

Our ref: Residential flat building with in-fill affordable housing – 5–9 Cowan Road, St Ives (SSD-88948458)

Miss Natalie Bocock
Prosper 5-9 Cowan Road St Ives Pty Ltd
Level 9, 100 William Street
SYDNEY NSW 2000

27 November 2025

Subject: Response to Submissions

Dear Miss Bocock

The Department issued a letter on 5 November 2025 requesting a written response to the issues raised in submissions under section 59(2) of the Environmental Planning and Assessment Regulation 2021.

Since writing this letter, the Department has received advice from Ausgrid which is available on the NSW Planning Portal for your information.

The Department has also undertaken a preliminary assessment of the application and identified a number of items to be addressed outlined in **Attachment A**.

Please provide a detailed response to the items to be addressed in **Attachment A** as part of the submissions report requested in the Department's letter dated 5 November 2025.

Please lodge your submissions report within 60 days via the NSW Planning Portal at <https://majorprojects.planningportal.nsw.gov.au/>. If you have any questions, please contact Joe Somerville, on 02 8275 1423 or via email at joe.somerville@planning.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink that reads "Amy Watson".

Amy Watson
Director
Affordable Housing Assessments
as delegate for the Planning Secretary

ATTACHMENT A – ITEMS TO BE ADDRESSED

Desired future character of the area

1. 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.

Setbacks

2. 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 .

Visual privacy

3. 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.

Gross floor area (GFA)

4. 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).

Trees and landscaping

5. 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.
6. Review the location of trees proposed to be planted near the on-site detention tank as demonstrated on the landscape plan.
 7. Review the planting to the level 7 communal open space to reflect the recommendations within the wind report.
 8. Review the landscape plan to ensure all proposed trees are clearly labelled so their species can be reviewed.
 9. Revise proposed landscape planting within the sight triangles adjacent to the driveway to increase pedestrian safety.

St Ives Shopping Village

10. 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.

Residential amenity

11. 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.
12. Review and consider the layout of the apartments to ensure:
 - 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.

Solar access

13. 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.
14. 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.

Communal open space, landscaped area and deep soil

15. Revise the level 8 communal open space calculation plan (DA540) as it has included the area beyond the balustrading, which is not accessible.
16. 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.
17. Revise the landscaped area calculation plan to exclude any footpaths or other hard surfaced areas, as this is not counted as landscaped area.
18. Revise the ground floor architectural plans against the landscape plan, as there is inconsistency between the location of paving, decking and landscaped area.

Car parking

19. 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.
20. 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).
21. 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.
22. Revise the traffic report, as it states there are 10 visitor spaces, whilst the architectural plans only show 8 visitor spaces.

Bicycle parking

23. Demonstrate the location of visitor bicycle spaces, ensuring it is suitably located to provide easy access for visitors.
24. Clarify if bicycles can be transported in the lifts, in lieu of using vehicle access ramps for increased safety and convenience.

Other Matters

25. Provide owner's consent for unit 1.
26. 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.
27. Ensure any variations to the ADG design criteria are all clearly identified and justification provided.
28. 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 also appear to make the proposed Killeaton Street route inappropriate for construction vehicles.
29. Review the location of fire boosters and substations as these should be located away from the front boundary as per the design guidance in part 3C of the ADG.
30. 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.
31. 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.
32. 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.
33. Revise the cross section (DA301) as the height clearance will not accommodate Council's small rigid vehicle for waste collection.
34. Clarify if the existing easement is proposed to be extinguished.