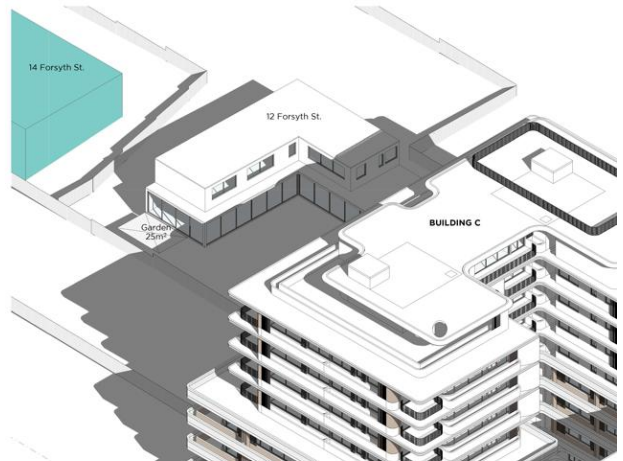
Shadow Study - 12 Forsyth Street - Existing 9am



Shadow Study - 12 Forsyth Street - Existing 10am



Shadow Study - 12 Forsyth Street - Existing 11am



Shadow Study - 12 Forsyth Street - Existing 12am

Figure 33 Shadow diagrams showing the shadow cast on 12 Forsyth Street between 9am and 12am (Source: PMDL)

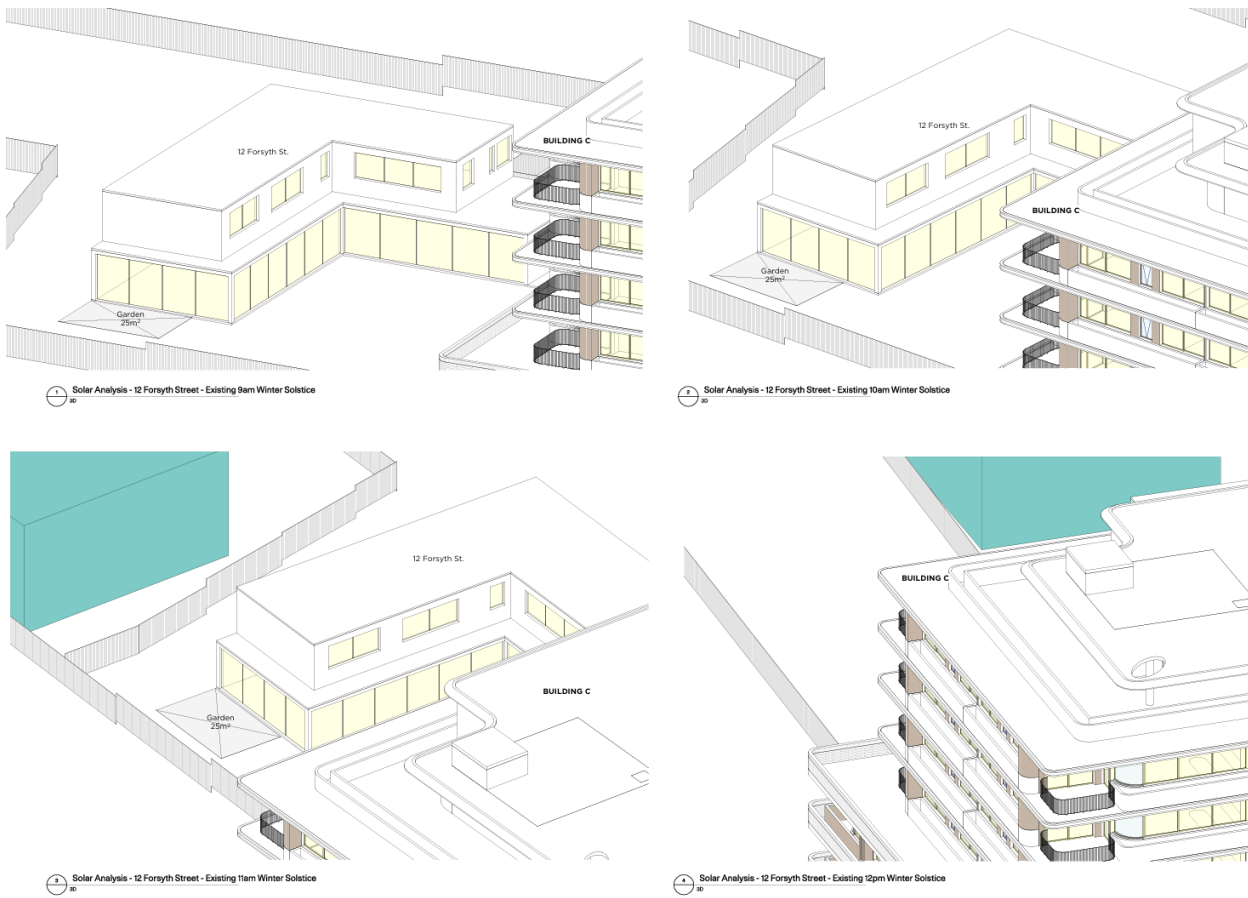


Figure 34 View from the sun showing 12 Forsyth Street between 9am and 12am (Source: PMDL)



Figure 35 View from the sun showing 12 Forsyth Street between 1pm and 3pm (Source: PMDL)

Conclusion

As discussed and demonstrated by the shadow diagrams above, the proposal will not result in unreasonable or unacceptable impacts on neighbouring properties. While not all adjoining dwellings achieve full compliance with the two-hour solar access benchmark, key living areas and nominated private open space continue to receive reasonable levels of direct sunlight. The resulting shadow impacts are considered acceptable in the context of the site’s urban setting, the applicable planning framework, and the anticipated future character of the locality.

6.1.3.2 Apartment Design Guide compliance

The proposed development has been refined to enhance both internal and external amenities. These refinements respond to clarifications requested by DPHI and updates made following the public exhibition. A schedule of the key ADG requirements is provided in the revised architectural plans in **Appendix H**. The impact assessment below reflects the improvements that have been incorporated into the revised proposal.

6.1.3.2.1 Solar Access

The proposal complies with the ADG requirements for daylight and solar access. 109 units (72.19%) receive a minimum of 2 hours of direct sunlight between 9am and 3pm, with only 11 units (7.28%) receiving no direct sunlight. This demonstrates that the development will deliver a high level of residential amenity overall.

Additionally, 17 of the 31 affordable housing units (54.84%) receive a minimum of 2 hours of direct sunlight. While this represents a departure from the prescriptive requirement, the affordable housing units benefit from a range of other high-quality amenity outcomes. In particular, the units significantly exceed the minimum private open space requirements, as demonstrated in Table 12 below.

Accordingly, when considered holistically, the affordable housing component provides a high standard of amenity, with the combination of solar access, ventilation and generous private open space resulting in an equitable living environment for future residents.

Table 12 Private open space area of affordable housing units against ADG controls

Unit Number	Type	ADG Control	POS provided
A.L1.U4	2B + 2.5BTH	10 sqm	10.19 sqm
A.L1.U6	3B + 2BTH	12 sqm	20.54 sqm
A.L2.U4	2B + 2.5BTH	10 sqm	10.19 sqm
A.L2.U6	3B + 2BTH	12 sqm	20.54 sqm
B.GF.U4	2B + 2BTH	15 sqm	35.25 sqm
B.GF.U5	3B + 2.5BTH	15 sqm	69.00 sqm
B.L1.U5	2B + 2BTH	10 sqm	12.66 sqm
B.L2.U5	2B + 2BTH	10 sqm	12.66 sqm
C.GF.U3	2B + 2BTH	15 sqm	22.80 sqm
C.GF.U4	2B + 2BTH	15 sqm	22.80 sqm
C.GF.U5	2B + 2BTH	15 sqm	22.10 sqm
C.GF.U6	1B + 1BTH	15 sqm	17.55 sqm
C.GF.U7	2B + 2BTH	15 sqm	39.60 sqm
C.GF.U10	1B + 1BTH	15 sqm	17.55 sqm
C.GF.U11	2B + 2BTH	15 sqm	39.60 sqm
C.L1.U5	2B + 2BTH	10 sqm	10.19 sqm
C.L1.U6	1B + 1BTH	8 sqm	8.21 sqm
C.L1.U7	2B + 2BTH	10 sqm	10.40 sqm
C.L1.U8	3B + 2BTH	12 sqm	13.32 sqm
C.L1.U9	3B + 2BTH	12 sqm	13.32 sqm
C.L1.U10	1B + 1BTH	8 sqm	8.61 sqm
C.L1.U11	2B + 2BTH	10 sqm	10.40 sqm
C.L2.U5	2B + 2BTH	10 sqm	10.19 sqm
C.L2.U6	1B + 1BTH	8 sqm	8.21 sqm
C.L2.U7	2B + 2BTH	10 sqm	10.40 sqm
C.L2.U8	3B + 2BTH	12 sqm	13.32 sqm
C.L2.U9	3B + 2BTH	12 sqm	13.32 sqm
C.L2.U10	1B + 1BTH	8 sqm	8.61 sqm
C.L2.U11	2B + 2BTH	10 sqm	10.40 sqm
C.L3.U7	2B + 2BTH	10 sqm	10.40 sqm
C.L3.U11	2B + 2BTH	10 sqm	10.40 sqm

6.1.3.2.2 Cross ventilation

The proposal complies with the ADG requirements for cross ventilation. 117 (77.48%) of units will be naturally cross ventilated which increases the amenity of the development. Of the affordable housing units, 17 out of 31 (58.84%) units will be cross ventilated.

6.1.3.2.3 Building separation and setbacks

All ADG separation requirements are met both within the site and in relation to neighbouring properties.

6.1.4 Summary – SEAR 5, 6, 7

The proposed development achieves a high standard of residential and neighbouring amenity consistent with the objectives of the ADG. The design responds to the site's orientation, ensuring that all apartments receive suitable levels of solar access and natural ventilation. Overshadowing of adjoining dwellings and private open space is considered acceptable, with shadow diagrams confirming general compliance with ADG. Building setbacks, separation, and the careful placement of windows and balconies maintain privacy and minimise potential overlooking for existing and future residents.

The form and massing of the development, stepping down toward the western boundary, ensures that visual bulk and overshadowing to neighbouring properties are not at an unacceptable level. All apartments benefit from good internal amenity, outlook, and access to communal and private open spaces. Overall, the proposal delivers a design that achieves a high level of amenity for future residents, without unacceptable impacts on neighbouring sites.

While the proposal does not strictly comply with the numerical height control, the variation arises from a redistribution of building height across the site to achieve improved design and amenity outcomes. In particular, the additional height facilitates the provision of high-quality rooftop communal open space with adequate solar access, usability and landscaping, which would be constrained within a compliant envelope.

The built form has been reconfigured to accommodate this outcome, including increased setbacks and a stepped massing profile, particularly along the western interface. Building A steps back from 10m at ground level to 19.35m above Level 4, reducing perceived bulk and providing an appropriate transition to adjoining properties and the nearby heritage item, Eryldene House.

This approach redistributes bulk away from sensitive interfaces while maintaining a balanced overall form across the site. The height variation therefore supports improved residential amenity, including enhanced communal open space and solar access, while also responding to site constraints such as biodiversity areas and surrounding context.

This is considered further in the accompanying Clause 4.6 Request.

Overall, the amended scheme proposes a design that delivers a high level of residential amenity, appropriate transitions to sensitive interfaces, and a compatible form and design to the evolving character of Gordon, while maintaining compatibility with the desired future character of the precinct.

6.1.5 Visual Impact – SEAR 8

Following recent design amendments, an assessment of impacts was undertaken. As shown in **Figure 36** to **Figure 52**, eight viewpoints from the surrounding locality and Eryldene's Gardens were captured, and a comparative analysis of the previously proposed scheme was prepared against the refined scheme. The analysis was prepared on the basis of accurate photomontages of the architectural model.

The additional views were selected on the basis of the RFI and views requested by Eryldene House.

