Submissions Report

5 – 9 Cowan Road, St Ives, In-fill Affordable Housing
SSD 88948458

Prepared for Prosper 5-9 Cowan Road St Ives Pty Ltd (646 866 241 26)

Submitted to DPHI

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Executive Summary

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

On 17 September 2025 the SSD application (SSD 88948458) was lodged with the Department of Planning, Housing and Infrastructure (DPHI). The SSD application was placed on public exhibition from 21 October 2025 to 3 November 2025. During this time, there were 21 submissions received from government agencies, Council, the public and stakeholder groups.

On 5 November 2025, DPHI issued a letter requesting a response to the issues raised in these submissions. Subsequently, on 27 November 2025, DPHI issued its key issues letter and requested those matters be responded to as part of the EIS.

A copy of this letter is provided at Appendix 3. The key issues include:

- Desired future character of the area
- Setbacks
- Visual privacy
- Gross floor area (GFA)
- Trees and landscaping
- St Ives Shopping Village
- Residential amenity
- Solar access
- Communal open space, landscaped area and deep soil
- Car parking
- Bicycle parking

This Submissions Report summarises and responds to issues raised both in submissions and by DPHI, following their review of the SSD. Further, the report provides information on any proposed refinements as well as an updated justification and evaluation of the project as a whole.

The letter dated 27 November 2025 from DPHI flagged several key issues that have been addressed below.

Desired future character of the area

The site and surrounding locality are undergoing a period of substantial transition under the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), with the area identified for low and mid-rise housing. As redevelopment of nearby sites occurs, the future character of the area is expected to evolve to accommodate increased heights and densities consistent with the Housing SEPP provisions, as demonstrated in Figure 1.

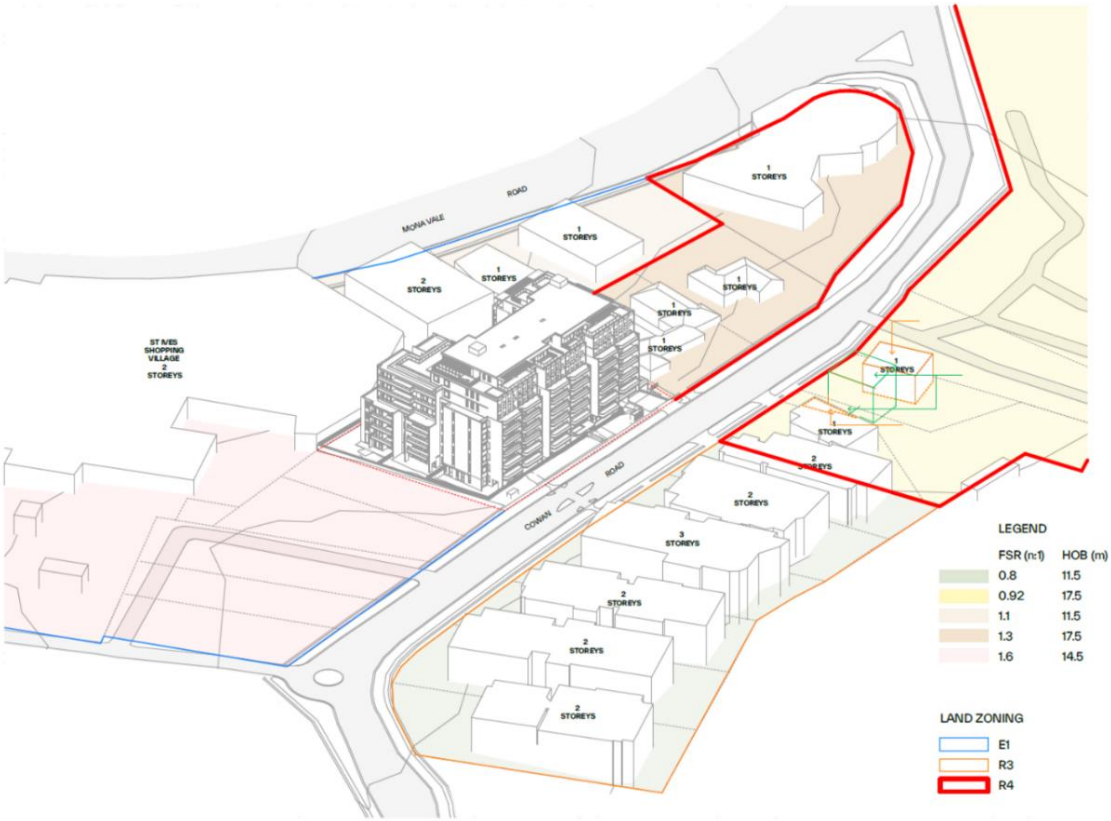

Figure 1: Site context with respect to LMR provisions (Source: PBD Architects)

Setbacks and Visual Privacy

The interface along the south-western boundary of the site has been revised to increase setbacks for Levels 4–6 to ensure an average 6m setback is provided. Although the proposed setbacks at the north-eastern boundary remain non-compliant, no tangible amenity impacts are anticipated due to the site's orientation and location adjacent to the St Ives Shopping Village car park.

Where proposed setbacks remain minorly non-compliant with the ADG criteria for separation distances, mitigation measures have been implemented to offset these non-compliances in accordance with the design guidance. This includes a reduction in the windows proposed to side boundaries and additional measures such as obscure glazing. Further design refinements include the removal of south-facing balconies to 3-bedroom units on Levels 1–7 and the reduction in the size of east-facing balconies on Levels 5 and 6.

The minor and localised encroachment into the rear boundary setback at the north-eastern extent of the building (approximately 21.5 m of the 78 m site length) is limited in extent and does not materially undermine the intent of Part 3F of the ADG. The affected portion adjoins the commercial interface of St Ives Shopping Village, resulting in negligible residential amenity impacts and maintaining overall compliance with the objectives of the control.

Gross floor area (GFA)

Revised affordable housing GFA plans have been provided. The overall GFA dedicated to affordable housing has increased from 1,481.14m^2 to 1,487.6m^2 (15% of the total GFA) and is therefore compliant with the Housing SEPP.

Trees and landscaping

The majority of the significant vegetation identified on site will be retained, including trees, maintaining continuity of canopy cover and streetscape character.

Where trees cannot be retained, they will either be replaced or removed with appropriate mitigation measures implemented to minimise impacts on the local streetscape and canopy cover.

St Ives Shopping Village

Further assessments addressing potential acoustic, light and odour impacts arising from the adjoining St Ives Shopping Village have been undertaken, including assessments of loading dock operations, commercial vehicle movements, plant and substation equipment, light spill from the neighbouring car park and loading dock and potential odour impacts from exhaust vents. These confirm the proposed development is not expected to result in unacceptable amenity impacts for future residents.

Residential amenity

All apartments can achieve the required internal noise levels with windows and doors open. Therefore, natural cross ventilation can be maintained without the need for alternative ventilation measures. Additional secondary windows have been provided to living rooms to assist with non-compliances with depth of apartment criteria.

Solar access

Approximately 71.4% of apartments receive at least two hours of direct solar access between 9am and 3pm at mid-winter, with these apartments in fact achieving a minimum of four hours, far exceeding the ADG requirement. While 18.1% of apartments receive no direct solar access in mid-winter, this outcome is acceptable given the site's 45-degree orientation and inherent boundary constraints, with affected units primarily facing constrained edges or internal aspects of the development, noting the retention of mature canopy trees also unavoidably limits solar access.

The ADG provides flexibility where the broader design objectives are achieved, particularly on constrained or higher-density sites. The proposal maximises solar access to the majority of apartments while appropriately balancing site limitations, streetscape alignment and built form outcomes.

Accordingly, notwithstanding a minor numerical variation, the development satisfies the intent and objectives of the ADG solar access provisions and represents an appropriate design response.

Communal open space, landscaped area and deep soil

The communal open space and deep soil calculation plans have been revised to reflect the relocation of the southern communal open space from Level 7 to Level 8 resulting from the increased setbacks along the south-western boundary. The revisions also ensure compliance with relevant accessibility and calculation requirements. The updated deep soil plan demonstrates compliance with the Apartment Design Guide and the Housing SEPP, with deep soil areas exceeding the minimum width and area requirements and providing a total deep soil provision well above the non-discretionary minimum standard.

Car parking

The proposed number of car parking spaces has been reduced to better align with the minimum rates in the Housing SEPP. While this remains marginally above the minimum car parking rates for housing specified under the Housing SEPP, the provision is consistent with the minimum requirements set out in the *Kur-ring-gai Development Control Plan 2025* (KDCP 2025), reflecting local parking demand and aligning more closely with prevailing market conditions.

Bicycle parking

The location of visitor bicycle spaces has been revised and these are now in a suitable location to provide easy access for visitors, with widths and dimensions of lifts enabling bicycles to be transported between floors including to all basement levels where bicycle parking is located.

On the basis of the above, the project continues to comply with the relevant controls and the potential environmental impacts can be appropriately managed through the changes made, as discussed throughout this report.

1 Introduction

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

On 17 September 2025 the SSD application (SSD 88948458) was lodged with the Department of Planning, Housing and Infrastructure (DPHI). The SSD application was placed on public exhibition from 21 October 2025 to 3 November 2025. During this time, there were 21 submissions received from government agencies, Council, the public and stakeholder groups.

1.1 Proposed Development

The proposal (as exhibited) seeks consent for the demolition of the existing row of ten 2-storey townhouses on the site and construction of a 9-storey residential flat building, including in-fill affordable housing. Specifically, the development comprises:

- Demolition of the existing row of 10 attached townhouses;
- Construction of a 9-storey residential flat building comprising:
    - 77 new dwellings (64 market residential units and 13 affordable housing units)
    - 3 basement levels for car parking
    - Communal open spaces at Ground Level, Level 7 and Level 8
- Landscaping; and
- Associated site works

The above proposed development description has been revised to align with the amended development which includes a minor increase to dwelling yield. Accordingly, an Amendment Report has been prepared and is submitted separately to this Submissions Report.

1.2 Report Structure

This Submissions Report has been prepared in accordance with the Department's *State Significant Development Guidelines – Preparing a Submissions Report (Appendix C) March 2026.* The structure of the report is as follows:

Section	Overview
Executive Summary	An overarching summary of issues and responses contained within this report.
1 Introduction	A short summary of the project and the assessment that has been carried out to date.
2 Analysis of Submissions	Analysis of submissions, detailing groups and people who made submissions and categorisation of issues raised in submissions.
3 Actions taken since exhibition	An overview of the actions the Applicant has taken since public exhibition to address the issues raised in submissions.

Section	Overview
4 Response to submissions	A detailed summary of the Applicant's response to the issues raised in submissions.
5 Updated project justification	An outline of the updated project justification and evaluation of the project, incorporating relevant issues and the Applicant's response.

Table 1: SEE Report Structure

This Submissions Report should be read in conjunction with the following supporting documents:

Supporting documentation	Appendices
Submissions Register	Appendix 1
Updated Mitigation Measures	Appendix 2
Key Issues Letter prepared by DPHI	Appendix 3
Updated Architectural Plans	Appendix 4
Updated Design Report	Appendix 5
Design Verification Statement	Appendix 5a
Updated Apartment Design Guide Compliance Table	Appendix 5b
Updated Landscape Plan	Appendix 6
Updated Landscape Report	Appendix 6a
Updated Arboricultural Impact Assessment	Appendix 7
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Table 2: List of Appendices

2 Analysis of Submissions

2.1 Breakdown of submissions

During the public exhibition period, a total of 21 submissions were received, including one from Council. 18 submissions were received from individuals and stakeholder groups. Of the 18 public submissions, there was one comment, two in support and 15 objections.

A breakdown of the submissions is provided below.

Submission	Breakdown
NSW DPHI	Provided comment and requested additional information, regarding the below: • proposed setbacks • visual privacy • Gross Floor Area calculation • trees and landscaping • residential amenity • solar access • communal open space • landscaped area • deep soil • car parking • bicycle parking
DCCEEW Water Group	Provided comment. Requested additional information
Ausgrid	Provided comment.
Ku-ring-gai Council	Provided comment. Council did not support the State Significant Development Application and requested clarification on the following issues: • Overshadowing • Deep soil • Building separations • Sunlight access • Ground floor apartments amenity • Communal open space • Maximum building height • Inconsistent architectural, acoustic and landscape plans • Tree retention • Insufficient arboricultural information • Insufficient landscaped area • Cut and fill • Traffic impacts • Parking provision and design • Inadequate preliminary construction management plan • Water management • Impacts on Council infrastructure • Parking and vehicular access

Submission	Breakdown
Stakeholder and Public Submissions	A number of submissions were received from community members and stakeholders raising concerns relating to: • Urban design • Visual privacy • Excessive building height • Overdevelopment and incompatible scale • Inadequate public transport • Insufficient visitor car parking • Traffic impacts • Demolition and construction impacts • Inadequate surrounding social infrastructure • Cumulative impact and resident displacement • Pedestrian safety • Lack of front setback • Excessive visual bulk • Unesthetic visual appearance • Traffic report does not address the cumulative impact • Waste reports construction waste estimates are not accurate • 1.8m barrier will not stop noise or dust • Reduced parking rates • Need for better compact bicycle parking • Dedicated car share • EV charging • Ground anchors • Construction hours (especially on Saturday) • Damage to neighbouring buildings • Overshadowing to proposed communal open space • Lack of deep soil and deep soil has not been calculated correctly • Acoustic impacts from Mona Vale Road on the development • Loss of trees • Increased stormwater and heat island • Loss of property value • Impacts on the social fabric of the area • Impacts from the mall in terms of noise, light and odour.

Table 3: Breakdown of submissions

2.2 Categorising issues

In accordance with the Department's *State Significant Development Guidelines,* the issues raised in the submissions have been categorised in the table below. A response to the issues raised is provided at Section 4 of this report.