6.1.5.1 View A – View from in front of 22 McIntosh Street, looking southwest towards site

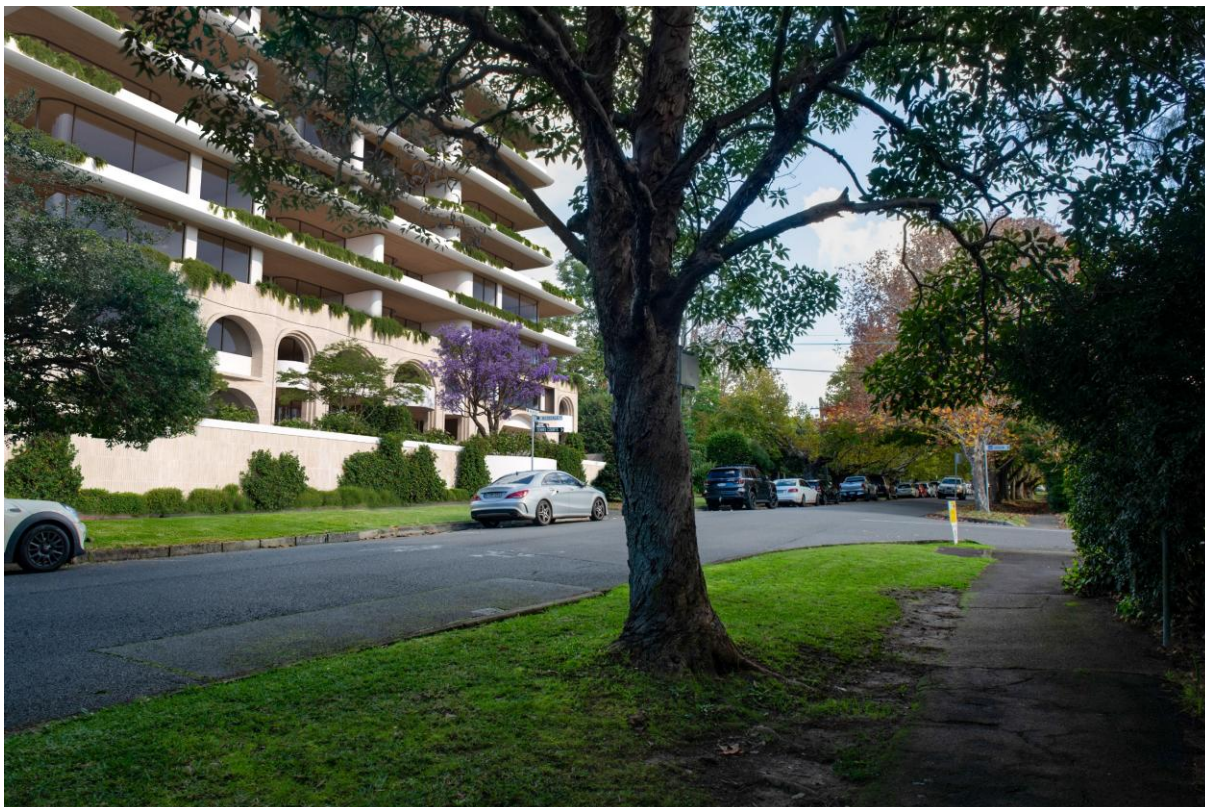


Figure 36 View A previously proposed (Source: Modata)

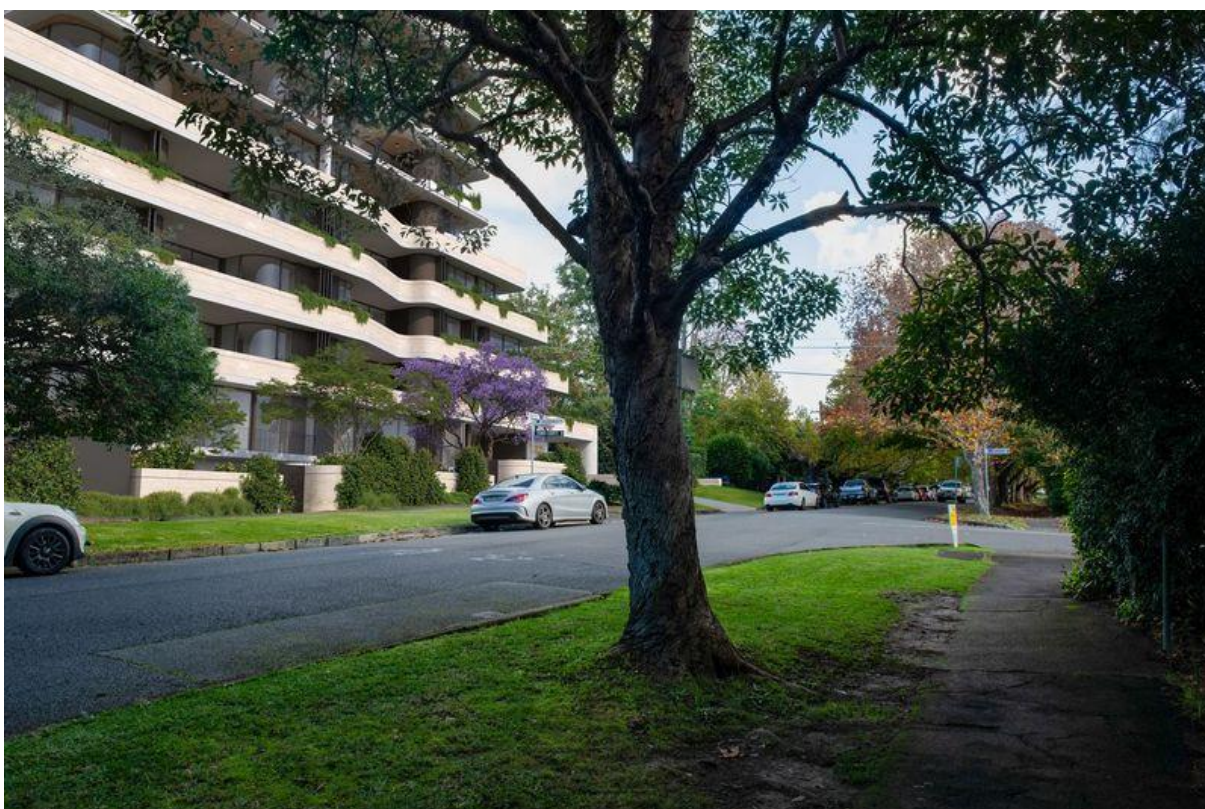


Figure 37 View A revised scheme (Source: Modata)

The amended design replaces the arched components on the building's lower levels with wide horizontal bands to promote a more cohesive front façade expression which is sympathetic to the streetscape setting.

The tailored design outcome accentuates the lower four (4) floors of the building as the 'base' and increased setbacks to the western site edge provide further relief above the base element, when viewed from public domain vantage points.

The design of the lower portion of the front façade has been amended to engage with the pedestrian areas. Recent design amendments incorporated achieve a visually permeable design solution for the front fence and landscape treatment along McIntosh Street. The updated scheme provides a design response which is sympathetic to the residential streetscape character, enhancing activation and passive surveillance of the public domain.

6.1.5.2 View B – View from Rosedale Road, looking from Gordon playground towards McIntosh Street



Figure 38 View B previously proposed (Source: Modata)



Figure 39 View B revised scheme (Source: Modata)

The northern façade of Building A terminates southbound views along Rosedale Road.

The composition of the front façade presenting to McIntosh Street was simplified with recent design amendments, to achieve a simple and contemporary streetscape presentation.

The design of the roof top level canopy structure was adjusted to express the slender canopy as a visual termination of the built form when viewed from pedestrian areas along Rosedale Road.

The view is captured from the western side of Rosedale Road adjacent to Gordon Playground. Gyde notes that views obtained from the eastern side of the street would reveal the reduced frontage width of Levels 4-7 of Building A.

6.1.5.3 View C – View from McIntosh Street, in front of Eryldene House (17 McIntosh Street)



Figure 40 View C previously proposed (Source: Modata)



Figure 41 View C revised scheme (Source: Modata)

The proposal is partly visible when viewed on oblique angles from vantage points along the northern side of McIntosh Street. Comparative analysis demonstrates the reduction in perceived bulk and scale which results from recent design changes.

Design amendments include increased setbacks to the western boundary to reduce the visual prominence of the new building fabric when viewed through the canopy of existing trees along McIntosh Street.

6.1.5.4 View D – View from Werona Avenue, in front of Heritage Item at 51 Werona Avenue, Gordon



Figure 42 View D previously proposed (Source: Modata)



Figure 43 View D revised scheme (Source: Modata)

The updated montage demonstrates that the updated proposal will not be visible from this viewing location. The amended scheme will continue to be concealed by existing landscape screening when viewed from the pedestrian area along the eastern side of Werona Street.

Eryldene Estate Views

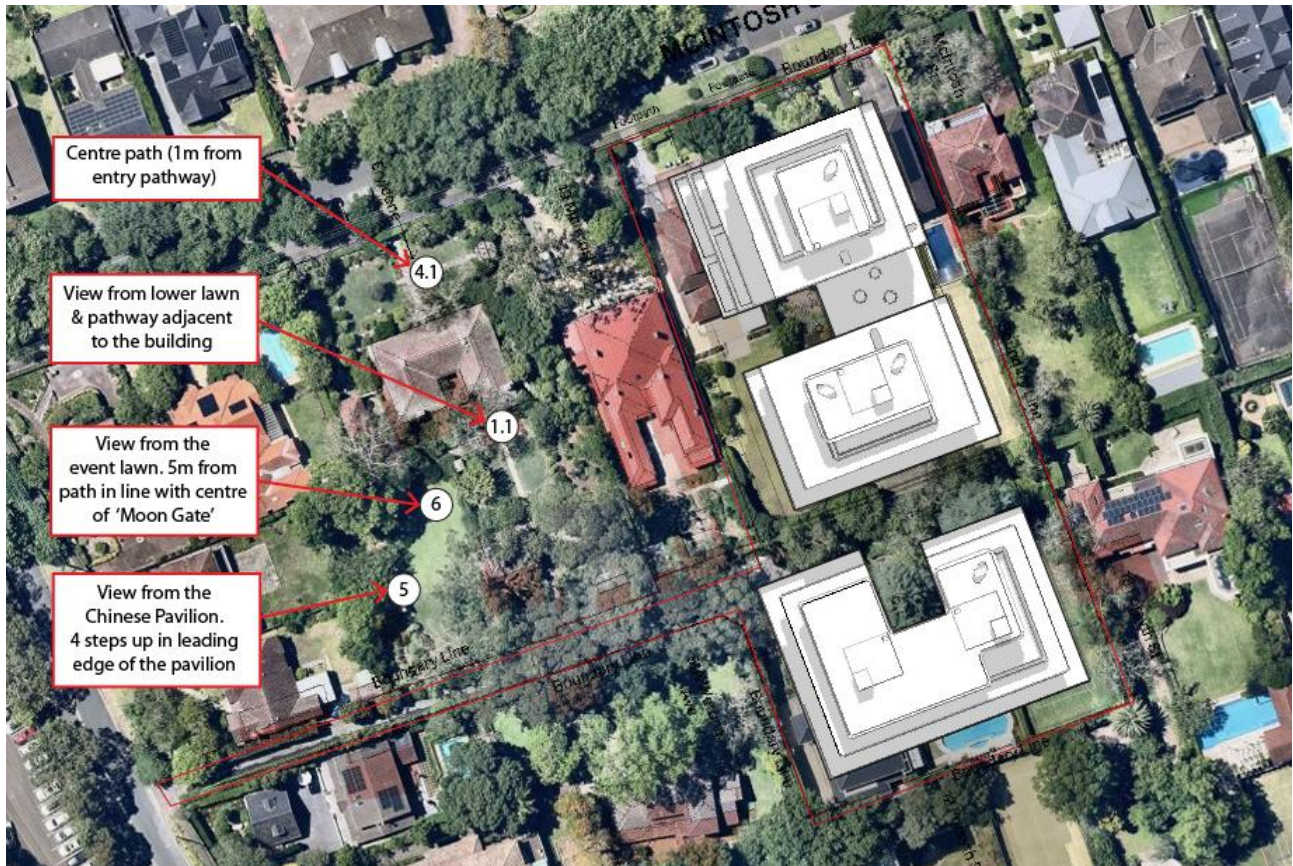


Figure 44 Diagram indicating the amended proposal (March 2026) and the Eryldene Estate viewing locations. The site is indicated in a red outline (Adapted from NearMap).

Gyde's visual impact assessment team accompanied by a professional photographer (Modata) inspected the premises on 19 February 2026. A member of the Eryldene Trust was present, nominating views and viewing angles valued by members of the public and guests leasing the venue for private functions.

6.1.5.5 View 1.1 – Eryldene Estate. View from lower garden, looking east



Figure 45 View 1.1 existing view (Source: Gyde Consulting)



Figure 46 View 1.1 revised scheme (Source: Modata)

The view is captured from the lower-level lawn of the Eryldene Estate. The view is orientated east, across No. 19 McIntosh Street. This viewing location was identified by a member of the Eryldene Trust during the site inspection (19 February 2026). Gyde understands the location is occasionally used for smaller informal gatherings when the venue is leased to members of the public for private functions (i.e. weddings or engagement parties etc).

Mature landscaping defines the foreground of the view along the eastern site perimeter where Building B is partly visible above the existing garden wall.

View lines to buildings A and C are largely concealed by existing landscape screening within the grounds of Eryldene.

The new fabric introduces an increased development scale compared to the existing condition, noting the Transport Oriented Development (TOD) and In-fill affordable housing height provisions currently permit up to 28.6m on the subject site. Nevertheless, recent design amendments ensure the degree of exposure is mitigated by the viewing distance (approximately 40m) and by generous separation between the built forms to maintain a reasonable level of sky exposure and outlook.

6.1.5.6 View 4.1 – Eryldene Estate. View from entry pathway looking east



Figure 47 View 4.1 existing view (Source: Gyde Consulting)

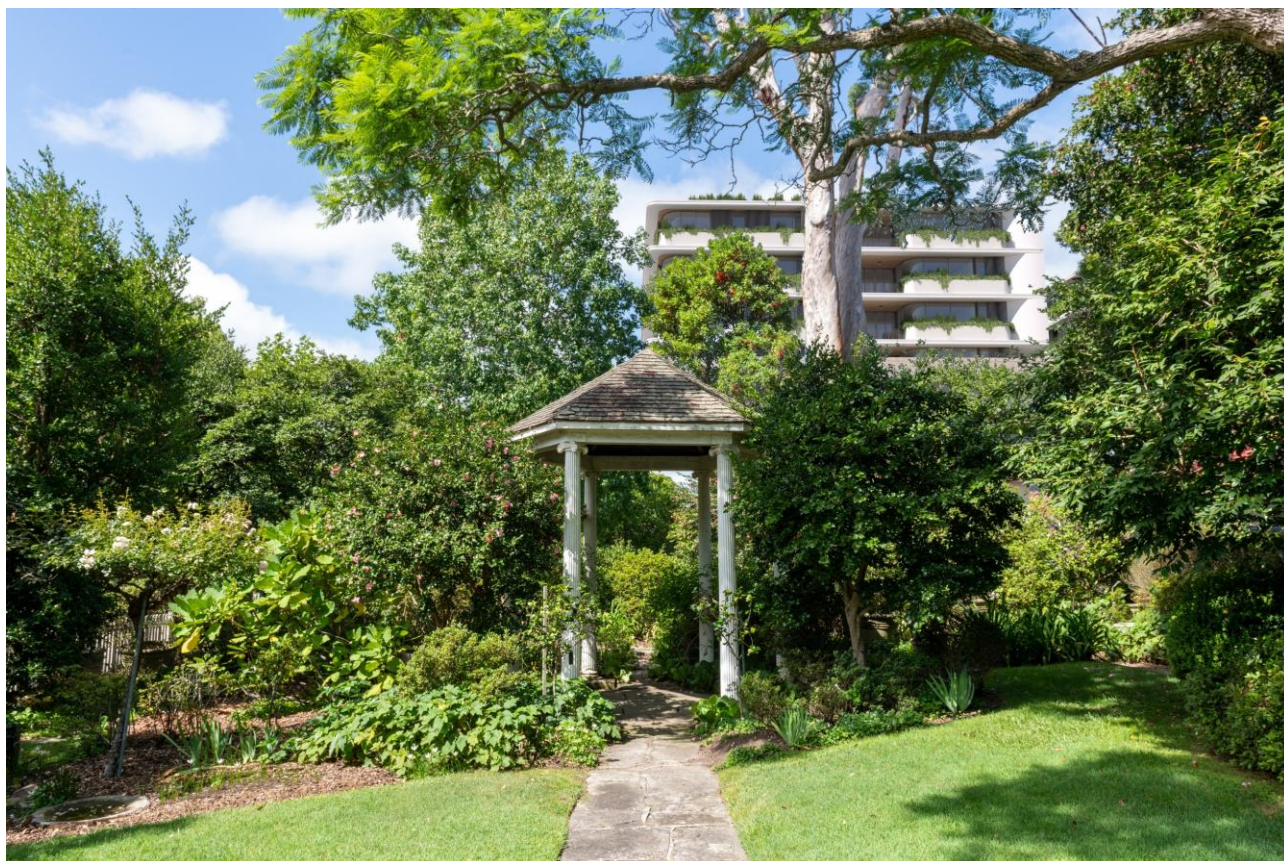


Figure 48 View 4.1 revised scheme (Source: Modata)

The view is captured from the front garden of the Eryldene Estate. The view is orientated east, across No.19 McIntosh Street. The viewing location was identified by a member of the Eryldene Trust during the site inspection.

Gyde understands the location is used for photographs when members of the public lease the estate for weddings and other private functions. The pavilion is typically centred in the photograph where mature trees and specimen plantings screen the eastern side boundary of the Eryldene Estate.

Building A is partly visible in the distance through a gap at the lower canopy level. While the new fabric introduces increased scale, it does not significantly obstruct the visible sky component, nor does it interfere with the legibility and appreciation of the characteristic profile of the garden pavilion.

6.1.5.7 View 5 – Eryldene Estate. View from Chinese pavilion



Figure 49 View 5 existing view (Source: Gyde Consulting)



Figure 50 View 5 revised scheme (Source: Modata)

The view is captured from the upper lawn of the Eryldene Estate, from the 'Chinese Pavilion' looking east towards the subject site. The pavilion is located at the south western part of the estate where it is understood to be used for concerts and private functions.

During the site inspection, Gyde was informed that when guests/audiences gather on the lawn to observe performances and/or wedding ceremonies conducted in the pavilion, views are generally directed in the opposite direction (west bound, orientated towards the pavilion). However, during wedding ceremonies, east facing views from within the pavilion are valued by the bride and groom who are typically located inside the pavilion. This view is therefore considered valuable by Eryldene staff despite the primary views appreciated by guests and visitors being orientated to (rather than from) the Chinese Pavilion.

Mature trees and specimen plantings screen the eastern site edge. The silhouette of the 3 proposed built forms is visible in the distance presenting against the open sky. Recent design amendments have increased the separation between the building forms, enabling further relief and increased sky exposure around the new fabric.

The built form proportions and the façade grain ensure the new forms blend into the visual backdrop, presenting as urban pavilion forms rather than 'continuous slab' buildings.

6.1.5.8 View 6 – Eryldene Estate. Upper lawn looking east towards the 'Moon Gate'



Figure 51 View 6 existing view (Source: Gyde Consulting)



Figure 52 View 6 revised scheme (Source: Modata)

The view is captured from the western lawn, looking east towards the ‘Moon Gate’ which is a landscape feature shaped as a circular portal in the hedge plantings separating the two lawn areas.

Members of the Eryldene Trust explained that during events, the Moon Gate commonly functions as the ‘entry gate’ through which visitors arrive to the western lawn and the Chinese Pavilion.

Building B is partly visible in the distance whereas Buildings A and C are visually screened by landscape components. The new fabric introduces an increased development scale into this particular view however, the scale and prominence of the new fabric is mitigated by the significant viewing distance, the ‘light weight’ design expression, and importantly, the visual relief and open sky component around each of the built forms.

6.1.5.9 Conclusion

In response to the RFI, the design was amended to reduce the level of built form bulk exposed to surrounding areas. Impacts to views obtained from a range of public domain vantage points were tested throughout the design development, to identify opportunities for reducing visual bulk by introducing tailored refinements to the built form proportions.

The additional views demonstrate how refinements to the allocation of building heights, mitigate the proposal’s degree of interference with the existing streetscape setting while maintaining the ‘green and leafy’ garden setting which is a valued local character element.

Skilful design amendments ensure impacts associated with the updated design are compatible with the evolving character of the area, the ‘garden suburb’ setting and therefore, the impacts are considered acceptable.

6.1.6 Transport – SEAR 9

6.1.6.1 Car parking

Due to a decrease in the number of units from 162 to 151, the proposed number of parking spaces has also been reduced from 190 to 178, as shown in the updated parking calculations in **Table 13**. Out of the 178 spaces, 18 are affordable housing spaces, 153 are market residential spaces, 5 visitor spaces and 2 Car Share spaces.

Table 13 Proposed car parking numbers – Housing SEPP (Source: Traffix)

Type	Number	Car Parking Rates	Parking Required	Parking Provided
In-Fill Affordable Housing – SEPP (Housing) 2021 – Affordable Housing Dwellings (Minimum Rates)				
One-bedroom	6	0.4 spaces per dwelling	2.4	18
Two-bedroom	18	0.5 spaces per dwelling	9	
Three-bedroom	7	1 space per dwelling	7	
Subtotal			18.4 (18)	18
In-Fill Affordable Housing – SEPP (Housing) 2021 – Dwellings not used for Affordable Housing (Minimum Rates)				
One-bedroom	2	0.5 spaces per dwelling	1	153
Two-bedroom	50	1 space per dwelling	50	
Three-bedroom or more	68	1.5 spaces per dwelling	102	
Subtotal			153	153
Residential Visitor Parking Requirement – Ku-ring-gai DCP 2024				
Residential Visitor	151	0.166 spaces per dwelling	25*	5
Total			171-196*	176

*Visitor Parking spaces are discretionary and are not required to be provided in accordance with SEPP (Housing) 2021.

6.1.6.2 Bicycle parking

The number of bicycle parking spaces has been reduced from 178 to 166 in line with the proposed unit mix. Each resident is provided a storage cage within the car park which includes space for a bicycle to be stored. 15 visitor bicycle spaces have been provided and are located in the separate visitor bicycle storage on the ground floor.

6.1.6.3 Traffic impact

Revised traffic modelling has been undertaken by Traffix (**Appendix Q**) using the TfNSW approved 'SIDRA' software to understand the existing and future operational performance of the nearby intersections with the updated parking numbers.

The traffic modelling indicates that the key intersections of McIntosh Street / Werona Avenue, McIntosh Street / Rosedale Road, and McIntosh Street/ Arthur Street will continue to operate at a strong level of service with the proposal in place.

The proposal, as amended, is forecast to generate no more than 29 vehicle trips per hour during the busiest hours of the day, consistent with that previously assessed as part of the original submission.

Table 14 Analysis of Intersection Performance with both existing and proposed

Intersection	Time Period	Existing Intersection Performance			Existing Intersection Performance + Proposal		
		Level of Service	Degree of Saturation	Average Delay (s)	Level of Service	Degree of Saturation	Average Delay (s)
McIntosh Street / Werona Avenue	AM Peak Hour	A	0.297	13.2	A	0.298	13.6
	PM Peak Hour	A	0.300	9.8	A	0.306	10.0
McIntosh Street / Rosedale Road	AM Peak Hour	A	0.230	5.7	A	0.233	5.7
	PM Peak Hour	A	0.103	5.4	A	0.109	5.4
McIntosh Street / Arthur Street	AM Peak Hour	A	0.078	5.5	A	0.079	5.5
	PM Peak Hour	A	0.052	4.9	A	0.053	4.9

6.1.6.4 Mitigation Measures

Table 15 SEAR 9 – Transport Mitigation Measures

Category of Measures	Detail
Mitigation Measures – Required as Conditions to address Residual Impacts	<p>The following mitigation measures are recommended.</p> <ul style="list-style-type: none"> The basement parking areas and loading docks achieve relevant Australian Standard requirements.

6.1.7 Noise and Vibration – SEAR 10

No design changes are proposed which require additional assessment beyond the originally submitted EIS in relation to noise and vibration impacts.

Concerns raised by the public submissions and DPHI RFI have been addressed in the amended Noise and Vibration Impact Assessment in **Appendix O** and are discussed in detail in **Section 7.1 and Section 7.4**. It can be concluded that the noise impacts associated with the proposed development can be managed and mitigated to ensure sufficient amenity for residents and surrounding properties.

6.1.7.1 Mitigation Measures

Table 16 SEAR 10 – Noise and Vibration Mitigation Measures

Category of Measures	Detail
Mitigation Measures – Required as Conditions to address Residual Impacts	<ul style="list-style-type: none"> Construction and Operational activities must be undertaken in accordance with the Noise and Vibration Impact Assessment

6.1.8 Trees and Landscaping – SEAR 14

6.1.8.1 Trees

The Arboricultural Impact Appraisal and Method Statement (**Appendix F**) has been amended to reflect the updated design. Tree 19 (*Eucalyptus paniculata* – Grey Ironbark) has already been removed under a separate approval to this application, therefore, only two high category trees are proposed to be removed (trees 21 and 59) along with 26 low and very low category trees.

Only one of the high category trees is located within the biodiversity values area, tree 21 (*Lophostemon confertus* – Brush Box), while tree 59 (*Jacaranda mimosifolia* – Blue Jacaranda) is currently located in the rear yard of 25 McIntosh Street, not readily visible from any prominent public viewpoint and the retention of the remaining significant tree cover will ensure that there is little impact on the wider setting. None of the low category trees are considered significant or worthy of special measures to ensure their preservation.