Category	Summary of issues raised
The Project	
Desired future character	• Provide an updated design report that includes a site context analysis of existing conditions and applicable Low and Mid-Rise (LMR) controls under the Housing SEPP 2021, identifies essential elements of the area's character, and justifies the proposal's consistency with the desired future character of the locality

Category	Summary of issues raised
Setbacks	• Review proposed setbacks given the proposal does not provide setbacks that satisfy the design criteria contained in part 3F of the Apartment Design Guide (ADG)

Visual Privacy	• Review the floor plan layout, orientation of openings and privacy mitigation measures between the side windows /rear windows and balconies of certain apartments to address the design criteria contained in part 3F of the ADG
	• Non-compliance with visual privacy controls:
	  ○ Ground to Level 3: Habitable windows are set back only 4.5 m instead of the required 6 m
	  ○ Levels 4–7: The building maintains a 4.5 m setback where a 9 m separation is required
	• The development's height, window placement, and setbacks have the potential to overlook adjoining dwellings and private open spaces, reducing residential amenity
	• Lack of front setback

Gross Floor Area (GFA)	• Review the GFA calculation plan given the GFA dedicated to affordable housing is non-compliant and some areas appear to be incorrectly calculated
Residential Amenity	• Demonstrate how apartments can maintain natural cross-ventilation when doors and windows are closed for acoustic privacy due to nearby road and shopping centre noise • Ensure apartment layouts comply with ADG design criteria by limiting open-plan living room depths, restricting cross-through apartment depths and minimising noise transfer between adjoining units • Ground floor apartments fronting Cowan Rd are non-compliant as they sit more than 0.9m below ground level and include obstructions that breach the 45° control plane
Solar Access and Overshadowing	• Review the solar access assessment, ensuring no more than 15% of apartments lack solar access in accordance with ADG requirements • Revise solar access diagrams to illustrate sunlight to communal open space and ensure compliance with ADG Part 3D design criteria • 25% of the affordable housing apartments fail to receive any direct sunlight, exceeding the ADG limit • Shadow diagrams do not adequately demonstrate overshadowing from additional height under in-fill affordable housing bonuses • Reduction of natural light for surrounding units as a result of the height exceedance and relevant shadows cast • Potential overshadowing to proposed Communal Open Space
Communal open space	• Revise level 7 communal open space calculation plan as it has included the area beyond the balustrading, which is not accessible • Communal open spaces are not overlooked from any apartments and lack passive surveillance
Deep Soil	• Inadequate deep soil areas, with fragmented deep soil areas, shallow ground level and proposed OSD tank limiting planting • Revise the deep soil calculation plan to show dimensions of 6 m and an area of no less than 7% of the site area as per part 3E of the ADG
Landscaping	• Revise the landscaped area calculation plan to exclude any footpaths or other hard surfaced areas, as this is not counted as landscaped area

Category	Summary of issues raised
	• Revise the ground floor architectural plans against the landscape plan, as there is inconsistency between the location of paving, decking and landscaped area • Inconsistent documentation - landscape and architectural plans (extent of paved and landscaped areas) • Insufficient arboricultural information, overlooking impacts from proposed retaining walls and fencing, lacking tree-sensitive construction methods and incorrectly assuming several rear trees can be retained • Landscape BASIX commitments inconsistent with submitted plans • The proposal does not meet clause 2(b)(ii) of the Housing SEPP requirement for 30% landscaped area, with inconsistencies between the landscape and architectural plans preventing an accurate calculation
Car Parking	• Review the proposed number of residential car parking spaces. The parking rates should be reduced in line with the minimum rates for market and affordable housing specified in the Housing SEPP • Review the proposed number of visitor car parking spaces. The development proposes 8 visitor spaces, whereas 19 spaces are required by the Ku-ring-gai DCP • Review the location of the visitor parking space shared with the loading dock noting this is likely to cause on-going operational issues • Revise traffic report as it states there are 10 visitor spaces, whilst the architectural plans only show 8 visitor spaces • Waste reports construction waste estimates are not accurate • Dedicated car share to be provided • EV charging to be provided
Bicycle Parking	• Demonstrate the location of visitor bicycle spaces • Clarify if bicycles can be transported in the lifts • Better compact bicycle parking to be provided
Construction	• Review the proposed construction route, noting Killeaton Street is a load-limited route. The topography, amenity impacts and other constraints also appear to make the proposed Killeaton Street route inappropriate for construction vehicles • Construction vehicles may cause congestion, safety risks, and increased noise and air pollution • Concern about potential damage and noise and dust impacts to neighbouring buildings during demolition and construction as mitigation measures not deemed appropriate • Neighbours to be contacted if ground anchors go below their land • Concerns about proposed construction hours (especially on Saturday) • Concerns of potential damage to neighbouring buildings
Public Domain	• Review location of fire boosters and substations as these should be located away from the front boundary as per part 3C of the ADG
Storage	• Revise the storage volume calculations to satisfy the design criteria in part 4G of the ADG • Ensure any bicycle storage is counted as additional to the minimum required storage volume
Height Exceedance / Bulk and Scale	• Review the height blanket as it shows a breach to the height control from the acoustic screening around the air conditioning condenser units to the roof. The height line on the section plan does not show this as a breach

Category	Summary of issues raised
	• Council does not support Clause 4.6 variation request to increase building height • Building height, bulk, and density are inconsistent with the existing St Ives character of predominantly one and two-storey dwellings
Waste	• Revise the cross section as the height clearance will not accommodate Council's small rigid vehicle for waste collection
Inadequate Public Transport	• St Ives has no railway station, metro, or light rail, with no plans for future provision • Bus services are limited, forcing greater reliance on private cars and worsening traffic congestion • The report overestimates public transport accessibility • Car trip predictions for the new development are understated and should be recalculated
Traffic Impacts	• Increased traffic congestion on Cowan Road and Mona Vale Road • Cowan Road's role as an entrance to St Ives Shopping Centre and frontage to William Cowan Oval increases the need for underground parking • Traffic report does not address the cumulative impact
Procedural Matters	
Additional Inputs	• Provide owner's consent for unit 1 • Provide a Detailed Site Investigation which confirms the site is or can be made suitable for residential development, including a remedial action plan if necessary
Plan and Report Referencing	• Revise the noise and vibration impact assessment (NVIA) as it references architectural plans by PDB Architects, dated 25 August 2025. However, the architectural plans are dated 16 September 2025 • 1.8m barrier will not stop noise or dust (outlined in NVIA) • Waste reports construction waste estimates are not accurate
Design Compliance	• Ensure any variations to the ADG design criteria are identified and justification provided • Clarify if the existing easement is proposed to be extinguished
Economic, environmental and social impacts of the project	

Trees and Landscaping	• Revise the development to retain identified trees significant to the streetscape
	• Update the arborist report to:
	  ○ include an analysis of potential impacts within the structural root zone and tree protection zones of the trees
	  ○ detail protection measures and construction methodologies that minimise encroachments within the Tree Protection Zones
	• Review location of trees proposed to be planted near the on-site detention tank as demonstrated on the landscape plan
	• Review planting to the level 7 communal open space
	• Review landscape plan to ensure all proposed trees are clearly labelled
	• Revise proposed landscape planting within the sight triangles adjacent to the driveway

Acoustic	• Further assessment required in relation to acoustic impacts from the loading dock, commercial vehicles and the substation/plant equipment of the St Ives Shopping Village • Acoustic impacts from Mona Vale Road on the development • Acoustic impacts from the St Ives Shopping Village

Category	Summary of issues raised
Light Pollution	• Further assessment required in relation to light pollution from the neighbouring car park and loading dock of the St Ives Shopping Village • Lighting impacts from the St Ives Shopping Village
Odour	• Further assessment required in relation to odours from exhaust vents from the St Ives Shopping Village • Odour impacts from the St Ives Shopping Village
Social	• Cumulative impacts on schools, hospitals, and other social services resulting from broader housing growth • Insufficient infrastructure to accommodate additional traffic, parking demand and population • Impacts on social fabric
Cumulative Impact and Resident Displacement	• Other nearby large-scale apartment proposals contribute to cumulative overdevelopment • Long-term residents report loss of established neighbourhood character and community fabric • Residents are experiencing displacement, anxiety, grief, and mental harm
Pedestrian Safety	• There are no marked pedestrian crossings on Cowan Road, only two refuge islands, leaving elderly and wheelchair users without adequate pedestrian facilities.
Other	• Increased stormwater and urban heat island • Loss of property value

Table 4: Categorisation of issues raised in submissions

3 Actions taken since exhibition

In response to the key matters raised within the submissions, the Applicant has made amendments to the project to further align the proposal with the applicable planning framework. This section outlines the key refinements and additional assessment of the proposal since its public exhibition.

3.1 Further engagement

The Applicant has undertaken further consultation with DPHI throughout the preparation of this Submissions Report.

This consultation was for the purpose of seeking clarification on key issues raised in DPHI's letter. No further matters were discussed.

3.2 Refinements to the project

In response to issues raised in the submissions and to further align the proposal with the Housing SEPP and the ADG, amendments to the project have been made. An Amendment Report has been prepared separately, in accordance with DPHI's *State significant development guidelines –preparing an amendment report.*

These amendments have been developed in consultation with the planning, design, and technical consultant team for the project and are intended to facilitate a favourable planning outcome while preserving the core economic objectives of the project.

The table below outlines these amendments which are further detailed in the Amendment Report. These have been categorised by issue.

Category	Summary of project amendments
The Project	***Permissibility*** • Revisions to car parking with regard to the minimum requirements of *State Environmental Planning Policy (Housing) 2021*, the change in apartment yield, increase in visitor parking spaces and reduction in basement footprint • Changes to apartment allocation and layout to ensure the minimum requirement of affordable housing gross floor area is provided to achieve height and floor space ratio bonuses • Further, affordable housing has been reallocated throughout ground floor, Level 1, Level 2 and Level 3 to ensure that this component receives the same level of amenity as market housing. ***Built Form and Massing*** • Increases to side setbacks and implementation of visual privacy mitigation measures to ensure compliance with the relevant design criteria in the ADG, including the removal of south-facing balconies to 3-bedroom units on Levels 1-7 and the reduction in the size of east-facing balconies on Levels 5 and 6 • Re-allocation of floor space to Level 8 as a result of the increased setbacks throughout the development, which will facilitate two additional apartments

Category	Summary of project amendments
	• Re-allocation of communal open space to Level 8 to facilitate an additional apartment on Level 7 and increase solar amenity to associated communal open space • Minor increase to proposed height to facilitate lift access to additional apartments at Level 8, resulting in no additional environmental impact.
Procedural matters	• Additional assessment being undertaken in relation to contamination, lighting, air quality and odour impacts to address concerns raised by DPHI.
Economic, environmental and social impacts of the project	• Retention of four additional trees which together maintain continuity of canopy cover and streetscape character.

Table 5: Summary of refinements to the project

3.3 Further impact assessment

The issues raised in the submissions and in DPHI's comments have been assessed and the following documents have been provided to reflect this:

- Updated Architectural Plans (Appendix 4)
- Updated Design Report (Appendix 5)
- Design Verification Statement (Appendix 5a)
- Updated Apartment Design Guide Compliance Table (Appendix 5b)
- Updated Landscape Plan (Appendix 6)
- Updated Landscape Report (Appendix 6a)
- Updated Arboricultural Impact Assessment (Appendix 7)
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- Acoustic Response to RFI Letter (Appendix 19)

The results and findings of the actions discussed in Section 3 of this report are discussed further in Section 4.

4 Response to submissions

This section provides a detailed summary of the Applicant's response to the issues raised in submissions.

The tables in this section have been structured in accordance with the categories identified in Section 2.

4.1 Department of Planning, Housing and Infrastructure

Ref.	Summary of submission	Response
A	**Desired future character of the area**	
A1	Provide an updated design report that: • includes a site context analysis considering the following for the surrounding sites: i. existing scenario ii. the Low and Mid-Rise (LMR) controls within chapter 6 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) (where applicable) • identifies and considers the essential elements of the character of the area • justifies the proposal's consistency with the desired future character of the locality, based on the above analysis.	• Updated Architectural Plans (Appendix 4) have been prepared that includes a site context analysis addressing both the existing scenario of surrounding sites and LMR controls where applicable. • The site context analysis confirms the proposal is compatible with both the existing and desired future character of the locality and ensures cohesion with surrounding development should the area be redeveloped in accordance with LMR provisions and additional affordable housing bonuses.
B	**Setbacks**	
B1	Review the proposed building setbacks, noting the proposed development does not provide setbacks that satisfy the design criteria contained in part 3F of the Apartment Design Guide (ADG). • between ground level up to 4 storeys - 6 m from the side and rear boundaries • between 5-8 storeys - 9 m from the side and rear boundaries	• Revised setback diagrams have been provided as part of the updated Architectural Plans (Appendix 4) to ensure better compliance with the relevant design criteria in the ADG, including the removal of south-facing balconies to 3-bedroom units on Levels 1-7 and the reduction in the size of east-facing balconies on Levels 5 and 6. • The interface along the south-western boundary of the site has been revised to increase setbacks for Levels 4–6. Although the proposed setbacks at the north-eastern boundary remain non-compliant, no tangible amenity impacts are anticipated due to the site's location adjacent to the St Ives Shopping Centre car park. • Owing to the unusual configuration of the site, several windows extend into the setback area at the south-western interface. These have been appropriately addressed through the use of privacy screens and/or obscure glazing to ensure visual privacy is maintained.

Ref.	Summary of submission	Response

		• The design further reinforces privacy outcomes through increased upper-level setbacks and a stepped building form, which reduces perceived bulk and limits opportunities for overlooking.
		• Where proposed setbacks remain non-compliant with the ADG criteria for separation distances, mitigation measures have been implemented to offset these minor non-compliances in accordance with the design guidance, including:
		  ○ translucent glazing
		  ○ relocation and reorientation of windows from original scheme which previously resulted in sightlines between sites
		  ○ provision of additional side windows to offset and direct view lines to neighbouring sites
		  ○ reduced window size
		  ○ privacy screens
		• The minor encroachment into the rear boundary setback at the north-eastern extent of the building is limited in scope, comprising approximately 21.5 m of the total 78 m site length, and is therefore not representative of the overall setback condition. The variation is localised and does not undermine the broader intent of Part 3F of the ADG, which seeks to ensure adequate amenity, spatial separation, and landscape setting. Importantly, this portion of the site adjoins St Ives Shopping Village, a commercial interface that is not sensitive to residential amenity impacts such as overlooking or overshadowing. As such, the encroachment results in negligible adverse impacts and remains consistent with the underlying objectives of the control.

C	**Visual privacy**	
C1	Review the floor plan layout, orientation of openings and privacy mitigation measures between the side windows /rear windows and balconies of apartments L1-05, L1-06, L2-05, L2-06, L3-05, L3-06, L4-05, L4-06, L5-05, L5-06, L6-04 and L6-05 to address the design criteria contained in part 3F of the ADG in relation to building separation.	• Mitigation measures to offset non-compliances with part 3F of the ADG relating to setbacks and visual privacy concerns, have been implemented and shown on the updated Architectural Plans (Appendix 4). Mitigation measures utilised are outlined above. • Balconies oriented to the rear boundary have since been deleted to reduce any potential privacy concerns. • Windows to bathrooms of L1-11, L2-11 and L3-11 have been deleted with these bathrooms being mechanically ventilated to further reduce any privacy impacts.

Ref.	Summary of submission	Response
		• The internal separation distance between the northern and southern cores is 18.1m from ground floor to Level 7 complying with the relevant building separation provisions under Part 2F of the ADG. Further, to increase privacy, all apartments facing internal to the site have been provided with either privacy screens or obscure glazing to bedrooms.
D	**Gross floor area (GFA)**	
D1	Review the GFA calculation plan, noting 14.9% of the overall GFA appears to be dedicated to affordable housing GFA rather than the required 15% and some areas appear to be incorrectly calculated, including: • the external area to GF-05 • the voids to level 9 (DA110).	• Revised affordable housing GFA plans have been provided within the updated Architectural Plans (Appendix 4). The overall GFA dedicated to affordable housing GFA has been revised from 1481.14m^2 to 1,487.6m^2 (or 15%) and is therefore compliant.
E	**Trees and landscaping**	
E1	Revise the development to retain trees 2, 15, 16, 18, 19 and 24, as these trees significantly contribute to the streetscape. In addition, update the arborist report to: • include analysis of potential impacts within the structural root zone and tree protection zones of the trees, including tree root mapping investigations where warranted • detail protection measures and construction methodologies that minimise encroachments within the Tree Protection Zones.	• A revised Tree Protection Zone (TPZ) diagram has been provided within the updated Architectural Plans (Appendix 4). • The TPZ diagram confirms significant trees will be retained where possible, including trees 15, 16, 18 and 24. This will maintain continuity of canopy cover and streetscape character. • T2 is to be removed as it is located within the proposed building footprint and interferes with essential structures and underground services. It is proposed to be removed and replaced with a locally native Turpentine to support the long-term streetscape canopy. • T19 is to be removed as retaining this tree would cause significant conflicts with the building layout. Its removal will maintain the streetscape character and canopy. • An updated Arboricultural Impact Assessment is provided at Appendix 7. It includes an assessment of potential impacts within the structural root zones and tree protection zones of affected trees and outlines appropriate protection measures and construction methodologies to minimise encroachment into Tree Protection Zones.
E2	Review the location of trees proposed to be planted near the on-site detention tank as demonstrated on the landscape plan.	• The planting design adjacent to the on-site detention (OSD) tank has been reviewed and updated as part of the updated Landscape Plan (Appendix 6).