A further 16 high category trees require appropriate protective measures to be implemented to ensure they are not adversely affected by the proposal. Details of these protective measures are provided in the Arboricultural method statement.

A comprehensive landscaping scheme has been prepared which compensates for the loss of these trees through the planting of replacement trees in appropriate and prominent location. The landscaping scheme is discussed in detail below.

6.1.8.2 Landscaping

Updated landscape plans are provided at **Appendix N**. These detail the proposed site planting, including the location, number and species of plantings proposed.

The landscaping scheme has been revised to provide an outcome more sympathetic to the heritage character of the area. 89 replacement trees of varying sizes throughout the site are proposed to compensate for the removal of 28 trees.

Additional planting has been included within the front setback to soften the built form when viewed from McIntosh Street and provide a more sensitive transition to the adjoining heritage item at 17 McIntosh Street. As shown in **Figure 53** to **Figure 54** below, the amended scheme incorporates extensive tree planting which provides significant canopy coverage of the development, aligning more closely with the leafy character of the McIntosh Street locality and the Gordon Park Estate McIntosh Ansell Grant Conservation Area.



Figure 53 Previously proposed front setback landscaping (Source: PMDL)



Figure 54 Revised front setback landscaping (Source: PMDL)

The western setback landscaping and communal open space between the buildings have also been revised to provide a space with increased useability and safety. The pathways have been reconfigured to increase sightlines for residents and visitors of the development to enhance the security of the area.

6.1.8.3 Mitigation Measures

Table 17 SEAR 14 – Trees and Landscaping Mitigation Measures

Category of Measures	Detail
Mitigation Measures – Required as Conditions to address Residual Impacts	<ul style="list-style-type: none"> Retain trees T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, T13, T14, T15, T16, T17, T18, T25, T26, T27, T28, T29, T30, T31, T40, T41, T42, T43, T44, T45, T47, T53, T60, T61, T63, T64, T67, T68, T69, T70 Any construction or demolition works must be undertaken in accordance with the Arboricultural Method Statement set out in Appendix F of the Arboricultural Impact Appraisal.

6.1.9 Biodiversity – SEAR 16

The amendments to the built form do not result in any further impacts to the biodiversity values of the site other than what was previously assessed as part of the original EIS.

The BDAR has been revised to respond to the comments raised by the DPHI in the RFI and is discussed in detail in **Table 18**. It can be concluded that any impacts to areas of biodiversity on the site can be managed and mitigated to ensure appropriate retention of these areas.

6.1.9.1 Mitigation Measures

Table 18 SEAR 16 – Biodiversity Mitigation Measures

Impact	Mitigation
Direct impact to resident individuals of fauna species residing in habitat in the development footprint.	<ul style="list-style-type: none"> Clearing to be conducted under ecological supervision. Adaptive management strategies to be employed such as pre clearing surveys, relocation of individuals, care for injured wildlife, and euthanasia of feral species in accordance with appropriate licences and approvals.

Potential impact to fauna species potentially occupying tree hollows and / or other specific habitat features.	<ul style="list-style-type: none"> • Clearing to be conducted under ecological supervision and using a professional bee rescue service in accordance with appropriate licences and approvals.
<p>Potential adverse impacts on native wildlife due to the increased presence of humans, presence of uncontrolled companion animals (particularly Cats). Potential impacts include</p> <ul style="list-style-type: none"> • abandonment or avoidance of previously occupied or otherwise suitable habitat and retreat into other areas. • For territorial species, this can further result in antagonistic behaviours with conspecifics. 	<ul style="list-style-type: none"> • Educational material is to be provided to all residents regarding the potential impacts to biodiversity of uncontrolled pets and human activity. • Residents to be encouraged to keep Cats indoors or within an enclosure at all times and not allowed to roam.
Landscaping species becoming a nuisance in the nearby bushland.	<ul style="list-style-type: none"> • The Landscape Plan to rely on planting species consistent with those that occur naturally in BGHF or those that are not known to have weed potential. • Regular sweeps for weeds and low impact controls to be implemented per the Landscape Plan and scheduled maintenance.
Landscaped areas induce disruptions to foraging guilds of birds, encouraging a super abundance of aggressive Noisy Miners.	<ul style="list-style-type: none"> • The Landscape Plan not to rely heavily on species (e.g. Grevilleas) known to favour Noisy Miners.
Increased spill over of noise, activity, scent, and light into the nearby bushland areas.	<ul style="list-style-type: none"> • Install external lighting only where necessary for safety. • Prohibit external uplights, lights directed into the retained trees, or any bright lighting that spills into nearby bushland.
Introduction of soil-borne pathogens, particularly <i>Phytophthora cinnamomi</i> .	<ul style="list-style-type: none"> • Standard hygiene controls are to be observed as part of the civil management works plan. • All plant material to be introduced to the site must be certified as disease-free.
Increased soil nutrients from changes to runoff that may provide further opportunities for weed infestations.	<ul style="list-style-type: none"> • Weeds arising from this potential impact to be controlled by actions detailed in the Landscape Plan and as part of ongoing maintenance.
Possible impacts on water quality in remaining native habitats, with pollutants in runoff (herbicides/fertilisers) carried from landscaped areas to nearby habitats.	<ul style="list-style-type: none"> • A carefully chosen planting palette using native species will require fewer chemical inputs. Therefore, it is important that the planting list in the Landscape Plan is appropriate to serve to mitigate this potential impact at its source.

6.1.10 Waste Management – SEAR 17

The amendments to the design include the reconfiguration of waste services in the basement. As detailed in the amended Waste Management Plan, the waste operations will remain the same as what was previously submitted despite these design changes.

Bulky waste items will be transported to a kerbside collection point via a mobile bin towing device where they will be collected by the relevant collection vehicle. It will be the responsibility of the Owners Corporation to ensure that any bulky waste items generated from the use and occupation of the building, will be managed and dealt with appropriately.

6.1.11 Environmental Heritage – SEAR 22

The Heritage Impact Assessment has been updated to reflect the amended scheme. The assessment is summarised below.

The amendments to the design include refinement of the heritage and visual mitigation measures along the McIntosh Street frontage. In particular, the western setbacks of Buildings A and B have been increased, and additional dense landscaping has been incorporated within the front and side setbacks to soften the interface with the adjoining heritage item at 17 McIntosh Street (Eryldene).

The increased setbacks and greater separation between the three buildings reduce the perceived bulk and scale of the development, improve visual permeability, and maintain areas of open sky when viewed from Eryldene and McIntosh Street. Existing mature vegetation, together with additional planting, will further filter views of the development and limit its visual prominence.

The amended built form, including stepped massing and articulation, ensures the development is read as a series of elements rather than a continuous built wall, reducing its visual impact within the heritage setting. The revised material palette, incorporating predominantly earthy brick tones and timber elements, provides a more recessive response that complements the surrounding heritage context.

While 25 McIntosh Street is located within the Gordon Park, McIntosh and Ansell HCA, the dwelling is identified as a neutral building due to substantial contemporary alterations, and it does not contribute to the heritage significance of the conservation area.

In accordance with Clause 5.10 of the Ku-ring-gai LEP 2015, the revised design has been assessed as conserving the heritage significance of nearby heritage items and conservation areas, including their setting and views. The amendments reduce visual dominance, retain key view corridors and sky views, and reinforce the established leafy streetscape character. The proposal remains compatible with both the heritage significance of the Gordon Park Estate and the future desired character of the locality under the Housing SEPP and Council's strategic framework.

6.1.12 Cumulative impacts

While it is noted that the strategic planning context has changed since the lodgement of the SSDA. The conclusions with respect to cumulative impacts are still considered to be correct.

The potential cumulative impacts of the development primarily relate to the transition of the precinct and wider Ku-ring-gai town centres from low-density housing to higher-density residential development areas in accordance with the Housing SEPP, the DPHI's TOD framework, DPHI's LMR Framework and Ku-ring-gai Council's Preferred Scenario for growth around station precincts.

Both the DPHI TOD and Ku-ring-gai Council's Preferred Scenario have assessed and accounted for the cumulative impacts of redevelopment within this locality, including considerations of built form, amenity, and infrastructure capacity. The proposal aligns with this planned evolution, contributing to the area's intended higher-density residential character while maintaining appropriate setbacks, landscaping, and scale to minimise visual, heritage and biodiversity impacts.

Cumulative environmental and amenity impacts, including traffic, visual, and acoustic considerations, are not expected to be significant. The development represents a coordinated and compatible response to the future desired character of Gordon and supports the orderly redevelopment of the area in line with strategic planning objectives set out in DPHI's TOD and LMR Guidance and Ku-ring-gai's preferred scenario.

7. Response to submissions

The following Section provides detailed responses to comments received from DPHI, Ku-ring-gai Council, other agencies and the community.

7.1 Response to DPHI RFI

Table 19 Response to DPHI RFI

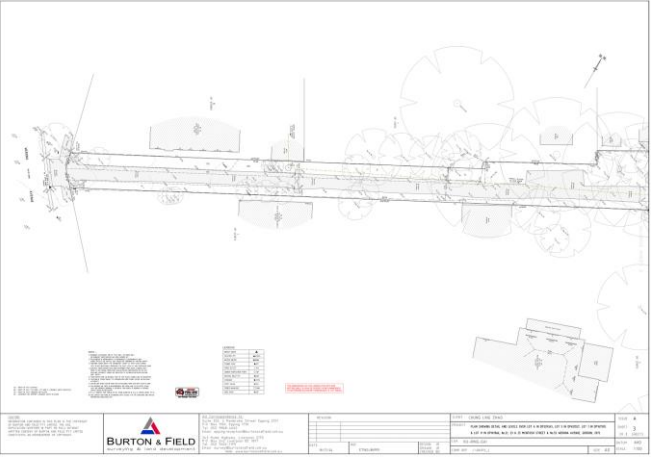
Item	RFI Comment	Project Response
Heritage		
1	Review the design of the proposal, including height and setbacks, in response to concerns raised by Heritage NSW/Heritage Council of NSW and Ku-ring-gai Council (Council) regarding the potential impact of the proposal on the State heritage item 'Eryldene' (17 McIntosh Street), including overshadowing of the gardens.	See Table 20 and Table 21 for response to concerns raised by Ku-ring-gai Council and Heritage NSW. Also see an updated Heritage Impact Statement prepared by Urbis provided at Appendix L which has been peer reviewed by a heritage consultant from NBRS and revised based on this review.
Setbacks		
2	Review the proposal to provide an increased setback and dense landscaping along the western boundary of Buildings A and B, noting the ADG recommends that residential flat buildings adjoining lower density zones include an additional 3 m boundary setback and under Council's alternative scheme, 19 McIntosh Street would remain zoned R2.	The amended proposal incorporates increased setbacks and enhanced landscaping along the western boundary (19 McIntosh) of Buildings A and B in response to the RFI and surrounding context. Building A western setbacks increases from 10m at ground level to up to 19.35m above Level 4, while Building B also incorporates increased setbacks across all levels. These setbacks go beyond the minimum ADG guidance and respond appropriately to the adjoining R2-zoned land at 19 McIntosh Street under Council's alternative scheme. Extensive landscaping within these widened setbacks further enhances privacy, provides visual separation, and reinforces the garden setting, ensuring a sensitive interface between the development and the adjoining low-density residential property.
Landscaping and deep soil zone		
3	Provide an updated Landscape Report and landscape plans, which demonstrate how the proposed landscape strategy is compatible with the landscaped 'garden' character of Gordon. In addition, the landscape plan must address/include the following:	An updated Landscape Report has been prepared by Studio IZ, which demonstrates that the amended scheme is compatible with the existing landscaped 'garden' character of Gordon with 10m front setbacks to McIntosh Street, aligning with Council's controls and the neighbouring

Item	RFI Comment	Project Response
	<ul style="list-style-type: none"> a. a landscape calculation plan that demonstrates the provision of at least 30% landscaped area (Section 19(2)(b) of the Housing SEPP) and that these areas are consistent with the Housing SEPP definition of landscaped area b. calculations for areas designated as deep soil zones according to the Housing SEPP, noting the installation of stepping stones/pathway along the side and rear setbacks will not enable these areas to be attributed to deep soil zone c. retention of high-significance trees, including Tree 19 (Eucalyptus paniculata – Grey Ironbark) d. sufficient planting, including tree planting, within the front setback to support the landscaped character of the surrounding area e. Council's comments and concerns relating to landscaping, deep soil zone and front garden. 	<p>dwelling setbacks, and substantial landscaping in the front and western side setbacks.</p> <ul style="list-style-type: none"> a. The amended proposal includes 45.80% landscaped area, compliant with the Housing SEPP definition. b. The proposed deep soil area based on the Housing SEPP definition is 7.49% or 582.33 sqm excluding the pathway / stepping stone areas. c. Tree 19 has already been removed under a separate approval. Two (2) additional high category trees and twenty-six (26) low category trees will be lost because of the proposal. A comprehensive landscaping scheme to mitigate these losses is proposed that will include the planting of new trees, including mature trees. <p>The existing trees along the Werona Avenue access handle will be retained and protected through the construction phase of the development.</p>
Overshadowing/solar access		
4	<p>Noting the location of 12 Forsyth Street to the south of Building C and the associated overshadowing impacts, provide analysis of alternative massing options/design configurations to potentially improve solar access to this property. The analysis should consider the existing and potential future development layouts (utilising the low and mid-rise development controls) of 12 Forsyth Street.</p>	<p>The amended architectural plans in Appendix H include updated shadow diagrams which demonstrate that 12 Forsyth Street retains a reasonable level of solar access to both living areas and private open space. A 25sqm area of private open space has been nominated within the rear yard in accordance with Section 4.C.4 of the Ku-ring-gai DCP. This area receives direct sunlight between 9am and 11am on 21 June, with only minor additional overshadowing affecting a small portion of the area at 12pm.</p> <p>While not all parts of the dwelling achieve the two-hour solar access benchmark, one primary frontage of the dwelling continues to receive at least two hours of direct sunlight, and usable private open space maintains meaningful solar access. This represents an acceptable outcome having regard to the site context and planning controls.</p> <p>It is also relevant that 12 Forsyth Street is located within the Low and Mid-Rise Housing (LMR) zone, where future redevelopment for a low-rise residential flat building is anticipated. Shadow modelling demonstrates that such a future development would be capable of achieving compliant solar access to principal living areas and private open space, notwithstanding the proposed development.</p>

Item	RFI Comment	Project Response
		Accordingly, the extent of overshadowing is considered acceptable, as it maintains reasonable solar access to key areas of the site and does not prejudice the ability for future development to achieve compliant solar access outcomes.
Public domain interface		
5	Review the location of the substation to minimise visual impacts from the public domain, noting the landscape character of the surrounding streetscape.	The location of the substation has been carefully considered to minimise visual dominance when viewed from the public domain. The substation will be screened on all sides by high-quality landscaping to not disrupt the heritage context and ensure a cohesive streetscape outcome.
6	Review the height of the front fence to respond to the slope of the land, incorporating a maximum height of approximately 1.2 m above ground level.	The front fence height complies with the 1.2 metre except for a small portion which is due to the wall being aligned with the ground level datum, driveway wall and the opposing wall. Responding to the change in height across the site.
Building height		
7	Provide an updated clause 4.6 variation request justifying why compliance with the development standard is unreasonable or unnecessary considering the objectives of clause 4.3 of the Kuring-gai Local Environmental Plan 2015.	An updated Clause 4.6 Variation Request (refer to Appendix J) has been prepared by Gyde Consulting to reflect the amended scheme.
Solar access and natural ventilation		
8	Provide a breakdown of solar access and natural ventilation calculations for each building.	<p>The proposed solar access and natural ventilation calculations for each building are as follows:</p> <p>Building A:</p> <ul style="list-style-type: none"> • Ventilation: 3,812.26 sqm or 30 units (78.95%) • Solar: 3,692.58 sqm or 30 units (78.95%) <p>Building B:</p> <ul style="list-style-type: none"> • Ventilation: 4066.63 sqm or 31 units (79.49%) • Solar: 3,536.02 sqm or 27 units (69.23%) <p>Building C:</p> <ul style="list-style-type: none"> • Ventilation: 5,978.06 sqm or 56 units (75.68%) • Solar: 5,907.32 sqm or 52 units (70.27%)
9	Review the submitted Solar Access Diagram (drawing DA50.63) as the calculated sunlight available to each apartment appears	Refer to the updated Architectural Plans prepared by PMDL at Appendix H .

Item	RFI Comment	Project Response
	incorrect. For example, the diagram indicates apartment B.105 receives 2 hours sunlight between 2pm - 3pm.	Specifically the Solar Access Diagram Plans 1 & 2 at DA50.64 and DA50.65.
10	Provide a revised ventilation diagram to clearly demonstrate how each apartment will be able to achieve natural cross ventilation.	Refer to the updated Architectural Plans prepared by PMDL at Appendix H . Specifically the Cross Ventilation Diagrams at DA50.30.
Amenity of affordable apartments		
11	Demonstrate that the affordable apartments will have a comparable level of amenity compared to the market apartments in terms of key ADG criteria such as solar access, natural ventilation and outdoor space.	<p>As outlined in the Infill Affordable Housing Practice Note, the residential amenity of affordable housing (AH) units should be comparable to that provided across the overall development. The AH component achieves a high standard of amenity when considered holistically, as outlined below.</p> <p>Private Open Space (POS) All AH units comply with the minimum private open space requirements under the ADG, with several units exceeding the minimum provision.</p> <p>Solar access A total of 54.84% of AH units receive a minimum of 2 hours of direct sunlight between 9am and 3pm. While this is below the ADG benchmark of 70%, the AH units benefit from other high-quality amenity outcomes, including generous private open space provision. In the context of the overall development achieving a high level of amenity, the AH units are considered to provide an equitable level of amenity.</p> <p>Cross ventilation 54.84% of AH units achieve natural cross ventilation, slightly below the ADG minimum requirement of 60%, although this is justified as mentioned above through achieving improved amenity in alternative ways.</p> <p>The nominated Community Housing Provider (CHP), Echo Realty, has reviewed and endorsed the allocation and location of the AH units. Echo Realty has confirmed that it will manage the infill affordable housing component for a minimum period of 15 years, with the TOD affordable housing apartments to be managed as affordable housing in perpetuity.</p>
Car parking and vehicular access		
12	Provide an updated Traffic Impact Assessment (TIA) with revised car parking calculations as Table 2 of the TIA (replicated as Figure 51 in the EIS) is based on 27 affordable apartments	An updated TIA has been prepared for the amended scheme and is provided in Appendix Q .

Item	RFI Comment	Project Response
	and 135 market apartments which is inconsistent with the proposed development.	
13	Review the proposed car parking provision to include car share spaces.	The car parking provision has been amended to include 2 car share spaces.
14	Provide clarification whether vehicular servicing is proposed via the access handle from Werona Avenue to the rear of 19 McIntosh Street, noting this is referred to in the design report but is inconsistent with the architectural plans.	Vehicle servicing is not proposed via the access handle. The access handle will be for pedestrian use only. Please see the amended design report prepared by PMDL at Appendix G .
Bicycle parking/storage		
15	Clarify and demonstrate the location of required resident bicycle parking. If proposed within individual apartment storage cages, the storage volume of these cages must exclude the bicycle parking.	The amended architectural plans in Appendix H demonstrate that separate bicycle parking and apartment storage cages are provided in the basement levels 1 and 2. The bicycle parking is in addition to the minimum storage area requirements, which ensures the proposal remains compliant with the ADG.
16	Review and clarify the location of visitor bicycle parking.	Visitor bicycle parking is provided on the ground floor of Building A, easily accessible from McIntosh Street.
17	Confirm tandem parking spaces would be allocated to single apartments.	The amended design does not proposed any tandem parking spaces.
General		
18	Provide a valid BASIX certificate for the development.	See Appendix S for the updated BASIX Certificate.
19	Review the raised bed garden and planters on the edges of Buildings A and B as these should be provided with soil depths and volumes as per Part 4P of the ADG.	See the updated Landscape plans provided by Studio IZ at Appendix N for soil depths and volumes as per the ADG requirements.
20	Update the acoustic report to address apartments that are located above/adjacent to the driveway/access gate and how these apartments will maintain acoustic privacy.	An assessment of noise intrusion from vehicles using the driveway and recommendations has been provided in the updated Noise and Vibration Impact Assessment at Appendix O .
21	Ensure all bedrooms within apartment AG.06 include a window.	See amended Architectural Plans at Appendix H .
22	Provide additional information/DP plan of 55 Werona Avenue clearly showing the location and type of all easements burdening and/or benefiting the site.	The DP plan of 55 Werona Avenue was provided as part of the Survey Plan for the original application which correctly identifies all the types of easements burdening and/or benefiting the site (Screenshot shown

Item	RFI Comment	Project Response
		<p>below). Also see Appendix Z.</p>  <p>Figure 55 Werona Avenue access handle survey plan (Source: Burton & Field)</p> <p>There is a parcel of land that is known as Lot 11 DP752031, there are no works proposed in this location (See Figure 56 below).</p>  <p>Figure 56 Part lot 424 – Werona Avenue (Source: SIX Maps)</p>

Item	RFI Comment	Project Response
23	Provide an Integrated Water Management Report noting a Waste Management Plan was erroneously submitted as Appendix T - Integrated Water Management Report in the EIS.	See Integrated Water Management Report at Appendix M .
24	Provide a copy of the Preliminary Tree Assessment, Revision A, by Sydney Arborist (Antony Osborn) dated 27 August 2024, referred to in the Arboricultural Impact Appraisal and Method Statement, dated 22 May 2025.	This has been provided at Appendix Y .
25	Revise the submitted shadow diagrams (drawing 50.70, revision B dated 26/05/2025) to remove the grey tone under parts of the blue toned area, noting this is understood to be a drafting error.	See the amended Architectural Plans at Appendix H . Specifically DA50.70 and DA50.71.
26	Confirm when construction is expected to commence and be completed.	CPDM is committed to the commencement of construction within 6 months of approval by DPHI.

7.2 Response to Ku-ring-gai Council

The table below contains a response to the issues raised in submissions.

Table 20 Summary of response to Ku-ring-gai Council comments. Please note that comments have been summarised. Please refer to the Ku-ring-gai submission for full details.

Council Comment / Issue – Paraphrased	Response
A. Desired Future Character	
<p>Council argues that the proposal is inconsistent with the area’s desired future character as set out in its adopted <i>TOD Alternative Scenario</i>, which it says carries significant strategic weight. The site sits outside Council’s defined TOD boundary and was intentionally excluded to protect nearby Heritage Conservation Areas, meaning only Low and Mid-Rise controls should apply.</p> <p>Council is concerned that the proposed 30.5 m height and 2.39:1 FSR are far above the 9.5 m height and 0.3–0.8:1 FSR envisioned in its plan, resulting in a building that is excessively tall, dense and out of character with the planned future form of the neighbourhood.</p>	<p>This is assessed in detail in Section 4.4 and Section 6.1.2.3 of this report.</p>
B. Residential amenity	
<p>Front fence and substation</p> <p>Council considers the proposal to significantly breach several key Apartment Design Guide requirements. The solid front fence along McIntosh Street is too tall, too long, and insufficiently permeable, limiting passive surveillance and failing the public domain interface objectives, and the above-ground substation further conflicts with ADG guidance.</p>	<p>The overall front fence height has been significantly reduced and now almost entirely complies with the 1.2m control. The only section not compliant is due to the slope of the ground, in order to align with the ground level datum, driveway wall and opposing wall.</p> <p>The substation location has been designed to minimise impact on the public domain. Alternative positions in front of the main façade or adjacent to the pedestrian entry were considered but would have a greater impact.</p>
<p>Setbacks</p> <p>The development does not provide the additional 3 m setback required where higher-density apartments adjoin low-density residential zones, resulting in inadequate visual privacy, poor scale transition and reduced landscaping opportunities.</p>	<p>While the proposed development introduces a larger scale than surrounding dwellings, this is consistent with the intended strategic transition under SEPP Housing and the Transport Oriented Development (TOD) planning framework. The composition of the buildings provides appropriate separation and modulation, with stepped upper levels, articulated façades, and substantial landscaped buffers to soften bulk and scale. The amended design includes additional setbacks to the western side for a total of 9m for Buildings A and B from the lot boundary.</p>