Ref.	Summary of submission	Response
		• One tree previously proposed above the OSD tank has been removed to avoid conflicts with underground infrastructure and to ensure long-term tree health and maintainability. • There is no alternative location due to the existing stormwater infrastructure and site levels.
E3	Review the planting to the level 7 communal open space to reflect the recommendations within the wind report.	• The planting to the Level 7 communal open space has been revised within the updated Landscape Plan (Appendix 6) in response to the recommendations of the wind report, particularly addressing north-east and southern summer wind conditions. • A tailored planting mix has been selected to achieve a minimum height of 1.5m above the Finished Floor Level along the perimeter, improving wind mitigation and overall user comfort within the communal space. • The Landscape Plan provides justification regarding species and height to address wind mitigation recommendations. It is also noted that areas of communal open space at Level 7, and newly introduced communal open space at Level 8, are provided with 500mm raised planters which further assists in increasing height of plantings to mitigate wind impacts.
E4	Review the landscape plan to ensure all proposed trees are clearly labelled so their species can be reviewed.	• The Landscape Plan (Appendix 6) has been revised to ensure all proposed trees, existing trees to be retained and existing trees to be removed are clearly labelled.
E5	Revise proposed landscape planting within the sight triangles adjacent to the driveway to increase pedestrian safety.	• The Landscape Plan (Appendix 6) has been revised to improve pedestrian safety and visibility by adjusting the placement of trees adjacent to the driveway. • The proposed *Eucalyptus saligna* (Sydney Blue Gum) has been deleted to maintain clear sightlines on the eastern side of the driveway. • Planting on the western side of the driveway has been revised to enhance visibility within the required sight triangles while maintaining landscape quality. • The project landscape architects Arcadia confirm that *planting adjacent to the driveway has been reviewed and amended to improve pedestrian safety and visibility while maintaining landscape quality* (Appendix 6a).
F	**St Ives Shopping Village**	

Ref.	Summary of submission	Response
F1	As the site is located adjacent to the St Ives Shopping Village with associated potential for acoustic, light and odour impacts to future residents, provide further assessments in relation to: • acoustic impacts from the loading dock, commercial vehicles and the substation/plant equipment • light pollution from the neighbouring car park and loading dock • odours from exhaust vents.	• The Acoustic Response to RFI Letter (Appendix 19), dated 4 December 2025, notes that a noise monitor was installed at the site's eastern boundary facing St Ives Shopping Village to capture noise from the shopping village and Mona Vale Road traffic. • The Noise and Vibration Impact Assessment submitted with the original application incorporates these noise sources into the building façade design (Section 8.2), and with the recommended construction measures, internal noise levels are expected to comply with project criteria. • A Lighting Impact Assessment (Appendix 9) has been prepared to provide further assessment in relation to light pollution from the neighbouring car park and loading dock. The Assessment confirms the underground car park lighting will not be visible from the residences at 5–9 Cowan Road and the current outdoor lighting, along with the planned changes at St Ives Shopping Village, is compliant with the relevant standards. • An Air Quality Impact Assessment (Appendix 10) has been prepared to provide further assessment in relation to odours from exhaust vents of the proposed development. The Assessment confirms odour emissions from both the existing and expanded St Ives Shopping Village food court are unlikely to impact the proposal.
G	**Residential amenity**	
G1	Demonstrate how natural cross ventilation of the relevant apartments would be maintained if the doors and windows are required to be closed to achieve acoustic privacy due to noise from Mona Vale Road and St Ives Shopping Village.	• The Acoustic Response to RFI Letter (Appendix 19), dated 4 December 2025, notes that in accordance with the *NSW Guideline for Developments near Rail Corridors or Busy Roads* (2008), if internal noise levels exceed thresholds with windows open, apartments should be designed so occupants can keep windows or doors closed while still meeting the Building Code of Australia's ventilation requirements. • The Noise and Vibration Impact Assessment submitted with the original application predicts that all apartments can achieve the required internal noise levels with windows or doors open. • Therefore, natural cross ventilation can be maintained without the need for alternative ventilation measures.
G2	Review and consider the layout of the apartments to ensure:	• Living room depths do not generally exceed the required minimum dimensions. Where the depth extends beyond 8m, a secondary side window has been introduced to improve daylight and amenity.

Ref.	Summary of submission	Response

	• open plan living rooms do not exceed 8 m from a window as per the design criteria in part 4D of the ADG
	• the depth of the cross through apartments do not exceed 18 m as per the design criteria in part 4B of the ADG
	• noise transfer between apartments is minimised, particularly in instances where bedrooms adjoin the principal living areas of neighbouring apartments (e.g. the bedroom of apartment GF-07 adjoins the living room of apartment GF-08) as per the design guidance in part 4H of the ADG.
		• This minor exceedance is considered acceptable for the following reasons:
		  ○ Cross-ventilation is maintained, with 78% of apartments exceeding the minimum requirement
		  ○ Solar access requirements exceeded with 71.4% of apartments receiving sunlight for more than 2 hours during mid-winter
		  ○ The exceedance is minor (approximately 0.8m beyond the ADG recommendation) and is unlikely to negatively impact sunlight, ventilation or usability.
		• Typical floor plans across levels generally ensure that bedrooms interface with bedrooms of other apartments to minimise any noise transfer.
		• In the circumstances of the interface of GF-07 and GF-08, this has been unavoidable to ensure better functionality and circulation within Unit GF-07. It is also noted this is guidance in the ADG and not measurable criteria. Notwithstanding, walls between units will be provided with adequate insulation and be undertaken in accordance with relevant parts of the National Construction Code (NCC).
		• Revisions have been made to the allocation of affordable housing units across the ground floor, Level 1, Level 2 and Level 3, to ensure they achieve the same level of amenity as market housing apartments.

H	**Solar access**	
H1	Review the solar access table (DA681) as it states 27% of the apartments receive no solar access, whilst the ADG compliance table states 13%. If more than 15% of apartment would receive no solar access, review the design to satisfy the ADG design criteria accordingly.	• The apparent discrepancy between the Solar Access Table (DA681) and the ADG compliance table has been reviewed and clarified. The Solar Access Table identifies that 18% of apartments receive no direct solar access at mid-winter. The ADG compliance table has been updated and therefore correctly reflects the proportion of apartments assessed as non-compliant. • Notwithstanding this, the proposal demonstrates strong overall compliance with the ADG solar access objectives. 71.4% of apartments receive the minimum of 2 hours of direct solar access between 9am and 3pm at mid-winter, noting these apartments actually receive a minimum of 4 hours of direct sunlight, far exceeding the ADG requirement that at least 70% of apartments achieve this standard. Although the proposed apartments achieving no solar access during mid-winter accounts for 18.1% of dwellings, this is considered acceptable in the context of the site, particularly with respect to the 45 degree orientation of the site.

Ref.	Summary of submission	Response
		• Further, the remaining apartments are predominantly oriented toward constrained boundaries or internal aspects of the development, where solar access is inherently limited by site conditions, including the retention of mature trees which unavoidably restrict solar access but are necessary to maintain canopy cover and environmental amenity. • The ADG allows for flexibility where the overarching design objectives are met, particularly in higher-density or constrained urban contexts. In this instance, the development achieves the primary intent of the controls by maximising solar access to the majority of apartments while balancing other key considerations, including site constraints, streetscape alignment, and overall built form outcomes. • Additionally, Unit 8 on Level 6 has been provided with secondary light sources in the form of skylights. • Although this does not result in these apartments achieving the minimum requirements as set out by the ADG criteria for solar access, it continues to ensure these apartments achieve improved amenity in terms of solar access. • Accordingly, while a minor numerical non-compliance exists, the proposal satisfies the ADG objectives for solar access and represents an appropriate and acceptable design response.
H2	Revise the solar access diagrams to show solar access to the communal open space and provide consideration against the design criteria in part 3D of the ADG.	• A revised solar access table has been provided within the updated Architectural Plans (Appendix 4). • The solar access diagrams demonstrate solar access to communal open spaces, taking into consideration the design criteria in part 3D of the ADG. • The revised solar access table confirms the principal usable part of the communal open space (rooftop) satisfies the design criteria within this part of the ADG.
I	**Communal open space, landscaped area and deep soil**	
I1	Revise the level 8 communal open space calculation plan (DA540) as it has included the area beyond the balustrading, which is not accessible.	• The communal open space calculation plan has been revised as part of the updated Architectural Plans (Appendix 4) to exclude non-accessible areas located outside the balustrading, ensuring compliance with accessibility and calculation requirements.

Ref.	Summary of submission	Response
		• As previously discussed, communal open space is now to be provided at both Level 7 and Level 8. This is a result of the GFA lost from increased side setbacks to the south-western boundary and an additional apartment being provided at Level 7.

I2	Revise the deep soil calculation plan to show dimensions of 6 m and an area of no less than 7% of the site area as per the design criteria contained in part 3E of the ADG.	• The deep soil calculation plan has been updated as part of the updated Architectural Plans (Appendix 4) to demonstrate compliance with Part 3E of the ADG.
		• Deep soil zones now clearly show minimum dimensions of 6m and 3m, with a total area exceeding 7% of the site area.
		• The proposal provides deep soil as follows:
		  ○ Total (with minimum 3m width): 834.9m^2 (24% of site area)
		  ○ Total (with minimum 6m width): 379.6m^2 (10.9% of site area)
		• Notwithstanding, given the proposal is subject to the provisions of Chapter 2 of the Housing SEPP, Section 19 prescribes a non-discretionary minimum deep soil width of 3m with a total area of at least 15% of the site. The proposal significantly surpasses this minimum requirement with a total provision of 24% of the site as deep soil zone.

I3	Revise the landscaped area calculation plan to exclude any footpaths or other hard surfaced areas, as this is not counted as landscaped area.	• The landscape area calculation plan has been revised as part of the updated Architectural Plans (Appendix 4) to exclude all footpaths, paving, decking and other hard surfaces, ensuring only qualifying landscaped areas are included in the calculations.
I4	Revise the ground floor architectural plans against the landscape plan, as there is inconsistency between the location of paving, decking and landscaped area.	• The ground floor architectural plans and landscape plans have been coordinated and updated to ensure full consistency in the location and extent of paving, decking and landscaped areas across all documentation (refer Appendix 4 and 6).
J	**Car parking**	
J1	Review the proposed number of residential car parking spaces. As the subject site is located within an accessible area, the parking rates should be reduced in line with the minimum rates for market and affordable housing specified in the Housing SEPP.	• The provisions of Section 19 of the Housing SEPP requires the following minimum parking provision at the site:

Ref.	Summary of submission	Response

Unit type	Spaces per unit	No. of units	Required spaces	Proposed
Affordable housing dwellings				
1 bed	0.4	0	0	0
2 bed	0.5	8	4	1
3+ bed	1	5	5	11
Market housing				
1 bed	0.5	0	0	0
2 bed	1	12	12	20
3+ bed	1.5	52	78	83
TOTAL	**-**	**77**	**99**	**115**
Visitor	**-**			**10**
SUBTOTAL				**125**

- The proposed number of car parking spaces has been reduced to better align with the minimum rates in the Housing SEPP. While this remains marginally above the minimum car parking rates for housing specified under the Housing SEPP, the provision is consistent with the minimum requirements set out in Part 7B of the KDCP, reflecting local parking demand and aligning more closely with prevailing market conditions.
- The proposed provision of 12 affordable housing car parking spaces satisfies the minimum car parking rates for affordable dwellings as prescribed under the Housing SEPP.
- The updated Transport Impact Assessment (Appendix 11) confirms the proposal will not result in any adverse traffic or on-street parking impacts.
- It is noted that DPHI queried whether the basement footprint impacted on the retention of trees. It is confirmed the removal of trees at the site is not impacted by the basement footprint.
- The removal of trees T2 and T19 are required due to their location within the proposed building footprint at ground floor and the location of the substation and fire booster which cannot be further amended.

Ref.	Summary of submission	Response
J2	Review the proposed number of visitor car parking spaces noting the development proposes 8 visitor spaces, a shortfall of 11 spaces compared to the 19 spaces required by the Ku-ring-gai Development Control Plan (KDCP).	• The proposal has been updated to provide a total of 10 visitor car spaces (including 1 accessible visitor car park), which is two more than originally proposed (Appendix 4 - Updated Architectural Plans). • The overall quantum of car parking has been significantly reduced from the original scheme (from 150 to 125), ensuring that visitor parking accounts for a larger proportion of the overall parking provision. • While the number of proposed visitor car parking spaces remains non-compliant with the KDCP, the development is situated directly adjacent to St Ives Shopping Centre, which offers ample public parking that can effectively accommodate visitor demand during peak periods. • Additionally, the site is subject to LMR provisions under the Housing SEPP which relates to being in proximity to Town Centres, including transport and services which confirms the high accessibility of the site by means other than private car use. • Furthermore, under Section 2.10 of the Planning Systems SEPP, DCPs do not apply to State significant development. Accordingly, this section of the DCP does not apply to this application. • Section 3.43(5) of the EP&A Act further states: *(5) A provision of a development control plan (whenever made) has no effect to the extent that—* *(a) it is the same or substantially the same as a provision of an environmental planning instrument applying to the same land, or* *(b) it is inconsistent or incompatible with a provision of any such instrument.* We note there are multiple Land and Environment Court decisions which confirm that DCP provisions had no effect by reason of section 3.43(5) (or equivalent earlier EP&A Act clauses), including: • *Monahan v Warringah Council [2014] NSWLEC 1027* • *Ironlaw Pty Limited v Wollondilly Shire Council (No 3) [2014] NSWLEC 1057,* • *Gorgees v Fairfield City Council [2021] NSWLEC 1283*

Ref.	Summary of submission	Response
J3	Review the location of the visitor parking space shared with the loading dock noting this is likely to cause on-going operational issues as it is difficult to restrict visitors from parking in this space at certain times.	• The Architectural Plans (Appendix 4) have been revised to relocate the visitor parking space away from the loading dock.
J4	Revise the traffic report, as it states there are 10 visitor spaces, whilst the architectural plans only show 8 visitor spaces.	• The architectural plans have been revised to provide 10 car spaces. Therefore, the original Transport Impact Assessment (TIA) was accurate. Notwithstanding, the TIA (Appendix 11) has been updated to reflect the minor increase in apartment yield and assess relevant parking and trip generation.
K	**Bicycle parking**	
K1	Demonstrate the location of visitor bicycle spaces, ensuring it is suitably located to provide easy access for visitors.	• The Architectural Plans (Appendix 4) have been revised to demonstrate the location of visitor bicycle spaces are in a suitable location to provide easy access for visitors.
K2	Clarify if bicycles can be transported in the lifts, in lieu of using vehicle access ramps for increased safety and convenience.	• Widths and dimensions of lifts enable bicycles to be transported between floors.
L	**Other Matters**	
L1	Provide owner's consent for unit 1.	• Owner's consent has been provided for unit 1 at Appendix 16.
L2	Provide a Detailed Site Investigation which confirms the site is or can be made suitable for residential development, including a remedial action plan if necessary.	• GNSE have prepared a Detailed Site Investigation (Appendix 12) and a Remedial Action Plan (Appendix 15), confirming the site can readily be made suitable for residential development.
L3	Ensure any variations to the ADG design criteria are all clearly identified and justification provided.	• An updated Design Report and updated ADG Compliance table have been provided at Appendix 5 and Appendix 5b respectively. • In particular, the ADG compliance table demonstrates variations to design criteria are well founded. These have also been justified in this table where it relates to solar access and building separation/privacy.
L4	Review the proposed construction route, noting Killeaton Street is a load limited route meaning use by heavy vehicles which do not have an origin or destination within the area is prohibited. The topography, amenity impacts and other constraints	• Killeaton Street will remain as a construction vehicle arrival/departure route. • This is considered acceptable for the following reasons: ○ The original assessment detailed truck access from the west, where the road is narrower and curved.

Ref.	Summary of submission	Response
	also appear to make the proposed Killeaton Street route inappropriate for construction vehicles.	○ The revised report adopts an eastern approach via the straighter and wider Pacific Highway, improving manoeuvrability ○ Killeaton Street also accommodates bus services, indicating it can safely support construction vehicles ○ *NSW Road Rules 2014*, Rule 104, provides an exemption to "No Truck" restrictions where there is no alternative route available for trucks to access a site
L5	Review the location of fire boosters and substations as these should be from the front boundary as per the design guidance in part 3C of the ADG.	• The fire booster assembly has been relocated from the electrical substation and are deliberately positioned at the front of the site to comply with Part 3C of the Apartment Design Guide (ADG) and relevant authority requirements, while enhancing the presentation of the public domain. • It is noted that these services are appropriately enclosed in structures to reduce any visual impact on the streetscape. • Locating these services at the front boundary provides direct, unobstructed access for emergency services and utility providers, which is critical for operational efficiency and safety. The fire booster's relocated position ensures immediate visibility and accessibility from the public domain, allowing fire services to connect without entering the site or passing through secured areas, consistent with fire authority guidelines. • Similarly, the substation's position at the front of the property allows safe and convenient access for maintenance, inspections, and emergency response by the network provider, while minimising disruption to residents and internal site circulation. This location also reduces the extent of internal cabling and associated service infrastructure, resulting in a more efficient and robust servicing strategy. • The placement has been carefully integrated into the building design to minimise visual impact on the streetscape through appropriate setbacks, architectural screening, and material treatment, ensuring that the objectives of ADG Part 3C are met without compromising the amenity or presentation of the development. • Accordingly, the proposed location of the fire booster and substation at the front of the property is considered justified, functional, and consistent with the design guidance and operational requirements of the relevant authorities.

Ref.	Summary of submission	Response
L6	Revise the storage volume calculations to satisfy the design criteria in Part 4G of the ADG. Ensure that any bicycle storage is counted as additional to the minimum required storage volume.	• Storage volume calculations have been revised to satisfy the design criteria specified in Part 4G of the ADG. • Adequate bicycle parking has been provided so that bicycles are not required to be stored in storage cages.
L7	Review the height blanket diagram as it shows a breach to the height control from the acoustic screening around the air conditioning condenser units to the roof, however the height line on the section plan does not show this as a breach.	• The height blanket diagram and sections have been updated and are provided within the updated Architectural Plans at Appendix 4. • The updates ensure consistency across the proposal, noting the height has increased as a result of the increased side setbacks and reallocation of gross floor area at Level 8.
L8	Revise the noise and vibration impact assessment, as it references Architectural Plans prepared by PBD Architects, dated 25 August 2025. However, the architectural plans are dated 16 September 2025.	• The latest revision of the architectural drawings has now been referenced in the updated Noise and Vibration Impact Assessment (Appendix 8).
L9	Revise the cross section as the height clearance will not accommodate Council's small rigid vehicle for waste collection.	• Cross sections have been revised to ensure a minimum finished floor to ceiling height of 2.6m to accommodate Council's vehicle for waste collection (refer Appendix 4).
L10	Clarify if the existing easement is proposed to be extinguished.	• The existing easement is currently being modified via a Section 68 application. Evidence of the extinguishment of the easement can be provided to the Department once this has been finalised.

Table 6: Response to DPHI submission

4.2 Agency Submissions

Ref.	Summary of submission	Response
Ku-ring-gai Council		
A	**URBAN DESIGN**	
Apartment Design Guide		
A1	To allow a comprehensive assessment of the overshadowing and the impacts of the additional height, the applicant should provide revised shadow studies that clearly differentiate between the following three scenarios: 1. Complying 22m (6-storey) development envelope – baseline condition; 2. 28.6m envelope – representing the maximum possible in-fill affordable housing bonus height (if applicable); and 3. Proposed 29.69m envelope – showing the full extent of overshadowing from the current proposal. These diagrams should be prepared for 21 June, 9am–3pm, and should clearly illustrate the incremental shadow differences between the three envelopes.	Shadow studies have been prepared for 21 June between 9:00 am and 3:00 pm as part of the updated Architectural Plans (Appendix 4), illustrating the complying 22m envelope, the 28.6m bonus height envelope and the proposed 30.60m envelope. The diagrams clearly distinguish each scenario and demonstrate the incremental shadow impacts associated with the additional height are negligible in nature.
A2	The ADG requires that for sites greater than 1,500m², a minimum of 7% of the site area be provided as deep soil zones, each with a minimum dimension of 6m. The applicant has only provided a calculation for 15% landscaped area with a 3m minimum dimension, in accordance with the Housing SEPP, but has not demonstrated compliance with the ADG's deep soil requirements. As the ADG continues to apply to apartment developments, the proposal must clearly demonstrate how the 7% deep soil requirement (minimum 6m dimension) has been achieved. This should be shown through updated site plans and a deep soil area calculation table, confirming both the total area and dimensions of each deep soil zone.	The deep soil calculation plan has been revised within the updated Landscape Plans (Appendix 6) to demonstrate compliance with Part 3E of the ADG. Deep soil zones now clearly show minimum dimensions of 6m and 3m, with a total area exceeding 7% of the site area. The proposal provides deep soil as follows: • Total (with minimum 3m width): 834.9m² (24% of site area) • Total (with minimum 6m width): 379.6m² (10.9% of site area) Given the proposal is subject to the provisions of Chapter 2 of the Housing SEPP, Section 19 prescribes a non-discretionary minimum deep soil width of 3m with a total area of at least 15% of the site.

Ref.	Summary of submission	Response
		The proposal significantly surpasses this minimum requirement with a total provision of 24% of the site as deep soil zone.
A3	The ADG requires minimum building separations to protect visual privacy between apartments and adjoining properties. For habitable rooms and balconies, the required setback is 6m up to 12m building height (4 storeys) and 9m for buildings between 5–8 storeys. The proposal does not comply with these requirements on almost every level. On the ground to level 3, the north-east and south-west facades contain habitable room windows located only 4.5m from the boundary instead of the required 6m. From levels 4 to 7, where a 9m separation is required, the building continues to be built to approximately 4.5m, representing a significant breach. These non compliances affect bedroom windows and balconies, particularly on the north-east, south-east, and south-west facades, resulting in unacceptable overlooking and visual privacy impacts for both future residents and neighbours.	Various mitigation measures have been implemented as shown on the updated Architectural Plans (Appendix 4), offsetting any non-compliances with part 3F of the ADG relating to setbacks and visual privacy concerns. These mitigation measures include: • translucent glazing • relocation and reorientation of windows from original scheme which previously resulted in sightlines between sites • provision of additional side windows to offset direct viewlines to neighbouring sites • reduced window size • privacy screens
F	The ADG allows a maximum of 15% of apartments to receive no direct sunlight between 9am and 3pm at mid-winter. While the overall development complies, 25% of the affordable housing apartments fail to receive any direct sunlight within this period, exceeding the ADG limit. The In-fill Affordable Housing Practice Note and Housing SEPP Design Quality Principles both require that affordable dwellings achieve the same standard of amenity as other apartments in the development. The concentration of affordable units with reduced solar access indicates a lower level of residential amenity, which is not supported. The layout should be reviewed to improve solar access and ensure equitable living conditions across all dwellings.	The proposal has been revised to redistribute affordable housing units throughout the development rather than cluster them entirely on Level 1, with a single apartment on Level 2 as originally proposed. The affordable housing units are now distributed across Ground level, Level 1, Level 2 and Level 3. Whilst the proposal tries to maintain equitable solar access to all dwellings, this is not achievable given the constraints of the site as further discussed within the response to DPHI's comment in relation to solar access above. Notwithstanding, all affordable housing units follow the same typical layout as market housing and these units will have access to all the same communal spaces and amenity provided by the development as market housing units.

Ref.	Summary of submission	Response
Ku-ring-gai DCP		
A5	The Ku-ring-gai Development Control Plan (KDCP) includes specific controls to ensure the amenity, outlook, and functionality of ground floor apartments are maintained. The relevant controls are: • The internal finished floor level (FFL) of any part of a ground floor apartment and/or its private open space is not to be more than 0.9 metres below existing ground level at the building line; and • All obstructions, such as retaining walls or fences, are to be located below a 45° control plane, drawn from the finished ground level at the building line. The ground floor apartments fronting Cowan Road do not appear to comply with either control. The floor levels and private open spaces are positioned significantly below existing ground level, and the retaining walls appear to exceed the 45° control plane. This design approach raises concerns regarding the outlook and amenity of these apartments, the extent of excavation required, and potential issues with dampness, drainage, and long-term maintenance of external walls.	The Ku-ring-gai Development Control Plan (DCP) outlines development provisions for St Ives. As previously noted, under Section 2.10 of the Planning Systems SEPP, DCPs do not apply to State significant development. Accordingly, Section 6.1 of the DCP does not apply to this application.
A6	The KDCP requires that communal open spaces be overlooked by at least two onsite apartments to ensure adequate passive surveillance and safety. The proposal includes two communal open space areas on Level 7, however, neither of these spaces are overlooked from any apartments. As such, these areas will lack passive surveillance, resulting in potential safety and security concerns and reduced visual connection between residents and shared spaces.	
B	**PLANNING**	
B1	Section 180 of Chapter 6 of the Housing SEPP prescribes a maximum building height of 22m for residential flat buildings in Zone R3 Medium Density Residential under the low and mid rise housing provisions. Section 18 in Chapter 2, Part 2, Division 1 of	The exceedance of the height control is considered acceptable for the following reasons:

Ref.	Summary of submission	Response
	the SEPP (Housing), allows 30% additional height over the maximum permitted building height which equates to 28.6m. The proposal seeks a maximum building height of 29.69m, measured to top of the Level 8 roof which exceeds the maximum building height control by 1.09m, equating to a variation of 3.81%.	• The exceedance is minor, with the proposal seeking a maximum height of 30.60m, representing an increase of only 2m above the 28.6 m maximum building height control. • It is localised and limited to a small portion of the roof level of the top storey. This additional height does not contribute to excessive bulk or scale of this structure. • The additional height is centrally located in response to the site's topography to minimise visual and amenity impacts and will not be readily visible from the public domain or noticeably increase the perceived bulk or scale of the development. • It will not result in adverse overshadowing or privacy impacts to adjoining residential properties or areas of open space. Overshadowing diagrams are provided as part of the updated Architectural Plans at Appendix 4, which demonstrate the minimal overshadowing resulting from the exceedance of the height control. • DPHI did not raise any concern regarding the exceedance of the height control within their key issues letter, indicating that the proposed variation is acceptable from their perspective.
B2	A Clause 4.6 variation request has been submitted in relation to building height. Upon review of the proposal, Council does not consider the Clause 4.6 variation request to be well founded and objects to the variation of the building height development standard for reasons as follows: • The proposal will detract from the desired future character of the streetscape, significance of heritage items and the amenity of surrounding residents. • The extent of the variation at the upper level of the proposed building will be clearly visible from surrounding streets and the locality contributing to excessive building bulk and scale that is incompatible with the character of the locality. • Insufficient overshadowing information has been submitted to clearly identify the full extent of additional overshadowing cast	The Clause 4.6 variation request submitted in relation to building height is considered to acceptable for the following reasons: • The proposal will not detract from the desired future character of the streetscape, significance of heritage items and the amenity of surrounding residents given the exceedance is minor. The proposed development seeks a maximum height of 30.60m, which is an increase of only 2m above the 28.6m building height control. • The additional height is limited to a small, localised portion of the roof of the top storey and is centrally positioned in response to the site's topography. As a result, it is not readily visible from the public domain and does not noticeably increase the perceived bulk or scale of the development.

Ref.	Summary of submission	Response
	by building elements that exceeds the building height development standards. View loss will also certainly be affected but in terms of amenity impacts the additional overshadowing presents a bigger concern. The overshadowing and view loss impacts that result from a fully compliant scheme is not provided to demonstrate whether or not the additional impacts of the height variation are in fact negligible. Given the above, the Applicant's Clause 4.6 variation request is not considered to be well founded and does not provide sufficient environment planning grounds for the consent authority to support the variation.	• Revised shadow studies have been prepared as part of the updated Architectural Plans (Appendix 4), illustrating the complying 22m envelope, the 28.6m bonus height envelope and the proposed 30.60m envelope. The diagrams clearly distinguish each scenario and demonstrate the incremental shadow impacts associated with the additional height.
C	**LANDSCAPING**	
SEARS (Secretary's Environmental Assessment Requirements) The proposal has been reviewed against Item 14 of the SEARs Compliance Table. The submitted documentation does not adequately satisfy this requirement for the following reasons:		
C1	Inconsistent Documentation • The landscape and architectural plans are inconsistent. For example, discrepancies exist between the landscape and architectural plans regarding the extent of paved and landscaped areas, particularly for ground level Units GF-01, GF-02, GF-06, GF-07 and GF-08.	• The Architectural Plans and Landscape Plans have been updated to ensure consistency across documents (refer Appendix 4 and 6 respectively).
C2	Inadequate Integration of Existing Trees • The design does not demonstrate meaningful consideration or integration of existing trees within the site layout. • While some trees are proposed for retention, several mature trees along the site's periphery are proposed for removal, despite their significant contribution to local landscape character and amenity. • Trees located within the front setback provide a high level of visual and environmental amenity and should be retained where feasible. The design should be revised to allow for the retention of the following specimens: ○ T2 – *Lophostemon confertus* ○ T15 – *Platanus × hispanica 'Acerifolia'*	• A revised Tree Protection Zone (TPZ) diagram has been provided within the updated Architectural Plans (Appendix 4). • The TPZ diagram confirms significant trees will be retained where possible, including trees 15, 16, 18 and 24. This will maintain continuity of canopy cover and streetscape character. • T2 is to be removed as it is located within the proposed building footprint and interferes with essential structures and underground services. It is proposed to be removed and replaced with a locally native Turpentine to support the long-term streetscape canopy. • T19 is to be removed as retaining this tree would cause significant conflicts with the building layout. Its removal will maintain the streetscape character and canopy.

Ref.	Summary of submission	Response
	○ T16 – *Platanus × hispanica 'Acerifolia'* ○ T18 – *Platanus × hispanica 'Acerifolia'* ○ T19 – *Melaleuca myrtifolia* • The proposed removal of T24 – *Jacaranda mimosifolia* (located along the south-western boundary) is not supported. This tree is in good condition, provides substantial amenity, and contributes to privacy for adjoining properties. The stormwater structures should be relocated outside the Structural Root Zone (SRZ), and the building footprint adjusted to enable its retention. • The abovementioned trees are integral to the site's existing landscape character and provide significant visual and environmental benefits to both future occupants and adjoining residents. Their retention and integration into the design are strongly recommended	• An updated Arboricultural Impact Assessment is provided at Appendix 7. It includes an assessment of potential impacts within the structural root zones and tree protection zones of affected trees and outlines appropriate protection measures and construction methodologies to minimise encroachment into Tree Protection Zones.
C3	Inadequate deep soil and landscape area • The extent of deep soil and landscaped areas is insufficient to support a landscape setting that integrates with, and reinforces, both the existing and desired local landscape character. • The proposal fragments the limited deep soil areas with retaining walls and fencing and allocates portions of these areas to private units, reducing space available for tall trees and meaningful buffer planting. Deep soil areas should be provided in communal ownership to ensure the long-term survival, health, and maintenance of the required buffer planting. • The ground level is proposed to be 1.1 m below the natural ground level, resulting in numerous steps and stairs to access the units. This significantly reduces the available deep soil areas that should be dedicated to planting. • The proposed OSD tank is located in the middle of the rear deep soil area. One proposed *Angohora costata* and one *Lagerstroemia indica* are proposed to be planted above this proposed stormwater structure.	24% of the site area is provided as deep soil area (the non-discretionary standard under the Housing SEPP for infill affordable housing is 15% with a minimum width of 3m). The non-discretionary standards of Chapter 2 of the Housing SEPP require a minimum landscaped area that is the lesser of 35m^2 per dwelling or 30% of the site area. This equates to 1,040.3m^2 for the development. The proposed landscaped area on the site is 1,445.3m^2, complying with the non-discretionary standard. The planting design adjacent to the on-site detention (OSD) tank has been reviewed and updated as part of the updated Landscape Plans (Appendix 6). One tree previously proposed above the OSD tank has been removed to avoid conflicts with underground infrastructure and to ensure long-term tree health and maintainability.