<p>Street activation</p> <p>Building A lacks any direct pedestrian entry from McIntosh Street, meaning access is via rear entries only, which diminishes street activation and fails to address the public domain.</p>	<p>The amended design retains the originally proposed side entrance to McIntosh Street. The width of this has been significantly increased through the amended side setback, providing an attractive and prominent pedestrian entry. To provide further activation, additional direct pedestrian entrances to the ground floor units have also been introduced.</p>
<p>Affordable housing amenity</p> <p>While the building meets overall solar access targets, affordable housing units receive disproportionately poor sunlight (up to 50% of in-perpetuity units receive none) contrary to the expectation that affordable dwellings achieve equal amenity.</p>	<p>See discussion on affordable housing amenity in Table 19, Item 11.</p>
<p>C. Clause 4.6 request – height of building</p>	
<p>Council argues that the proposed height variation (from the permitted 28.6 m to 30.5 m) is not justified and that the applicant’s Clause 4.6 request is inadequate. While the applicant relies on Housing SEPP objectives to argue the variation is reasonable, Council notes the request fails to address the height objectives in Clause 4.3 of the Ku-ring-gai LEP, which are directly relevant to determining whether strict compliance is unnecessary.</p> <p>Council rejects the applicant’s claims that the extra height delivers amenity benefits, has no additional impacts, or aligns with future character, stating instead that the proposal is excessive in height, bulk and scale.</p> <p>Council concludes that the environmental planning grounds put forward are insufficient, given the resulting visual impacts, poor height transition, and inconsistency with the intended lower-scale character. Therefore, the Clause 4.6 variation request is not justified.</p>	<p>The maximum height of the development has been reviewed and the design of the development altered to minimise impact on neighbouring properties. The development responds to the existing and proposed character of the neighbourhood with additional side setbacks and built form changes. See the updated Clause 4.6 Variation Request at Appendix J.</p>
<p>D. Heritage</p>	
<p>Council contends that the proposal would cause substantial and unacceptable heritage impacts on the surrounding Heritage Conservation Areas and nearby heritage items. It highlights that the scheme involves demolishing contributory and potentially significant buildings, removing established landscape elements, and replacing them with three bulky 8-storey towers that would dominate the low-scale historic setting.</p> <p>Council argues the proposal fails to meet the heritage objectives of the KLEP, KDCCP and Clause 5.10, and does not follow the Burra Charter’s principles for conserving setting, scale and character.</p> <p>Key concerns include overshadowing and visual intrusion on Eryldene’s nationally significant garden, loss of traditional garden curtilages and mature trees, inadequate setbacks and transitions, visual bulk, privacy impacts, and the</p>	<p>The updated Heritage Impact Statement (Appendix L) concludes that the affected dwelling at No. 25 McIntosh Street has limited heritage integrity and does not meaningfully contribute to the HCA. The design has been refined to reduce overshadowing on the nearby state listed building and increase side setbacks, provide increased landscape in setbacks, and use recessive materials to minimise visual impact.</p>

<p>architectural design (materials, colours and form) that does not respect the area's established character.</p> <p>Overall, Council concludes the development would irreversibly erode the significance and integrity of the surrounding HCAs and heritage fabric.</p>	
<p>E. Landscaping and tree impacts</p>	
<p>Landscape plans</p> <p>Council finds the proposal inconsistent with SEARs requirements, the ADG and Ku-ring-gai DCP due to major shortcomings in landscape design, tree retention, BASIX documentation, and deep-soil provision. The landscape plans lack key information including canopy cover, landscape diagrams, tree-sensitive construction methods, consistent levels, and stormwater/service layouts, making compliance impossible to verify. Council also highlights inconsistencies between landscape and architectural plans.</p>	<p>The front setback design has been revised to maximise deep soil provision and support canopy tree planting. Retaining walls have been replaced with a free-standing fence, with ground levels connected to the street verge to enable continuous deep soil and improved conditions for large tree establishment.</p> <p>Increased western setback along the shared boundary with No. 19 McIntosh Street to allow for additional buffer planting and improved conditions for tree establishment.</p> <p>Canopy Coverage Calculation Plan provided in updated drawing set.</p> <p>In accordance with ADG, the proposed deep soil area of approximately 1,175m² requires the equivalent of 15 large trees or 30 medium trees.</p> <p>The landscape design proposes:</p> <ul style="list-style-type: none"> • 12 large canopy trees within deep soil zones, and • 30 medium trees within deep soil zones. <p>In addition, 7 existing large trees of medium to high landscape significance (with 15–40 years useful life expectancy) are retained and protected on site (T5, T9, T10, T13, T14, T26, T28).</p> <p>Accordingly, the proposal delivers a total of 19 large trees and 30 medium trees within deep soil areas, exceeding ADG planting requirements and supporting long-term canopy outcomes.</p> <p>Water Sensitive Urban Design (WSUD) measures are incorporated within the landscape design, including permeable surfaces, planting swales located along the back of retaining walls to facilitate on-site stormwater infiltration, and roof gardens that assist in mitigating urban heat, improving stormwater management, and enhancing overall environmental performance</p>
<p>Tree Removal</p>	<p>Tree 19 (one of the high value trees proposed in the original application for removal) has been removed under a separate approval and no longer forms part of this application. Impacts to</p>

<p>Significant existing trees are not properly integrated, with several high-value trees proposed for removal and inadequate construction detail to ensure the retention of others.</p>	<p>remaining trees have been minimised where possible and the development retains 16 high category trees.</p>
<p>Deep soil and landscaped area</p> <p>Deep-soil areas are overstated: while the applicant claims 38% deep soil, Council identifies only 9.7% as compliant due to terraces, structures and insufficient 6 m dimensions, leading to inadequate capacity for tall tree planting. The proposal also fails Housing SEPP landscaped area requirements, lacks valid BASIX commitments, and provides insufficient tall trees under both ADG and DCP controls, especially in the front and western setbacks. Landscaping over structures lacks required soil depths and volumes, and the design does not adequately buffer or respect the adjacent Eryldene heritage garden, increasing overshadowing and reducing privacy.</p>	<p>Deep soil areas have been revised with the amended design providing 7.49% according to the Housing SEPP definition. The McIntosh Street frontage has been enhanced to strengthen canopy provision and landscape character, including:</p> <ul style="list-style-type: none"> • Provision of a continuous deep soil zone connected to the street verge to support large canopy tree planting. • Increased western setback along the shared boundary with No. 19 McIntosh Street to allow for additional buffer planting and improved conditions for tree establishment.
<p>Landscape design</p> <p>Council highlights the inappropriate species selection, inadequate streetscape character response, and the poor interface created by wide retaining walls and an exposed substation.</p>	<p>The western setback has been increased to better accommodate larger deciduous canopy trees, which will assist in buffering the proposed development and respond to the established garden character of the Eryldene gardens</p> <p>With the enhanced deep soil areas in the front setback, the proposed landscape design now supports a total number of 4 large trees, 4 medium trees, and 3 small trees, with a mixture of:</p> <ul style="list-style-type: none"> • Syncarpia glomulifera • Angophora costata • Nyssa sylvatica • Zelkova serrata • Lagerstromias • Malus <p>Refer to landscape planting plan.</p> <p>The front setback landscape has been revised to adopt a more informal garden setting, with a meandering lawn integrated through planted areas that support layered planting, groupings, and small seating pocket spaces.</p> <p>The planting palette has also been updated to incorporate a diverse mix of tall canopy trees, layered understory planting, and a combination of evergreen and exotic ornamental species, better aligning with the established garden character of the surrounding area.</p>

	Planting arrangement in front of Substation has been updated and replaced with lawn access.
F. Ecology	
<p>The site contains 0.11 ha of Critically Endangered Sydney Turpentine Ironbark Forest (STIF), with the proposal seeking to clear 0.06 ha and remove two native canopy trees. While six core STIF canopy trees would be retained, Tree 22 is unavoidably impacted, and Tree 19 (an important Grey Ironbark) could be retained through redesign. The BDAR does not demonstrate compliance with the Biodiversity Assessment Method (BAM) requirements, which requires impacts to be avoided, then minimised, before offsets are pursued. The assessment does not explore alternative layouts, reduced basement footprints, or modified building envelopes that could prevent avoidable loss of STIF vegetation. It also lacks adequate Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) analysis under AS 4970–2025 and proposes minimal minimisation measures, instead moving prematurely to offsetting. As a result, the BDAR fails to show that the proposal has exhausted all reasonable options to avoid or reduce biodiversity impacts.</p> <p>Council concludes the design must be amended to retain Tree 19 and include a compliant TPZ assessment, with offsets only considered once avoidance and minimisation requirements under BAM Stage 2 have been met.</p>	Tree 19 has been removed under a separate approval and is therefore no longer part of this application.
G. Engineering	
<p>Stormwater and overland flow</p> <p>The stormwater strategy has been reviewed, with Council requiring further investigation of the preferred trunk drainage connection in McIntosh Street, confirmation of pit locations and invert levels by survey, CCTV inspection of existing pipes, and verification that downstream capacity can accommodate additional flows. While on-site detention and reuse volumes are acceptable, the current design lacks a safe overland flow path due to the OSD tank’s location under the driveway ramp, and an invalid BASIX certificate has been submitted.</p>	The Stormwater Plans have been amended with a revised connection into the McIntosh Street system and revised pipe diameter. See the updated Stormwater Management Plans at Appendix P and the Overland Flow Letter prepared by Hydracor at Appendix BB .
<p>Parking and vehicular access</p> <p>Car parking provision meets the TOD SEPP but falls short of Ku-ring-gai DCP requirements, particularly regarding visitor spaces and mandatory car share provision. Four on-site car share spaces are recommended. Bicycle parking arrangements require clarification, including whether storage cages or bike rooms are proposed, and visitor bicycle parking should be relocated to a more accessible street-level location. EV-readiness must be provided for all parking spaces. The</p>	<p>Noted. Car parking is provided in accordance with the Housing SEPP non discretionary standards.</p> <p>Car share spaces have been adequately provided.</p> <p>The bicycle parking will be provided as dedicated bike rooms as demonstrated in the Architectural Plans.</p> <p>Visitor bicycle parking has been relocated to ground level accessible from the street. EV readiness will be provided for all parking spaces.</p>

<p>basement loading bay generally caters for service vehicles, but an on-site loading bay at driveway level is required for larger vehicles.</p>	<p>The proposed basement loading bay caters for a variety of service vehicles. There was not considered sufficient demand for on-site loading from HGV vehicles.</p>
<p>H. Environmental Health</p>	
<p>The Noise and Vibration Assessment (Acoustic Logic, May 2025) predicts rooftop plant noise will comply with EPA and DCP criteria. Final plant selections and any additional acoustic treatments must be confirmed at the Construction Certificate stage. Clarification is needed on the impact of 1.5 m louvred perimeters and rooftop plant room locations on architectural diagrams.</p>	<p>The Noise and Vibration Impact Assessment prepared by Acoustic Logic (Appendix O) concludes that no additional mitigation is required to control noise emissions from the roof top plant.</p>
<p>I. Building</p>	
<p>A BCA report is required to be submitted as part of the development process.</p>	<p>Please see the BCA Report provided at Appendix X.</p>
<p>I. Development Contribution</p>	
<p>The proposed development would attract the payment of a s7.11 development contribution.</p>	<p>Noted.</p>

7.3 Response to Agencies

A response to commentary for the relevant agencies has been provided in the table below.

Table 21 Response to Agencies

Agency	Submissions	Response
<p>Department of Planning, Housing and Infrastructure</p>	<p>Refer to responses in Table 19 above.</p>	
<p>Ku-ring-gai Council</p>	<p>Refer to responses in Table 20 above.</p>	
<p>Heritage Council of NSW</p>	<p>Advice – Heritage Council of NSW Approvals Committee</p> <p>The Heritage Council of NSW Approvals Committee considered the EIS for the proposed SSD at their meeting on 30 September 2025 and passed Resolution 2025-44 as follows.</p> <p>The Approvals Committee resolves to:</p> <ol style="list-style-type: none"> 1. Note that the proposed design concept for Residential Development 21, 23 & 25 McIntosh Street and 55 Werona Avenue, Gordon – SSD-83478456 does not respond to the local character and there needs to be an alternate and sympathetic design approach. 2. Advise DPHI that the proposed SSD will adversely impact the State Heritage Register (SHR) listed Eryldene, which is internationally recognised for the significance of its house and gardens. 	<p>An updated Heritage Impact Statement (HIS) has been provided by Urbis and reviewed independently by NBR Architecture.</p> <p>The HIS has provided the following advice:</p> <ul style="list-style-type: none"> • It is recognised that as a higher density development, facilitated by planning reforms, the development will not have a direct relationship with the existing character of the area. Instead, the proposal relates to the strategically planned future character of the broader area and more appropriately takes architectures cues from the existing development, applied in a contemporary way to a higher density building. The revised development proposal better responds to the local character of the area. • The amended design incorporates increased setbacks to the west reducing the visual bulk of the development when viewed from Eryldene. Existing vegetation, together with additional proposed landscaping within the western setbacks, further limits visibility and moderates the perceived bulk and scale of the development. • Changes to the façade of Building A, along with the increased setbacks and the introduction of brick and timber elements, ensure the development responds

3. **Advise** that the bulk and scale of the proposed SSD would make it prominent and intrusive from within Eryldene’s garden and diminish the experience of this exceptionally significant garden and its associated structures and buildings. It would also adversely impact on the wider context and setting of the place.