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C4	Insufficient Arboricultural Information The submitted Arboricultural Impact Assessment (Appendix 32) provides inadequate or inaccurate information, including: • The assessment of T1 – *Jacaranda mimosifolia* does not consider the encroachment from the proposed retaining walls and fencing around the terrace of Unit GF-06. • The report fails to specify appropriate tree-sensitive construction methods for each of the trees proposed to be retained. • The report indicates the retention of several trees at the rear of the site, despite the proposed retaining walls along the site boundary within the private open spaces of Units GF-07, GF-08, and GF-09. While the architectural drawings do not specify Top of Wall (TOW) for the proposed walls and fences along the boundary, it can be inferred that the natural ground level will be altered to match the terrace levels of these units. This will result in fill of approximately 500 mm to 1.55 m in the areas where the following trees are proposed for retention: T37, T39, T40, T41, T42, T43, T44, and T45. It is recommended to keep the deep soil areas of communal ownership and retain existing ground levels within all deep soil areas, where possible. Retaining walls along the boundaries are not supported.	An updated Arboricultural Impact Assessment (AIA) has been prepared and is provided at Appendix 7. The AIA now provides for tree sensitive construction methods and analysis of potential impacts within the structural root zone and associated tree protection zones.
BASIX Commitments		
C5	The landscape BASIX commitments indicated in the submitted BASIX certificate is inconsistent with the submitted plans and presents inconsistent information within the certificate in the following landscape items: • The certificate indicates a common lawn area of 1,464m^2, while there are no common areas of lawn presented in the landscape plans. • The certificate indicates the planting of indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" as private landscaping for that dwelling. This area of indigenous	An updated BASIX Certificate has been provided at Appendix 17 and ensures consistency with other documentation.

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	vegetation is not shown within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table.	
SEPP (Housing) 2021		
C6	The proposal does not meet clause 2 (b) (ii) of Chapter 2 [SEPP (Housing) 2021]: *2 (b) a minimum landscaped area that is the lesser of— (i) 35m^2 per dwelling, or (ii) 30% of the site area.* The proposal identifies 970 m² (27.9% of site area) as landscape area, landscape plan page 24 includes diagram with depicted areas included in this calculation. The provision of the landscape area aligned with Chapter 2 Infill Affordable housing, as per Council Landscape Officer results in 915.7m^2 (26.4%). The inconsistency exists between the submitted landscape and architectural plans regarding the extent of paved and landscaped areas, particularly for ground level Units GF-01, GF-02, GF-06, GF 07 and GF-08, results in the inability to provide an accurate landscape area calculation. Documentation must present consistent information and include a landscape diagram demonstrating compliance with the 30% requirement, showing all areas with landscape treatment.	The updated Architectural Plans (Appendix 4) demonstrates that the proposed landscaped area is 1,445.3m^2 (41.7%) and is therefore compliant with this section of the Housing SEPP.
Schedule 9: Design Principles for Residential Apartment Development – Clause 5: Landscape		
C7	The proposal is inconsistent with the landscape design principles of Schedule 9: Design Principles for Residential Apartment Development – Clause 5: Landscape of the SEPP (Housing) 2021 for the following reasons: • Clause 5(2): The proposal involves the removal of existing tall trees within the front setback. The newly proposed tall trees are located too close to built structures and within deep soil zones of insufficient dimension to allow for their full development. As a result, the proposal does not adequately contribute to the	A revised Tree Protection Zone (TPZ) diagram has been provided within the updated Architectural Plans (Appendix 4), confirming the retention of trees where possible. T2 is to be removed as it is located within the proposed building footprint and interferes with essential structures and underground services. It is proposed to be removed and replaced with a locally native Turpentine to support the long-term streetscape canopy.

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	landscape character of the streetscape or surrounding neighbourhood. • Clause 5(3)(c): The removal of large, established trees within the front setback fails to retain the site's positive natural features and existing landscape qualities. • Clause 5(4)(d): The proposed removal of Tree T24, together with the extent of paving within the front setbacks, does not demonstrate adequate consideration for neighbouring amenity and privacy.	T19 is to be removed as retaining this tree would cause significant conflicts with the building layout. Its removal will maintain the streetscape character and canopy. T20 is to be removed, given it has low significance and is located within the zone of sight triangle of the driveway.
C8	The submitted Arboricultural Impact Assessment (AIA) lacks sufficient detail to confirm the protection and retention of trees both within and adjacent to the site. The architectural drawings and landscape plans are conceptual only and provide insufficient information regarding site levels, building interfaces, stormwater infrastructure, and service locations. The cumulative impacts of these elements on tree retention have not been addressed. Removal of the following trees is not supported: T2, T15, T16, T18, T19, and T24. Trees T37, T39, T40, T41, T42, T43, T44, and T45 are of particular concern, as proposed fill levels appear to be above existing natural ground levels within the Tree Protection Zones of these trees. Further detail is required in both the architectural and landscape plans. All proposed structures must be consistent across submitted documentation, and the stormwater system must be included in the Landscape Plans to properly assess potential conflicts with proposed vegetation within the site. AIA shall also include particular tree sensitive construction methods for each tree proposed to be retained. Accordingly, the proposal fails to demonstrate adequate protection of existing trees and is inconsistent with the objectives and controls of Part 13 (Tree and	Trees T15, T16, T18 and T24 are now to be retained as part of the proposed development. T2 is to be removed and replaced as it is located within the proposed building footprint and interferes with essential structures and underground services. T19 is to be removed as retaining this tree would cause significant conflicts on the building layout.

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	Vegetation Management) and Part 4A.4 (Landscape Design) of the Ku-ring-gai DCP.	
C9	The proposed cut and fill is not supported. The site does not exhibit a steep slope that would justify the proposed lowering of the natural ground level. As a result, the ground level units are sunk over 1 m below natural ground and the public domain, creating undesirable private open spaces. This also necessitates a series of retaining walls, stairs, and other structures that further reduce deep soil areas, with consequences as outlined in previous sections.	The ground floor apartments minorly extend beyond ground level as shown on Section Sheet 2 within the Architectural Plans (Appendix 4). This is at the interface with Cowan Road, which is generally west facing, and therefore is not considered to hinder the amenity provided to private open spaces at this elevation.
C10	The proposed fill along the rear of the site, together with the retaining wall along the boundary, is not supported. These works will necessitate the removal of existing vegetation and create an interface with neighbouring properties (refer to Controls 1, 2, 3, and 11 in Part 21.1 of the KDCP).	As per the AIA (Appendix 7) and Architectural Plans (Appendix 4), tree removal at the site has been reduced from the original proposal. Additionally, the maximum fill at the rear of the site is 2m and is necessary to facilitate a level building pad with consideration to the fall of the site from Cowan Road to the rear.
C11	Proposed alterations to soil levels will negatively impact several existing trees, including T1, T37, T39, T40, T41, T42, T43, T44, and T45 (refer to Control 8(ii) in Part 21.1 of the KDCP).	Noted. These trees are proposed to be retained with appropriate tree protection measures recommended in the AIA (Appendix 7).
C12	Front Boundary Landscaping: Hedges and shrubs along the street frontage must not exceed 1.2m in height (Part 7C.10, Control 4 of KDCP).	Noted. Only low scale shrubs and vegetation are proposed in the front setback.
C13	Deep soil landscaping is to be provided in the common areas as a buffer between buildings that softens the bulk and scale of the buildings with planting.	Deep soil has been provided to the majority of boundaries and the communal open space at ground level.
D	**Deep Soil**	
D1	Based on the total site area of 3,467.7 m², the development is required to provide 520 m² (15% of site area) of deep soil with a minimum dimension of 6m, in accordance with Objective 3E-1 of the ADG. The proposal identifies 970 m² (27.9% of site area) as deep soil. However, these areas are not consistent with the ADG definition of	The proposal includes in-fill affordable housing and therefore the provisions of Chapter 2 of the Housing SEPP apply. This includes Section 19 Non-discretionary development standards—the Act, s 4.15 which includes the following control relating to deep soil: (2) *c) a deep soil zone on at least 15% of the site area, where—* *i. each deep soil zone has minimum dimensions of 3m*

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	deep soil, nor do they meet the required minimum dimension of 6 m for this type of development. Council's assessment confirms that the proposal provides 205.6 m² (5.9% of site area) of compliant deep soil. The proposal therefore fails to meet the minimum deep soil provision under the ADG and must be redesigned to achieve compliance, including the submission of detailed plans and diagrams demonstrating compliance with the required dimensions.	The updated Architectural Plans (Appendix 4) demonstrates compliance with the minimum deep soil provisions of the Housing SEPP, which prevail over the ADG criteria. Deep soil zones now clearly show minimum dimensions of 6m and 3m, with a total area exceeding 7% of the site area. The proposal provides deep soil as follows: • Total (with minimum 3m width): 834.9m^2 (24% of site area) • Total (with minimum 6m width): 379.6m^2 (10.9% of site area) Notwithstanding, given the proposal is subject to the provisions of Chapter 2 of the Housing SEPP, Section 19 prescribes a non-discretionary minimum deep soil width of 3m with a total area of at least 15% of the site. The proposal significantly surpasses this minimum requirement with a total provision of 24% of the site as deep soil zone.
D2	Key Deep soil Issues: • Private Open Space within Deep Soil: The extension of private terraces into deep soil areas should be avoided to maximise natural ground-level deep soil to maintain compliant deep soil zones with the required 6 m minimum dimension. • Capacity for Tall Trees: Terraces and pedestrian entries to singular units intruding into deep soil areas reduce the capacity for tall canopy tree planting, diminishing the environmental and amenity benefits expected from deep soil zones. • Insufficient Canopy Tree Provision: The landscape design does not provide adequate deep soil to support the retention or establishment of tall canopy trees, resulting in inconsistency with the existing and desired landscape character. • The site periphery includes a pedestrian entry and circulation path, which limits opportunities to establish tall trees along the interface with neighbouring properties. This results in reduced	Deep soil within the private open space has been minimised but provided where unavoidable. Even if these areas were discounted from the deep soil calculation, the minimum requirements of the Housing SEPP would still be met. The proposal retains a substantial number of existing trees (23 in total) and is supported by a comprehensive landscape scheme, included at Appendix 6. The scheme incorporates a mix of low-lying shrubs through to medium-sized trees, contributing to a well-integrated landscape outcome. The OSD tank has been appropriately sited, having regard to surrounding site constraints and design considerations.

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	amenity and privacy. The paved recreation areas located within deep soil zones at the rear of the site should be minimised to allow adequate space for deep root development. • Proposed OSD tank shall not be in deep soil areas where planting shall be prioritised.	
D3	To achieve compliance with Part 3E of the ADG and improve the landscape design, the following amendments are recommended: • Ground-Level Private Terraces: Any ground-level private terraces within deep soil areas shall be removed to maximise usable deep soil. Private terraces shall be limited to the extend of the basement layout. • Front Setback: The proposal should be redesigned to maintain the ground level closer to natural grade and remove stairs from deep soil areas. Any necessary stairs should be located within the basement footprint to preserve adequate deep soil zones for the growth of tall trees and retention of existing trees. The current extent of paved areas and stairs reduces space for tree root development and creates an undesirable interface with the established streetscape character. • Main Pedestrian Entrances: Reduce main pedestrian access to maximum 2 m and consolidate units to the main entrances to maximise the areas of deep soil in the front setback.	• Ground level private terraces within deep soil areas are minimised where possible and are limited to a small portion of Units GF-01 and GF-02. • It is noted there is a minor encroachment of the front portion of the private open space provided to the units at the ground floor which interface with Cowan Road. This increases privacy to ground floor units that interface with the public realm and the proposal significantly exceeds the minimum deep soil requirements. • The additional width is justified given the deep soil provided at the site is in excess of the minimum requirements of the Housing SEPP.
D4	In accordance with the ADG, the proposal should include at least one large tree or two medium trees per 80m² of deep soil zone. This requirement has not been demonstrated in the current documentation. Proposal shall include WSUD elements into the landscape design Some new trees are proposed to be located above the proposed OSD tank. Landscape plans present several conflicts with proposed structures in architectural and stormwater proposal. Submitted plans provide inconsistent and contradictory information.	• The ADG stipulates objectives and guidance for provision of trees on sites, not minimum requirements. • It is noted that the ADG does not talk to retention of existing trees in which the proposal makes significant effort to ensure trees at the site are retained. • The proposal includes a comprehensive landscape design which will significantly improve the landscaped area at the site and provides for dense plantings at all boundaries and within areas of communal open space. • The proposal has been revised so that new plantings are not located above the proposed OSD to avoid any conflict.

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D5	The proposal does not meet Objective 4O-2 of the ADG (Landscape design contributes to the streetscape and amenity) due to the following issues: • Deep Soil Zones and Front Setback: Deep soil areas along the frontage of the site present several structures and services that reduced the opportunity to accommodate large or medium trees to contribute to the streetscape and amenity and fails to meet ADG objectives. Fire booster shall be located at the side of the driveway to minimise visual impact from the street. Substation location is very prominent, and non-desirable, its recommended to relocate this within the building envelope, or in a different direction to minimise visual intrusion to the streetscape. • Landscape Ownership and Use: Private open spaces shall be limited to the basement footprint and clearly indicate the areas of communal owner ship.	• Despite structures and services at the front of the site, the proposal exceeds minimum deep soil requirements under the ADG and under Section 19 of the Housing SEPP. Deep soil is also predominantly located to the rear of the site and hence where larger trees are proposed. • Private and communal areas at ground level are clearly delineated through fenced courtyards. Additionally, this is further emphasised through the landscaping scheme whereby communal spaces are densely vegetated to screen private spaces.
D6	The submitted wind report (Appendix 31) recommends that the Level 7 communal open space incorporate densely foliating vegetation, such as shrubs with a minimum height of 1.5 m above finished floor level, to mitigate summer winds. While the proposal includes some planting, much of it consists of low-growing species that would not achieve the required dense foliage. Planting in this area should be revised to meet the wind mitigation objectives and should comprise species with low water requirements and low maintenance needs to ensure long-term viability.	Landscape Plans have been revised (Appendix 6) to implement appropriate vegetation at Level 7 as well as Level 8 to mitigate summer wind impacts.
D7	The development fails to meet the minimum requirement of 50% deep soil area. The proposal states a provision of 970 m² of deep soil, equating to 27.9% of the site area. Deep soil areas must have a minimum dimension of 2m and located in common areas to provide effective buffers between buildings (Control 4).	As previously noted, under Section 2.10 of the Planning Systems SEPP, DCPs do not apply to State significant development. Accordingly, this section of the DCP does not apply to this application. The proposal exceeds the relevant provisions of both the ADG and Housing SEPP for deep soil.

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	Council's assessment confirms that the proposal provides 803.1 m² (23.1% of site area) of deep soil areas, in communal and private courtyards. And provides 547.3m^2 (15.7%) of compliant deep soil aligned with KDCP controls. Tree Planting Requirements (as per Control 7 of Part 7A.6): • Minimum of 1 tall tree per 300m² of site area is required. For this site, 12 tall trees (min. 18m height at maturity) must be provided. • Tall trees must be planted at least 2m from any boundary, and 4m from any structure. Tree planting is to be distributed across all setback areas, with at least 30% located within the front setback. The current proposal does not meet these requirements. The proposal includes the retention of one tall tree (T17) and proposed *2x Syncarpia glomulifera*, 1x *Angophora costata*, and 2x *Eucalyptus saligna*. Resulting in a total of 6 tall trees instead of 12. Recommendation: The proposal shall seek to augment the number trees to be retained in the front setback, include larger areas of deep soil in communal ownership, and seek to meet the minimal tall tree requirements to address the local landscape character.	The proposal has been revised to retain significant trees where practicable, thereby maintaining continuity of canopy cover and preserving the established streetscape character. T16 and T18 are now proposed to be retained as part of the amended design, increasing the number of trees retained within the front setback. Furthermore, T24 is also proposed to be retained. Although the proposal does not strictly achieve the minimum tall tree planting requirement, the updated Arboricultural Impact Assessment (Appendix 7) concludes that the overall arboricultural impact is acceptable, particularly given the retention of trees identified as having high significance.
E	**ENVIRONMENTAL HEALTH**	
Acoustic Report		
E1	The submitted Noise and Vibration Impact Assessment prepared by Acoustic Logic (dated 05/08/2025) references architectural plans prepared by PBD Architects, dated 25/08/2025. It is noted, however, that the architectural plans currently before Council are dated 16/09/2025. Given this discrepancy, there is potential that amendments made to the architectural design after 25/08/2025 (for example, changes to rooftop plant layout or dwelling configuration) have not been	The latest revision of the architectural drawings has now been referenced in the updated Noise and Vibration Impact Assessment (Appendix 8).

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	reflected or assessed in the acoustic report. Accordingly, the applicant should confirm that the acoustic assessment has been updated to reference and assess against the most current architectural documentation. On page 21 of the acoustic report, the consultant refers to an indicative assessment of noise emissions from Daikin condenser units, listing a total of 16 + 54 + 4 units (74 units in total) located on the rooftop. This number aligns with the total of 74 dwellings proposed in the development description. However, the architectural plans dated 16/09/2025 only identify 62 air-conditioning condenser units on the roof. The BASIX certificate (dated 09/09/2025) indicates that each dwelling will be fitted with a 1-phase air conditioning system, implying that all 74 dwellings will require a corresponding condenser unit. Therefore: • The acoustic report should be reviewed and, if necessary, updated to reflect the most current architectural plans. • The architectural plans should be amended to clearly show the full number of condenser units required to service all dwellings, consistent with the BASIX commitments and the assumptions made in the acoustic report.	
Contamination Report		
E2	The Preliminary Site Investigation (PSI) notes that the site has historically been used for rural residential purposes, and that in 2001 the NSW EPA determined a neighbouring property at 179–181 Mona Vale Road to be contaminated to a degree that presented a significant risk of harm. That adjoining site was subsequently remediated in 2019. However, gaps remain in the available data, and GSNE Services is unable to confirm the site's suitability for its proposed residential use at this stage. The report	A Detailed Site Investigation (Appendix 12) and Remedial Action Plan (Appendix 15) have been prepared in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021*, which confirms the site's suitability for residential use.

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	therefore recommends a Detailed Site Investigation (DSI) to further characterise soil conditions and potential contamination. Based on the limited scope of the PSI, the report concludes that: • The site cannot be confirmed as suitable in its current state due to data gaps and limited testing; • A Detailed Site Investigation (DSI) is recommended prior to redevelopment to better characterise soil and contamination risks; and • Subject to satisfactory DSI results and completion of any necessary remediation, the site can be made suitable for the proposed development. Accordingly, prior to any determination of the application, a Detailed Site Investigation (DSI) should be undertaken to confirm the site's suitability for residential use, in accordance with the State Environmental Planning Policy (Resilience and Hazards) 2021. Once the DSI has been completed and reviewed, Council's Environmental Health team can provide further comment on the site's suitability for the intended use, if required.	
F	**ENGINEERING**	
Water Management		
F1	A stormwater management plan has been submitted and prepared by EI Australia Drawing No. C000 C300 all Rev. '01'dated 25 August 2025. The proposal seeks to construct a new kerb inlet pit downstream of the existing Council drainage pit in Cowan Road. The proposed invert levels of the new KIP will need to be confirmed by a registered surveyor. Before you Dig Australia is recommended to ensure there is no conflict of existing utility services. An existing 2m wide drainage easement exists on the site which connection from the OSD overflow is conveyed to. The proposal also seeks to relocate the existing 1.5m wide easement identified	Noted. All relevant Section 68 documentation, as they relate to stormwater management, are provided at Appendix 18. This includes an evaluation of CCTV footage from the CCTV video of the existing pit and pipe of Council's trunk drainage system.

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	on the survey plan which requires Council approval for its relocation. A CCTV video and report of the existing pit and pipe of Council's trunk drainage system shall form part of this required certification. The condition of the existing pipe is to be inspected by a licenced plumber/ drainage contractor to verify if the existing pipe is in good working condition. The findings of their report is to be submitted. The design engineer is to check the size of the existing Council pipe to which connection is proposed and shall confirm that the hydraulic capacity of this pipe can accept additional post developed flows for the 5% AEP storm event.	
F2	A BASIX Certificate has been submitted not requiring any alternative water supply. The submitted stormwater plans indicate an 10,000L rainwater tank which forms part of the OSD tank. A water balance model has not been submitted to reduce the site runoff days by 50.0% which would satisfy Council's streamflow objectives under Part 24C.3 of the Ku-ring-gai DCP.	Noted. Notwithstanding, the DCP does not apply as per Section 2.10 of the Planning Systems SEPP and sufficient information has been provided by way of the Stormwater Management Plan submitted with the EIS.
Traffic Generation and Associated Impacts		
F3	The Transport Impact Assessment (TIA) has assessed the distribution of trips to the surrounding road network as being all to/from Mona Vale Road. At the Cowan Road approach of Mona Vale Road, an additional 22 vehicles are expected in the AM peak and 6 vehicles in the PM peak. The SIDRA assessment of the future intersection performance resulted in the same Level of Service for both locations in the AM and PM peak, with only minor increases in average delay per vehicle. While these results consider the development in isolation, there would be cumulative impacts from nearby development proposals. The Planning Proposal for the rezoning of part of Pymble Golf Club (4, 12 and 14 Cowan Road - approximately 100 dwellings) has recently been gazetted. Council is also in receipt of a Development	The updated Transport Impact Assessment (Appendix 11) does not provide a cumulative impact assessment of nearby development proposals. This is considered acceptable for the following reasons: • The recently gazetted Planning Proposal for part of Pymble Golf Club is not an actual development and therefore does not provide adequate information to enable a meaningful assessment of cumulative traffic and transport impacts. • The Development Application at 46-50 Cowan Road remains under assessment and any attempt to account for its potential traffic and transport impacts would be speculative as the final built form, scale and timing of the development has not been determined.

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	Application at 46-50 Cowan Road (75 dwellings). A cumulative impact assessment of these 2 other proposals on the intersection of Mona Vale Road and Cowan Road, and the intersection of Killeaton Street and Cowan Road should be undertaken (with particular emphasis on the Cowan Road approaches) and this will be included as a request for information.	
Parking Provision and Design		
F4	The residential car parking provision meets the minimum requirements of the Ku-ring-gai DCP, but the visitor parking provision does not comply. The TIA argues that 10 visitor car parking spaces are sufficient given the site is directly adjacent to St Ives Shopping Centre, which offers public parking that can accommodate visitor demand during peak periods. It also argues the site is likely to benefit from a high rate of linked trips (where visitors combine a stop at the development with other activities such as shopping or running errands) thereby reducing the need for dedicated, on-site visitor parking. In theory this could occur, but a transport impact assessment for a recent development application within the St Ives Shopping Village indicated that the car parking occupancy rate during peak periods is approximately 91%. Austroads Guide to Traffic Management Part 11: Parking Management Techniques suggests that parking is considered 'at capacity' when available spaces are 85% occupied at times of peak demand and at 91% occupancy during current peak occupancy times, the car parking facilities would already feel "full" to the user and results in vehicles circulating unnecessarily looking for car parking or waiting in the aisles. Therefore, the justification for the 10 visitor parking spaces is not supported.	The proposal has been updated to provide 10 visitor parking spaces. Nevertheless, as previously noted, under Section 2.10 of the Planning Systems SEPP, DCPs do not apply to State significant development. Accordingly, section 6.1 of the DCP does not apply to this application. An appropriate number of visitor spaces have been provided as justified within the Traffic and Parking Impact Assessment (Appendix 11).
F5	Furthermore, the TIA indicates 10 visitor car parking spaces are provided, the architectural plans show only 8 marked visitor car parking spaces – this needs to be clarified.	The Transport Impact Assessment (Appendix 11) and the Architectural Plans (Appendix 4) have been updated to reflect the provision of 10 visitor car parking spaces.
F6	There is a DCP requirement that one visitor parking bay is to be provided with a tap, to make provision for on-site car washing. There is no indication in the TIA or architectural plans that a car	Noted and accepted as a condition of consent.

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	wash bay has been provided however it can be condition that it be shared with a proposed visitor car parking space.	
F7	It is noted from the architectural plans that the car park ramps connecting the basement levels have gradients of up to 1:5 (20%), which generally will exceed the capability of many bicycle users to remain mounted with stability (1:12, or 8% is practical). Therefore, the lifts, lobbies and accessways should be conditioned to be of a suitable size such that residents can transport their bicycles between their bicycle parking area and ground/street level without using the internal car park ramps.	Noted. The lifts can appropriately accommodate a bicycle.
F8	Bicycle parking for visitors is planned to be located on Basement 2 level and similar ramp grade accessibility issues as residents arise, and there is the practicality and convenience of visitors entering the secure parking area to access the bicycle parking from the main car park entry ramp. Therefore, it is recommended that the visitor bicycle parking distributed roughly evenly across the 2 main pedestrian entry points from Cowan Road, for maximum casual surveillance. This can be included as a condition of consent.	Noted. As above, the lifts can appropriately accommodate a bicycle.
F9	The Ku-ring-gai DCP requires that all car parking spaces within the building to be EV ready, with design and construction (provision for conduits, switchboards, electrical capacity etc) to enable installation of electric vehicle charging points that are linked to each individual dwelling electricity meter. There is no mention of future EV charging provisions in the TIA or SEE. This requirement can be included as a condition of consent.	As previously noted, under Section 2.10 of the Planning Systems SEPP, DCPs do not apply to State significant development. Accordingly, this section of the DCP does not apply to this application. Notwithstanding, the applicant raises no issue with this being imposed as a condition of consent.
F10	The proposal includes a dedicated loading area with a nominal width of 3.5m and up to 10.4m long, with a 6.1m manoeuvring space, but it is denoted as being shared with a tandem visitor car parking space. Signposting will need to be provided in the shared visitor car parking space to ensure it is unoccupied on collection days.	As demonstrated in the updated Architectural Plans (Appendix 4), the visitor car parking space located within the dedicated loading area has been relocated.

Ref.	Summary of submission	Response
	This can be included as a condition of consent.	
F11	Despite a shorter manoeuvring space, swept paths in the TIA indicate that it is adequate for Council's waste collection vehicle. There is a nominal height clearance of 2.6m (as shown on cross section on Sheet DA301 in the architectural plans) which is suitable for Council's waste collection vehicle but at the basement entry point there appears to be a clash of the height envelope. More information is required that Council's waste collection vehicle can satisfactorily clear the basement entry point and the underside of the 3-bedroom unit GF-02 on the ground floor. Longitudinal clearance profiles for Council's waste collection vehicle should be provided between the basement entry on the ground floor and Basement 1 level to demonstrate this. Given the nominal height clearance of 2.6m at the basement entry, the loading bay would not be accessible for larger service vehicles such as home delivery vehicles (e.g. groceries, parcels, bulky goods etc), removalist vehicles and bulky goods waste collection vehicles. To provide for this, Section 25B.2 of the KDCP requires an on-site Bulky Goods Collection Point as part of the entry access driveway (see comments in Access Point below), which can also serve other service vehicles.	Cross-sections have been updated to ensure a 2.6m clearance to accommodate the waste collection vehicle and other service vehicles (refer Appendix 4). An updated Operational Waste Management Plan (OWMP) has also been provided to confirm that an appropriate operational waste management strategy will be in place once the development is occupied (refer Appendix 13). As previously established, the relevant provisions of the DCP do not apply to the proposed development and, accordingly, there is no requirement to provide an on-site bulky goods collection point under Section 25B.2. In the absence of that requirement, there is no planning basis to mandate that the development accommodate larger service or delivery vehicles within the site. In any event, vehicles exceeding 2.6 m in height are not typical of day-to-day residential servicing and are more appropriately managed within the public domain. Adequate on-street parking and loading opportunities are available in the immediate vicinity to accommodate such occasional vehicles. Requiring the development to provide additional vertical clearance for infrequent, oversized vehicles would impose an unnecessary design constraint and is not warranted having regard to the scale and nature of the proposal.
Access Point		
F12	Attachment 4 of the TIA indicates a 6.9m wide access point at the property boundary, narrowing to 6.1m further withing the site. The width of the access point complies with the requirements in the Ku ring-gai DCP. It also indicates a 5% fall from the boundary for the first 5.8m into the site (which does not comply with the requirements of AS2890.1) but with a note stating that the 5% grade from the boundary for the first 6m into the site is to be provided during detailed design stage.	Driveway gradients have been revised to ensure a 5% fall from the boundary for the first 6m into the site (refer Appendix 4).

Ref.	Summary of submission	Response
	Regarding the requirement for 5% fall from the boundary for the first 6m into the site, this information is required now, as there is also potentially constrained service vehicle clearance in this area which may affect the ability to provide the required 5% fall from the boundary for the first 6m into the site. There also a requirement for a separate on-site loading area for a bulky goods waste collection point, and this may result in the extending the length of 5% grade from the boundary.	
F13	The architectural plans outline the 2.5m x 2.0m pedestrian sight triangle on both sides of the driveway, but the landscape plan indicates planting in this area. The Ku-ring-gai Public Domain Plan (Volume 2 - St Ives) shows a future shared user path (bicycles and pedestrians) on the Cowan Road frontage of the site. Clarification is needed the planting would not impact on sight lines, as it would be critical for the safety of pedestrians and people riding bicycles especially once the shared user path is constructed.	The updated Architectural Plans (Appendix 4) and Landscape Plans (Appendix 6) confirm that the originally proposed planting has been removed from this location. As confirmed in the Landscape Plans, *Blue Flax Lily* is to be provided within the sight triangles. This plant achieves a mature height of 0.5m and therefore has no impact on lines of sight for vehicles entering or exiting the site. This is consistent with Austroad guides which recommended a maximum plant height of 600mm.
F14	In accordance with Section 25B.2 of the KDCP, an on-site Bulky Goods Collection Point as part of the entry access driveway is required (a separate hardstand area is not permitted). The position of the loading area must not prevent access to and from the basement level car park, with at least one travel lane to be maintained at all times while loading/unloading takes place on the driveway. At least one on-site loading space which is at least 3.5m wide is to be provided to cater for a minimum 6.7 m long service vehicle. The loading space/s should be line marked and/or signposted as a designated loading area. Requests for a Loading Zone in Cowan Road will not be considered.	As previously noted, under Section 2.10 of the Planning Systems SEPP, DCPs do not apply to State significant development. Accordingly, this section of the DCP does not apply to this application. Notwithstanding, a loading bay has been provided in accordance with minimum dimensions.
F15	In accordance with section P of Council's Traffic and Transport Policy, 'No Parking' restrictions for 6 metres on either side of the driveway are to be implemented prior to occupation. Council's fees	Noted. The applicant raises no issue with this being imposed as a condition of consent.