4. **Advise** DPHI that overshadowing of Eryldene’s garden would have an adverse impact on the viability and sustainability of the vegetation, resulting in an adverse heritage impact, especially on the unique and internationally recognised camelia collection.

5. **Recommend** that the SSD be re-conceptualised to substantially reduce the height of buildings in locations A and B by at least three stories to reduce the visual impacts of the setting and amenity of Eryldene and alleviate overshadowing.

sympathetically to the surrounding streetscape and its setting. As illustrated in the visual assessment in Section 6.1.5, the revised design presents more modestly within the Eryldene context, with reduced height and smaller glazing elements contributing to a less visually dominant appearance.

- The amended design changes with the increased setbacks has reduced the overshadowing impacts on Eryldene. The predicted overshadowing impacts to Eryldene in the winter months will predominantly be limited to around 9am and only shadow a small portion of the eastern boundary and only for a small window of time. By 10am there are no shadows on the Eryldene Garden as a result of the proposed development.
- An Overland flow assessment undertaken by Hydracor Consulting Engineers concluded that the proposed development will not have an adverse impact on surface flows over the Eryldene Historic House and Garden. This is provided at **Appendix BB**.
- As noted above the amended design and the reduction in the built form between Buildings A and B has increased the opportunity for open sky components around each of the new built forms. The decrease in built form has alleviated the overshadowing impacts to Eryldene and the significant gardens.
- The amended scheme is retaining large trees positioned along the existing driveway to 55 Werona Avenue, while other large trees to the south-west and north-east are also being retained. Trees between the existing 23 and 25 McIntosh are also being retained which maintains the existing leafy streetscape character of McIntosh Street. Deep soil and additional greenery across the site in the form of green walls will provide visual screening.

6. **Recommend** that the revised scheme should include large trees for canopy replenishment, particularly along the site's south-western boundary to provide visual screening.

7. **Recommend** that any proposal should be tested with photomontages in relation to context, setting, and views within and around Eryldene.

The revised landscape includes additional planting along McIntosh Street and to the western side setback will add to the canopy replenishment.

- Gyde and a professional photographer have prepared photomontages of the proposed development, reproduced above in this section. The design amendments, informed by further testing of visual impacts from the Eryldene garden and along McIntosh Street, have improved the presentation of the development and reduced its visual impact when viewed from surrounding public and heritage-sensitive locations.
- Oblique views along McIntosh Street demonstrate a reduction in perceived bulk as a result of increased setbacks and the retention of mature tree screening. Changes to the lower levels, including the introduction of wide horizontal banding, contribute to a more cohesive and visually ordered built form. When viewed from the west, the increased setbacks maintain views towards Eryldene and preserve the leafy character of the streetscape.
- From within Eryldene all viewpoints, mature trees, hedges and specimen plantings play a significant role in screening the development however the design has been revised the increase the amount of visible sky in keys from to the north. Buildings A, B and C are variously partially visible or largely concealed, with Building B most seen and Buildings A and C often screened. Where visible, the new buildings appear at around 40 metres and are seen against open sky rather than dominating the foreground.
- While the proposed development represents an increase in scale compared to existing conditions, it remains within permitted height controls. Design amendments have increased

In addition the Approvals Committee is concerned that the potential impacts of the SSD on the significant vegetation within the gardens of Eryldene, including its internationally significant collection of camelias, has not been adequately assessed in the EIS, including impacts related to overshadowing and changes to ground water hydrology. We recommend that additional expert assessment be provided in this regard.

separation between the buildings, improving sky exposure and visual relief. The built form proportions and façade treatment are described as reading a collection of individual elements rather than continuous bulk.

- The assessment also recognises how the estate is used for weddings, performances and other events. Most guests' views are directed towards the Chinese Pavilion, although east-facing views from within the pavilion are valued during ceremonies. Overall, the material concludes that the development does not significantly obstruct key views, interfere with the legibility of heritage elements, or substantially diminish the visual experience of the Eryldene Estate.
- An Overland flow assessment undertaken by Hydracor Consulting Engineers concluded that the proposed development will not have an adverse impact on surface flows over the Eryldene Historic House and Garden. This conclusion is based on the recommendation that the 'axe handle' (Werona Avenue driveway) retain existing levels to maintain the existing overland flow path. The proposed development will not remove or alter the existing driveway; therefore, the overland flow to the gardens will not be impacted by the proposed development. This is provided at **Appendix BB**.
- The Hydrology Letter (**Appendix U**) confirms the impacts on groundwater at Eryldene and the Landscape Letter (**Appendix AA**) sets out that Camellias are shallow-rooting plants that generally rely on surface water and manual irrigation, rather than ground water. As such, changes to ground and surface water are not anticipated to result in any unacceptable impacts on Eryldene.

	<p>Advice—Historical Archaeology</p> <p>The HAA has identified areas of low and moderate potential archaeological associated with occupation of the SSD site from the 1920s onwards but assesses that none of the potential archaeological remains would likely be of local or state significance. The report recommends that an unexpected finds protocol be implemented during construction. The HAA assessment and recommendations are supported.</p> <p>As the site is in the vicinity of local heritage items advice should be sought from the relevant local council.</p>	<p>An unexpected finds protocol will be implemented during construction. Provided at Construction Certificate stage.</p> <p>Advice has been provided from Ku-ring-gai Council in relation to the local heritage items within the vicinity of the site and a response to this has been provided by the project team in Table 20.</p>
<p>Department of Climate Change, Energy, the Environment and Water - Conservation Programs, Heritage and Regulation (CPHR) Group</p>	<p>CPHR was not granted access to the BDAR case via Biodiversity Offsets and Agreement Management System (BOAMS), and no digital files were provided.</p> <p>Recommended action:</p> <p>The ecological consultant is to:</p> <ul style="list-style-type: none"> • Add 'Greater Sydney – Compliance & Regulation' as a Case Party in BOAMS • Upload all required digital files (as per Appendix L of the BAM 2020), and • Submit the case to 'Greater Sydney – Compliance & Regulation' as the consent authority. 	<p>The ecological consultant has added CPHR as a case party in the Biodiversity Offsets and Agreements Management Systems.</p>
<p>Department of Climate Change, Energy, the Environment and Water – Water Group</p>	<p>1.0 Water supply, take and licensing</p> <p>1.1 Recommendation – pre-determination</p> <p>The Department of Planning, Housing and Infrastructure (DPHI) should seek from the proponent the maximum annual volume of water take due to aquifer interference activities and the ability to acquire sufficient water entitlement unless an exemption applies.</p> <p>Explanation</p> <p>Insufficient information has been provided to confirm the potential groundwater inflow volumes. NSW DCCEEW Water Group notes that the groundwater table will likely be intercepted. Maximum excavation depths for this project are up to 8.1m. The proponent has not presented sufficient information and analysis on inflows during the construction and ongoing operation of the site. Quantification of maximum potential inflow volumes is required.</p> <p>1.2 Recommendation – post approval</p>	<p>A Dewatering Management Plan has been prepared and provided in Appendix T. This plan indicates that the predicted groundwater inflow rate during construction will be 48.26kL/week. The plan advises that during the excavation period, the pump out volume must be monitored to ensure that excessive groundwater extraction does not occur.</p> <p>The Plan also indicates that the projected long term seepage inflows during the service life of the structure following construction are 2.01 ML/Year.</p>

	<p>DPHI should ensure the proponent acquires a water access licence (WAL) to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the Water Management (General) Regulation 2018.</p> <p>Explanation</p> <p>Under the Water Management Act 2000, if groundwater is intercepted a WAL must be obtained prior to any water take occurring unless an exemption under the Water Management (General) Regulation 2018 applies. An exemption may be available for water take during construction activities in coastal water sources under Clause 2 of Schedule 4 of the WM Reg, or where the groundwater take during construction or operation is less than or equal to 3ML per water year (cl 7, sch 4 of WM Reg). To claim either of these exemptions certain requirements must be met, such as</p> <ul style="list-style-type: none"> • the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and • the records are kept for 5 years. <p>Further information on these requirements and other information on licensing and approvals and exemptions, including a form to report and record water taken can be found at: https://water.dpie.nsw.gov.au/licensing-and-trade and Groundwater access licence exemptions NSW Government Water.</p>	
	<p>2.0 Groundwater impacts and dewatering requirements</p> <p>2.1 Recommendation – pre-determination</p> <p>If the take of groundwater is found to be greater than 3 ML per year, DPHI should seek from the proponent an assessment of impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012). These documents are available at:</p> <ul style="list-style-type: none"> • https://www.water.dcceew.nsw.gov.au/sites/default/files/2025-10/NSW-Aquifer-Interference-Policy-2012.pdf • https://www.water.nsw.gov.au/sites/default/files/2025-07/Aquifer-Interference-Assessment-Framework.pdf <p>Explanation</p> <p>As per Recommendation 1.1 above, the proponent has not provided a volumetric quantification of groundwater take. Additionally, the proponent has not provided an assessment of impacts to groundwater due to</p>	

	<p>construction or operation of the project. NSW DCCEEW Water Group notes that without groundwater take estimations it is difficult to assess the level of risk. Therefore, the proponent should determine the estimated take volume.</p>	
Sydney Water	<p>Water and Wastewater Servicing</p> <ul style="list-style-type: none"> • Our preliminary assessment indicates that water and wastewater servicing should be available for the proposed development. • Amplifications, adjustments, deviations and/or minor extensions to the 225mm wastewater main may be required. • Detailed requirements will be provided at the Section 73 application stage. 	Noted by the Proponent.
	<p>Next steps</p> <ul style="list-style-type: none"> • Should the Department of Planning, Housing and Infrastructure (the Department) decide to progress with the subject development application, Sydney Water would require the following conditions be included in the development consent. <ul style="list-style-type: none"> – Section 73 Compliance Certificate – Building Plan Approval <p>Further details of the conditions can be found in Attachment 1.</p> • The Department is advised to forward the enclosed Sydney Water Development Application Information Sheet (for proponent) to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions. 	Noted by the Proponent.
Ausgrid	<p>Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.</p>	Noted by the Proponent.
	<p>Ausgrid has reviewed the documents “Appendix K Architectural Plans Part 1” included in the submission and advise the proponent must continue discussions regarding any new connections and load requirements to the site directly with Ausgrid and submit a connection application to Ausgrid as soon as practicable.</p>	Noted by the Proponent.
	<p>Ausgrid Overhead Powerlines are in the vicinity of the development.</p>	Noted by the Proponent.

	<p>The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.</p> <p>Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.</p> <p>The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.</p> <p>It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.</p>	
	<p>Ausgrid Underground Cables are in the vicinity of the development.</p> <p>Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.</p> <p>It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA).</p> <p>In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:</p> <p>SafeWork Australia – Excavation Code of Practice.</p> <p>Ausgrid’s Network Standard NS156 which outlines the minimum requirements for working around Ausgrid’s underground cables.</p> <p>The following points should also be taken into consideration.</p> <p>Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.</p> <p>Should ground levels change above Ausgrid’s underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.</p>	<p>Noted by the Proponent.</p>

	<p>Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.</p>	
	<p>New Driveways - Proximity to Existing Poles</p> <p>Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.</p>	Noted by the Proponent.
	<p>New or modified connection</p> <p>To apply to connect or modify a connection for residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; https://www.ausgrid.com.au/Connections/Get-connected</p> <p>Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries</p>	Noted by the Proponent.
NSW Fire and Rescue	<p>FRNSW have reviewed the EIS with particular focus to Section 4. FRNSW submit no comments or recommendations for consideration, nor any requirements beyond that specified by applicable legislation at this stage.</p>	Noted by the Proponent.

7.4 Response to community concerns

The table below contains a response to the issues raised in submissions.