Ref.	Summary of submission	Response
	and charges for referral to the Ku-ring-gai Transport Forum and installation of signs apply.	
Preliminary Construction Traffic Management Plan		
F16	Killeaton Street is selected as an arrival/departure route, presumably for access to the north. Killeaton Street is part of Regional Road 2043 and a load-limited route, so the use by heavy vehicles which do not have an origin or destination within the area is prohibited. The topography, amenity impacts and other constraints make this route inappropriate as a construction vehicle route. Constriction vehicles arriving from or departing to the north can use Mona Vale Road and Pacific Highway, which are arterial roads suitable for heavy vehicles and is not significantly longer than the Regional Road 2043 route.	Killeaton Street will remain as a construction vehicle arrival/departure route. This is considered acceptable for the following reasons: • the original assessment detailed truck access from the west, where the road is narrower and curved. The revised report adopts an eastern approach via the straighter and wider Pacific Highway, improving manoeuvrability • Killeaton Street also accommodates bus services, indicating it can safely support construction vehicles • *NSW Road Rules 2014*, Rule 104, provides an exemption to "No Truck" restrictions where there is no alternative route available for trucks to access a site
F17	Section 7.2.7 of the PCTMP (Other Construction Activities) notes there are no major construction sites within 250m from the site. However, as noted in Traffic Generation above, there is a development application at the same stage as this one at 46-50 Cowan Road. This needs to be considered in this section of the PCTMP.	This has not been accounted for as it is currently under assessment.
F18	It will be conditioned that a detailed CTMP will need to be submitted prior to the issue of the construction certificate showing the construction vehicle routes for the eastbound and westbound directions, largest vehicle to be used entering and exiting the site for the demolition, excavation and construction stages, stockpiles and all necessary tree protection fencing.	Noted and accepted as a condition of consent.
F19	If the application is to be supported, the proposal would be subject to the following conditions: Car Parking • A car wash bay shared with a proposed visitor car parking space is to be provided.	Prosper invites the following condition of consents to enable the approval of the application: • A car wash bay shared with a proposed visitor car parking space. • All parking bays are to be EV ready with design and construction

Ref.	Summary of submission	Response
	Servicing and Loading Bay • Signposting is to be provided in the shared visitor car parking space forming part of the Loading Bay, to ensure it is unoccupied on collection days. EV Charging • All parking bays are to be EV ready with design and construction (provision for conduits, switchboards, electrical capacity etc) to enable installation of electric vehicle charging points that are linked to each individual dwelling electricity meter. Access Point • In accordance with Section 25B.2 of the KDCP, an on-site Bulky Goods Collection Point as part of the entry access driveway is required (a separate hardstand area is not permitted). The position of the loading area must not prevent access to and from the basement level car park, with at least one travel lane to be maintained at all times while loading/unloading takes place on the driveway. At least one on-site loading space which is at least 3.5m wide is to be provided to cater for a minimum 6.7 m long service vehicle • 'No Parking' restrictions for 6 metres on either side of the driveway are to be implemented prior to occupation. Council's fees and charges for referral to the Ku-ring-gai Transport Forum and installation of signs apply. Bicycle Parking • Resident's storage cages shall be designed with the appropriate access clearances in AS2890.3 so that bicycles can be easily transported without being impacted by surrounding structures or other obstructions. • The lifts, lobbies and accessways should be of a suitable size such that residents can transport their bicycles between their bicycle parking area in the basement and ground/street level, without using the internal car park ramps.	• 'No Parking' restrictions are to be made for 6 metres on either side of the driveway. • Resident storage cages designed with the appropriate access clearances in AS2890.3. • Lifts, lobbies and accessways to be of a suitable size such that residents can transport their bicycles between their bicycle parking area in the basement and ground/street level, without using the internal car park ramps. It is noted that signposting is no longer required given the visitor space and loading bay are no longer shared. Further, it is considered that the following do not require conditioning given appropriate alternative design measures are in place and the DCP does not apply to the proposal: • The provision of an on-site bulky goods collection point is not required, and therefore cannot be used to justify design or operational assumptions predicated on Council vehicle access. In any event, requiring Council collection vehicles to enter the site and utilise internal loading areas is unnecessary, as standard practice is for bulky waste collection to occur from the public domain, with any oversized vehicle access appropriately managed via existing on-street infrastructure. • The requirement for visitor bicycle parking to be evenly distributed across the two main pedestrian entry points on the Cowan Road frontage is not necessary to achieve compliance or functionality. A consolidated, clearly legible and conveniently located bicycle parking area within the basement can adequately service all visitors while improving wayfinding, surveillance, and efficient use of the public interface. The proposed approach maintains accessibility and meets the underlying intent of encouraging active transport without the need for artificial distribution across multiple entry points. This also maintains

Ref.	Summary of submission	Response
	• Visitor bicycle parking shall be distributed evenly across the 2 main pedestrian entry points on the Cowan Road frontage of the site.	safety as all visitors require access to be granted by a resident within the building. A condition requiring appropriate signposting for bicycle parking is considered appropriate.
Waste Management		
F20	Based on the estimated volumes of general waste, comingled recycling, paper/cardboard recycling and FOGO generated by the development within the Operational Waste Management Plan, the recommended bin quantities and collection frequencies are as follows: • General Waste: 15 x 660L bins collected 1 x weekly • FOGO: 9 x 240L bins collected 1 x weekly • Comingled Recycling: 19 x 240L bins collected 1 x weekly • Paper/Cardboard Recycling: 8 x 660L bins collected 1 x weekly The Building Manager/Caretaker will be responsible for transporting the bins from Chute Discharge Rooms and each residential level to the residential bin room located on basement 1 level. The Building Manager/Caretaker is also responsible for ensuring that the bins are adequately arranged and that the loading area is clear of any vehicles or obstructions for an efficient collection.	Noted. The applicant raises no issue with a condition of consent reflecting the recommended collection frequencies.
Impacts on Council Infrastructure		
F21	Detailed design drawings to include new kerb inlet pit in Cowan Road is required. Provision for BYDA searches are to be incorporated into the trunk drainage extension and overlapped on the civil/stormwater plans.	The applicant raises no issue with a condition of consent requiring detailed design drawings in relation to stormwater engineering prior to the issuing of a Construction Certificate.
F22	A detailed long section shall be submitted whereby the hydraulic grade analysis of the pit and pipe system is determined using DRAINS modelling and if necessary, the upgrade of Council's existing trunk drainage system downstream. These works will be assessed by Council's Operations Department for approval under	

Ref.	Summary of submission	Response
	the Roads Act. No final certificate would be issued until the works are completed to the satisfaction of Council.	
Geotechnical Investigation		
F23	Given the proximity of neighbouring structures, a detailed dilapidation surveys be carried out on structures that fall within the zone of influence of the proposed basement excavation. A pre and post dilapidation report will be conditioned as well as a dilapidation survey of Council's public infrastructure.	Noted. Prosper raises no issue to a condition of consent requiring a pre and post dilapidation report as well as a dilapidation survey of Council's public infrastructure.
Water Management		
F24	The proposal seeks to discharge the stormwater runoff created by the new development into Council's existing trunk drainage system which is located within the site. This trunk drainage system traverses diagonally through the rear of the property. The applicant has indicated that they wish to realign/divert Council's existing pit and pipe system to cater for the proposal. Should Council's Operation Department wish to support the existing trunk drainage diversion/re alignment, then the following comments are made: a) A CCTV video and report of the existing pit and pipe of Council's trunk drainage system shall form part of this required certification. The condition of the existing pipe is to be inspected by a licenced plumber/ drainage contractor to verify if the existing pipe is in good working condition. The findings of their report are to be submitted to Council. b) Supporting hydraulic calculations are to be submitted to confirm that the proposed pipeline to which connection is proposed within the drainage easement has sufficient hydraulic capacity to accept the post developed flows for the 5% AEP storm event. This shall be in the form of DRAINS modelling or similar. c) A Civil design plan incorporating a drainage system longitudinal section showing the proposed underground trunk drainage easement relocation which includes the pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032	Noted. The applicant has provided all relevant Section 68 documents as they relate to stormwater management (refer Appendix 18). This includes an evaluation of CCTV footage from video taken of Council's trunk drainage system.

Ref.	Summary of submission	Response
	as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system.	
F25	A copy of 88B Instrument needs to be submitted if the site benefit from an easement(s). The terms of the drainage easement to which connection is proposed must benefit the subject site. At present the terms are for road water only and may not benefit the subject site.	Not applicable given there is no drainage easement on the site.
F26	Clarification sought as to whether the easement is of variable width i.e. 1.5m and 2m wide.	N/A
F27	A new kerb inlet pit within Cowan Road is proposed. Design details to Council's specifications are to be submitted including surface and invert levels to ensure that the pipe network upstream can drain into the new kerb inlet system.	Details in relation to the pipe network system are included in the Stormwater Management plan to the satisfaction of DPHI.
F28	Before you Dig Australia searches and overlay is recommended to ensure there is no conflict of existing utility services for the new kerb inlet pit.	Noted. This will be undertaken prior to the issuing of a Construction Certificate.
F29	No supporting hydraulic calculation submitted to demonstrate compliance with Part 24C.3-4 of the Ku-ring-gai DCP that requires rainwater retention and re-use to be provided to achieve a 50% reduction in runoff days. A water balance model has not been submitted.	Noted. Notwithstanding, the DCP does not apply.
F30	No clarification has been provided as to the purpose of the proposed rainwater tank given that a retention component would also be required.	Noted. An OSD tank is provided at the site for retention.
F31	MUSIC link file is to be submitted to confirm that the water quality targets set out in Part 24C.6 of the KDCP have been met.	Noted. This can be provided separately should the Department require.
F32	The proposed building and OSD/OSR structures are located close to Council Easement. No structural certificate prepared by a suitably qualified civil/structural engineer has been provided confirming that the building and structures lies outside the 'Zone of Influence' of the Council's drainage infrastructure as per the requirements of Figure 10 of the Ku-ring-gai Technical Guideline for Water Management.	No structures will be located within Council's easement.

Ref.	Summary of submission	Response
Parking / Vehicular Access & Traffic Assessment		
F33	The provision of 10 visitor car parking spaces (a shortfall of 9 spaces) is not supported.	The proposal provides 10 visitor parking spaces. Nevertheless, as previously noted, under Section 2.10 of the Planning Systems SEPP, DCPs do not apply to State significant development. Accordingly, this requirement of the DCP does not apply to this application. The proposed provision of visitor parking is justified given the location of the proposal adjacent to St Ives Shopping Village and the high accessibility of the site with respect to the surrounding road network.
F34	Killeaton Street is not supported as a construction vehicle arrival/departure route.	As previously outlined, Killeaton Street will remain as a construction vehicle arrival/departure route and is considered acceptable for the following reasons: • the original assessment detailed truck access from the west, where the road is narrower and curved. The revised report adopts an eastern approach via the straighter and wider Pacific Highway, improving manoeuvrability • Killeaton Street also accommodates bus services, indicating it can safely support construction vehicle • *NSW Road Rules 2014*, Rule 104, provides an exemption to "No Truck" restrictions where there is no alternative route available for trucks to access a site
F35	A cumulative traffic impact assessment of this application, the Development Application for 46-50 Cowan Road (eDA0485/25) and the Pymble Golf Club Planning Proposal shall be undertaken for the intersection of Mona Vale Road and Cowan Road/Shinfield Avenue, and the intersection of Killeaton Street and Cowan Road, with particular attention to delays and queue lengths on the Cowan Road approaches.	Not required.
F36	Demonstrate that Council's waste collection vehicle can satisfactorily clear the basement entry point and the underside of the 3-bedroom unit GF-02 on the ground floor.	A minimum finished floor to ceiling height of 2.6m is being provided.

Ref.	Summary of submission	Response
F37	Longitudinal clearance profiles for Council's waste collection vehicle should be provided between the basement entry on the ground floor and Basement 1 level.	Not required. A minimum finished floor to ceiling height of 2.6m is being provided in accordance with Council's DCP to ensure relevant waste trucks can be accommodated.
F38	Confirmation that the requirement for 5% fall from the boundary for the first 6m into the site can be achieved.	The plans have been revised accordingly to achieve required fall, refer Appendix 4.
F39	Clarification that 2.5m x 2.0m pedestrian sight triangle can be achieved on the southern side of the driveway.	The plans have been revised to ensure the pedestrian sight triangle is achieved, refer Appendix 4.
F40	The development application at 46-50 Cowan Road needs to be considered in Section 7.2.7 of the Preliminary Construction Traffic Management Plan as a potential nearby construction site.	An assessment against the development application at 46–50 Cowan Road is not required, as it has not been approved and any assessment would be speculative given there is no certainty that the development will proceed.
G	**AFFORDABLE HOUSING NEEDS**	
G1	Council recommends that all affordable housing units within the development should be operated by a Community Housing Provider in perpetuity (beyond the 15-year minimum requirements) as the loss of affordable housing after 15 years will result in the displacement of that resident population raising the key issues of social isolation with people having to reestablish their social and support networks elsewhere. Loss of the resident population returns the issue of loss of local workforce and thus impacts on the local community reliant on those workers.	A condition of consent can be imposed to ensure the affordable housing is used for a minimum period of 15 years.
H	**SOCIAL INFRASTRUCTURE AND SERVICES**	
H1	Council notes that there is a need for the provision of additional social infrastructure services to meet the demands of an increasing population resulting from high density residential developments such as the subject proposal. Council has identified the need to provide additional services and facilities including additional library spaces, cultural facilities, hireable community spaces, aquatic centres, indoor recreational spaces and open spaces to meet the demands of residents.	Noted.
H2	It is also important for the applicant and consent authority to identify the capacity of existing services such as pre-school and	Noted. Notwithstanding, this is not a matter for consideration under Section 4.15 of the EP&A Act.

Ref.	Summary of submission	Response
	childcare places and address future demands as such services will be required to support young families that move into the development.	
I	**LOCAL INFRASTRUCTURE CONTRIBUTIONS**	
I2	The applicable s7.11 contributions plan is Ku-ring-gai Contributions Plan 2010 and the current inflated contributions rates can be found on council's website and on the planning portal. These are updated quarterly.	Noted.
Ausgrid		
J	**Ausgrid Underground Cables are in the vicinity of the development.**	
J1	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. 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).	Noted.
J2	In addition to BYDA the proponent should refer to the following documents to support safety in design and construction: • SafeWork Australia – Excavation Code of Practice • Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.	Noted.
J3	The following points should also be taken into consideration. • Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. • Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must	Noted.

Ref.	Summary of submission	Response
	be notified, and written approval provided prior to the works commencing. • 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.	
K	**Ausgrid Overhead Powerlines are in the vicinity of the development**	
K1	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.	Noted.
K2	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.	Noted.
K3	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.	Noted.
K4	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.	Noted.
L	**New Driveways - Proximity to Existing Poles**	
L1	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	Noted.

Ref.	Summary of submission	Response
	pole replacements. Ausgrid should be further consulted for any deviation to this distance.	
Department of Climate Change, Energy, Water and the Environment		
M	**Watter supply, take and licensing**	
M1	DPHI should request the proponent to obtain a water 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 2025.	The Response to RFI – Water Access Licence (WAL) Requirements, prepared by GSNE, concludes a WAL is not required for the development given the results of the groundwater and seepage modelling meets the exemption criteria under the Water Management (General) Regulation 2025 (refer Appendix 14).

Table 7: The Project – Response to Agency Submissions

4.3 Public Submissions

During the public exhibition period, a total of 18 public submissions were received as outlined below:

- 14 objections
- 1 comment
- 2 supports
- 1 feedback (late objection)

The public submissions have been categorised in the table below.