Table 22 Response to community submissions

Issue	Summary of submissions	Response
Project related (e.g. the site, the project area, the physical layout and design, key uses and activities, timing)		
Height, bulk and scale	80 and 64 public submissions noted concerns with the proposed height, and bulk and scale of the development respectively. These concerns primarily related to the perception that the height and scale of the development was out of character with the area. Concerns raised with respect to height, bulk and scale also raised concerns about potential privacy, overshadowing and solar impacts this form would have on nearby houses.	The proposed building includes a Clause 4.6 variation to the 28.6 m height limit under the Housing SEPP. The maximum building height is 29.85 m, a 1.05 m (3.67%) variation, limited to small elements such as lift overruns, rooftop plant and localized roof sections rather than an additional full storey. This modest exceedance arises from the site's slope and the need to provide equitable lift access and usable rooftop communal open space, while still achieving compliant solar access, apartment amenity and deep soil outcomes.
Visual Impact	18 public submissions raised concerns about the design of the development and the visual impact on the locality.	In response to submissions, the scheme has been refined to improve its primary street presentation through additional façade articulation, material variation and increased upper-level setbacks. These measures reduce perceived bulk, improve modulation.
Waste	3 public submissions raised concerns about the proposed waste management.	An updated Waste Management Plan has been provided at Appendix R and confirms that the proposed waste scheme is appropriate.
Procedural matters (e.g. level or quality of engagement, compliance with the SEARs, identification of relevant statutory requirements)		
Affordable housing	38 public submissions had comments about whether AH outcomes on the site will be achieved.	<p>The proposal will deliver 31 affordable housing units as follows:</p> <ul style="list-style-type: none"> Chapter 2, Part 2, Division 1 Infill affordable housing – in that the development is permissible, it delivers 15% affordable housing under this chapter, and the site is in an accessible area. The proposal utilises 30% additional height under this division; and, Chapter 5 Transport oriented development (TOD) – in that the site is located in a TOD area being within 400m metres walking distance east of the existing Gordon Railway Station. This chapter sets the base height and floor space development standards for the site (excluding the abovementioned bonus) at 22 metres and 2.5:1, respectively. Two percent affordable housing is delivered under this chapter in perpetuity.

		The affordable housing component is expected to be managed by Echo Realty. Refer to Appendix K confirming the provider’s agreement to this responsibility.
Community Consultation	22 public submissions were concerned with the quality of community consultation undertaken as part of this proposal.	<p>Community consultation was undertaken for this project in accordance with the <i>NSW Government Undertaking Engagement Guidelines for State Significant Projects (March 2024)</i>.</p> <p>A variety of engagement methods were applied to ensure that the community had a range of opportunities to view information about the project and provide feedback directly to the project team. These included:</p> <ul style="list-style-type: none"> • Community letter distributed to approximately 250 residences in the surrounding area providing information about the proposal, the planning process, and a QR code and link to the community survey. • A community survey was developed to provide an opportunity to provide feedback about the proposal and how it may impact the local community. The survey was advertised in the community flyer, and accessible from the project webpage.
Nuisance during construction	19 public submissions had comments regarding the impact of construction vehicles on McIntosh Street.	Refer to the Preliminary Construction Traffic Management Plan inside the Transport Impact Assessment at Appendix Q detailing the movement and operation of construction vehicles on the site.
Economic, environmental and social impacts (e.g. amenity, air, biodiversity, heritage)		
Traffic and roads Impact	91 submissions raised concerns regarding infrastructure overload and congestion issues	The Traffic Impact Assessment in Appendix Q concludes that the proposed development will have minimal impact on the surrounding road network. Analysis shows all three key intersections will continue operating at their existing levels of service with only minor increases in average delays of 0.2-0.4 seconds during peak periods at the McIntosh Street and Werona Avenue intersection.
Overshadowing	80 public submissions had concerns with the proposed height variation which contributes to adverse overshadowing impacts.	Refer to Section 6.1.3.1 of this report for detailed discussions regarding overshadowing.
Tree loss/biodiversity	80 submissions raised concerns regarding destruction of established vegetation and wildlife habitat.	An Arboricultural Impact Appraisal and Method Statement has been provided in Appendix F . The assessment identifies 41 trees to be retained, 28 trees to be removed. Of these trees only two are considered category A and both are located within the building footprint and unable to retain. Tree 19 that was part of the original application has been removed with approval under a separate application. All retained trees require protective fencing around their Tree Protection Zones (TPZ) and trunk protection measures

		during construction, with strict protocols prohibiting any work within designated protection areas.
Heritage	76 public submissions had concerns with the impacts from the development onto the surrounding heritage items and the heritage conservation area. 8 submissions also had concerns regarding the demolition of existing dwelling houses on the site.	Refer to the amended Heritage Impact Assessment (HIS) in Appendix L and Section 6.1.11 for detailed discussions regarding heritage.
Car parking	68 public submission had concerns regarding the allocation of car parking for the development with some submissions considered that the development undersupplied parking	The amended application proposes 178 car parking spaces which is considered sufficient as demonstrated in the Transport Impact Assessment provided at Appendix Q .
Impact on Eryldene	65 public submissions had concerns regarding the loss of amenity to the heritage listed item at 17 McIntosh Street “Eryldene Historic House and Garden”	Refer to the amended HIS in Appendix Q and Sections 6.1.3.1 and 6.1.11 of this report for detailed discussions regarding the impact to Eryldene.
Privacy	59 public submissions had concerns with the development resulting in direct overlooking into private backyards.	The amended development minimises overlooking of neighbouring properties and the alterations to the built form of Buildings A and B will significantly improve privacy outcomes for 19 McIntosh Street and Eryldene Historic House. Extensive rear and side planting and the retention of several existing trees will minimise privacy impact to neighbouring properties.
Noise	30 public submissions had concerns regarding the noise impacts from COS, balconies, pedestrian accessways and construction.	Refer to the amended Noise and Vibration Impact Assessment in Appendix Q and Section 6.1.7 of this report for detailed discussions regarding noise.
Stormwater / Flooding	25 public submissions had concerns with the impacts of increased potential stormwater runoff and flooding on neighbouring properties.	The site is not identified as flood prone land based on the Draft Middle Harbour Northern Catchments Flood Study. The Integrated Water Management Report at Appendix M confirms that the proposed development, as amended, will not result in stormwater runoff to neighbouring properties.
Property values	14 public submissions commented on the impact on property values that they assumed would occur as a result of the proposed development.	Property values are not considered a planning consideration for the purposes of this SSDA and its assessment.

Safety and crime risk	10 public submissions raised concern about the safety and crime impact of the development. As many submissions associated higher-density developments with increased crime.	The CPTED Report and Social Impact Assessment provided as part of the original application confirms that the proposed development will not have any crime or safety risks associated with it.
Deep soil/landscaping	9 public submissions raised comments in relation to the amount of deep soil proposed and landscape design.	The proposed development exceeds the landscape controls for the area, providing 45.80% of the site as landscaped area. The development provides 7.49% of the site as deep soil area which is compliant with the ADG minimum of 7% - noting that additional deep soil and canopy tree planting is also achieved across the site.
Justification and evaluation of the project as a whole (e.g. justification for the project, consistency of project with Government plans, policies or guideline)		
Character of the Area	79 public submissions had concerns about the proposal being incompatible with the established heritage streetscape and character of the area.	Refer to Section 6.1.2.3 of this report for detailed discussions regarding the character of the area.
Local infrastructure strain	55 raised concerns around insufficient capacity in local infrastructure, notably schools, hospitals and community services.	The proposed development directly responds to the NSW Government's TOD reforms that identified existing town centres around train stations that have capacity to provide more housing. Gordon is identified as one of these locations. The Social Impact Assessment provided as part of the original application confirms that the area has sufficient capacity to accommodate additional dwellings.
Consistency with Council's alternative TOD scenario	45 submissions were concerned that the proposal was inconsistent with Council's alternative TOD scenario	It is noted that Chapter 5 of the Housing SEPP relating to Transport Oriented Development (TOD) no longer applies to the Ku ring-gai local government area, with the exception of lots that on, or before, 13 June 2025, had valid SEARs and SSD applications lodged but not yet determined. The development received Industry Specific SEARs on 6 May 2025 and has therefore been saved under the transitional provisions and mapped on the revised TOD Map as shown in the figure below.

		 <p>Figure 57 Revised TOD Map (Source: NSW eSpatial viewer)</p> <p>Accordingly, the proposed development is subject to controls set out in the NSW Government’s TOD scheme, and Council’s alternative scenario is not applicable in this instance.</p>
<p>Distance from Gordon station</p>	<p>13 public submissions considered the site to be too far from Gordon Station to be included in the TOD area.</p>	<p>The proposed development is located approximately 382 m walking distance from Gordon Station (Figure 58) and is also mapped as being with the Transport Oriented Development Area as shown above in Figure 57.</p>

8. Updated project justification

8.1 Strategic need for the proposal

The proposal responds directly to the NSW Government's housing objectives under the Housing SEPP, the NSW Housing Strategy 2041, and the Transport Oriented Development (TOD) Program. The site at 21-25 McIntosh Street and 55 Werona Avenue, Gordon, is located within 400 metres of Gordon Railway Station, making it a highly accessible location for increased housing density and diversity. The project will deliver 151 new dwellings, including 31 affordable housing units, contributing to local housing supply within an established urban centre that benefits from proximity to public transport, employment opportunities, and community services.

The proposal supports the Government's broader objectives to increase the supply of well-located, affordable, and diverse housing within existing serviced areas, thereby reducing urban sprawl and making more efficient use of existing infrastructure. The inclusion of affordable housing supports the social objectives of the Housing SEPP, promoting a mix of tenures and providing opportunities for essential workers and moderate-income households to live close to transport and jobs.

8.2 Site suitability and context

The subject site is suitable for the proposed higher density residential development due to its location, size, and accessibility. It occupies a large, consolidated site (7,776 sqm) within an established residential context that is already transitioning toward mid-rise development. The site's proximity to Gordon Station and existing R4-zoned land to the north supports a gradual transition from low-density housing along Forsyth Street and McIntosh Street to higher-density forms toward the station, compatible with the Ku-ring-gai Council Preferred Scenario for TOD Precincts.

The proposed building configuration responds sensitively to the site's environmental and heritage context. The design avoids mapped Sydney Turpentine Ironbark Forest (BV land) located along the access handle with minimal impact on existing tree canopy. The built form has been arranged to minimise visual and overshadowing impacts on 17 McIntosh Street (Eryldene Historic House and Garden) and the McIntosh and Ansell HCA, with generous western side setbacks and significant landscaping. The design achieves this by redistributing height away from sensitive frontages and concentrating additional built form toward the rear portion of the site.

8.3 Consistency with strategic and statutory planning frameworks

The project is consistent with key strategic planning documents, including the Greater Sydney Region Plan (A Metropolis of Three Cities), North District Plan, and Housing SEPP. It aligns with the region's planning priorities to:

- Deliver housing close to public transport, jobs, and services;
- Improve housing choice and affordability; and
- Support sustainable, well-designed infill development within existing urban areas.

The proposal satisfies the objectives of the Housing SEPP by providing well-designed, high-quality residential development.

8.4 Environmental, social and economic benefits

The proposal will provide substantial public benefits, including:

- Delivery of 31 affordable housing dwellings, contributing to local housing diversity and social inclusion.
- Protection of existing heritage and biodiversity values, achieved through sensitive design and landscape integration.

- Creation of high-quality communal open spaces and landscaped setbacks, ensuring adequate amenity for existing and future residents.
- Support for the local economy through construction activity and increased local population, stimulating nearby retail and service businesses.

8.5 Summary

The proposed development represents an appropriate and well-justified use of the site, consistent with both strategic and statutory planning objectives. It delivers much-needed housing, including affordable housing, in an accessible and well-serviced location while protecting the site's environmental and heritage values. The design responds sensitively to local character and context, providing a high level of residential amenity and contributing positively to the built environment.

In accordance with the DPHI Preparing an EIS Guidelines, the proposal demonstrates that the benefits of the project clearly outweigh any potential impacts, that any impacts can be appropriately mitigated through detailed design and management measures, and that the development represents a balanced, sustainable, and strategically aligned planning outcome for the Gordon Station precinct.

9. Conclusion

This combined Response to Submissions and Amendment Report has been prepared to accompany the SSDA for 21-25 McIntosh Street and 55 Werona Avenue, Gordon. It responds to the matters raised during the public exhibition of the EIS and document refinements to the proposal made in response to feedback from the community, agencies, and Council.

The amendments primarily relate to improvements in design quality, functionality, and amenity. Key changes include additional western-side setbacks to 19 McIntosh Street and Eryldene House, including, up to 19.35m above the fourth floor in Building A to minimise overshadowing impacts, additional dwellings located between Build A and B and on the eighth floor of Building C, and an updated landscaping scheme with enhanced planting along McIntosh Street and the western setback. Other refinements include adjustments to the communal open space and pedestrian access handle to improve accessibility, and a minor increase in overall GFA and FSR. Building-specific changes include revised roof and façade treatments, layout adjustments to improve unit mix and amenity, reconfiguration of basement and waste management areas.

These refinements represent a balanced and responsive improvement that enhances amenity of neighbouring properties, reduces visual impact and improves future amenity for residents.

It is concluded that, subject to the recommended mitigation and management measures outlined in **Appendix D**, the proposal remains suitable for approval and is consistent with the public interest.