Issue	Response
Shadow Diagrams • Public submissions raise concerns regarding the reduction of natural light for surrounding units as a result of the height exceedance and relevant shadows cast. • Overshadowing to proposed Communal Open Space	Shadow studies have been prepared for 21 June between 9:00 am and 3:00 pm as part of the updated Architectural Plans (Appendix 4), illustrating the complying 22m envelope, the 28.6m bonus height envelope and the proposed 30.60m envelope. The diagrams clearly distinguish each scenario and demonstrate the incremental shadow impacts associated with the additional height. The solar access diagrams demonstrate solar access to communal open spaces, taking into consideration the design criteria in part 3D of the ADG. The revised solar access table confirms the principal usable part of the communal open space (rooftop) satisfies the design criteria within this part of the ADG.

Issue	Response
Visual Privacy • The proposal raises concerns regarding visual privacy impacts on nearby properties. • The development's height, window placement, and setbacks have the potential to overlook adjoining dwellings and private open spaces, reducing residential amenity. • Appropriate design measures such as increased setbacks, screening, or window reorientation should be considered to minimise overlooking and protect the privacy of surrounding residents. • Lack of front setback	Revised setback diagrams have been provided as part of the updated Architectural Plans (Appendix 4), demonstrating minor increases to the side setbacks. Non-compliant setbacks are offset through the implementation of proposed mitigation measures to reduce negative impacts of the non-compliant setbacks, including: • opaque and translucent glazing • removal of windows • modification of window placement • replacement of windows with side windows • reduced window size • privacy screens The proposed front setbacks comply with the relevant design criteria in the ADG. Therefore, no adverse impacts are anticipated and the proposal results in a consistent streetscape.
PLANNING	
Excessive Building Height • A number of public submissions commented on the amenity impacts associated with the height.	The exceedance of the height control is considered acceptable regarding potential amenity impacts for the following reasons: • The exceedance is minor, with the proposal seeking a maximum height of 30.60m, representing an increase of only 2m above the 28.6 m maximum building height control. • It is localised and limited to a small portion of the roof level of the top storey. This additional height does not contribute to excessive bulk or scale of this structure. • The additional height is centrally located in response to the site's topography to minimise visual and amenity impacts, and will not be readily visible from the public domain or noticeably increase the perceived bulk or scale of the development. • It will not result in adverse overshadowing or privacy impacts to adjoining residential properties or areas of open space.

Issue	Response
Overdevelopment and Incompatible Scale • Provision of affordable housing isn't enough to meet strategic objectives. • Building height, bulk, and density are inconsistent with the existing St Ives character of predominantly one and two-storey dwellings. • Proposal would dominate adjoining properties, resulting in overshadowing and loss of privacy • Removal of valuable canopy trees and established gardens. • Unaesthetic visual appearance • Excessive visual bulk	The overall GFA dedicated to affordable housing has been increased to 1487.6m^2, with 15% of the total GFA allocated to affordable housing. The site and broader locality is subject to a phase of transition under the provisions of the Housing SEPP as it is identified within the Low and mid-rise housing inner area. Other nearby sites are anticipated to be suitable for redevelopment under the Housing SEPP, therefore the future character of the area is expected to continue to evolve to reflect the increased heights and densities permissible under the low and mid rise and in-fill affordable housing provisions of the Housing SEPP. Overshadowing diagrams are provided as part of the updated Architectural Plans (Appendix 4), which demonstrate there will be no adverse overshadowing or privacy impacts to adjoining residential properties The proposal has been revised to retain significant trees where possible to maintain continuity of canopy cover and streetscape character. The proposal is architecturally designed and incorporates a cohesive palette of materials, colours and textures that has been selected to reinforce the building's aesthetic while maintaining sensitivity to its setting. The building design focuses on a modern yet timeless style, using a carefully chosen mix of materials including PGH brick, rendered painted walls, glass balustrades and aluminium frame glazing, all of which tie into the surrounding environment and reflect the area's local aesthetic. The proposed side setbacks have been revised to reduce any perceived bulk. The height exceedance is set back from any boundaries to reduce the visual impacts and maintain a consistent streetscape character.
Landscaping • Lack of deep soil and deep soil has not been calculated correctly • Loss of trees	The updated Architectural Plans (Appendix 4) demonstrates compliance with the minimum deep soil provisions of the Housing SEPP, which prevail over the ADG criteria (refer to Item D1 of Table 7 for justification).

Issue	Response
	A revised Tree Protection Zone (TPZ) diagram has been provided within the updated Architectural Plans (Appendix 4). The TPZ diagram confirms significant trees will be retained where possible, including trees 15, 16, 18 and 24. This will maintain continuity of canopy cover and streetscape character. Further justification is provided at Item E1 of Table 6.
Inadequate Public Transport • St Ives has no railway station, metro, or light rail, with no plans for future provision—public transport consists only of buses on congested roads. • Bus services are limited, typically operating every 30 to 60 minutes, forcing greater reliance on private cars and worsening traffic congestion. • The report overestimates public transport accessibility • Car trip predictions for the new development are understated and should be recalculated	The proposal is located approximately 550m from bus stops on Killeaton Street and 220m from bus stops on Mona Vale Road with bus routes available from the site to Mona Vale, Gordon, and the Northern Suburbs. The NSW Government has identified the site as a Low and Mid-rise Housing inner area, allowing for increased densities of housing within 400m of nominated town centres and transport hubs. This policy aims to increase housing supply in areas with good access to public transport and services. Therefore, it confirms the site possesses strong public transport accessibility. Car trip predictions have been revised in light of the updated parking provisions. These predictions show 28 trips during AM and PM peak-hour periods.
Parking • Public not supportive of the shortfall in visitor parking spaces • Reduced parking rates should be provided • Better compact bicycle parking to be provided • Dedicated car share to be provided • EV charging to be provided	The proposal has been updated to provide 10 visitor parking spaces. While the DCP sets out requirements for visitor parking, these provisions do not apply to State significant development under Section 2.10 of the Planning Systems SEPP. The TIA confirms that the proposed number of visitor spaces is sufficient to meet anticipated demand given the site's highly accessible location. Accordingly, the DCP's visitor parking requirements are not applicable to this application. The car parking rates are considered acceptable for the proposed development (refer to Item J in Table 6 for justification). The proposed bicycle parking provision, including its layout and configuration, is considered satisfactory. The location of visitor bicycle

Issue	Response
	spaces has been revised and these are now in a suitable location to provide easy access for visitors. Dedicated car share is not required to be provided. Nevertheless, the scheme is compliant. All parking bays are to be EV ready with design and construction.
Traffic Impacts • Public is concerned proposal will increase traffic congestion on Cowan Rd and Mona Vale Rd. • Further peak-hour traffic studies are recommended. • Cowan Road's role as an entrance to St Ives Shopping Centre and frontage to William Cowan Oval increases the need for underground parking. • Excavation and construction likely to cause heavy vehicle queuing and safety risks. • Traffic report does not address the cumulative impact	The updated TIA (Appendix 11) confirms the proposal is not expected to result in an adverse traffic impact in the local road network. The TIA confirms the proposed parking provision will comply with the relevant parking criteria as specified in the Housing SEPP and will adequately serve the development given the proximity to St Ives Shopping Centre. The TIA confirms the construction routes will largely be limited to State Roads and Regional Roads, which are designed to accommodate heavy vehicle movements to minimise the impact on immediate local road network. As such, the proposal is not expected to have an adverse impact onto the surrounding road users during construction. A cumulative impact assessment is not required as part of the Traffic Impact Assessment as there are no known recently approved major developments surrounding the site (refer to Item F3 in Table 7 for further justification).
Demolition and Construction Impacts • Construction vehicles may cause congestion, safety risks, and increased noise and air pollution. • New traffic lights and road widening at Killeaton Road should be considered. • Concern about potential damage and noise and dust impacts to neighbouring buildings during demolition and construction as mitigation measures not deemed appropriate. • Construction waste estimates are not accurate	Conditions will be imposed to ensure air quality, noise and traffic impacts will be minimised throughout the demolition and construction phases. An updated OWSP has been provided (Appendix 13), incorporating a revised construction waste estimate in accordance with relevant industry standards." Neighbours will be notified where ground anchors extend beneath adjoining land as part of standard legal requirements.

Issue	Response
• Neighbours to be contacted if ground anchors go below their head • Concerns regarding construction hours (especially Saturday) • Damage to neighbouring buildings	Standard construction hours will be conditioned by DPHI in accordance with the NSW Environmental Protection Authority's *Interim Construction Noise Guideline*. These standard hours have been designed to minimise residential amenity impact. Damage to neighbouring buildings is typically addressed through a standard condition of consent requiring the preparation of a dilapidation report.
Social • Consider cumulative impacts on schools, hospitals, and other social services resulting from broader housing growth. • Insufficient infrastructure to accommodate additional traffic, parking demand and population. • Impacts on social fabric.	The proposed development directly responds to the NSW Government's Low and mid-rise housing reforms, which specifically identifies this location as suitable for increased housing density. No adverse impacts on the social fabric are anticipated. The development will contribute to housing supply in a well-located area with access to existing services, public transport and infrastructure. Any increase in population is consistent with the planned growth for the locality.
Acoustic • 1.8m barrier will not stop noise or dust (as outlined in the Noise and vibration Impact Assessment) • Acoustic impacts from Mona Vale Road on the development	The Updated and Vibration Impact Assessment (Appendix 8) confirms the predicted construction noise levels are below the High Noise Management Levels for all proposed equipment as a result of the installation of the 1.8m acoustic barriers to the northwest of the project site along Cowan Road. An assessment of the acoustic impacts from Mona Road on the proposed development is not required. Notwithstanding, no adverse acoustic impacts are anticipated from Mona Vale Road, as the Noise and Vibration Impact Assessment submitted with the original application demonstrates that all apartments can achieve the required internal noise levels with windows or doors open.
Cumulative Impact and Resident Displacement	As above, the site is identified as a Low and mid-rise housing inner area. Therefore, the future character of the area is expected to continue to evolve to reflect the increased heights and densities permissible.

Issue	Response
• Other large-scale apartment proposals (e.g., 46–48 Cowan Rd and Pymble Golf Club) contribute to cumulative overdevelopment. • Long-term residents report loss of established neighbourhood character and community fabric. • Residents are experiencing displacement, anxiety, grief, and mental harm. • Cumulative assessment of all proposed/approved projects is required. • Project should require detailed traffic impact assessment and ensure mitigation measures are implemented	The updated technical inputs do not provide a cumulative impact assessment of nearby development proposals. This is considered acceptable for the following reasons: • The recently gazetted Planning Proposal for part of Pymble Golf Club is not an actual development and therefore does not provide adequate information to enable a meaningful assessment of potential impacts. • The Development Application at 46-50 Cowan Road remains under assessment and any attempt to account for its potential impacts would be speculative as the final built form, scale and timing of the development has not been determined. A detailed Traffic Impact Assessment has been submitted (Appendix 11), which includes minor refinements to the proposal to reduce on-site car parking provision and the associated traffic generation.
Pedestrian Safety • The claim of “adequate pedestrian facilities” is misleading, as there are no signal-controlled crossings or traffic lights, posing safety risk, especially for older residents. • There are no marked pedestrian crossings on Cowan Road, only two refuge islands, leaving elderly and wheelchair users without adequate pedestrian facilities.	The property directly fronts Cowan Road, which includes a pedestrian refuge island immediately adjacent to the site. The nearest signalised pedestrian crossing is located approximately 160m south of the site at the corner of Cowan Road and Mona Vale Road.
St Ives Shopping Village • Impacts from the St Ives Shopping Village in terms of noise, odour and lighting	Further assessments addressing potential acoustic, light and odour impacts arising from the adjoining St Ives Shopping Village have been undertaken, including assessments of loading dock operations, commercial vehicle movements, plant and substation equipment, light spill from the neighbouring car park and loading dock and potential odour impacts from exhaust vents. These additional environmental assessments confirm the proposed development is not expected to result in unacceptable amenity impacts for future residents as a result of its adjacency to the shopping village.

Issue	Response
Other • Increased stormwater • Increased Urban Heat Island effect • Loss of property value for surrounding properties	Proposed stormwater management is considered suitable for the proposal subject to the recommendations and mitigation measures within the Stormwater Management Plan submitted with the original application. To mitigate the Urban Heat Island effect, the development has incorporated the following: • 1.455.3m^2 of landscaped area • extensive tree canopy cover on ground level • light coloured roof and pavement for trafficable areas The proposal is not expected to result in any adverse impact on the property values of surrounding properties

Table 8: The Project - Response to Public Submissions

5 Updated project justification

This section includes an updated justification and evaluation of the project, incorporating any relevant issues raised in submissions and the response to these issues provided in Section 4 of this report.

The project team has made the following amendments in line with submissions:

- The overall GFA dedicated to affordable housing has increased from 1481.14m^2 to 1487.6m^2 (ensuring provision of 15% of total GFA).
- Revised setbacks and privacy measures have been provided to ensure compliance with the relevant design criteria in the ADG, including increased setbacks to Levels 4-6 on the south-western boundary, the removal of south-facing balconies to 3-bedroom units on Levels 1-7 and the reduction in the size of east-facing balconies on Levels 5 and 6.
- Re-allocation of communal open space to Level 8 to facilitate an additional apartment on Level 7.
- Mitigation measures to offset non-compliances relating to visual privacy concerns have been implemented, including translucent glazing, relocation and reorientation of windows, provision of additional side windows, reduced window size and privacy screens.
- Significant vegetation identified on site will be retained, including trees, maintaining continuity of canopy cover and streetscape character. Where trees cannot be retained, they will either be replaced or removed with appropriate mitigation measures implemented to minimise impacts on the local streetscape and canopy cover.
- Revisions to planting at Level 7 to ensure amenity for future residents when utilising these spaces.
- The proposed number of car parking spaces has been reduced to better align with the minimum rates in the Housing SEPP, having regard to the change in apartment yield, increase in visitor parking spaces and reduction in basement footprint.
- The revised proposal maintains and exceeds the minimum requirement of at least 70% of apartments achieving at least 2 hours of solar access during mid-winter, noting those apartments that do receive solar access receive a minimum of 4 hours of direct sunlight.
- The RTS is accompanied by updated technical reports to address concerns from DPHI, Council, public agencies and the and public.

The application remains largely consistent with the justification provided in the EIS, as outlined in the points below:

- Design response: Stepped built form and heights to minimise the impacts on sensitive receptors in the surrounding area
- Height: The development aligns with the aims and objectives of Chapter 2 and Chapter 6 of the Housing SEPP given it provides for affordable housing in a low- and mid-rise housing development, notwithstanding the non-compliance with the height of building standard.

- Context: The site's proximity to the St Ives Shopping Village and its location within an accessible area mean it is subject to anticipated change, particularly in light of planning provisions that support increased residential density through in-fill affordable housing bonuses and low and mid rise housing policies under the Housing SEPP.
- Visual Impact: the proposal's high-quality architectural design, careful building modulation, considered material palette, and integrated landscape treatment work together to mitigate visual impacts and ensure a sensitive transition within the evolving urban context.
- Strategic Alignment: The proposal supports key regional and local plans, especially the National Housing Accord as the proposal will deliver diverse housing, supports jobs and strengthens the role of the St Ives town centre.
- Statutory Compliance: The proposed development aligns with the low-mid rise housing policy by placing a high-quality, high density residential use within close proximity to St Ives Shopping Village and bus services.

The design amendments and or assessments have been undertaken in response to issues raised in submissions or further design development. No further adverse environmental, social or economic impacts have been identified because of the proposed development. As such, the justification for the proposed development remains as described in the EIS. Notwithstanding, a separate Amendment Report has been prepared to address the changes in design which continue to maintain the intent and amenity of the original proposal.